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**STAFF REPORT FOR THE PLANNING COMMISSION  
HEARING  
July 25, 2022**

**Revised July 21, 2022**

**CODE AMENDMENTS OMNIBUS  
(PC-2020-13166)**

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**1.0 INTRODUCTION**

This proposal, PC-2020-13166, relates to a range of amendments to the building and zoning codes located in Multnomah County Code (MCC) Chapters 29 (Building Regulations), 38 (Columbia River Gorge National Scenic Area), and 39 (Multnomah County Zoning Code), which have been combined for efficiency into one ordinance proposal. These amendments generally make corrections to the zoning and building codes, add text for clarity, or otherwise provide needed code fixes. Examples range from grammatical errors, incorrect cross references, outdated Oregon Revised Statute (ORS) citations, code updates to provide clarity and fixes to errors that resulted in the 2018 code consolidation project. Specific explanations of the proposed changes are included in the staff notes preceding each proposed code amendment. This project addresses tasks A.4 and A.5 on the 2022 work program.

The following text is used within the proposed amendments:

**Double Underline** = Proposed new language

Strikethrough = Language proposed for removal

\* \* \* Indicates a minor gap in code for brevity, typically within the same section

<b>2.0</b>	<b>SECTION 2 PROPOSED CODE AMENDMENTS – CHAPTER 29 – BUILDING REGULATIONS</b>
<b>2.1</b>	<p><b>Staff:</b> Updates to unnecessarily gendered terminology.</p> <p><b>Proposed Amendments:</b></p> <p><b>§ 29.105 PLANS AND SPECIFICATIONS.</b></p> <p>***</p> <p>(D) Exception: The building official may waive the submission of plans, calculations or other data <del>if he finds</del> <u>upon finding</u> that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code</p> <hr/> <p><b>§ 29.573 RULES FOR DRAINAGE FACILITIES.</b></p> <p>***</p> <p>(E) Construction details and inspection, including: (1) Materials; (2) <del>Manholes</del> <u>Maintenance-holes</u>;</p>
<b>3.0</b>	<b>SECTION 3 PROPOSED CODE AMENDMENTS – CHAPTER 38 - COLUMBIA RIVER GORGE NATIONAL SCENIC AREA</b>
<b>3.1</b>	<p><b>Staff:</b> Removing a provision from County code that was removed from the Management Plan following a court decision in 2008 (see page 17 of the attached court decision – Exhibit A).</p> <p><b>Proposed Amendment:</b></p>

	<p><b>§ 38.0030 EXISTING USES AND DISCONTINUED USES.</b></p> <p>***</p> <p>(D) Changes to Existing Uses and Structures: Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.</p> <p><del>(1) Expansion of Existing Commercial and Multifamily Residential Uses: In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the Dedicated Site, subject to MCC 38.0045. Expansion beyond the Dedicated Site is prohibited.</del></p> <p><del>(2)</del> Conversion of Existing Industrial Uses in the General Management Area: In the General Management Area, existing industrial uses may convert to less intensive uses, subject to MCC 38.0045. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.</p> <p><del>(3)</del> Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Areas may continue when:</p> <p>***</p>
<p><b>3.2</b></p>	<p>Proposing to add a bit more flexibility on the timing for the election of officers by eliminating the need to accomplish this annual task by April.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 38.0320 OFFICERS AND STAFF.</b></p> <p>(A) <del>Each year</del> <del>The the</del> Commission shall, <del>at or before its first meeting in April each year,</del> elect and install from among its members a chair and vice-chair. The Commission may elect and install from among its members a second vice-chair. If there is a vacancy in any officer position, the Commission shall fill such vacancy by appointing an officer at the first regular meeting following the vacancy.</p>
<p><b>3.3</b></p>	<p><b>Staff:</b></p> <p>Task A.5 on the 2022 PC Work Program contemplates minor improvements, such as an exemption for solar installations from the full compliance standard in the land use code.</p> <p>The compliance standard requires that the County not issue a development approval unless there is verification of full compliance with</p>

all applicable provisions of the Multnomah County Zoning Code and/or any permit approval previously issued by the County.

The list of exemptions is shorter than what we have proposed for Chapter 39 (see Section 4.28), because the Scenic Act does not appear to allow structures greater than 200 sq. ft. without review.

**7.21.22 Update:** Staff proposes adding alternative energy systems, including solar panels, to the list below (under (5)(b) and (c)) below. Although alternative energy systems require a National Scenic Area site review, they would not also be burdened by a 'full compliance' finding if included in the list of exemptions below.

**Proposed Amendment:**

**§ 38.0560 CODE COMPLIANCE AND APPLICATIONS.**

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County ~~Land Use Code~~ and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

(2) It is necessary to protect public safety; or

(3) It is for work related to and within a valid easement over, on or under an affected property.

(4) It brings a non-conforming structure or non-conforming use into compliance with current regulations; or

(5) The Planning Director determines the development qualifies as a minor project. For purposes of this provision, a minor project is defined as small in scale, located outside a Flood Hazard zone or Geologic Hazard overlay, intended for the primary benefit of the residents, farm uses, or natural habitat on the subject property and will meet all other

	<p><u>applicable zoning and building regulations. A minor project shall qualify under at least one of the following categories:</u></p> <p><u>(a) Request for trade permits (such as electrical, mechanical and/or plumbing) that does not change the use of a structure or property; or</u></p> <p><u>(b) Free standing renewable energy and heating systems including, but not limited to solar (including solar panels), geothermal and wind generated systems; or</u></p> <p><u>(c) Roof mounted solar renewable energy (including solar panels) and solar heating systems not exceeding the size of a structure’s roof area, or roof height; or</u></p> <p><u>(d) Mechanical equipment such as heating and air conditioning units, heat pumps, ventilation and air filtration systems, electrical boxes, back-up power generators, energy storage systems, water pumps, and similar equipment; or</u></p> <p><u>(e) Heating oil, propane and similar tanks; or</u></p> <p><u>(f) Development requests to protect or enhance natural resources, such as but not limited to water quality or wildlife habitat.</u></p> <p>(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.</p>
<p><b>3.4</b></p>	<p><b>Staff:</b> Updates to unnecessarily gendered terminology.</p> <p><b>Proposed Amendments:</b></p> <p><b>§ 38.0780 EX PARTE CONTACT, CONFLICT OF INTEREST AND BIAS.</b></p> <p>***</p> <p>(B) Conflict of Interest.</p> <p>(1) Planning Commission. A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or the spouse, <del>brother, sister</del> <u>sibling</u>, child, parent, <del>father in-law, mother</del> <u>parent</u>-in-law of the member; any business in which the member is then serving or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective</p>

partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Planning Commission where the action is being taken.

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**§ 38.2025 REVIEW USES.**

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) On lands designated GGF– 20 and GGF– 40, one single-family dwelling on a legally created and existing parcel upon enrollment in the state’s forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with MCC 38.7305 and MCC 38.7315. A declaration shall be signed by the landowner and recorded into county deed records specifying that the owners, successors, ~~heirs~~ beneficiaries and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF– 20, GGF–40, GGF– 80, GGA– 20 and GGA– 40.

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38.2025(B)(6)

(f) A declaration is signed by the landowner and recorded into county deed records specifying that the owners, successors, ~~heirs~~ beneficiaries, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

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**§ 38.2225 REVIEW USES.**

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

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38.2225(A)(9)

(c) The dwelling embodies the distinctive characteristics of a type, period, or method of construction, or represent the work of a ~~master~~ skilled craftsman, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

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38.2225(A)(11)

(a) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator’s spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, ~~brother or sister~~ or sibling;

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**§ 38.2230 CONDITIONAL USES.**

38.2230(A)(15)

(d) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, ~~heirs~~ beneficiaries and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated GGA or GGF; and

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**§ 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA.**

38.7045(G)(2)

(a) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for use in evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, ~~workmanship~~ artisanship, feeling, and association. In addition, they must meet one or more of the following criteria:

1. Association with events that have made a significant contribution to the broad patterns of the history of this region;
2. Association with the lives of persons significant in the past;
3. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a ~~master~~ skilled craftsperson, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

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38.7045(H)(1)

(b) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, ~~workmanship~~ artisanship, feeling, or association [36 CFR Part 800.5]. Adverse effects on cultural resources include, but are not limited to:

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**§ 38.7320 TEMPORARY HEALTH HARDSHIP DWELLING.**

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(B) The Planning Director may grant a Temporary Health Hardship Permit to allow occupancy of a temporary dwelling on a parcel in conjunction with a single-family dwelling allowed in the base zone based on the following findings:

(1) The person with the health hardship is either one of the property owners or is a relative of one of the property owners occupying the principal dwelling. For the purposes of this section a relative is defined as a grandparent, grandchild, parent, child, ~~brother or sister~~ sibling, ~~wife, husband~~ spouse, ~~brother-in-law, sister~~ sibling-in-law, ~~son-in-law, daughter~~ child-in-law, ~~mother-in-law, father~~ parent-in-law, ~~aunt, uncle~~ sibling of a parent, ~~niece, nephew~~ child of a sibling, first cousin, step-parent, step-child, step-grandparent, or step-grandchild ~~either by blood or legal relationship~~.

