



memo

to **Kevin Cook and Megan Gibb, Multnomah County**

from **Carrie Brennecke and Matt Hastie, MIG**

re **Stakeholder Meetings Round 2 Summary, Multnomah County Code Improvement Project Task 10.3 & 11.8 and DLCD/Multnomah County Clear & Objective Standards Project, Task 4.3**

date **07/17/2025**

Introduction

Matt Hastie and Carrie Brennecke, from MIG, conducted five group or individual meetings with a total of 10 people to help identify potential opportunities for improving the County's Zoning Code. In addition, opportunity for additional written comments to the interview topics & questions was provided to those participants along with 10 additional people who did not attend the meetings. Two people provided written responses. Interview participants included a variety of community members involved with the provision of housing and other development in Multnomah County, as well as local residents, public agency representatives and other interested parties. The interviews were conducted by MIG via Zoom meetings. Those interviewed included:

- **Planning professionals** with experience using the Multnomah County Code and preparing or submitting land use applications in the County, as well as in other codes throughout Oregon and California.
- **Public agency representatives** from Metro, the Oregon Department of Transportation (ODOT), Clackamas County Planning and the East Multnomah County Soil and Water Conservation District.
- **Private citizens** who have submitted development applications, a former County planner, representatives of neighborhood associations and 1000 Friends of Oregon, and a planning commissioner/prior applicant.

Focus Group Topics & Discussion Questions Summary

The following 'Key Issues' were summarized during an initial round of stakeholder interviews conducted during the code audit phase of the project. The goal of the second round of engagement was to solicit opinions about how well initial code updates address these issues.

Streamlining the Application Process

1. **Key Issue:** Permitting application requirements, number of steps required and processing timelines are unclear and too long. This leads to project delays that can significantly add to the cost and feasibility of the project.

Potential Amendments: Update the application process to Type I – Type IV with clear procedures, application requirements, and timelines for approval. Use the Oregon Transportation and Growth Management (TGM) Model Code as the template and adapt it for use by Multnomah County. Create a table of Land Use Applications (ex. Conditional Use, Partition, Site Design) with clear assignment to an approval type (Type I-IV). Make more development applications Type I approvals (i.e., staff level approval) with clear and objective standards (ex. most housing, final plats). Require fewer development proposals to go through the Site Design Review approval.

Question: Do you agree or have questions about this approach?

Stakeholder Feedback

- **There was general support for the proposed amendments.**
- **It can be very confusing and challenging to understand the County's code structure so improvements a welcome.**
- **Making more things Type 1 will be helpful but applicants will still have a 30-day completeness which can stretch out if additional application information is needed. The County should also build in as many concurrent processes after LU approval as possible.**
- **It would be good to improve service provider coordination processes**
- **Timelines are challenging without concurrency in application processing. This impacts construction timelines. Reducing timelines would be very helpful.**
- **There shouldn't be another step with County Planning after Land Use approval.**
- **The layers of process are the biggest complaint, and this disadvantages individual property owners. Given its complexity, the process is detrimental to homeowners and benefits developers with more resources.**
- **The updates should be implemented through new or updated application forms and other similar tools. Creating easy forms to fill out is key to applicants. Planners receive a lot of questions about how to complete the forms.**
- **The County should review more contentious land uses with a more involved process. Examples include review of energy facilities and approval of a replacement dwelling in an EFU or CFU zone when with a larger footprint or additional structures. In those cases, the County should still look at impacts to Goal 5 resources and setbacks.**
- **Participants expressed concerns about housing going through a Type 1 process in all instances. In environmental overlays, the community association likes to receive notice and weigh in where there are potential impacts. Community association likes to review planting plans for habitat restoration and send informational information (trees selection) to the planner to give to the applicant. They cannot do it without receiving notice of the application.**
- **This was key issue brought up by outreach participants and the potential amendments are addressing the issue. It is less of an issue with the code itself, but more with staff turnover and low staffing. The County has long timelines to review and approve applications compared to other jurisdictions. Sequencing**

of applications and processing them concurrently to create a shorter process is the goal.

- **Making pre-applications valid for more than 6-months would help applicants.**

2. Key Issue: Land Use approvals for time extensions, modifications, and adjustments do not have a clear process.

Potential Amendments: Create a clear and timely process for Major and Minor Modification applications, land use approval extension requests, and adjustment applications.

