

ANNOTATED MINUTES

Tuesday, December 28, 1993 - 9:30 AM
Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 *Courthouse and Juvenile Detention Home Security Update. Presented by Sharron Kelley, Chief Deputy John Schweitzer and Others.*

JOHN SCHWEITZER, SHARRON KELLEY AND DAVE WARREN PRESENTATION AND RESPONSE TO BOARD QUESTIONS, DISCUSSION.

- B-2 *Housing and Community Services Division Briefing on the "Strategy for Serving Homeless Single Adults in Portland/Multnomah County, Oregon". Presented by Rey Espana and Bill Thomas.*

REY ESPANA, CHUCK CURRY, CILLA MURRAY AND JOHN PEARSON PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

Tuesday, December 28, 1993 - 1:30 PM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

Chair Beverly Stein convened the meeting at 1:35 p.m., with Vice-Chair Gary Hansen, Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.

- P-1 C 7-93 *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Sections of MCC 11.45, the Multnomah County Land Division Ordinance*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. HEARING HELD, NO ONE WISHED TO TESTIFY. ORDINANCE 781 UNANIMOUSLY APPROVED.

- P-2 C 11-93 *First Reading of a Proposed ORDINANCE Amending the Multnomah County Code Chapter 11.15 by Allowing, in Some Circumstances, for a Non-Relative to be the Care Provider in the Approval of a Health Hardship Mobile Home Placement and Extend the Subsequent Review Period of a Health Hardship Permit from One Year to Two Years*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE

FIRST READING. PLANNER GARY CLIFFORD EXPLANATION AND RESPONSE TO BOARD QUESTIONS. DERWOOD DAVIS TESTIMONY IN SUPPORT OF PROPOSED ORDINANCE. BOARD COMMENTS. MOTION UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR TUESDAY, JANUARY 11, 1994.

P-3 **C 5-93** *Continued First Reading of a Proposed ORDINANCE Which Amends the Multnomah County Comprehensive Framework Plan Policies 16, 16-G, and Supplemental Findings for Water Resources, Streams, and Wetland Sites and Designations Under Statewide Planning Goal 5 (Continued from September 28, 1993 and October 26, 1993)*

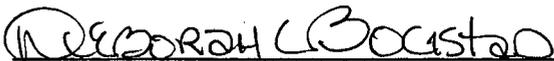
PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE FIRST READING. PLANNER MARK HESS EXPLANATION AND RESPONSE TO BOARD QUESTIONS. KLAUS HEYNE TESTIMONY IN SUPPORT OF PROPOSED ORDINANCE. MOTION UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR TUESDAY, JANUARY 11, 1994.

P-4 **C 13-93** *First Reading of a Proposed ORDINANCE Amending the Multnomah County Code Chapter 11.15 Hillside Development and Erosion Control Regulations to Require a 100-Foot Area of Undisturbed Natural Vegetation Between Proposed Grading and Land Disturbing Activities and a Stream, Water Body, or Wetland*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE FIRST READING. MR. CLIFFORD AND MR. HESS EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS. STAFF TO RESEARCH SPECIFIC INFORMATION PRIOR TO SECOND READING. MOTION UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR TUESDAY, JANUARY 11, 1994.

There being no further business, the meeting was adjourned at 2:05 p.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**



Deborah L. Bogstad

Thursday, December 30, 1993 - 9:30 AM
Multnomah County Courthouse, Room 602

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:37 a.m., with Vice-Chair Gary Hansen. Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 *Ratification of Intergovernmental Agreement Contract 301154 Between Multnomah County and the City of Portland, Regarding the Transfer of Ten Neighborhood Parks to the City of Portland in Accordance with County Policy and the Mid-Multnomah County Neighborhood Park Master Plan*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-1. CHARLES CIECKO COMMENTS. NANCY CHASE PRESENTATION AND EXPLANATION OF ITEMS R-1 THROUGH R-11, AND RESPONSE TO BOARD QUESTIONS. COUNTY COUNSEL LAURENCE KRESSEL RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, ITEMS R-2 THROUGH R-11 WERE UNANIMOUSLY APPROVED.

- R-2 *ORDER in the Matter of Conveying the County Park Known as Raymond Park, Park Site No. 55, to the City of Portland*

ORDER 93-398.

- R-3 *ORDER in the Matter of Conveying the County Park Known as Gilbert Primary Park, Park Site No. 17, to the City of Portland*

ORDER 93-399.

- R-4 *ORDER in the Matter of Conveying the County Park Known as Lynchwood Park, Park Site No. 26, to the City of Portland*

ORDER 93-400.

- R-5 *ORDER in the Matter of Conveying the County Park Known as Lynchview Park, Park Site No. 8, to the City of Portland*

ORDER 93-401.

- R-6 *ORDER in the Matter of Conveying the County Park Known as North Powellhurst*

Park, Park Site No. 6, to the City of Portland

ORDER 93-402.

R-7 *ORDER in the Matter of Conveying the County Park Known as Lincoln Park, Park Site No. 16, to the City of Portland*

ORDER 93-403.