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**§ 38.7380 SPECIAL USES IN HISTORIC BUILDINGS.**

38.7380(F)(4)

(c) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, ~~heirs~~ beneficiaries and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands.

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**§ 38.7705 DEFINITIONS.**

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

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*Person* means a natural person, firm, partnership, association, social ~~or fraternal~~ organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

	<p><b>§ 38.8010 IMPROVEMENT AGREEMENT.</b></p> <p>***</p> <p>(B) Provision that the applicant file with the County Engineer a maintenance bond, on forms provided by the Engineer, guaranteeing the materials and <del>workmanship</del> <u>quality</u> in the improvements required by this Chapter against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and</p>
<p><b>3.5</b></p>	<p>Update application submission requirements.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 38.0045 REVIEW AND CONDITIONAL USE APPLICATIONS – SUBMITTAL REQUIREMENTS.</b></p> <p>(A) The following additional information shall be submitted for all review and conditional uses:</p> <p>***</p> <p><u>(C) The Planning Director may require some or all required application materials in (1) through (4) above to be submitted electronically.</u></p>
<p><b>3.6</b></p>	<p>Certain uses have different timelines than what is specified in Section 38.0690. We propose adding clarifying text that where a different timeframe is specified, that timeframe shall be used.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 38.0685 EXPIRATION AND EXTENSION OF A TYPE I DECISION.</b></p> <p>***</p> <p><u>(F) Notwithstanding Subsections (A), (B), (C), (D) or (E) of this section, for uses in Chapter 38 with different specified timelines contained in their approval criteria, those codes shall govern over these provisions.</u></p> <p><b>§ 38.0690 EXPIRATION OF A TYPE II OR TYPE III DECISION.</b></p> <p>***</p>

	<p><u>(H) Notwithstanding Subsections (A), (B), (C), (D), (E), (F) or (G) of this section, for uses in Chapter 38 with different specified timelines contained in their approval criteria, those codes shall govern over these provisions.</u></p>
3.7	<p><b>Staff:</b> Incorrect code citation.</p> <p><b>Proposed Amendment:</b></p> <p>§ 38.2225 REVIEW USES.</p> <p>***</p> <p>§ 38.2225(A)(11)</p> <p>***</p> <p>(c) The operation is a commercial enterprise as determined by MCC 38.2225 (A) <del>(5)</del>-(8) (c).</p>
3.8	<p><b>Staff:</b> The single word sentence (applicant) from the standard in MCC 38.7035(B)(14)(d) appears to be an error.</p> <p><b>Proposed Amendment:</b></p> <p>§ 38.7035</p> <p>***</p> <p>§ 38.7035(B)(14)(d)</p> <p>Landscaping shall be installed as soon as practicable, and prior to project completion. <del>Applicant.</del> The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.</p>
<p><b>SECTION 4 PROPOSED CODE AMENDMENTS – CHAPTER 39 – ZONING CODE</b></p>	
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4.1	<p><b>Staff:</b> Updates to unnecessarily gendered terminology.</p> <p><b>Proposed Amendments:</b></p>

**§ 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

39.4325(H)

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that ~~states he~~ recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.

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**§ 39.4764 USES PERMITTED UNDER PRESCRIBED CONDITIONS.**

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(F) Uses and structures customarily accessory or incidental to a permitted or approved use, including living quarters for a caretaker or ~~watchman~~ watchperson and a railroad right-of-way, trackage and related equipment;

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**§ 39.9600 IMPROVEMENT AGREEMENT.**

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(B) Provision that the applicant file with the County Engineer a maintenance bond, on forms provided by the Engineer, guaranteeing the materials and ~~workmanship~~ quality in the improvements required by this Ordinance against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and

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**§ 39.2000 DEFINITIONS.**

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**Educational Institution** – A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, including ~~fraternity and sorority houses~~ collegiate residences, excluding elementary and high schools, and trade and commercial schools.

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**Person** means a natural person, firm, partnership, association, social ~~or fraternal~~ organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

**§ 39.6590 MINIMUM REQUIRED OFFSTREET PARKING SPACES.**

(A) The following Residential Uses shall have at least the number of off-street parking spaces indicated:

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(4) Rooming or Boarding House, boarding house, or Fraternity collegiate residence - Two spaces plus one space for each three guest rooms.

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**§ 39.7520 USES.**

(A) Except as otherwise limited in the EFU, all CFU and OR base zones, the following Community Service Uses and those of a similar nature, may be permitted in any base zone when approved at a public hearing by the approval authority.

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(7) Private club, fraternal social organization, lodge.

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**§ 39.5415 DEFINITIONS.**

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**Restrictive Covenant** – An enforceable promise, given by the owner of a parcel whose use and enjoyment of that parcel may be restricted in some fashion by mining occurring on another parcel, not to object to the terms of a permit issued by a local government, state agency or federal agency. The restrictive covenant shall be recorded in the real property records of the county, shall run with the land, and is binding upon the heirs beneficiaries and successors of the parties. The covenant shall state that obligations imposed by the covenant shall be released when the site has been mined and reclamation has been completed.

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**§ 39.4095 HERITAGE TRACT DWELLINGS STANDARDS.**

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§ 39.4095(A)(1)(f)

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	<p>3. For purposes of this subsection, “owner” includes <del>the spouses in a marriage, son, daughter</del> <u>child, child-in-law</u>, parent, <del>brother, brother in law, sister, sister in law</del> <u>sibling, sibling-in-law</u>, <del>son in law, daughter in law, parent-in-law, aunt, uncle</del> <u>sibling of a parent</u>, <del>niece, nephew</del> <u>child of a sibling</u>, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.</p> <hr/> <p><b>§ 39.4265 STANDARDS FOR SPECIFIED FARM DWELLINGS.</b></p> <p>***</p> <p>§ 39.4265(A)</p> <p>(2) Occupied by a relative of the farm operator or the farm operator's spouse, if the farm operator does or will require the assistance of the relative in the management of the farm use. Qualifying relatives include, <del>the spouses in a marriage, son, daughter</del> <u>child</u>, parent, <del>brother</del> <u>sibling</u>, <del>brother in law, sister, sister in law</del> <u>sibling-in-law</u>, <del>son in law, daughter in law</del> <u>child-in-law</u>, parent-in-law, <del>aunt, uncle</del> <u>sibling of a parent</u>, <del>niece, nephew</del> <u>child of a sibling</u>, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.</p> <p>***</p> <p>§ 39.4265(D)(8)</p> <p>(a) Owner includes the <del>wife, husband</del> <u>spouse</u>, <del>son, daughter</del> <u>child</u>, <del>mother, father</del> <u>parent</u>, <del>brother</del> <u>sibling</u>, <del>brother in law</del> <u>sibling-in-law</u>, <del>sister, sister in law, son in law, daughter in law</del> <u>child-in-law</u>, <del>mother in law, father in law</del> <u>parent-in-law</u>, <del>aunt, uncle</del> <u>sibling of a parent</u>, <del>nephew</del> <u>child of a sibling</u>, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.</p>
<p><b>4.2</b></p>	<p><b>Staff:</b> Deleting extra repetitive text in MCC 39.4820.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.4820 USES.</b></p> <p>Except as otherwise provided in this Chapter, no building, structure or land shall be used and no building or structure shall be hereafter <del>no building, structure or land shall be used and no building or structure shall occur or be hereafter</del> erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4822 through 39.4826 provided such uses occur on a Lot of Record.</p>

<p><b>4.3</b></p>	<p><b>Staff:</b> MIP, ESC and AF permits were inadvertently not included in the section below when erosion and sediment control standards were added.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.6210 PERMITS REQUIRED.</b></p> <p>(A) Unless exempt under this Code, whether under MCC 39.6215, 39.5080, 38.5510 or otherwise, no ground disturbing activity shall occur except pursuant to one of the following permits: a Minimal Impact Project (MIP) permit, an Erosion and Sediment Control permit (ESC), an Agricultural Fill permit (AF), a Geologic Hazards permit (GH), or a Large Fill permit (LF).</p> <p>***</p> <p>(F) Implementation.</p> <p>***</p> <p>(2) Inspection and enforcement. The director may take steps to ensure compliance with the requirements of <del>Part 6, Geologic Hazards permit requirements, and Large Fill permit requirements</del> <u>any permit listed in subsection (A) and 39.6235</u>, including but not limited to, inspections, peer review of engineering analysis (at the applicant’s expense), post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site. The requirements of this subpart of MCC Chapter 39 shall be enforced by the planning director. If inspection by county staff reveals erosive conditions which exceed those prescribed by the permit, work may be stopped until appropriate correction measures are completed.</p>
<p><b>4.4</b></p>	<p><b>Staff:</b> Changing reference from GHP permit to GH (Geologic Hazard) permit.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.1185 EXPIRATION OF TYPE II OR TYPE III DECISIONS.</b></p> <p>***</p> <p>§ 39.1185(C)</p> <p>(2) For the purposes of this section, the expiration provisions in (a) and (b) shall also apply to all other Type II or III decisions associated with approval of the residential development, such as SEC or GHP permits.</p>
<p><b>4.5</b></p>	<p><b>Staff:</b> Fix incorrect Code Citation.</p>

