

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 973

Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and County Zoning Code Chapters to Adopt Troutdale's Zoning Code, Comprehensive Plan and Maps and Community Plans

(~~Struck through~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners 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 be in compliance with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Troutdale (City) amended the urban services agreement to include an agreement that the City of Troutdale 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 urban service boundary of Troutdale.
- d. In 1998, the City and the County began a series of public meetings and developed a proposal to achieve compliance with the Functional Plan.
- e. On April 5, 1999, a public hearing was held before the Multnomah County Planning Commission on the proposal, and the Planning Commission forwarded a recommendation to the Board of County Commissioners for acceptance of the proposal.
- f. Direct mail notice, in compliance with ballot measure 56 was sent prior to the April 5, 1999 public hearing before the Multnomah County Planning Commission and before the January 24, 2002 public hearing before the Board of County Commissioners.
- g. On January 24, 2002, the Multnomah County Board of Commissioners conducted a public hearing on the first reading of this ordinance relating to City of Troutdale and County compliance with Metro's Functional Plan.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and Zoning Code Chapters are amended to include:

- A. City of Troutdale Zoning Code
- B. The Troutdale Comprehensive Plan
- C. The Troutdale Comprehensive Plan Maps
- D. The amended zoning maps attached

Section 2. MCC Chapter 11.10 is amended by the addition of the following subsection:

11.10.360 Replacement of portions of Community Plans with City of Troutdale Comprehensive Plans, Zoning Maps, and Codes.

(A) The County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

- (1) City of Troutdale Zoning Code
- (2) The Troutdale Comprehensive Plan
- (3) The Troutdale Comprehensive Plan Maps
- (4) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Troutdale Urban Services Boundary are repealed and replaced by the respective City of Troutdale Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Troutdale Zoning Code and maps adopted by reference in those Ordinances.

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

Section 4. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the 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 5. The Multnomah County Board is not intending to delegate legislative authority on land use planning in the unincorporated areas in violation of Multnomah County Charter Section 2.20. The Board of County Commissioners hereby directs the staff to move forward to develop an Intergovernmental Agreement to transfer quasi-judicial authority in accordance with this ordinance, but not legislative authority for future code revisions and amendments to these documents. The Board wants to ensure Multnomah County residents will have an opportunity to testify and participate in revisions to zoning regulations in Unincorporated Multnomah County within the Urban Growth Boundary.

Section 6. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Multnomah County Board of County Commissioners acknowledge, authorize and agree that the City of 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 Multnomah County Board of County Commissioners shall consider the recommendations of the Portland Planning Commission when legislative matters for the County unincorporated areas are before the Board for action.

Section 7. This ordinance will become effective upon entering into an Intergovernmental Agreement with the City of Troutdale to transfer quasi-judicial authority in accordance with this ordinance.

FIRST READING:

January 24, 2002

SECOND READING AND ADOPTION:

January 31, 2002



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By Sandra N. Duffy
Sandra N. Duffy, Deputy County Attorney