

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 991

Amending MCC Chapter 34, Land Use Code Sauvie Island/Multnomah Channel Rural Plan Area, to
Make Technical Corrections

(Language ~~stricken~~ is deleted; double- underlined language is new.)

Multnomah County Ordains as follows:

Section 1. § 34.0005 is amended to read as follows:

34.0005 Definitions

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

(B) (7) **Building Permit** – A permit required pursuant to ~~Multnomah County Code 34.0705, MCC Chapter 29,~~ certifying compliance with all applicable building regulations.

Section 2. § 34.4335 is amended to read as follows:

34.4335 Minimum Site Size

A Planned Development District shall be established only on a parcel of land found ~~by the Planning Commission~~ to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC 34.4300.

Section 3. § 34.4510 is amended to read as follows:

34.4510 Uses - SEC Permit Required

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 34.4320, 34.4515, shall be subject to an SEC permit.

Section 4. § 34.4525 is amended to read as follows:

34.4525 Applicable Approval Criteria

(A) The approval criteria in MCC 34.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.

(B) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s 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:

Zoning Designation	Approval Criteria (MCC#)
SEC-w (wetlands)	34.4560
SEC-v (scenic views)	34.4565
SEC-h (wildlife habitat)	34.4570
SEC-s (streams)	34.4575

The zoning maps used to designate the SEC-s zoning subdistrict were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area extending 300 feet from the nearest point on the centerline on both sides of the protected stream. In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.

Section 5. § 34.5725 is amended to read as follows:

34.5725 Procedure For Applying The PAM Subdistrict

(A) A PAM subdistrict shall be established by amendment of the Comprehensive Framework Plan and Zoning Map. The relevant factors for the establishment of the subdistrict are within the Oregon Administrative Rules Chapter 660, Division 16; Comprehensive Plan Policy 16-B; MCC 34.0315 (A) (1) and (2); and the applicable provisions of MCC Chapter 37, 34.0700 through 34.0790. The factors in MCC 34.0725(D) and (E) shall not apply.

Section 6. § 34.5825 is amended to read as follows:

34.5825 Greenway Permit Application

An application for a Greenway Permit shall address the elements of the Greenway Design Plan and shall be filed as follows:

(A) For a ~~Permitted Use or a Use Under Prescribed Conditions~~, an Allowed Use or a Review Use, in the manner provided in MCC 34.0705 (B); Chapter 37 as a Type II Permit;

(B) For a Conditional Use as specified either in the underlying district or in MCC 34.6300 through 34.6765, or for a Community Service Use as specified in MCC 34.6000 through 34.6230, or for a change of zone classification, or for any other action Type III Permit as specified in MCC 34.0700, Chapter 37, the Greenway Permit Application shall be combined with the required application for the proposed action and filed in the manner provided in ~~subsections MCC 34.0705 and 34.0710~~, MCC Chapter 37.

Section 7. § 34.5835 is amended to read as follows:

34.5835 Decision by Planning Director

(A) A decision on a Greenway Permit application for a ~~Permitted Use or a Use Under Prescribed Conditions~~, an Allowed Use or a Review Use shall be made by the Planning Director. The Director may approve the permit, disapprove it, or approve it with such modifications and conditions as may

be consistent with the Comprehensive Plan or necessary to assure compatibility with the elements of the Greenway Design Plan. Such conditions may relate to the locations, design, and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, exterior colors, and lighting.

Section 8. § 34.5840 is amended to read as follows:

34.5840 Decision by Hearings Officer

(A) A decision on a Greenway Permit application for a Conditional Use as specified either in the underlying district or in MCC 34.6300 through 34.6765, or for a Community Service Use as specified in MCC 34.6000 through 34.6230, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith.

(B) Action by the Hearings Officer on a Greenway Permit application shall be ~~taken pursuant to MCC 34.0700 through 34.0745~~ pursuant to provisions for a Type III Permit as described in MCC Chapter 37.

(C) The findings and conclusions made by the Hearings Officer, and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the elements of the Greenway Design Plan.

Section 9. § 34.5850 is amended to read as follows:

34.5850 Appeals

(A) A decision by the Planning Director on a Greenway Permit application may be appealed to the Hearings Officer in the manner provided in MCC 34.0785 ~~and 34.0790~~ 37.0640.

(B) A decision by the Hearings Officer on a Greenway Permit application may be appealed to the ~~Board of County Commissioners in the manner provided in MCC 34.0755~~ Land Use Board of Appeals (LUBA).

Section 10. § 34.5860 is repealed in its entirety:

34.5860 Notice to Department of Transportation

~~The Planning Director shall mail to the State Department of Transportation a copy of any application for a Greenway Permit within ten days of the filing thereof, and a copy of the written decision thereon, at the time the same is filed, under MCC 34.5835 (B) or 34.0750, as appropriate.~~

Section 11. § 34.6220 is amended to read as follows:

34.6220 Criteria for Approval

The Approval Authority shall find that:

(D) The proposed landfill site is capable of being reclaimed to a primary use permitted in the underlying zoning district. For resource districts (~~CFU, EFU,~~ EFU or MUA), the primary use will be

the resource for which the district was created (i.e., ~~timber production in CFU~~, farmland in EFU, etc.). The soil productivity, if in a natural resource zone, is capable of being brought back to the closest level economically and technically feasible to that which existed on the site prior to the landfill.

Section 12. § 34.6305 is amended to read as follows:

34.6305 General Provisions

(A) Application for approval of a Conditional Use shall be ~~made in the manner provided in MCC 34.0700 through 34.0775~~ subject to the provisions for Type III decisions in MCC Chapter 37.