	<p><b>Proposed Amendment:</b></p> <p><b>§ 39.7565 APPROVAL CRITERIA FOR NEW TRANSMISSION TOWERS.</b></p> <p>New transmission towers base zone permitted under MCC 39.7520 (A) (8) (a) or (b) may be allowed, based on findings by the approval authority that the following criteria are met.</p> <p>***</p> <p>(I) Site size and tower setbacks:</p> <p>***</p> <p>(3) Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site described in <del>MCC 36.6110 (C) (4)</del> <u>39.7560 (C) (4)</u> will not lead to multiple failures in the event that one fails.</p>
<p><b>4.6</b></p>	<p><b>Staff:</b> Fix incorrect Code Citation.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.7705 APPLICABILITY.</b></p> <p>(A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.</p> <p>(B) The requirements of <del>36.6175</del> <u>39.7700</u> through <del>36.6188</del> <u>39.7765</u> shall apply to all new wireless communications facilities (WCFs).</p>
<p><b>4.7</b></p>	<p><b>Staff:</b> Fix incorrect Code citation. Add reference to certain uses that require Design Review in the urban zones – the reference should have been added in the code consolidation process.</p> <p><b>7.21.22 Update:</b> ORS 197.307(4) prohibits the application of discretionary Design Review standards to residential development; therefore staff is striking the references to multiplex, garden apartment, apartment dwelling or structure and boarding, lodging or rooming house under new section (E).</p> <p><b>Proposed Amendment:</b></p>

	<p><b>§ 39.8020 APPLICATION OF REGULATIONS.</b></p> <p>(A) Except those exempted by MCC 39.8015, the provisions of MCC 39.8000 through 39.8050 shall apply to all conditional and community service uses, and to specified uses, in any base zone.</p> <p>(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 39.6590 shall only be subject to the following Design Review approval criteria: MCC <del>36.8040</del> <u>39.8040</u> (A)(1)(a) and (1)(c), <u>and</u> (4) and (7), except when located in the RC, BRC, OR, OCI, PH-RC or SRC zone base zones.</p> <p>(C) All other uses are subject to all of the Design Review Approval Criteria listed in MCC 39.8040 and 39.8045.</p> <p>(D) Alteration or modification of the physical development previously reviewed through the Design Review process shall be subject to the Design Review Approval Criteria listed in MCC 39.8040 and 39.8045.</p> <p><u>(E) In the urban bases zones the provisions of MCC 39.8000 through 39.8050 shall apply to the following:</u></p> <p><del>(E) A multiplex, garden apartment or apartment dwelling or structure.</del></p> <p><del>(F) A boarding, lodging or rooming house.</del></p> <p>(<u>G</u><u>1</u>) A hotel or motel.</p> <p>(<u>H</u><u>2</u>) A business or professional office or clinic.</p> <p>(<u>I</u><u>3</u>) A use listed in any commercial base zone.</p> <p>(<u>J</u><u>4</u>) A use listed in any manufacturing base zone.</p>
<p><b>4.8</b></p>	<p><b>Staff:</b> Fix incorrect Code Citation.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.6850 DARK SKY LIGHTING STANDARDS.</b></p> <p>***</p> <p>(B) The following exterior lighting is exempt from the requirements of paragraph (C) of this section:</p>

	<p>***</p> <p>(7) Lighting in support of work necessary to protect, repair, maintain, or replace existing structures, utility facilities, service connections, roadways, driveways, accessory uses and exterior improvements in response to emergencies pursuant to the provisions of MCC 35.0535 <u>39.6900</u>, provided that after the emergency has passed, all lighting to remain is subject to the requirements of this section.</p>
<p><b>4.9</b></p>	<p><b>Staff:</b> Standard refers to Accessory Buildings so changing the heading to match.</p> <p><b>Proposed Amendment:</b></p> <p><b><u>§ 39.8860- CONDITION OF APPROVAL -- ACCESSORY STRUCTURES BUILDINGS.</u></b></p> <p>Prior to issuance of any development permit involving an Accessory Building, the property owner shall record a covenant with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use.</p>
<p><b>4.10</b></p>	<p><b>Staff:</b> Clarifying the intent of the standard to address adverse weather conditions as opposed to climatic conditions – the difference being weather refers to short-term atmospheric conditions whereas climate refers to the typical weather in a given locale over long time periods.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.8040 DESIGN REVIEW CRITERIA.</b></p> <p>(A) Approval of a final design review plan shall be based on the following criteria:  (1) Relation of Design Review Plan Elements to Environment.  (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.  (b) The elements of the design review plan should promote energy conservation and provide protection from adverse <del>climatic</del> <u>weather</u> conditions, noise, and air pollution.</p>
<p><b>4.11</b></p>	<p><b>Staff:</b> The text below was previously included in the zoning code prior to the code consolidation. It is useful to provide a description of the zoning map.</p> <p><b>Proposed Amendment:</b></p>

	<p><b><u>39.1015 ZONING MAP.</u></b></p> <p><u>(A) The designations, locations and boundaries of the respective districts and certain combinations thereof described in this Chapter are established as shown by appropriate color designations, symbol or short title identification upon the Multnomah County Zoning Map. The Zoning Map consists of a series of bound and indexed Sectional Zoning Maps numbered sheets until such time as the districts and subdistricts depicted on each respective Sectional Zoning Map are replaced by maps generated as electronic layers within a Geographic Information System (GIS). All GIS generated Zoning Maps replacing the Sectional Zoning Maps shall be legislatively adopted. The GIS-generated Zoning Maps depicting districts and subdistricts shall be periodically readopted to reflect more accurate mapping information as it becomes available. The Zoning Map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this Chapter as if fully set forth; however, if a conflict appears between the Zoning Map and the written portion of this Chapter, the written portion shall control.</u></p> <p><u>(B) A paper version of the Zoning Map and each amendment thereto shall be and remain on file in the office of the Planning Director.</u></p> <p><u>(1) The set of paper Zoning Maps with the cover page dated the 15th of November, 1962 and signed by the Board shall be deemed to be the accurate depiction of:</u></p> <p><u>(a) The Zoning Maps first adopted for successive geographic areas from April 19, 1955 through December 11, 1958; and</u></p> <p><u>(b) The Zoning Maps in effect from the date of first adoption through November 15, 1962.</u></p> <p><u>(2) Unless clearly shown otherwise, a zoning district boundary that follows a public right-of-way shall be deemed to follow the centerline of the public right-of-way.</u></p>
<p><b>4.12</b></p>	<p><b>Staff:</b> Fix numbering consistent with the code.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.3005- LOT OF RECORD – GENERALLY.</b></p> <p>***</p> <p>§ 39.3005(B)</p> <p>(<del>a</del>1) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.</p> <p>(<del>b</del>2) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:</p>

	<p><del>1.</del>(a) By a subdivision plat under the applicable subdivision requirements in effect at the time; or</p> <p><del>2.</del>(b) By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or</p> <p><del>3.</del>(c) By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or</p> <p>4.(d) By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and</p> <p>5.(e) “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)</p> <p>(e3) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.</p> <p><del>1.</del>(a) Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.</p> <p><del>2.</del>(b) An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.</p>
<p><b>4.13</b></p>	<p><b>Staff:</b> The reference to MCC 39.7515 in MCC 39.4080(A)(11) should specify that MCC 39.7515(l) is meant to only apply in the West of Sandy River Planning Area. The error is a result of the 2018 Code Consolidation Ordinance.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.4080 CONDITIONAL USES.</b></p> <p>The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:</p> <p>(A) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 39.4100, MCC 39.4105, MCC 39.4110,</p>

