

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1040

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On March 4, 2004, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1028.
- f. Since the adoption of Ordinance 1028, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 through 6. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 6 and effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Portland Comprehensive Plan and Outer Southeast Community Plan; Title 33 (PDX Ord. #178423)	6/18/04
2	Exhibit A -- Gateway Regulations Project: Revisions to Policy, Comprehensive Plan Designations, and the Zoning Code	6/18/04
3	Exhibit B -- Gateway Regional Center Design Guidelines	May 2004
4	Exhibit D: Recommended Gateway Planning Regulations Project Revised Findings Report	4/21/04
5	Ordinance adding Code Section 17.988.080 to improve the connectivity in the East Corridor Plan District with attached Exhibit A (PDX Ord. #178424)	6/18/04
6	Resolution to adopt the Gateway Planning Regulations Project urban Design Concept and Action Charts (PDX Res. #36215)	6/18/04

Section 2. In accordance with ORS 215.427(3), the changes resulting from Sections 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges,

authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: June 17, 2004



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Portland Comprehensive Plan and Outer Southeast Community Plan; Title 33 (PDX Ord. #178423)
2. Exhibit A -- Gateway Regulations Project: Revisions to Policy, Comprehensive Plan Designations, and the Zoning Code
3. Exhibit B -- Gateway Regional Center Design Guidelines
4. Exhibit D: Recommended Gateway Planning Regulations Project Revised Findings Report
5. Ordinance adding Code Section 17.988.080 to improve the connectivity in the East Corridor Plan District with attached Exhibit A (PDX Ord. #178424)
6. Resolution to adopt the Gateway Planning Regulations Project urban Design Concept and Action Charts (PDX Res. #36215)

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

ORDINANCE No. 1 78423

As Amended

Adopt and implement the Gateway Planning Regulations Project (Ordinance; amend Portland Comprehensive Plan and Outer Southeast Community Plan; amend Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

1. Portland's Comprehensive Plan was adopted on October 16, 1980, acknowledged for compliance with Statewide Planning Goals on May 3, 1981, and again on January 25, 2000, and updated as a result of periodic review in June 1988, January 1991, March 1991, September 1992, and May 1995.
2. Oregon Revised Statutes (ORS) 197.628 requires cities and counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up-to-date and in compliance with Statewide Planning Goals and State laws. Portland is also required to coordinate its review and update of the Comprehensive Plan and land use regulations with State plans and programs.
3. Portland Comprehensive Plan Goal 10, Plan Review and Administration, states that the Comprehensive Plan will undergo periodic review to ensure that it remains an up-to-date and workable framework for land use development.
4. Portland Comprehensive Plan Policy 10.2, Comprehensive Plan Map Review, establishes a community and neighborhood planning process for the review and update of the Portland Comprehensive Plan Map.
5. The Bureau of Planning developed the Gateway Planning Regulations Project with participation from interested neighborhood and business associations, property owners, business persons and citizens and with cooperation from other bureaus and agencies.
6. Public involvement and outreach activities included regular consultation with citizen and technical advisory groups, neighborhood walks, workshops, and open houses. Staff also attended neighborhood and business association and neighborhood meetings as requested meetings and convened special-purpose advisory groups to assist in crafting and evaluating plan proposals.
7. The Program Advisory Committee (PAC) guides the Gateway Regional Center urban renewal area; the PAC established the Design and Development Subcommittee (D&D Committee) to be the primary advisory body on the Gateway Planning Regulations Project. D&D Committee members are listed at the beginning of the Gateway Planning Regulations Project. These representatives informed staff on neighborhood, business, and property owner

issues and other matters related to the project and reviewed components and drafts of the project before it went to Planning and Design Commission.

8. Technical representatives from city agencies and other governments and organizations participated in the review of components and drafts of the Gateway Planning Regulations Project throughout its formulation. Technical advisors are listed at the beginning of the Gateway Planning Regulations Project.
9. The Gateway Planning Regulations Project provisions implement or are consistent with the Statewide Planning Goals, the Oregon Transportation Planning Rule, the Region 2040 Plan, the Metro Urban Growth Management Functional Plan, and the Portland Comprehensive Plan, as explained in the Recommended Gateway Planning Regulations Project: Findings Report attached as Exhibit D and incorporated as part of this ordinance.
10. The Gateway Planning Regulations Project includes an urban development concept and implementation action charts, which are adopted by resolution. The action charts represent a commitment from public and private groups to help implement the Gateway Regional Center Subarea Policy of the Outer Southeast Community Plan. .
11. The Notice of Proposed Action and copies of the Gateway Planning Regulations Project were mailed to the Oregon Department of Land Conservation and Development as required by ORS 197.610 on August 7, 2003.
12. Written notice of the September 30, 2003 Portland Planning Commission and September 18, 2003 Portland Design Commission public hearings on the Proposed Gateway Planning Regulations Project was mailed to interested parties on August 15, 2003. Measure 56 notification of the September 30, 2003 Portland Planning Commission and September 18, 2003 Portland Design Commission public hearings on the Proposed Gateway Planning Regulations Project was mailed to all property owners affected by changes to the base zone or allowed uses of property on September 9, 2003.
13. On September 18, 2003, the Portland Design Commission held a public hearing on the Proposed Gateway Planning Regulations Project. The Design Commission discussed the Plan at public meetings on February 5, 2004 and February 19, 2004, and recommended that City Council adopt the Recommended Gateway Regional Center Design Guidelines.
14. On September 30, 2003, the Portland Planning Commission held a public hearing on the Proposed Gateway Planning Regulations Project. The Planning Commission discussed the Plan at public meetings on December 9, 2003, January 27, 2004, and March 9, 2004. On March 9, 2004, the Planning Commission recommended that City Council adopt the Recommended Gateway Planning Regulations Project.
15. Written notice of the April 21, 2004 City Council public hearing on the Recommended Gateway Planning Regulations Project was mailed to individuals who testified at the

