

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. ____

Amending County Land Use Code to Adopt Portland's Comprehensive Plan and Zoning Regulation Changes for the Citywide Tree and 122nd Avenue Projects and Declaring an Emergency..

The Multnomah County Board of Commissioners Finds:

- a. In 1983, the Board of County Commissioners (Board) adopted Resolution A 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 October 11, 2012, 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 1194.
- f. Since the adoption of Ordinance 1194, 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 10. 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 10, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Date
1	Ordinance to amend previously adopted regulations to support implementation and administration of the Citywide Tree Project	9/26/2012

	(PDX Ord. #185654)	
2	Exhibit A – Housekeeping amendments Title 11, Trees and Title 33, Planning and Zoning	9/2012
3	Exhibit B – Title 11, Trees and Title 33, Planning and Zoning Code amendments and commentary	9/2012
4	Exhibit C – Additional staff amendments to Title 11, Trees	9/2012
5	Ordinance to amend previously adopted regulations to Title 33, Planning and Zoning to support implementation and administration of the Citywide Tree Project (PDX Ord. #185655)	9/26/2012
6	Exhibit A – Housekeeping amendments Title 11, Trees and Title 33, Planning and Zoning	9/2012
7	Exhibit B – Title 11, Trees and Title 33, Planning and Zoning Code amendments and commentary	9/2012
8	Ordinance to amend Portland's Comprehensive Plan Map and Zoning Map for properties along and near SE 122 nd Ave between Powell Blvd and Foster Rd. (PDX Ord. #185682)	10/17/2012
9	SE 122 nd Avenue Rezone Project Adopted Rezone List	10/17/2012
10	SE 122 nd Avenue Rezone Project Study	10/17/2012

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 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: November 29, 2012

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

JENNY.M MORF, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Jed Tomkins, Assistant County Attorney

SUBMITTED BY:

EXHIBIT LIST FOR ORDINANCE

1. Ordinance to amend previously adopted regulations to support implementation and administration of the Citywide Tree Project (**PDX Ord. #185654**)
2. Exhibit A – Housekeeping amendments Title 11, Trees and Title 33, Planning and Zoning
3. Exhibit B – Title 11, Trees and Title 33, Planning and Zoning Code amendments and commentary
4. Exhibit C – Additional staff amendments to Title 11, Trees
5. Ordinance to amend previously adopted regulations to Title 33, Planning and Zoning to support implementation and administration of the Citywide Tree Project (**PDX Ord. #185655**)
6. Exhibit A – Housekeeping amendments Title 11, Trees and Title 33, Planning and Zoning
7. Exhibit B – Title 11, Trees and Title 33, Planning and Zoning Code amendments and commentary
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