	<p>MCC 39.4115, and MCC 39.7500 through MCC 39.7525. For purposes of this Section, the applicable criteria of MCC 39.7515 shall be limited to Subsections (A) through (H) of that Section.</p> <p>***</p> <p>(11) Radio and television transmission towers subject to the definitions, restrictions and standards in MCC 39.7515 <u>(A) through (H) and (I) if applicable</u>, 39.7520 (A) (8) and 39.7550 through 39.7575 and wireless communications facilities when found to satisfy the requirements of MCC 39.7700 through 39.7765.</p>
<p><b>4.14</b></p>	<p><b>Staff:</b> The following code section inadvertently does not include certain zone districts that are only found in the East of the Sandy River Planning Area and the Urban Planning area. Also specifying that this provision only applies in the CFU zone, but not the other CFU zones (CFU-1, CFU-2, CFU-3, CFU-4, CFU-5).</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.7525 RESTRICTIONS.</b></p> <p>A building or use approved under MCC 39.7520 through 39.7650 shall meet the following requirements:</p> <p>(A) Minimum yards in EFU, CFU <u>(Note – not applicable to CFU-1 through CFU-5)</u>, MUA-20, RR, BRC, OCI, OR and PH-RC, UF-20, LR10, <u>UF-20, MUF, SRC, and RC</u> <del>Base</del> <u>base</u> zones:</p> <p>***</p> <p>(F) In the MUA-20, RR, and BRC, SRC and RC base zones, the length of stay by a person or vehicle in a camp, campground, campsite or recreational vehicle park shall not exceed a total of 90 days during any consecutive 12 month period by an individual, group or family <u>unless otherwise provided in State law. This provision is not applicable in the West of Sandy River Planning Area or Urban Planning Area.</u></p> <p>(G) Other <u>minimum yards</u>, restrictions or limitations of use or development not required under this subsection shall be <u>as</u> provided in the base zone.</p>
<p><b>4.15</b></p>	<p><b>Staff:</b> Exempting certain types of development from requirements related to providing fill volume calculations and standards related to fill volume limits in the ESC, GH and LF Permits.</p>

**7.21.22 Update:** Adding clarification to the definition of 'fill'. And changing the word 'and' to 'or' to mean that either earthquake building code or a tsunami building code is a necessary condition, not necessarily both types of codes.

**Proposed Amendment:**

**§ 39.2000 DEFINITIONS.**

As used in this Chapter, unless the context requires otherwise, the following terms and their derivations shall have the meanings provided below:

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**Fill** – The deposit (noun or verb) of any earth materials by motorized means for any purpose, including, but not limited to, stockpiling, storage, dumping, raising elevation or topography, and tracking materials such as mud onto a road surface with vehicle tires. Work conducted by hand without the use of motorized equipment is not filling. For the purposes of this code, fill does not include materials included in a design by a registered professional engineer to physically support and/or protect a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code.

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**Large Fill** – The cumulative deposit of more than 5,000 cubic yards of fill to a site within the 20-year period preceding the date of an application for a Large Fill permit and including the fill proposed in the Large Fill permit application. Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code is not included in this 5,000 cubic yard calculation. For purposes of this definition, the term site shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area. For purposes of this definition, the phrase same ownership shall refer to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control. For the purposes of this definition, the seller of a property by sales contract shall be considered to not have possessory interest.

**§ 39.5085 GEOLOGIC HAZARDS PERMIT APPLICATION INFORMATION REQUIRED.**

An application for a Geologic Hazards Permit shall include two copies of each of the following:

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(B) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill that has been deposited on the site over the 20-year period preceding the date of application, and existing and proposed slopes in areas to be disturbed (percent slope). Such calculations are not required for fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code. For purposes of this subsection, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.

**§ 39.5090 GEOLOGIC HAZARDS PERMIT STANDARDS.**

A Geologic Hazards (GH) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:

(A) The total cumulative deposit of fill on the site for the 20-year period preceding the date of the application for the GH permit, and including the fill proposed in the GH permit application, shall not exceed 5,000 cubic yards. Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code is not included in this 5,000 cubic yard calculation. For purposes of this provision, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.

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**§ 39.6225 EROSION AND SEDIMENT CONTROL PERMIT.**

(A) An application for an Erosion and Sediment Control permit shall include two copies of each of the following:

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(2) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill that has been deposited on the site over the 20-year period preceding the date of application, and existing and proposed slopes in areas to be disturbed (percent slope). Such calculations are not required

for fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code. For purposes of this subsection, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area;

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(B) An Erosion and Sediment Control (ESC) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:

(1) The total cumulative deposit of fill, excluding agricultural fill pursuant to an Agricultural Fill permit, on the site for the 20-year period preceding the date of the ESC permit application, and including the fill proposed in the ESC permit application, shall not exceed 5,000 cubic yards. Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code is not included in this 5,000 cubic yard calculation. For purposes of this section, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.

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**§ 39.7207 EXEMPTIONS.**

Ground disturbing activity occurring in association with the following uses is exempt from the Large Fill permit requirements:

(A) Fill associated with a State or County owned and maintained road or bridge that is designated as a Rural Collector or a Rural Arterial on the Multnomah County Functional Classification of Trafficways map. The Trafficways map is part of the County Transportation System Plan.

(B) Agricultural fill authorized under an Agricultural Fill permit. Agricultural fill proposed in the Geological Hazards overlay is not eligible for this exemption.

(C) Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code.

**4.16** **Staff:** Minor text cleanup of MCC 39.8210(E).

**Proposed Amendment:**

	<p><b>§ 39.8210 ADJUSTMENT APPROVAL CRITERIA.</b></p> <p>***</p> <p>(E) If in the Rural Residential (RR), Rural Center (RC), Burlington Rural Center (BRC), Orient Residential (OR), Orient Commercial Industrial (<u>OCI</u>), Pleasant-Hill-Home Rural Center (<u>PHRC</u>), or Springdale Rural Center (<u>SRC</u>) base zones, the proposal will not significantly detract from the livability or appearance of the residential area.</p>																				
<p><b>4.17</b></p>	<p><b>Staff:</b> Deleting unnecessary duplication.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.6805 DIRECTIONAL SIGNS.</b></p> <p>Directional signs shall comply with the following provisions:</p> <table border="1" data-bbox="326 825 1456 1753"> <tr> <td>Maximum Sign Face Area:</td> <td>Six Square Feet</td> </tr> <tr> <td>Types of Signs Allowed:</td> <td>Free Standing, Fascia, Projecting, Painted Wall</td> </tr> <tr> <td>Maximum Height:</td> <td>Free Standing 42 Inches Fascia and Projecting 8 Feet</td> </tr> <tr> <td>Extensions into R/W:</td> <td>Not Allowed</td> </tr> <tr> <td>Lighting:</td> <td>Indirectly illuminated downward onto the sign face</td> </tr> <tr> <td>Maximum Sign Face Area:</td> <td>Six Square Feet</td> </tr> <tr> <td>Flashing Lights:</td> <td>Not Allowed</td> </tr> <tr> <td>Electronic Message Centers:</td> <td>Not Allowed</td> </tr> <tr> <td>Moving or Rotating Parts:</td> <td>Not Allowed</td> </tr> <tr> <td></td> <td></td> </tr> </table>	Maximum Sign Face Area:	Six Square Feet	Types of Signs Allowed:	Free Standing, Fascia, Projecting, Painted Wall	Maximum Height:	Free Standing 42 Inches Fascia and Projecting 8 Feet	Extensions into R/W:	Not Allowed	Lighting:	Indirectly illuminated downward onto the sign face	Maximum Sign Face Area:	Six Square Feet	Flashing Lights:	Not Allowed	Electronic Message Centers:	Not Allowed	Moving or Rotating Parts:	Not Allowed		
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Moving or Rotating Parts:	Not Allowed																				
<p><b>4.18</b></p>	<p><b>Staff:</b> MCC 39.6225 contains duplicate subsection numbers.</p>																				

	<p><b>Proposed Amendment:</b></p> <p><b>§ 39.6225 EROSION AND SEDIMENT CONTROL PERMIT.</b></p> <p>(A) An application for an Erosion and Sediment Control permit shall include two copies of each of the following:</p> <p>***</p> <p>(3) A written description of the ground disturbing activity and any associated development, including:</p> <p>***</p> <p>(24) Surcharges to sanitary drainfields have been reviewed by the City of Portland Sanitarian or other agencies authorized to review waste disposal systems; and</p> <p>(35) Any new discharges into public right-of-ways have complied with the governing agencies discharge review process;</p> <p>(46) Written findings, together with any supplemental plans, maps, reports, or other information necessary to demonstrate compliance of the proposal with all applicable provisions of the Multnomah County code including Erosion and Sediment Control permit standards in subsection (B). Necessary reports, certifications, or plans may pertain to: engineering, soil characteristics, stormwater drainage control, stream protection, erosion and sediment control, and replanting.</p> <p>(57) Approval of any new stormwater surcharges to sanitary drainfields by the City of Portland Sanitarian and any other agency having authority over the matter; and</p> <p>(68) Approval of any new stormwater discharges into public right-of-ways by each governing agency having authority over the matter.</p>
<p><b>4.19</b></p>	<p><b>Staff:</b> The consolidated zoning code lacks a definition for business owner that was found in the previous area plan codes. For reference, the definition from former MCC 33.0005 was as follows:</p> <p>“Business Operator – The person who registers for a Type A Home Occupation or obtains approval to conduct a Type B or Type C Home Occupation or a Home Based Business and holds a majority ownership interest in the business, lives full-time in the registered dwelling unit on the lot, and is responsible for strategic decisions and day-to-day operations of the business.”</p> <p>Adding under approval criteria instead of general definitions in order to avoid creating a definition for ‘business’ operator that would apply to all</p>

