

PROJECT OVERVIEW & BACKGROUND



PROJECT PURPOSE & GOALS

The Zoning Code Improvement Project strives to...

Ensure consistency with current laws and policies

Make the Code clearer, more flexible, and easier to use

Improve operations and customer service, by limiting permit review times or easing some requirements

Align the Code with community priorities identified in the County's Comprehensive Plan

Add clear and objective standards for most types of housing in unincorporated Multnomah County

Provide clear and objective pathways for more efficient permitting with optional discretionary pathways

MODERN LAYOUT & ORGANIZATION

Revising the Code to include a modern layout and organization is a key focus of the project.

CURRENT CHALLENGES

Formatting. The two-column format makes it challenging to track which section you are reading, particularly on mobile devices or even a computer screen.

Zone use descriptions and order. Each zone has slightly different use descriptions and lists uses in different orders.

Length. Long paragraphs and descriptions without clear standards or criteria create confusion for applicants, and can result in inconsistent reviews.

Word Choice and Definitions. Outdated and archaic terms are used throughout the Code.

PROPOSED SOLUTIONS

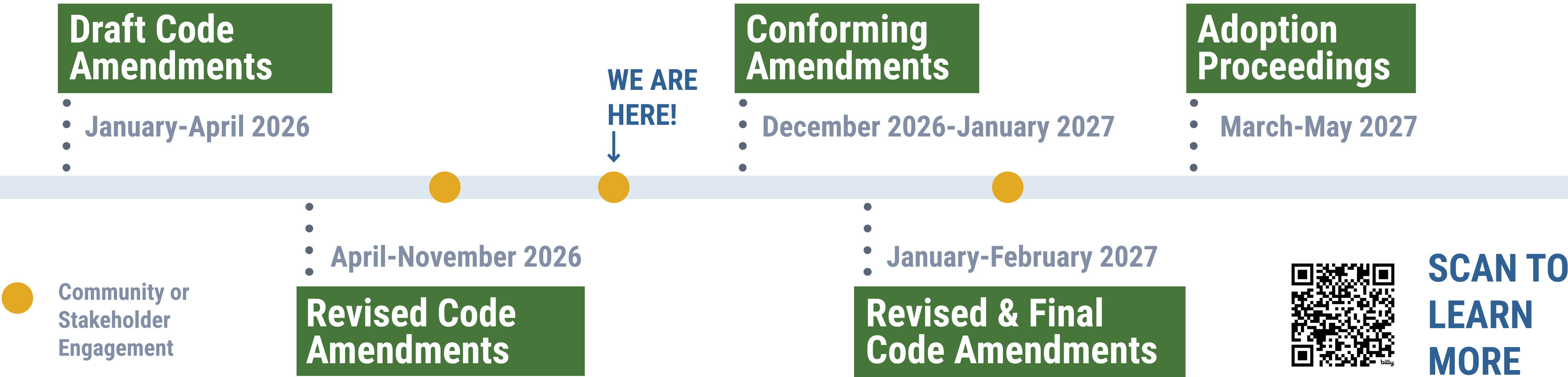
Create a single column format to ease comprehension.

Adopt standard use descriptions across zones.

Include “use tables” that are easier to scan and understand.

Consolidate definitions that are scattered across the Code into one section, and modernize definitions.

PROJECT SCHEDULE



STREAMLINE & SIMPLIFY LAND USE PROCESSES

EXEMPTIONS FOR SMALL STRUCTURES

CURRENT CHALLENGE

All structures, even small ones that do not require a building permit, are required to complete a County Land Use Review. This results in expensive processes for very simple and small projects with minimal impacts to others.

PROPOSED SOLUTIONS

Moving forward, if your shed, gazebo, workshop or other small accessory structure is less than 200 square feet, and less than 15-foot tall, and is not located in a protected area (floodplain, wildlife habitat area, near a stream or other protected environmental area, on a steep slope), you may not need a land use review. Just make sure to comply with all yard, setback, and height limits and keep them off septic drainfields.



Check with Land Use Planning to verify your building is exempt and check with the building department about structural and trade permits. Maximum square footage requirements for the full site will still apply.



NEW OPTIONS FOR MODIFYING DECISIONS

CURRENT CHALLENGE

Right now, to make a change to a decision, even a small one such as adjusting the location of a home site a few feet to respond to construction concerns, a property owner often needs to complete the entire review process again. The current approach is often out of scale with the impacts or intensity of the applicant's proposed change.

PROPOSED SOLUTIONS

Land Use Planning proposed creating new standards for modifications that are based on the scale of the change requested.



TYPE 1. Minor Modifications such as changes to parking lot configuration, and up to a 20-percent change in many dimensional standards, such as lot coverage and building footprint, and changes to site plans that do not require discretion.