Planning Commission and Design Commission hearings and other interested individuals on March 25, 2004.

16. It is in the public interest that the recommendations contained in the Gateway Planning Regulations Project be adopted to direct change in the study area. These recommendations are consistent with Statewide Planning Goals, Metro's Functional Plan and the City's Comprehensive Plan for the reasons stated in the findings in Exhibit D.

NOW, THEREFORE, the Council directs:

- a. The Planning Commission Recommended Gateway Planning Regulations Project, dated April 2004 and contained in the attached Exhibit A, is hereby adopted.
- b. The Design Commission Recommended Gateway Regional Center Design Guidelines, dated April 2004 and contained in the attached Exhibit B, are hereby adopted.
- c. The Outer Southeast Community Plan is amended to revise the objectives of the Gateway Regional Center Subarea Policy, as shown in Exhibit A.
- d. The Portland Comprehensive Plan is amended to incorporate revisions to the Outer Southeast Community Plan and to the Comprehensive Plan and Zoning Map, as shown in Exhibit A.
- e. Title 33, Planning and Zoning of the Code of the City of Portland, Oregon, is amended as shown in Exhibit A.
- f. The commentary in Exhibit A is adopted as legislative intent and as further findings.
- g. The Gateway Plan District Boundary is the Gateway Regional Center Boundary for all purposes related to the Region 2040 Growth Concept, the Regional Framework Plan, and the Regional Urban Growth Management Functional Plan, as depicted in Exhibit A.
- h. Exhibit D, Recommended Gateway Planning Regulations Project: Findings Report, which contains findings on applicable statewide planning goals, the Metro Functional Plan, and Portland Comprehensive Plan, is adopted as findings of fact in support of this ordinance.

Passed by the Council, MAY 19 2004

Mayor Vera Katz
Ellen Ryker
April 21, 2004

GARY BLACKMER
Auditor of the City of Portland

By

Susan Parsons
Deputy

ORDINANCE No. 1 78424

Improve connectivity in the East Corridor Plan District (Ordinance; add Code Section 17.88.080)

The City of Portland Ordains:

Section 1. The Council finds:

1. On April 21, 2004, City Council heard testimony on the Gateway Planning Regulations Project.
2. City Council directed Bureau of Planning and Office of Transportation staff to prepare amendments addressing issues raised by the community, including the need for increased connectivity in the plan districts.
3. Improving connectivity in Gateway and the East Corridor Plan Districts will encourage walking, bicycling, improve local circulation, and support the City's and region's investment in light rail.
4. The Bureau of Planning is amending Title 33 to clarify the role of the Office of Transportation in determining the location, width and extent of dedication for new rights-of-way as part of the regulations relating to connectivity in both plan districts.
5. The change to Title 17 provides guidance to the Office of Transportation staff for street spacing standards in the East Corridor Plan District, which currently does not have an adopted master street plan.
6. The change to Title 17 is to be implemented in conjunction with the parallel ordinance authorizing changes to Title 33, Planning and Zoning, as shown in the Gateway Planning Regulations Project and amended by City Council.

NOW, THEREFORE, the Council directs:

- a. Title 17, Public Improvements, is hereby amended to add Code Section 17.88.080 as shown in Exhibit A, attached.

Passed by the Council, MAY 19 2004

Mayor Vera Katz

Jeanne Harrison
May 4, 2004

GARY BLACKMER
Auditor of the City of Portland

By

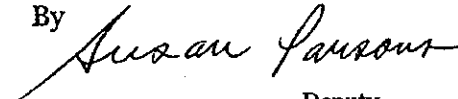

Deputy

EXHIBIT A**Title 17, Public Improvements**
(new language is underlined)**Chapter 17.88 STREET ACCESS****Sections:**

- 17.88.001 Purpose.
- 17.88.010 Definitions.
- 17.88.020 For Building and Planning Actions.
- 17.88.030 Location of Multiple Dwellings.
- 17.88.040 Through Streets.
- 17.88.050 Transportation Impact Study.
- 17.88.060 Dedication Prior to Construction.
- 17.88.070 Routes of Travel in Park Areas.
- 17.88.080 Special Requirements.

