

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. _____

Adopting City of Portland Zoning Code and Comprehensive Plan Elements.

The Multnomah County Board of Commissioners Finds:

- a. Pursuant to an intergovernmental agreement executed in 2002 (the “IGA”), the City of Portland, Oregon (City), provides, with certain exceptions, land use planning services for those areas of unincorporated Multnomah County located within the City’s Urban Services Boundary (the “Unincorporated Urban Areas”).
- b. Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County land use policies and regulations to apply applicable City land use policies and regulations, and all subsequent amendments thereto, to the Unincorporated Urban Areas.
- c. Through Ordinance No. 188177 (December 21, 2016), the City Council adopted amendments to the *Official City Zoning Map* and *Planning and Zoning Code* needed to conform the City’s land use regulations to the City’s *2035 Comprehensive Plan*. Ordinance No. 188177 also amended the City Plan Map to depict major public trails, make minor and technical amendments to Comprehensive Plan policy, and make further revisions to the City’s *Transportation System Plan*. These legislative actions by the City fall within the scope of the IGA.
- d. City Ordinance No. 188177 also made changes to Titles 3 (Administration) and 17 (Public Improvements) of the *City Code* and adopted a new *Community Involvement Program*. These legislative actions by the City fall outside the scope of the IGA and therefore the County need not amend its regulations to apply those changes in the Unincorporated Urban Areas.
- e. Multnomah County incorporated the City of Portland’s 2035 Comprehensive Plan into the Multnomah County Comprehensive Plan in Ordinance No. 1239, which had the effect of re-designating approximately 140 residential lots in the Unincorporated Urban Areas to a lower residential density. With respect to City Ordinance No. 188177, the most direct impact to the Unincorporated Urban Areas is the re-zoning of approximately 140 residential lots to a lower residential density, consistent with the previously adopted Comprehensive Plan. These re-zonings were necessary to conform the *Official City Zoning Map* and Title 33 (Planning and Zoning) of the *Portland City Code* to the City’s 2035 Comprehensive Plan. The new zones are consistent with the site and infrastructure constraints associated with the re-zoned lots.
- f. Pursuant to State and City notice requirements, as well as the terms of the IGA, the City provided public notice of its pending action on City Ordinance No. 188177 to all affected property owners, including all property owners within the Unincorporated Urban Areas,

and provided such property owners an opportunity to be heard at several public hearings culminating with hearings before the City's Planning Commission and the City Council. In addition, the City has notified the property owners within the Unincorporated Urban Areas of this hearing before the Board. Further, the Board Clerk has published notice of this public hearing of this ordinance in accordance with state and county notice requirements.

- g. Through the IGA, the City and County agreed to coordinate the effective dates of legislative acts; the relevant effective date specified in City Ordinance No. 188177 is January 1, 2018.

Multnomah County Ordains as Follows:

Section 1. The Multnomah County Comprehensive Plan, including the Comprehensive Plan and Zoning Map and the Multnomah County Transportation System Plan, and the Multnomah County Zoning Code are amended to incorporate:

- a) The City of Portland's *2035 Comprehensive Plan*, Including the Associated Comprehensive Plan Map, as amended by City Ordinance No. 188177;
- b) The City of Portland's *Transportation System Plan*, as amended by City Ordinance No. 188177;
- c) The City of Portland's *Official City Zoning Map*, as amended by City Ordinance No. 188177; and
- c) Title 33 (Planning and Zoning) of the *Portland City Code*, as amended by City Ordinance No. 188177.

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 City Planning and Sustainability Commission will act instead of the County Planning Commission for the Unincorporated Urban Areas by employing the City's own legislative procedures, while providing notice to, and facilitating participation from, property owners within Unincorporated Urban Areas. The Board will consider the recommendations of the Portland Planning and Sustainability Commission and City Council whenever legislative land use matters for the Unincorporated Urban Areas come before the Board for action.

Section 5. The effective date of this ordinance is January 1, 2018.

FIRST READING: *April 13, 2017*

SECOND READING AND ADOPTION: *April 20, 2017*

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Kim E. Peoples, Director, Department of Community Services.