TYPE 2. Moderate modifications that require a discretionary review or propose greater than 20-percent changes to dimensional standards. This involves a public notice.

TYPE 3. Major changes that relate to highly discretionary criteria reviewed at a public hearing. This requires a new public hearing.

STREAMLINE & SIMPLIFY LAND USE PROCESSES

SIMPLER REVIEWS FOR RURAL CENTERS

CURRENT CHALLENGE

Many uses, including any commercial and light industrial uses in Rural Centers, require a Type 3 review, which includes a public hearing. These processes are expensive and time consuming and make it hard for small rural businesses to get started, to re-tenant existing buildings, or to alter operations to support business success.

PROPOSED SOLUTIONS

The County proposes allowing small-scale commercial and light industrial businesses with no outdoor activities to be approved through a Type 1 process. Type 2 review options will also be added for businesses with limited outdoor operations. This will help decrease business start-up and expansion costs and support local economic vitality.



MAKING HOME OCCUPATIONS EASIER

CURRENT CHALLENGE

Right now it is expensive and time consuming to get approval to operate a small home occupation in accessory structures, like a detached garage. Our regulations are inflexible and do not respond to property owner needs. We have run into issues such as not allowing a florist to create flower arrangements outdoors, or limiting the ability of a photographer to take portraits outdoors on their property. Low-impact outdoor activities that are tied to the local landscape should be permissible in the County.

PROPOSED SOLUTIONS

- Ease allowances for Home Occupations, now allowing all Home Occupations to occur either in the house or in a detached accessory structure.
- Other proposed changes include:
 - » Exempting very low impact Home Occupations (no visitors, up to 500 s.f.) from Land Use Review.
 - » Increasing the size allowance for Type 1 Home Occupations to up to 1,000 s.f..
 - » Allowing limited and quiet outdoor activities.
 - » No changes are proposed to customer, visitor or employee allowances, those will remain the same.
 - » Type 3 reviews will remain in place for larger and more impactful uses.



ACCESSORY DWELLING UNITS



WHAT IS AN ADU?

An accessory dwelling unit (ADU) is a smaller home on the same lot as the main home, or primary dwelling. An ADU must include independent living facilities with provisions for:



LIVING



COOKING



EATING



SLEEPING



SANITATION

They can be attached and part of the structure of the main home or a detached garage, or they can be a separate stand-alone building. The property must have septic capacity for the ADU.

An RV that is connected to septic and utilities can also be considered an ADU under State law.

PROPOSAL:

Allow ADUs outside the Urban Growth Boundary (UGB) in MUA-20, Rural Residential, and Rural Center zones:

- **What size?** 900 s.f. of usable floor area or in an RV that is connected to septic and utilities.
- **Where?** Within 100-feet of the primary dwelling on lots that are 2-acres or larger (1-acre in Rural Centers).
- **What about rentals?** No short-term or vacation rentals allowed.

WHY?

Allowing rural ADUs will provide property owners with more options to support intergenerational living and/or to provide additional income. Rural ADUs have been added by many counties in western and north central Oregon since the state allowed them in 2021.

DOES MULTNOMAH COUNTY ALLOW ADUs TODAY?

In Multnomah County, ADUs are only currently allowed inside the UGB, and they are limited to either 800 s.f., or 75-percent of the square footage of the main dwelling, whichever is smaller. They must be 7-20-feet from the main dwelling.

These changes would not apply in EFU or CFU zones or in the Columbia River Gorge National Scenic Area.



DETACHED ADU



ADU OVER GARAGE



BASEMENT ADU



ATTACHED ADU

SOURCE: Studio Shed



FARM STORES

A NEW USE ALLOWED IN EFU

The Oregon Legislature recently created a new land use for Exclusive Farm Use zones: Farm Stores. New rules are effective in January 2027.

WHERE ARE FARM STORES ALLOWED?

On EFU land where:

Tract Size	Farmed Area Requirement	Earnings Requirement
80 acres or more	45 acres	None
40 to 79 acres	25 acres	None
20 to 39 acres	15 acres	None
Less than 20 acres	10 acres <i>or</i> meets earnings requirement »	\$10k Gross Farm Income over preceding 2 years



HOW BIG CAN A FARM STORE BE?

The permanently enclosed building or buildings may be up to 10,000 s.f.. Temporary event structures are also allowed on Farm Store sites.

DO ALL THE USES NEED TO BE INSIDE THE FARM STORE BUILDING?

No, all activities, except for the retail sale of non-farm products can happen outside or in temporary structures. Additionally, mobile food vending is allowed.

UNDER THE STATE REGULATIONS, THE COUNTY MAY DEVELOP REGULATIONS FOR THE FOLLOWING:

Under the State regulations, the County may develop regulations for the following:



HOURS



TRAFFIC &
PARKING



NOISE



SANITATION



Farm Stores will need to go through Land Use review and new structures will require building and trade permits.