Question: Do you agree or have questions about this approach? Do you have any applications to add to this list?

Stakeholder Feedback

- **There was general support for the proposed amendments.**
 - **This update is essential. The demarcation about when the LU application is vested is also really important given that long processing times can lead to expiration and the need for extensions.**
 - **Fewer steps in the process is better. What are the thresholds for adjustments?**
 - **Extensions were an issue as a county planner. Clear timelines are important but the County shouldn't allow too many extensions, given that the code and rules change and are regularly updated. By the time the project is constructed, a project could be non-complying.**
 - **Pre-applications should be waivable for Type II applications. The amendments are welcome and taking out discretion whenever possible is good.**
3. Key Issue: Currently the Lot of Record verification process adds an extra step to most applications lengthen timelines for permitting. Multnomah County applies these requirements to virtually every application while other counties apply them in only limited circumstances.

Potential Amendments: The proposed amendments would rely on the statutory definition of "lawfully established unit of land." The criteria to determine whether a unit of land is "lawfully established" are clear and objective for many types of lots and parcels. Each "lawfully established unit of land" would also be considered a Lot of Record except for some smaller lots in resource zones where lot aggregation requirements apply. The amendments are intended to reduce the number of properties that require discretionary review to determine whether the lot or parcel is developable and to clarify the overall process.

Question: Do you have any concerns with the proposed approach? If yes, specify.

Stakeholder Feedback

- **There was general support for the proposed amendments.**

- **The County should focus on locations on the border of Portland where parcels are split between different jurisdictions.**
 - **Agree that the Lot of Record (LOR) verification shouldn't be a Type 2 process.**
 - **Cost of a LOR application is \$4,000-5,000. Removing the requirement to a simple process is the goal.**
 - **What is the definition of lot of record or legally established unit of land?**
Response: The County proposes to use the state definitions for these terms.
 - **There needs to go middle ground with the understanding that a process is needed but it shouldn't be long or complicated. It is good to have some kind of review so you don't have an issue later down the road where it is discovered the lot was illegally created. Using the state criteria for determining if the lot was lawfully established is a good idea.**
 - **The process for LOR is burdensome and adds no value to the process. The community association didn't receive LOR notices before 10 years ago, so something changed in the county about that time. Agree with the proposed changes.**
 - **I support a shift to make the process less burdensome.**
 - **Clackamas county LORs are Type I and typically take 30-40 days to get through. Look at what type of development is subject to LOR in Clackamas County. Multnomah County provides helpful maps and info related to LOR processes.**
4. Key Issue: Some applications and approvals do not belong in the development code such as erosion control and ground disturbance (e.g., grading and filling). Including these provisions in the land use code requires projects to be 'ready to build' at the time of land use application submittal, essentially combining the building and entitlement process. This requires applicants to provide more information that typically would be available or known at this stage of a project.

Potential Amendments: Move the Erosion Control and ground disturbing activities (grading permits) out of the Zoning Code (Chapter 39) and into Building Permit review (Chapter 29). Allow for a broader range of development activities that are Type I (staff level) reviews. An example is reducing the number of proposals that require Site Design Review approval.

Question: Do you agree with this approach or have any questions?

Stakeholder Feedback

- **There was general support for the proposed amendments.**
- **One caveat: increase thresholds for minimum impacts. Most things shouldn't require a civil engineer for erosion control work (huge cost). Reducing large upfront costs will be beneficial.**
- **The grading and erosion control was very technical and needed an engineer to prepare plans. Planners in Clackamas County have building permit staff and engineers review grading permits.**

- **The length of the entitlement process makes projects die. Any approvals that can be moved out of entitlement will make it less expensive on the applicant.**
- **Agree, especially agree when land use is not approved or the site plan changes during the approval process. It makes sense to do the grading and filling separately. The exception is large fills, which should continue to be reviewed as land use decisions.**
- **Concern that property owners can bring in fill and move dirt without approval. Will the code compliant still stand if it is moved out of Chapter 39?**
- **General agreement. The current process means that some applicants have to develop mitigation plans for erosion before land use approval. I'm not sure the proposed changes will reduce permit review timelines.**

Improving Code Format and Accessibility

5. Key Issue: Overall, the format of the code makes it hard to use. In particular, the two-column format, substantial use of 'legalese', and heavy use of cross-references to other sections makes the code hard to understand and navigate. It is challenging for applicants to locate all the applicable permit requirements as they are spread throughout the code and not grouped in areas of the code where they might be expected.