	<p>businesses instead of limiting it to home occupations as intended.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.7405 CRITERIA FOR APPROVAL.</b></p> <p>***</p> <p><u>(E) The business operator shall be the person who applies for a Type C Home Occupation or a Home Based Business and who will hold a majority ownership interest in the business. The business operator shall live full-time in the registered dwelling unit on the property and is the person responsible for strategic decisions and day-to-day operations of the business.</u></p> <hr/> <p><b>39.8800- TYPE A HOME OCCUPATION.</b></p> <p>***</p> <p><u>(D) The business operator shall be the person who registers for a Type A Home Occupation or a Home Based Business and who will hold a majority ownership interest in the business. The business operator shall live full-time in the registered dwelling unit on the property and is the person responsible for strategic decisions and day-to-day operations of the business.</u></p> <hr/> <p><b>§ 39.8850- TYPE B HOME OCCUPATION.</b></p> <p>***</p> <p><u>(E) The business operator shall be the person who applies for a Type B Home Occupation or a Home Based Business and who will hold a majority ownership interest in the business. The business operator shall live full-time in the registered dwelling unit on the property and is the person responsible for strategic decisions and day-to-day operations of the business.</u></p>
<p><b>4.20</b></p>	<p><b>Staff:</b> Updating to sections of code that should reference the dark sky lighting standards for constancy in implementation.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.4940 BUSINESS OR PROFESSIONAL OFFICE OR CLINIC DEVELOPMENT STANDARDS.</b></p> <p>A business or professional office or clinic located as a transitional use or as a conditional use under the provisions of this Chapter shall comply with the other applicable requirements of this Chapter and the following:</p>

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(E) The use is subject to the Design Review requirements of MCC 39.8000 through 39.8050.

The Preliminary Design Review Plan shall incorporate the following features:

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(6) ~~Exterior lighting shall not be cast or reflected onto adjoining properties developed with or designated for residential use~~ All exterior lighting shall comply with MCC 39.6850;

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**§ 39.4955 AMBULANCE SERVICE SUBSTATION AS A USE UNDER PRESCRIBED CONDITIONS.**

An ambulance service substation may be approved by the Planning Director as a Use Under Prescribed Conditions when authorized by the base zone and found to comply with the following approval criteria:

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(E) The use is subject to the Design Review requirements of MCC 39.8000 through 39.8050.

The Preliminary Design Review Plan shall incorporate the following features:

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(6) ~~Exterior lighting shall not be cast or reflected onto adjoining properties developed with or designated for residential use~~ All exterior lighting shall comply with MCC 39.6850;

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**§ 39.5650 CRITERIA FOR APPROVAL OF SEC-V PERMIT -SIGNIFICANT SCENIC VIEWS.**

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(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

	<p>(1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.</p> <p>(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.</p> <p>(3) <del>No exterior lighting, or</del> <b>Exterior lighting</b> <del>that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas</del> <b>and meets the Dark Sky Lighting Standards of MCC 39.6850.</b> Shielding and hooding materials should be composed of nonreflective, opaque materials.</p>
<p><b>4.21</b></p>	<p><b>Staff:</b> Decreasing the amount of time required for newspaper notice to 10 days in line with ORS 215.223.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.1215 NOTICE OF LEGISLATIVE HEARINGS.</b></p> <p>(A) Notice of the date, time, place and subject of a legislative hearing before the Planning Commission shall be published in a newspaper of general circulation within the County at least <del>20</del> <b>10</b> days prior to the hearing and as required by law. The Planning Director shall also notify the Oregon Department of Land Conservation and Development (DLCD) 35 days prior to the initial public hearing or as required by law.</p>
<p><b>4.22</b></p>	<p><b>Staff:</b> Deleting two references to MUF-38 Zone, since that zone no longer exists.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.4701 AREA AFFECTED.</b></p> <p>MCC 39.4700 through MCC 39.4732 shall apply to those lands designated <del>MUF-38 and</del> MUF-19 on the Multnomah County Zoning Map.</p> <hr/> <p><b>§ 39.4717 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.</b></p> <p>(A) Except as provided in MCC 39.3150, 39.4720, 39.4722 and 39.5300 through 39.5350, the minimum lot size <b>in the MUF-19 zone</b> shall be <del>according to the base zone designation on the Zoning Map, as follows:</del> MUF 38.....38 acres MUF 19.....19 acres.</p>

<p><b>4.23</b></p>	<p><b>Staff:</b> The zoning code uses ‘Sectional Zoning Map’ in some places and just ‘zoning map’ in others. Because the Comprehensive Plan just uses zoning map, staff recommends doing the same in the zoning code for consistency.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.5110 STANDARDS TO ESTABLISH AN HP OVERLAY.</b></p> <p>(A) An amendment establishing an HP overlay shall include the following:</p> <p>(1) The designation of the overlay as HP-1, HP-2, HP-3, etc., in the text and on the appropriate <del>Sectional</del> Zoning Map;</p> <hr/> <p><b>§ 39.5540 CRITERIA FOR APPROVAL OF SEC PERMIT.</b></p> <p>The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County <del>sectional</del> <u>z</u>Zoning <del>m</del><u>M</u>aps. Any proposed activity or use requiring an SEC permit shall be subject to the following:</p> <hr/> <p><b>§ 39.5650 CRITERIA FOR APPROVAL OF SEC-V PERMIT - SIGNIFICANT SCENIC VIEWS.</b></p> <p>(A) For purposes of this Section, the following terms and their derivations shall have the meanings provided below:</p> <p>(1) Significant Scenic Resources – Those areas designated SEC-v on Multnomah County <del>sectional</del> <u>z</u>Zoning <del>m</del><u>M</u>aps.</p>
<p><b>4.24</b></p>	<p><b>Staff:</b> During the Code consolidation process the standard at 39.7015(A)(8) was inadvertently applied countywide, and was supposed to have remained applicable in the West of Sandy River Planning Area.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.7015 CONDITIONAL USE APPROVAL CRITERIA.</b></p> <p>(A) A Conditional Use shall be governed by the approval criteria listed in the base zone under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:</p>

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(8) ~~The~~ For uses in the West of Sandy River Planning Area, the use is limited in type and scale to primarily serve the needs of the rural area.

**4.25 Staff:** Add SEC 'general' overlay to list of SEC overlays in the table at MCC 39.5505 and 39.5525.

**Proposed Amendment:**

**§ 39.5505 AREA AFFECTED.**

(A) Except as otherwise provided in MCC 39.5510 or MCC 39.5515, the SEC shall apply to those lands designated SEC on the Multnomah County Zoning Map consisting of the following resource area designations:

Resource Area <u>Zoning Overlay</u> Designation
<u>SEC: Significant Environmental Concern Area</u>
SEC-sw: Scenic Waterway Resource Area
SEC-v: Scenic Views Resource Area
SEC-w: Wetlands Resource Area
SEC-s: Streams Resource Area
SEC-wr: Water Resource Area}
SEC-h: Wildlife Habitat Resource Area

**§ 39.5525 APPLICABLE APPROVAL CRITERIA.**

(A) The approval criteria that apply to uses in areas designated SEC, SEC-sw, SEC-v, SEC-w, SEC-s, SEC-wr, SEC-h on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

<b>Zoning <u>Overlay</u> Designation</b>	<b>Approval Criteria (MCC#)</b>
<u>SEC</u>	<u>39.5540</u>
SEC-sw (scenic waterway)	39.5600
SEC-v (scenic views)	39.5650
SEC-w (wetlands)	39.5700
SEC-s (streams)	39.5750