Section 13. § 34.6615 is amended to read as follows:

34.6615 Conditions and Restrictions

In addition to the conditions and restrictions which may be attached under the provisions of MCC ~~34.6310, 37.0660~~, the approval authority:

Section 14. § 34.6715 is amended to read as follows:

34.6715 Criteria for Approval

The approval authority shall find that:

(A) The applicant demonstrates that the property shall be capable of being used as provided in the Comprehensive Plan and the underlying district after the fill operation.

(B) The applicant has shown that the following standards can or will be met by a specified date:

(10) Timeline.

Timelines for Large fill Conditional Use Permits shall ~~conform with the 2-year period pursuant to MCC 34.6305 (C), be for a two-year period~~, unless otherwise approved by the Approval Authority. The applicant may request a longer time period for completion as part of the initial application. If an approval has been issued, the applicant may request a longer time period for completion pursuant to ~~MCC 34.0735 (E)~~, the procedures for a Type III permit as described in MCC Chapter 37.

If completion of a large fill project extends beyond ~~2 years pursuant to MCC 34.6305 (C), two years~~, the applicant shall submit an engineering report prepared and signed by a licensed engineer at least once per year by October 31, or as otherwise specified by the Approval Authority. The engineering report shall describe at a minimum the following:

Section 15. § 34.7020 is amended to read as follows:

34.7020 Application of Regulations

Except those exempted by MCC 34.7015, the provisions of MCC 34.7000 through 34.7065~~34.7060~~ shall apply to all conditional and community service uses in any district.

Section 16. § 34.7040 is amended to read as follows:

34.7040 Final Design Review Plan

~~Following receipt by the applicant of the summary findings and conclusions under MCC 34.7035, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a~~
final design review plan, which shall contain the following, drawn to scale:

- (A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 34.7030 (D) and (E), as appropriate;
- (B) Architectural drawings, indicating floor plans, sections, and elevations; and
- (C) Proposed minor exceptions from yard, parking, and sign ~~requirements~~requirements; and
- (D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 34.7010 through 34.7025,34.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Section 17. § 34.7060 is amended to read as follows:

34.7060 Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements

(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

- (1) Dimensional standards for yards as required in the primary district;
- (2) Dimensional standards for off-street parking as required under MCC 34.4100 to 34.4125;34.4170 to 34.4175;

Section 18. § 34.7205 is amended to read as follows:

34.7205 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster

(B) Any decision on restoration or replacement of a nonconforming use due to fire, other casualty or natural disaster ~~shall~~shall be processed as a Type II permit as described in MCC Chapter 37.

- (1) ~~Provide notice as required by MCC 34.0715,~~

(2) Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 34.0720 files a Notice of Appeal with the Planning Director pursuant to MCC 34.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.

Section 19. § 34.7210 is amended to read as follows:

34.7210 Alteration, Expansion or Replacement of Nonconforming Uses

(D) Any decision on alteration, expansion or replacement of a nonconforming use ~~shall~~shall be processed as a Type II permit as described in MCC Chapter 37.

(1) Provide notice as required by MCC 34.0715,

(2) Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 34.0720 files a Notice of Appeal with the Planning Director, pursuant to MCC 34.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.

Section 20. § 34.7215 is amended to read as follows:

34.7215 Verification of Nonconforming Use Status

(E) Any decision on verification of nonconforming use status ~~shall~~shall be processed as a Type II permit as described in MCC Chapter 37.

(1) Provide notice as required by MCC 34.0715,

(2) Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 34.0720 files a Notice of Appeal with the Department, pursuant to MCC 34.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.

Section 21. § 34.7410 is amended to read as follows:

34.7410 Conformance

No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits, as required by MCC 34.0500, must be approved prior to erection of the sign.

Section 22. § 34.7705 is amended to read as follows:

34.7705 Definitions

As used in this Chapter, unless the context requires otherwise:

(E) *Land Division* means a subdivision or partition. For the purposes of this Chapter, land divisions are further classified as Category 1, Category 3, and Category 4 Land Divisions, as provided in MCC ~~35.7765 through 35.7780~~ 34.7765 through 34.7780.

(J) *Partition land* means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by ~~MCC Chapter 33~~ the base zone; or

Section 23. § 34.7865 is amended to read as follows:

34.7865 Tentative Plan Approval Time Limits; Staged Development

~~The time limits for approval of tentative plans and staged development proposals~~ Tentative plan approval expiration and extension shall be in accordance with MCC ~~34.7870 through 34.7880~~ 37.0690 through 37.0700.

Section 24. § 34.7870 is repealed in its entirety:

34.7870 Time Limit

~~The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within one year following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.~~

Section 25. § 34.7875 is repealed in its entirety:

34.7875 Staged Development for Subdivision

~~When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting the various stages in periods of time in excess of one year, but in no case shall the total time period for platting of all stages be greater than five years without re-filing the tentative plan. Each stage so platting and developed shall conform to all applicable requirements of this Chapter.~~

Section 26. § 34.7880 is repealed in its entirety:

34.7880 Re-Approval After Expiration

After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and considered as a new application.

Section 27. § 34.7900 is amended to read as follows:

34.7900 Acreage Tracts

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or any other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

Section 28. § 34.7920 is amended to read as follows:

34.7920 Temporary Turnarounds

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots. However, ~~in the case of a subdivision to be recorded and developed in stages under MCC 34.7875, a temporary turnaround shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate improvement agreement under MCC 34.8010 may be required by the Planning Director to assure that a temporary turnaround will be provided should the subsequent stage not proceed according to the approved schedule.~~

FIRST READING:


September 19, 2002

SECOND READING AND ADOPTION:

September 26, 2002



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Lonnie Roberts, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Sandra N. Duffy, Assistant County Attorney