Potential Amendments: Reorganize information in the following ways:

- Move to a one-column format.
- Add tables to replace lists (use tables, development and dimensional standards tables, application procedures table) where feasible.
- Merge similar zones into one zoning district with use tables and development standards tables.
- Relocate common development standards in one part of the code.
- Relocate special use standards to one part of the code.
- Relocate land division/lot line adjustment standards to one part of the code.
- Add graphics that depict standards, processes, and definitions. The County is considering an easier platform to navigate the code (similar to MuniCode).

Question: Do you agree with these approaches or have any questions?

Stakeholder Feedback

- **Most participants support the proposed format changes.**
- **I like how the City of Portland structures its base zones. There are fewer chapters and it is a shorter code to review.**
- **The publishing format can be helpful in improving useability.**
- **Think ahead to code publishing process.**
- **The consolidation of zones will help folks navigate the code.**
- **This should be framed as an accessibility improvement for non-planning professionals. It's important to know how the technology and implementation**

incorporates these changes. Example. Think about things like hyperlinks, font size, and ease of use of the code online.

- **Lists still make sense in the resource zones where the standards are located with the uses. In the exception zones, tables can make more sense.**
- **Question about merging of the zones? Is it formatting or actually combining zones? Request to clarify the statement before the public meetings.**
- **Agree or indifferent to these changes, but more accessible the better. Multnomah County's code format is better compared to other jurisdictions. It is easier to cut and paste from sections of the code. The reality is that the County has a lot of stuff and it is hard to simplify the code.**

6. Key Issue: The allowed uses in each zone are numerous, detailed, and inflexible. It is difficult to determine and locate what uses are allowed and what the approval criteria and standards are for specific uses in individual zones.

Potential Amendments: Merge similar zones into a single zoning district, collapse lists of existing uses into more expansive definitions of "commercial" and "industrial" uses or categories of uses, utilize state definitions for industrial and commercial uses, and tie review processes to degree of impact and size limitations, rather than to detailed types of uses.

Question: Do you agree with this approach or have any questions?

Stakeholder Feedback

- **It is a good idea to also allow for similar use determinations as part of this set of changes or through a Type 1 or ministerial process.**
- **Support expanding the categories of uses to be more general. Tippy Canoe is an example. Allowing more flexible definitions of uses in zones is the goal and the City of Portland is a good example. Can view in tables and it is easy to understand.**
- **In resource zones be careful when changing the uses. In the exception zones and urban zones, it makes sense to clarify and streamline.**
- **Would the changes allow someone to build a data center? Clarify what type of zones this is applicable to. Explain how it will be more flexible.**
- **Concern that the county will make commercial development more permissible in rural areas or allow enterprises that belong in the city into areas outside the UGB via relaxed conditional use standards. We have rural and urban areas for good reasons; we should continue to limit the types of development allowed in our rural areas.**

Clarifying and Reducing Land Development Requirements

7. Key Issue: The current "full compliance" review process requires the County to consider whether all existing improvements on a site are in compliance with the zoning code before

issuing most permits, even if the requested permit is unrelated to an existing non-conforming improvement. This process has been burdensome for applicants and causes major cost increases and delays, especially to those who are engaged in relatively small projects or limited actions.

Potential Amendments: The proposed amendments eliminate the need for this review as a general requirement, although the issuance of permits would still be limited on those few sites where a Hearings Officer has issued a final order affirming a violation on the property and the County has not closed the associated code compliance case.

Question: Do you have any concerns with the proposed approach? If yes, specify.

Stakeholder Feedback

- **There was general support for the proposed amendments.**
 - **This is a very positive change; some of the very restrictive standards associated with accessory structures lead people to not go through the land use permitting process.**
 - **The full compliance requirements need to be eliminated. It is the #1 problem in the code.**
 - **It will be beneficial for both staff and residents to eliminate the requirement. It takes also of staff time.**
 - **Properties with code compliance cases are important exceptions.**
 - **Concerned about properties with violations that don't get hearings scheduled. Concerned that the county is already lenient with 'bad actors' and this is a tool to remedy violations. On the flip side, this has hung up property owners trying to improve their properties. Flag the need to fix the code compliance problems; there should be a lower bar than the hearings officer for this.**
 - **The City of Portland does a 10% threshold for non-conforming situations. The lack of records is an issue that compounds it.**
 - **Currently full compliance dissuades people from coming in and getting permits because they will be dinged on other things on the property. General agreement that full compliance dissuades people from getting permits.**
8. Key Issue: Many of the review criteria for different applications are difficult to interpret, subjective, unclear and/or require making redundant narrative/findings that produces lots of potentially unnecessary content for both the required land use application and for the planner's findings.