		SEC-wr (water resource)	39.5560 and 39.5800	
		SEC-h (wildlife habitat)	Type I Permit – 39.5850 Type II Permit – 39.5560 and 39.5860	
4.26	<p><b>Staff:</b> Adding missing standards from the SEC-wr code that were unintentionally left out of the Consolidated code.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.5520 APPLICATION FOR SEC PERMIT.</b></p> <p>An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 39.5540 through 39.5860.</p> <p>(A) An application for an SEC permit shall include the following:</p> <p>(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 39.5540 through 39.5860.</p> <p>(2) A map of the property showing:</p> <p>(a) Boundaries, dimensions, and size of the subject parcel;</p> <p>(b) Location and size of existing and proposed structures;</p> <p>(c) Contour lines and topographic features such as ravines or ridges;</p> <p>(d) Proposed fill, grading, site contouring or other landform changes;</p> <p>(e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;</p> <p>(f) Location and width of existing and proposed roads, driveways, and service corridors.</p> <p><u>(g) In the SEC-wr overlay, the location of natural drainageways, springs, seeps, and wetlands on the site.</u></p> <p><u>(3) The Planning Director may also require the applicant to provide the following:</u></p> <p><u>(a) The location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;</u></p>			

	<p><u>(b) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation;</u></p> <p><u>(B) SEC-Water Resource: In addition to the information requirements listed in MCC 39.5520(A) above, the following information shall be submitted for applications within the SEC-wr overlay.</u></p> <p><u>(1) A topographic map of the development area and adjacent areas of the site at contour intervals of five feet or less showing a delineation of the Water Area or Habitat Area as determined by a documented field survey, the location of all existing and proposed watercourses, drainage ways, stormwater facilities, and utility installations;</u></p> <p><u>(2) The location of wetlands;</u></p> <p><u>(3) Information for the site from the adopted West of Sandy River Wildlife Habitat and Stream Corridor ESEE Report, the County Goal 5 Inventory;</u></p> <p><u>(4) Preparation of plans and surveys - Inventories, assessment of existing conditions, and mitigation or restoration plans shall be prepared by a qualified professional such as a fish or wildlife biologist at the discretion of the Planning Director. Wetlands shall be identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual. Required reports include;</u></p> <p><u>(a) An assessment of the existing condition of the Water Resource Area in accordance with MCC 39.5580 Table 2, Riparian/Vegetated Corridor Standards;</u></p> <p><u>(b) An inventory of vegetation, including percentage ground and canopy coverage, and location of nuisance plants listed in MCC 39.5580 Table 1;</u></p> <p><u>(c) A detailed Mitigation Plan as described in 39.5800 (F), if required;</u></p> <p><u>(5) The applicant shall provide evidence that when federal or state requirements apply, that the agency has been contacted, and shall provide an assessment of whether the project can meet the requirements based on the agency response;</u></p> <p><u>(6) The location of all existing trees of a caliper greater than six (6) inches in diameter at breast height (DBH);</u></p> <p><u>(7) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods.</u></p>
<p><b>4.27</b></p>	<p><b>Staff:</b> Fixing the citation to the missing standards in MCC 39.5520 above.</p>

	<p><b>Proposed Amendment:</b></p> <p><b>§ 39.5800- CRITERIA FOR APPROVAL OF SEC-WR PERMIT –WATER RESOURCE</b></p> <p>(A) Except for the exempt uses listed in MCC 39.5515 and the existing uses pursuant to MCC 39.5550, no development shall be allowed within a Water Resource Area unless the provisions of subsections (B) or (C) or (D) below are satisfied. An application shall not be approved unless it contains the site analysis information required in MCC 39.5520(A) and (€B), and meets the general requirements in MCC 39.5560.</p> <p>***</p> <p>(D) Buffer Averaging - Development may be allowed to encroach into the 200' SEC-wr overlay zone or "buffer" when the provisions of (1) through (6) below are satisfied. These provisions are intended to allow development to extend a specific amount into the edges of the overlay zone without an alternatives analysis in exchange for increasing the area of vegetated corridor on the property that is in good condition.</p> <p>(1) Site assessment information pursuant to MCC 39.5520(A) and (€B) has been submitted.</p>
<p><b>4.28</b></p>	<p><b>Staff:</b> Relocating the code section relating to 'Code Compliance and Applications'. During the code consolidation the provisions for code compliance and applications was relocated to be grouped with other code provisions involving compliance. However the relocation has caused confusion because it's location is under Part 1.C – <i>VIOLATIONS, ENFORCEMENT AND FINES</i>. To avoid further confusion, the provision should be moved to Part 1.B – <i>PROCEDURES</i>, similar to its previous position prior to the code consolidation.</p> <p>Additionally, Task A.5 on the 2022 PC Work Program contemplates minor improvements, such as solar installations for an exemption from the full compliance standard in the land use code.</p> <p>The compliance standard (currently located in MCC 39.1515) requires that the County to not issue a development approval unless there is verification of compliance with applicable provisions of the Multnomah County Zoning Code and/or any permit approval previously issued by the County.</p> <p>In addition to proposed new location for this standard, staff has proposed new exemptions from the standard highlighted in yellow below.</p>

**7.21.22 Update:** Staff has added the words 'including solar panels' in (5)(c) and (d) below. We believe it helps to be specific in this case.

**Proposed Amendment:**

***PART 1.B – PROCEDURES***

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**§ 39.1250 CODE COMPLIANCE AND APPLICATIONS.**

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

(2) It is necessary to protect public safety; or

(3) It is for work related to and within a valid easement over, on or under an affected property; or

(4) It brings a non-conforming structure or non-conforming use into compliance with current regulations; or

(5) The Planning Director determines the development qualifies as a minor project. For purposes of this provision, a minor project is defined as small in scale, located outside a Flood Hazard zone or Geologic Hazard overlay, intended for the primary benefit of the residents, farm uses, or natural habitat on the subject property and will meet all other applicable zoning and building regulations. A minor project shall qualify under at least one of the following categories:

(a) Request for trade permits (such as electrical, mechanical and/or plumbing) that does not change the use of a structure or property; or

(b) Accessory structure(s) with an individual footprint(s) up to 200 square feet. This includes a structural addition(s) or modification(s); or

(c) Free standing renewable energy and heating systems up to 400 square feet ground coverage including, but not limited to solar (including solar panels), geothermal and wind generated systems; or

(d) Roof mounted solar renewable energy (including solar panels) and solar heating systems not exceeding the size of a structure's roof area, or roof height; or

(e) Mechanical equipment such as heating and air conditioning units, heat pumps, ventilation and air filtration systems, electrical boxes, back-up power generators, energy storage systems, water pumps, and similar equipment; or

(f) Heating oil, propane and similar tanks; or

(g) Development requests to protect or enhance natural resources, such as but not limited to water quality or wildlife habitat.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

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### ***1.C – VIOLATIONS, ENFORCEMENT AND FINES***

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### **~~§ 39.1515 CODE COMPLIANCE AND APPLICATIONS.~~**

~~Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.~~

~~(A) A permit or other approval, including building permit applications, may be authorized if:~~

~~(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or~~

~~(2) It is necessary to protect public safety; or~~

	<p><del>(3) It is for work related to and within a valid easement over, on or under an affected property.</del></p> <p><del>(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.</del></p>
<p><b>4.29</b></p>	<p><b>Staff:</b> Update to MCC 39.9700(D) consistent with change to ORS 92.176(5) [HB 2884 (2021)] that changed the maximum timeframe for recordation of a final plat from 90-days to 365-days:</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.9700 LEGALIZATION OF LOTS AND PARCELS THAT WERE PREVIOUSLY UNLAWFULLY DIVIDED.</b></p> <p>***</p> <p>(D) Within <del>90</del><u>365</u> days of a final decision being approved under Subsection (A), (B) or (C) of this Section, the property owner(s) shall record a partition plat or subdivision plat, as appropriate, in accordance with the requirements of ORS Chapter 92.</p>
<p><b>4.30</b></p>	<p><b>Staff:</b> Senate Bill 405 (2021) made changes to ORS 215.130 – the changes specify that for the purposes of non-conforming uses, a use is not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.8300- NONCONFORMING USES.</b></p> <p>***</p> <p><u>(I) A use continued under this section is not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use.</u></p>

<p><b>4.31</b></p>	<p><b>Staff:</b> Adding the requirements of OAR 660-018-0050 to the Administrative Procedures of the zoning code for notice to parties requesting notice of final legislative decisions.</p> <p><b>Proposed Amendment:</b></p> <p><b><u>§ 39.1223 NOTICE TO OTHER PARTIES OF ADOPTED CHANGES.</u></b></p> <p><u>(A) On the same day notice of an adopted change to the Comprehensive Plan or land use regulation(s) is submitted to DLCD notice shall also mail or otherwise deliver notice of the decision to persons that:</u></p> <p><u>(1) Participated in the County proceedings that led to the decision to adopt the change to the Comprehensive Plan or the land use regulation; and</u></p> <p><u>(2) Requested in writing to be provided with notice of the change to the Comprehensive Plan or the land use regulation.</u></p> <p><u>(B) The notice to persons who participated and requested notice as required by subsection (A) above must:</u></p> <p><u>(1) Clearly describe the decision;</u></p> <p><u>(2) State the date of the decision;</u></p> <p><u>(3) Indicate how and where the materials described in OAR 660-018-0040(3) may be obtained;</u></p> <p><u>(4) Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;</u></p> <p><u>(5) List the locations and times at which the public may review the decision and findings; and</u></p> <p><u>(6) Explain the requirements for appealing the land use decision under ORS 197.830 to 197.845.</u></p>
<p><b>4.32</b></p>	<p><b>Staff:</b> Aligning existing SEC-v criteria for exterior lights with the dark sky lighting requirements of MCC 39.6850 for simplified implementation.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.5650 CRITERIA FOR APPROVAL OF SEC-V PERMIT -SIGNIFICANT SCENIC VIEWS.</b></p>