17.88.80 Special Requirements

- A. East Corridor Plan District. Until a master street plan is adopted in the Transportation Element of the Comprehensive Plan for the East Corridor Plan District, as shown in Title 33, Map 526-1, street connectivity for the area should generally be based on a block size of 400 by 200 feet and connect to the surrounding street grid.

RESOLUTION No. 3 6 2 1 5
As Amended

Adopt the Gateway Planning Regulations Project Urban Design Concept and Action Charts
(Resolution)

WHEREAS, the Gateway Planning Regulations Project implements plans prepared for or include elements of the Gateway Regional Center, including the Outer Southeast Community Plan, Hazelwood Neighborhood Plan, Mill Park Neighborhood Plan, Cully/Parkrose Community Plan, Metro 2040 Growth Concept, Urban Growth Management Functional Plan, Regional Framework Plan, Opportunity Gateway Concept Plan, and Gateway Regional Center Urban Renewal Plan; and

WHEREAS, the Gateway Regional Center is the only regional center in the City of Portland and an urban renewal area; and

WHEREAS, the Gateway Regional Center is anticipated to grow significantly beyond its current suburban character to achieve a level of development intensity second only to Portland's Central City; and

WHEREAS, the Gateway Planning Regulations Project was developed with the cooperation of City bureaus and other public agencies and with the participation of neighborhood and business organizations, property and business owners, area residents, the Gateway Regional Center Urban Renewal Area Program Advisory Committee, and other interested persons; and

WHEREAS, the Gateway Planning Regulations Project urban design concept represents a refinement of earlier concepts, including the Opportunity Gateway Concept approved by City Council in February 2000, and serves as a general blueprint for identifying elements of urban form that are to be preserved, changed, and enhanced; and

WHEREAS, the attainment of the urban design concept and objectives of the Gateway Regional Center Subarea Policy of the Outer Southeast Community Plan is dependent upon the coordination of independent actions carried out by private interests, public service providers, and community-based associations; and

WHEREAS, the revised objectives of the Gateway Planning Regulations Project are adopted as part of the Outer Southeast Community Plan, and actions taken to implement the Gateway Regional Center Subarea Policy also uphold the Outer Southeast Community Plan; and

WHEREAS, action charts describe the proposed implementation projects and programs of the Gateway Regional Center Subarea Policy of the Outer Southeast Community Plan, identify

appropriate timeframes for their implementation, and identify agents to oversee or participate in the implementation of an action; and

WHEREAS, public notice was mailed on August 15, 2003 to interested persons, and on September 9, 2003 to all property owners directly affected by plan proposals regarding the Portland Planning Commission public hearing held on September 30, 2003; and

WHEREAS, the Portland Planning Commission held a public hearing and accepted public testimony on September 30, 2003, and continued deliberation on the plan at public meetings on December 9, 2003, January 27, 2004, and March 9, 2004, and voted to recommend that the City Council adopt the urban design concept and action charts of the Gateway Planning Regulations Project; and

WHEREAS, the Planning Commission's recommendations on the Gateway Planning Regulations Project are contained in Exhibit A; and

WHEREAS, it is in the public interest that the recommendations contained in the Gateway Planning Regulations Project be adopted to implement existing plans for the Gateway Regional Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Portland, a municipal corporation of the State of Oregon, that the City Council adopt the urban design concept and action charts of the Gateway Planning Regulations Project as shown in Exhibit A; and

BE IT FURTHER RESOLVED that the implementation actions associated with the action charts of the Gateway Planning Regulations Project are approved by City Council as an addition to the actions already included in the Gateway Regional Center Subarea Policy of the Outer Southeast Community Plan that will help implement the policies of the plan; and

BE IT FURTHER RESOLVED that all actions are adopted with the understanding that they may need to be adjusted or replaced with more feasible alternatives. Identification of an implementor for an action is an expression of interest and support with the understanding that circumstances will affect the implementor's ability to take action; and

BE IT FURTHER RESOLVED that the City Council authorizes the City agencies identified on the action charts as implementors to engage in activities aimed at implementing the projects, programs and regulations called for in the action charts of the Gateway Regional Center Subarea Policy of the Outer Southeast Community Plan; and

3 6 2 1 5

BE IT FURTHER RESOLVED that the City Council authorizes and directs the Bureau of Planning staff to make minor changes to the action charts of the Gateway Planning Regulations Project that correct typographical errors and to ensure parallel construction.

Adopted by the Council, MAY 19 2004

Mayor Vera Katz
Ellen Ryker
April 21, 2004

GARY BLACKMER
Auditor of the City of Portland

By 
Deputy

Recommended
Gateway Planning Regulations Project
(“Gateway Project”)
Exhibit D: Revised Findings Report

City of Portland

Bureau of Planning

April 21, 2004