Potential Amendments: Replace most vague or discretionary criteria with clear and objective standards. Example, remove 'comply with the Comprehensive Plan' and replace with 'comply with the Outdoor Lighting Standards in MC 39.XXX, and ...'. For applications where it is appropriate to allow discretion, replace vague approval criteria like "fit the character" with criteria that can be demonstrated quantitatively or qualitatively with less work and narrative. Use the TGM Model Code Conditional Use criteria, landscaping criteria, partitions, parking and loading standards and others where appropriate as a starting point for updates to the County's code provisions.

Question: Do you agree with this approach or have any questions?

Stakeholder Feedback

- **There was general support for the proposed amendments.**
 - **Having the ability to find those more quickly via the County's website would be really helpful.**
 - **Consistency with comp plan criteria is not legal as state law does not allow it as the code implements the comp plan. Appeals use the comp plan approval criteria to appeal projects as the policies are so vague they can be made to say anything. The code standards should be the approval criteria.**
 - **Concerned that some elements of the comp plan have not been codified in the code.**
 - **The narrative findings are long and duplicative but it is the nature of the beast.**
9. Key Issue: Significant Environmental Concern overlay standards are not clearly written and are hard to follow. It is hard to discern which type of SEC application applies to which property, where rules apply, etc.

Potential Amendments: Create a clear and objective path and approval criteria for low impact development in the Areas of Significant Environmental Concern (e.g., for small lots inside the urban growth boundary). Clarify where and which SEC overlays apply and create a single section for the application and submittal requirements.

Question: Do you agree with this approach or have any questions?

Stakeholder Feedback

- **Reducing requirements associated with lower impact development is positive, particularly where conditions don't warrant certain requirements.**
- **SEC-H has C&O standards that are very restrictive, leading most things to get kicked into Type 2 process; suggest reducing Type 1 thresholds for SEC-H and taking a similar approach to other SEC overlays.**
- **Entirety of West Hills being in SEC-H overlay is related to the historic presence of elk in that area and those things may have changed. Is it possible to get ODFW to weigh in on this?**
- **In rural areas, large minimum lot sizes coupled with driveway length requirements can kick a project into a Type 2 process. This doesn't make sense.**
- **Likes Deschutes County approach with C&O and discretionary path alternatives. Agrees that Multnomah County should follow suit.**
- **Suggest removing the term low impact or explaining what it means prior to the community meetings.**
- **The goal is to not to water down SEC overlay protections. Determining where on the property the SEC overlays are applicable is a challenge. County mapping**

improvements to help people more easily and accurately see where SEC overlays apply would be helpful.

- **Oppose making commercial development more permissible in rural area and allowing enterprises that belong in the city to spill outside the UGB via relaxed conditional use standards. Land outside the UGB is much cheaper, and taxes are lower, so some businesses will be attracted to build in rural areas if allowed. I don't think the county taxes business income the way Portland does – that creates a large incentive to move outside the city limits.**
- **Supports retaining the test for compliance with the Comprehensive Plan. Almost all counties use this standard as a catch all for those things that fall through the cracks. Also, there are a number of items in the Comp Plan that the County hasn't found time to implement in the code, so language about compliance with the Comp Plan is the only way to achieve those goals today.**

10. Key Issue: Currently, Accessory Dwelling Units (ADU) are limited to areas inside the Urban Growth Boundary (UGB) which greatly limits the ability for property owners to develop this type of low impact housing in the County.

Potential Amendments: The State of Oregon requires ADUs be allowed inside the UGB. The County also is considering allowing ADUs in the Rural Residential zones and in the Rural Center zones.

Question: Do you agree with increasing the zones in the County that allow ADUs? Do you have any questions.