	<p>***</p> <p>(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:</p> <ul style="list-style-type: none"> <li>(1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.</li> <li>(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.</li> <li>(3) <del>No exterior lighting, or</del> <u>Exterior lighting</u> that is directed downward and sited, <del>hooded and shielded so that it is not highly visible from identified viewing areas</del> <u>and meets the Dark Sky Lighting Standards of MCC 39.6850</u>. Shielding and hooding materials should be composed of nonreflective, opaque materials.</li> </ul>
<p><b>4.33</b></p>	<p><b>Staff:</b> Adding text that was omitted during the 2018 code consolidation process. The text is needed because it specifies that change of use and alteration of use are subject to the SEC permit.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.5510 USES; SEC PERMIT REQUIRED.</b></p> <p>(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone; <u>provided however, that the location and design of any use, or change or alteration of a use</u> <del>and</del>, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.</p>
<p><b>4.34</b></p>	<p><b>Staff:</b> Deleting an extra space between 1994 and the comma. Adding an s to SEC-w, because the sentence is supposed to reference the SEC – scenic waterway overlay (SEC-sw) not the SEC – wetland overlay (SEC-w). Deleting (8)(e) below because the standard is already provided in (8)(d). Additions in sections (10) through (16) are minor clarifications. The addition of (17) aligns with the concept that renewal energy systems that would be exempt from the compliance review should also be exempt from the requirement for a Significant Environmental Concern permit – this concept aligns with Work Program item A.5 (Exhibit B).</p> <p><b>7.21.22 Update:</b> The strikethrough text under (8) below simplifies the intent of the standard. The references to 1994 and 2010 were included when new Significant Environmental Concern rules were enacted.</p>

Existing uses and structures are all either lawfully established, and/or nonconforming uses, or they are not lawfully established. The reference to specific dates is no longer needed or particularly helpful.

Staff added the reference to expansion of a driveway under (b), which was the intent when proposing to strike (c).

Staff has added the words 'including solar panels' in (17) below consistent with the proposed exemptions with full compliance.

**Proposed Amendments:**

**§ 39.5515 EXCEPTIONS.**

(A) Except as provided in subsection (B) of this Section, an SEC permit shall not be required for the following:

(1) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas. This exception does not apply to buildings and other development associated with farm practices and agricultural uses in the West of Sandy River Planning Area.

(2) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act.

(3) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6).

(4) The placing, by a public agency, of signs, markers, aids, etc., to serve the public.

(5) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands.

(6) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations.

(7) The maintenance and repair of existing flood control facilities.

(8) Change, alteration, or expansion of a lawfully established use or structure ~~lawfully established on or before (November 17, 1994 , or lawfully established within the Sauvie Island Multnomah Channel Planning Area on or before January 7, 2010~~ provided that:

(a) Within the SEC, SEC-sw, and SEC-v, there is no change to, or alteration, or expansion of, the exterior of the structure;

(b) Within the SEC-h and SEC-s, there is no change to, or alteration or expansion of, the structure's or a driveway's ground coverage in excess of 400 square feet. With respect to expansion, this exception does not apply on a project-by-project basis, but rather applies on a cumulative basis to all expansions occurring after the date above; and

~~(c) Within the SEC-h, there is no change to, or alteration or expansion of, a driveway in excess of 400 square feet.~~

(9) Type A Home Occupation.

(10) Type B or Type C Home Occupation ~~that requires~~ including the addition of less than 400 square feet of ground coverage to the structure used for the Home Occupation.

(11) Alteration, repair, or replacement of septic system tanks, lines and drainfields and related components due to system failure.

(12) ~~Single~~ Utility poles necessary to provide service to the local area.

(13) Right-of-way widening, ~~and~~ new surfacing, and vegetation removal for existing rights-of-way when the additional right-of-way, or surfacing, or vegetation removal is deemed necessary by the County Engineer to ~~ensure continuous width~~ meet the needs of the traveling public.

(14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List.

(15) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.

(16) ~~In the SEC-~~ all SEC designations, a solar energy system, including solar thermal and photovoltaic, that is installed on an existing building, provided that:

(a) The installation of the solar energy system can be accomplished without increasing the footprint of the residential or commercial structure or the peak height of the portion of the roof on which the system is installed;

(b) The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof; and

(c) The external surfaces of the solar energy system are designated as anti-reflective or have a reflectivity rating of eleven percent or less.

(17) One free standing renewable energy and heating system up to 400 square feet of ground coverage including but not limited to solar (including solar panels), geothermal and wind generated systems, provided any conduit through SEC-s or SEC-w areas is provided by directional boring.

(1718) Routine repair and maintenance of structures, roadways, driveways, utility facilities, and landscaped areas that were in existence prior to November 30, 2000.

(1819) Response to emergencies pursuant to the provisions of MCC 39.6900 (Responses to and Emergency/Disaster Event), provided that after the emergency has passed, adverse impacts are mitigated, provided a Post Emergency Response permit is obtained and any mitigation work completed.

(20) Signs listed in MCC 39.6720 (A) through (F), MCC 39.6805 (Directional Signs), and MCC 39.6810 (Temporary Signs).

(21) Flag poles no taller than 35 feet above existing or finished grade (whichever is lower) designed to display national, state, or local recognized jurisdiction flags pursuant to the United States Flag Code or laws regulating the proper display of jurisdiction flags.

(22) Heating oil, propane and similar tanks up to 1,000 gallon capacity placed within 100 feet of a lawfully existing structure provided any pipes crossing through SEC-s or SEC-w areas are provided by directional boring.

(23) Mechanical equipment such as heating and air conditioning units, heat pumps, ventilation and air filtration systems, electrical boxes, back-up power generators and energy storage systems, water pumps, and similar equipment placed within 100 feet of a lawfully existing structure, provided any pipes or conduit crossing through SEC-s or SEC-w areas are provided by directional boring.

(24) The placement of utility infrastructure such as pipes, conduits and wires within an existing right-of-way.

(25) In the West of Sandy River Planning Area the uses and structures excepted in MCC 39.5550 (B) (1), (2), and (3).

(26) Within the SEC-v:

(a) Any modification or alteration to an existing exterior wall of a lawfully established structure that will be 100% screened from all IVAs by the structure itself.

(b) Placement of antennas and satellite dishes on an existing lawfully established structure.

(c) Concrete slabs, parking areas, and similar low profile structures no taller than 36 inches above initial grade.

<p><b>4.35</b></p>	<p><b>Staff:</b> Adding the definition of development that was previously included in Chapter 36 (West of the Sandy River Plan Area) prior to the Code Consolidation of 2018. The definition clarifies that more than 10% vegetation removal in the SEC water resources overlay (SEC-wr) qualifies as development subject to an SEC permit. While the consolidated code section 39.2000 contains a definition of development applicable to the entire code, this definition, which is specifically applicable to the SEC overlay zones was inadvertently deleted.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.5545 DEFINITIONS.</b></p> <p><u><b>Development:</b> Any human-made change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetation in the Water Resource Area or Habitat Area on a lot or parcel.</u></p>
<p><b>4.36</b></p>	<p><b>Staff:</b> Label 'Figure 1' in MCC 39.9510(D)(1).</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.9510 LOTS AND PARCELS.</b></p> <p>The design of lots and parcels shall comply with the following:</p> <p>* * *</p> <p>(D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable base zone, subject to the following:</p> <p>(1) When a flag lot does not adjoin another flag lot, as shown in MCC 39.9510 Figure 1, the pole portion of the flag lot shall be at least 16 feet wide.</p> <p><u><b>Figure 1.</b></u></p>