FARM STORES

A NEW USE ALLOWED IN EFU

WHAT CAN BE DONE ON A FARM STORE SITE?

- ✓ Farm products produced by the farm that operates the store
- ✓ Farm products or processed farm products from the Local Agricultural Area (for Multnomah County that is all of Oregon, plus Clark and Skamania Counties)
- ✓ Sale of other retail products (25% of permanent enclosed floor area or less)
- ✓ Prepared and previously cooked food items for immediate consumption
- ✓ Agri-tourism activities (farm tours, educational exhibits or classes, crop mazes, play structures, farm-to-table meals, animal petting and feeding exhibits, hay or tractor rides, or other seasonal or holiday events)
- ✗ Cafes, drive-throughs, weddings, or lodging

USE A STICKY
NOTE TO SHARE
YOUR THOUGHTS

**How do you feel about Farm Stores as a new use?
What are your concerns and interests?**



LOT OF RECORD, NON-CONFORMING SITUATIONS, AND FULL COMPLIANCE

SIMPLIFY BUILDABLE LOT VERIFICATION REQUIREMENTS

CURRENT CHALLENGE

The Lot of Record verification process is complex and mysterious to many applicants.

PROPOSED SOLUTIONS

- Use more accessible language that describes what the County needs to determine: Was the property legally deeded or divided when the property was created?
- Create clearer, and much more straightforward standards and criteria for verifying that a lot was legally created and is legally buildable.
- Limit when a full buildable lot verification process and approval is required, consistent with State law.
- Other improvements will include practice changes during review that recognize that documentation and approval processes in the 1960s and 1970s were quite different than today, and staff needs to be flexible and use reasonable judgement.

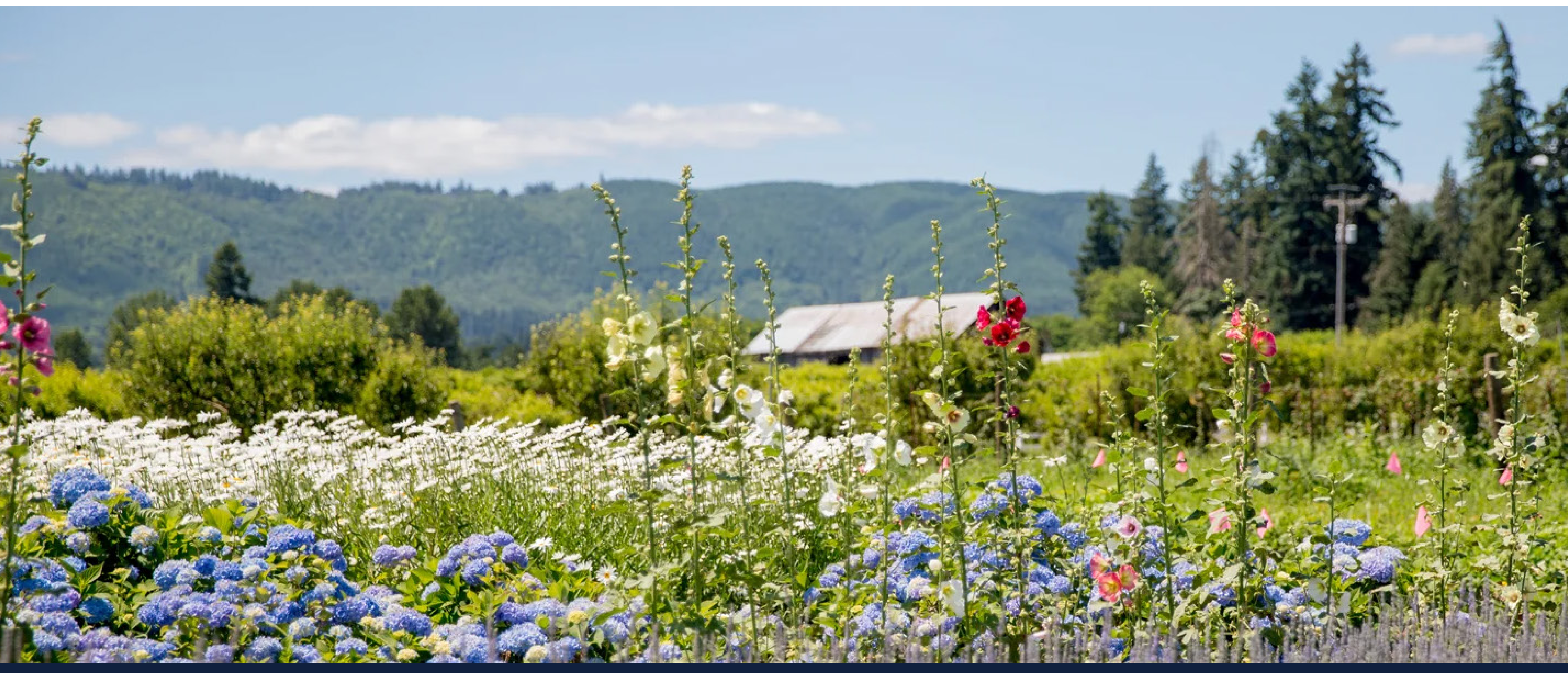
REMOVE THE LOT AGGREGATION REQUIREMENT IN EFU & UPDATE THE SAME OWNERSHIP DEFINITION