Stakeholder Feedback

- **Participants provided mixed feedback on this issue.**
- **Support ADU expansion, particularly in West Hills area. Would support going even further (e.g., allowing some forms of middle housing in those areas). Make sure the footprint of an ADU can be appropriate (e.g., large enough to be a one-story dwelling for older residents).**
- **Best serves community to allow ADUs in any zone where a typical homes are allowed; supports opportunities for intergenerational living, rental income, etc. with minimal impacts**
- **Support for expanding ADUs into areas outside of UGB. Doesn't think it would be much of an impact. ADUs allowed in RR zone in Clackamas County, and they have received a limited number of applications. Gives people more options for their properties and to accommodate their families.**
- **The Corbett neighborhood page folks generally support ADU expansion. Think about how to ask this question during the public engagement process (look at social media).**
- **Support for expanding ADUs as much as possible, even in CFU and EFU zones.**
- **Concerned that when exception areas were authorized, part of that interpretation for it to be designated exception land was compatibility with**

adjacent Farm and Forest zones. ADUs could double the number of housing in the exception areas which could impact adjacent farms due to increased traffic, need for well water, and noise and pesticide impacts. ADUs in RR should only be permitted if there is a determination that the new dwellings would not impact surrounding farm and forest. They should not be permitted outright in some areas. Not as concerned in Rural Centers but less so in exceptions lands. Exception areas adjacent to the UBG are probably fine. Look at each exception area and see if conflict or potential impacts with resource areas. Consider the character of each area.

- Concern with wildfire hazards in these areas. Should not be allowing more housing and ADUs in these areas. Undermines RR zoning to allow more residential units. Traffic impacts and disturbance of SEC and will make it less hospitable for wildlife. Maybe allow in areas where there is no SEC overlay? Less concern with rural centers as they are centers. Protect resources. Concerned about wildfire evacuation with more people in these areas.
- Watch for impacts to farmland. In rural centers that is not the case but could be in other areas.
- Conversion of land to housing is the biggest threat to farms.
- Do not support more ADUs in the County.
- If allowing ADUs in these areas, the County should require maximum distances from primary structure, force clustering of ADUs, require shared access points, and institute ownership requirements. Balance adding housing and minimizing impacts to farms and forests.
- Strongly object to allowing ADUs in rural areas due to increased risk of wildfire. Objects to allowing ADUs in other rural areas. Most of these areas are at risk of wildfire and have very limited, twisting rural roads that could easily become blocked during a wildfire, leaving residents with no way to evacuate on steep slopes. More homes, which result in more people living in these areas would both increase the risk of wildfires and increase the risk to lives and property. More homes in rural areas = more wildfires = more smoke that endangers lives across the region. We should not actively increase these risks by encouraging more homes to be built in WUI hazard areas.
- Forest Park Neighborhood works hard to preserve the high value habitat we live within. The Skyline Ridge area is of state importance for wildlife habitat due to the presence of Forest Park. This proposal would undermine the county's recognition of this valuable habitat as well as the county's own efforts to protect wildlife habitat in this area by making it a Rural Reserve for Natural Landscape Features.

Other Comments:

- County's self-audit was great and folks at County are very aware of things that need to be fixed. We are on the right track. We're happy to continue to advise as things progress

- Important to continue to improve coordination and communication, particular ability to talk to someone early in the process. There should be an opportunity to sit down quickly and early with planner to identify potential roadblocks or challenges.
- Multnomah, Washington, and Clackamas are the codes most familiar with. Supportive of the update and its objectives.
- List of allowed uses in the Orient Residential Rural Center is limiting and stopped the East Multnomah County Soil and Water District from getting approval for conservation-related facilities.
- We have a staff member who is color blind and the colors the county uses for on-line maps made it impossible for them to see the rural center zoning. It could be valuable to do an accessibility audit to make sure the public maps are using colors that can be seen by people with colorblindness

Stakeholder Meeting Participants

Kelley Beamer, East Multnomah County Soil and Water Conservation District

Rowan Steele, East Multnomah County Soil and Water Conservation District, Applicant

Gary Shepherd, Metro Parks & Nature, Applicant

Terra Lingley, Oregon Department of Transportation

Stephen Kaplan, Crafted Home, Applicant

Bradlee Hersey, Faster Permits, Applicant

Aldo Rodriguez, Former Mult. Co. Planner and current Clackamas County Planner

Hope Beraka, County Planning Commissioner

Carol Chesarek, Forest Park Neighborhood Association, Land Use Chair

Jim Johnson, 1000 Friends of Oregon