	 <p>SE MULTNOMAH RD.</p>
<p><b>4.37</b></p>	<p><b>Staff:</b> Delete unneeded extra word in MCC 39.9550 (G) (2).</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.9550 STREETS, SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS.</b></p> <p>***</p> <p>(G) Any street, pedestrian path or bikeway shall be improved as follows:</p> <p>***</p> <p>(2) In a private street, in accordance with <del>the</del> this Chapter and the Multnomah County Road Rules and Design and Construction Manual;</p>
<p><b>4.38</b></p>	<p><b>Staff:</b> Adding on-site sewage and stormwater management to Forest Development Standards consistent with other zones. This addition makes it easier to clarify that these standards are applicable in the CFU zone for development. Also updating references to the new subsection (E) as appropriate.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.4115 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES.</b></p> <p>All dwellings and structures shall comply with the approval criteria in (B) through (<del>D</del><u>E</u>) below except as provided in (A). All exterior lighting shall comply with MCC 39.6850:</p> <p>(A) For the uses listed in this subsection, the applicable development standards are limited as follows:</p> <p>(1) Expansion of existing dwelling <u>shall meet the development standards of MCC 39.4115(E).</u></p>

- (a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: ~~Not subject to~~ shall meet the development standards of MCC 39.4115(E);
- (b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 39.4115(C) and (E);
- (2) Replacement or restoration of a dwelling shall meet the development standards of MCC 39.4115(E).
- (a) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling and includes less than 400 square feet of additional ground coverage: ~~Not s~~Subject to the development standards of MCC 39.4115(E);
- (b) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 39.4115(C) and (E);
- (c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 39.4115(C) and (E).
- (3) Accessory buildings shall meet the development standards of MCC 39.4115(E).
- (a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 39.4115(C) and (E);
- (b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 39.4115(B) ~~and~~, (C) and (E);
- (4) Temporary dwellings shall meet the development standards of MCC 39.4115(E).
- (a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: ~~Not subject to~~ shall meet the development standards of MCC 39.4115(E);
- (b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 39.4115(B) ~~and~~, (C) and (E);
- (c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: ~~Not subject to~~ shall meet the development standards of MCC 39.4115(E);
- (d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 39.4115(B) ~~and~~, (C) and (E);

	<p>***</p> <p><u>(E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the Lot of Record.</u></p> <p><u>(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.</u></p> <p><u>(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.</u></p>
<p><b>4.39</b></p>	<p><b>Staff:</b> Adding reference to the new subsection (E) as appropriate consistent with the amendment above.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.4155 EXCEPTIONS TO SECONDARY FIRE SAFETY ZONES.</b></p> <p>***</p> <p>§ 39.4155(B)</p> <p>***</p> <p>(5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of subsection (B) (2) above are utilized. <del>Exception:</del> Expansions of existing single family dwellings as allowed by MCC 39.4075(A) shall not be required to meet this standard, but shall satisfy the standard of MCC 39.4115(C)(3) <u>and (E)</u>.</p>
<p><b>4.40</b></p>	<p><b>Staff:</b> Update application submission requirements.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.9410 CATEGORY 1 AND CATEGORY 2 TENTATIVE PLAN MAP SPECIFICATIONS.</b></p> <p>(A) The tentative plan map shall be drawn on a sheet 18 x 24 inches or 11 x 17 inches in size or a size <u>and format (including electronic)</u> approved by the Planning Director. The scale of the map shall be 10, 20, 30, 40, 50, 60, 100 or 200 feet to the inch or multiples of ten of any of these scales. The map shall include one copy of a scaled drawing of the</p>

	<p>proposed subdivision, on a sheet 8.5 x 11 inches <u>or in a format specified by the Planning Director</u>, suitable for reproduction, mailing and posting with the required notices.</p> <p>(B) A future street plan may be combined with the tentative plan map or may be drawn on a sheet 8.5 x 11 inches or larger in size at a scale of one inch to one hundred feet <u>or in a format specified by the Planning Director</u>.</p>
<p><b>4.41</b></p>	<p><b>Staff:</b> Moving the prohibited signs listed in MCC 39.6745 (SIGNS GENERALLY) to MCC 39.6725 (PROHIBITED SIGNS).</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.6725 PROHIBITED SIGNS.</b></p> <p>The following signs are prohibited and shall be removed:</p> <p>(A) Strobe lights and signs containing strobe lights which are visible beyond the property lines;</p> <p>(B) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this Subpart;</p> <p>(C) Abandoned signs;</p> <p>(D) Balloon signs; <del>and</del></p> <p>(E) Signs in the right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency.</p> <p><u>(F) Electronic message centers;</u></p> <p><u>(G) Flashing signs;</u></p> <p><u>(H) Rotating signs;</u></p> <p><u>(I) Signs with moving parts;</u></p> <hr/> <p><b>§ 39.6745 SIGNS GENERALLY.</b></p> <p>***</p> <p>(C) Sign Features. Permanent signs may <del>have the following features:</del></p>

	<p>(1) Signs may be indirectly illuminated downward onto the sign face.</p> <p>(2) Electronic message centers are not allowed.</p> <p>(3) Flashing signs are not allowed.</p> <p>(4) Rotating signs are not allowed.</p> <p>(5) Moving parts are not allowed.</p>
<p><b>4.42</b></p>	<p>Certain uses have different timelines than what is specified in Section 39.1185. We propose adding clarifying text that where a different timeframe is specified, that timeframe shall be used.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.1183 EXPIRATION AND EXTENSION OF TYPE I DECISIONS.</b></p> <p>***</p> <p><u>(E) Notwithstanding Subsections (A), (B), (C), or (D) of this section, for uses in Chapter 39 with different specified timelines contained in their approval criteria, those codes shall govern over these provisions.</u></p> <p><b>§ 39.1185 EXPIRATION OF TYPE II OR TYPE III DECISIONS.</b></p> <p>***</p> <p><u>(G) Notwithstanding Subsections (A), (B), (C), (D), (E), or (F) of this section, for uses in Chapter 39 with different specified timelines contained in their approval criteria, those codes shall govern over these provisions.</u></p>
<p><b>4.43</b></p>	<p>Proposing adding a bit more flexibility on the timing for the election of officers by eliminating the need to accomplish this annual task by April.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.1620 OFFICERS AND STAFF.</b></p> <p>(A) <u>Each year</u> <del>The the</del> Commission shall, <del>at or before its first meeting in April each year,</del> elect and install from among its members a chair and vice-chair. The Commission may elect and install from among its members a second vice-chair. If there is a vacancy in any officer position, the Commission shall fill such vacancy by appointing an officer at the first regular meeting following the vacancy.</p>

<p><b>4.44</b></p>	<p>Updating term 'Indian' to 'tribe' or 'tribal' consistent with Scenic Area Code. Updating term prehistoric to 'pre-contact' consistent with Scenic Area Code.</p> <p><b>Proposed Amendment:</b></p> <p><b>§ 39.2000 DEFINITIONS.</b></p> <p>As used in this Chapter, unless the context requires otherwise, the following terms and their derivations shall have the meanings provided below:</p> <p>***</p> <p><b>Archeological Resource</b> – A district, site, building, structure or artifact which possesses material evidence of life and culture of the <del>prehistoric</del> <u>pre-contact</u> and historic past.</p> <p>***</p> <p><b>Community</b> – Any State or area or political subdivision thereof, or any <del>Indian-tribe</del> <u>tribal government</u> or authorized tribal organization which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.</p> <hr/> <p><b>§ 39.5510 USES; SEC PERMIT REQUIRED.</b></p> <p>***</p> <p>(B) Any excavation or any removal of materials of archaeological, historical, <del>prehistoric</del> <u>pre-contact</u> or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.</p> <hr/> <p><b>§ 39.7740 APPROVAL CRITERIA FOR LANDS NOT ZONED EXCLUSIVE FARM USE.</b></p> <p>***</p> <p>§ 39.7740(A)(4)</p> <p>(a) The facility shall comply with Significant Environmental Concern regulations when applicable, including the conditions of an SEC permit for any excavation or removal of materials of archaeological, historical, <del>prehistoric</del> <u>pre-contact</u> or anthropological nature;</p>
	<p>Updates to Chapter 39 Table of contents based on above changes.</p>

**Proposed Amendment:**

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***PART 1.A - GENERAL PROVISIONS***

39.1000- Title  
39.1005 Policy Purpose  
39.1010 Severability  
39.1015 Zoning Map

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***PART 1.B – PROCEDURES***

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39.1223 Notice to Other Parties of Adopted Changes

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39.1250 Code Compliance and Applications

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***PART 1.C – VIOLATIONS, ENFORCEMENT AND FINES***

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~~39.1515 Code Compliance and Applications~~

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39.4645 Access

PART 4.C.6 – ORIENT ~~COMMERCIAL RESIDENTIAL~~ COMMERCIAL INDUSTRIAL  
(OCI)

39.4650- Purpose

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***PART 8.E – ACCESSORY ~~STRUCTURES~~ BUILDINGS – CONDITION OF APPROVAL***

	39.8860- Condition of Approval – <u>Accessory Buildings</u>
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**Exhibits**

- A.** Friends of the Columbia Gorge v. Schafer (2008)
- B.** 2022 Planning Commission Work Program