CURRENT CHALLENGE

Owners of small EFU properties with pre-1990 homes are often blocked from remodeling or rebuilding. Under a 1990 rule, their lot was often forced to aggregate with an adjacent property if the adjacent property was in the same ownership in 1990. Originally intended to keep farms in large acreage, 35 years of ownership changes mean this rule now unfairly restricts current, unrelated homeowners.

PROPOSED SOLUTIONS

- Remove the lot aggregation requirement in EFU that is based on properties being under the same ownership in February 1990. This change will not apply for Commercial Forest Use (CFU) properties.



LOT OF RECORD, NON-CONFORMING SITUATIONS, AND FULL COMPLIANCE

NON-CONFORMING USES

CURRENT CHALLENGE

Non-conforming uses are activities happening on a property that began or were approved before current regulations went into effect which no longer allow those activities. The County's code addresses these situations but some of the standards are confusing and are not clear and objective. The County's code does not address "non-conforming improvements." This refers to situations where the things like where a building is located on a lot, how tall it is, or how it is designed don't sync up with current standards. Most city and county codes in Oregon distinguish between these different situations.

PROPOSED SOLUTIONS

- Continue to apply current requirements for non-conforming uses with some amendments for clarity and consistency with state requirements.
- Adopt more flexible requirements for non-conforming improvements to allow them to be altered or expanded to a certain degree as long as those changes don't make things more out of sync with County standards. This will provide more flexibility and opportunities for adaptive reuse for property and business owners.

CHANGE LAND USE PLANNING'S APPROACH TO FULL COMPLIANCE

CURRENT CHALLENGES

Today, when an application comes in, the Zoning Code encourages the County to investigate everything on a property, even things that are unrelated to the application. For example, if you come in to add a deck to the back of your house, you may be told that you need to remove an old shed that does not meet current siting regulations.

PROPOSED SOLUTION

Moving forward, the Zoning Code will not direct the County to complete historic reviews, and will focus reviews on the requested improvement. In some cases, like a land partition, all setback violations will need to be addressed, but a house renovation permit will not be denied or stopped because an old shed may be out of compliance (and not causing a life safety concern).

The goal is to help ensure all new projects have the appropriate permits, conform with the code, and do not increase any existing non-conformance issues.

Code Compliance will be complaint and risk-driven. Land Use Planning will prioritize violations that pose a risk to human health and environmental safety.



NEW STATE RULES + NATIONAL SCENIC AREA UPDATES



NEW CULTURAL AREA RULES (OAR 660-0023-0210)

- Include an archaeology advisory and information about state permit requirements on all local application forms for ground-disturbing work.
- Notify Tribes of certain land use applications within seven days of receipt of application and at time of public notice.
- Recommend mitigation based on feedback; require Oregon Archaeological Permit if inside recorded archaeological site boundaries.

REBUILDING AFTER DISASTER (SB 1561)

- Requires local governments to approve the restoration or replacement of a dwelling damaged in a natural disaster that is not a land use decision
- Local governments may not add conditions, except as necessary to comply with the National Flood Insurance Program.
 - » Replacement was filed within three years of the destruction of the original dwelling.
 - » New building must not exceed original building footprint by 25-percent.
 - » Comply with applicable building codes that were in effect on the date the dwelling was damaged or destroyed.
 - » Application must be filed within 3 years following the date of the natural disaster or involuntary event.

COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

- **Post-Wildfire Rebuilding:** New rules allow expedited review for homes and other structures destroyed by disaster, such as the 2025 Rowena and Burdoin Fires. These standards are being added to Chapter 38 of the Multnomah County Code, which regulates development in the National Scenic Area. It allows 10 years to rebuild, and allows a temporary structure and RV until rebuilding is completed.
- **Management Plan Update starts in 2027!** The Columbia River Gorge Commission is starting the next update of the Management Plan. They will be exploring similar issues. Please share your thoughts about what you would like to see in the Management Plan Update.

Keep an eye on gorgecommission.org for information on the Management Plan update and other related events and activities.