R-8 *ORDER in the Matter of Conveying the County Park Known as Gilbert Heights Park, Park Site No. 11, to the City of Portland*

ORDER 93-404.

R-9 *ORDER in the Matter of Conveying the County Park Known as Holladay Park, Park Site No. 49, to the City of Portland*

ORDER 93-405.

R-10 *ORDER in the Matter of Conveying the County Park Known as Parklane Park, Park Site No. 14, to the City of Portland*

ORDER 93-406.

R-11 *ORDER in the Matter of Conveying the County Park Known as Dickenson Park, Park Site No. 19, to the City of Portland*

ORDER 93-407.

CHILDREN AND FAMILIES SERVICES DIVISION

R-18 *RESOLUTION in the Matter of Adopting the "Strategy for Serving Homeless Single Adults in Portland/Multnomah County, Oregon"*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-18. REY ESPANA EXPLANATION. GRETCHEN KAFOURY AND BILL MUIR TESTIMONY IN SUPPORT OF RESOLUTION. BOARD COMMENTS. RESOLUTION 93-408.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-12 *ORDER in the Matter of the Conveyance of a Permanent Easement for an Underground Communication Facility on County Land at the Glendoveer Golf Course in Section 35, T1N, R2E, WM, Multnomah County, Oregon*

WAYNE GEORGE EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, ORDER 93-409 WAS UNANIMOUSLY APPROVED.

- R-13 *Ratification of Intergovernmental Agreement Contract 301214 Between the City of Portland and Multnomah County, to Equally Share the Costs Associated with an Analysis of the Potential Benefits of Consolidation of City/County Support Services, for the Period October 26, 1993 through December 31, 1994*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-13. BETSY WILLIAMS EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS AND DISCUSSION. AGREEMENT UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-14 *Budget Modification NOND #10 Requesting Authorization to Transfer \$568 from Materials and Supplies to Personal Services for a Wage Increase Effective January 1, 1994*

JOHN LEGRY EXPLANATION. UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, R-14 WAS UNANIMOUSLY APPROVED.

- R-15 *RESOLUTION in the Matter of Adoption of Multnomah County's Affirmative Action Plan for 1993-96*

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-15. ROBERT PHILLIPS PRESENTATION. BRUCE BLIATOUT TESTIMONY IN SUPPORT OF PLAN. BOARD COMMENTS IN APPRECIATION OF PLAN. RESOLUTION 93-410 UNANIMOUSLY APPROVED.

- R-16 *RESOLUTION in the Matter of the Declaration of Official Intent to Reimburse Capital Expenditures with Proceeds of Debt Issued to Finance the Expansion, Remodeling and Equipping of Various Library Facilities*

COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-16. DAVE BOYER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. RESOLUTION 93-411 UNANIMOUSLY APPROVED.

- R-17 *First Reading of a Proposed ORDINANCE Amending MCC 2.60.310 and MCC 2.60.315 Relating to the Investment Advisory Board by Increasing the Membership and Increasing the Meetings*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF FIRST READING. MR. BOYER EXPLANATION. HEARING

HELD, NO ONE WISHED TO TESTIFY. BOARD COMMENTS. FIRST READING UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR THURSDAY, JANUARY 6, 1994.

PUBLIC COMMENT

R-19 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, CONSIDERATION OF THE FOLLOWING UNANIMOUS CONSENT ITEM WAS UNANIMOUSLY APPROVED.

HEALTH DEPARTMENT

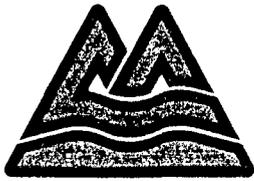
UC-1 *Ratification of Interagency Agreement Contract 201784 Between the Oregon Health Division and Multnomah County, to Accept a Federal Funding Grant to Provide Services for Children Two to Twenty-four Months of Age, Including Public Education and Outreach, Special Community Immunization Clinics, Client Incentives, and Development of Tracking Systems, for the Period January 3, 1994 through June 30, 1995*

BILLI ODEGAARD AND PEGGY HILLMAN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS IN SUPPORT AND APPRECIATION. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE AGREEMENT WAS UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 10:40 a.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**

Deborah L. Bogstad
Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

DECEMBER 27, 1993 - DECEMBER 31, 1993

Tuesday, December 28, 1993 - 9:30 AM - Board Briefings.Page 2

Tuesday, December 28, 1993 - 1:30 PM - Planning ItemsPage 2

Thursday, December 30, 1993 - 9:30 AM - Regular Meeting.Page 3

Friday, December 31, 1993 - HOLIDAY - OFFICE CLOSED.

Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers

Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers

Saturday 12:00 Noon, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, December 28, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 *Courthouse and Juvenile Detention Home Security Update. Presented by Sharron Kelley, Chief Deputy John Schweitzer and Others. 9:30 AM TIME CERTAIN, 1 HOUR REQUESTED.*
- B-2 *Housing and Community Services Division Briefing on the "Strategy for Serving Homeless Single Adults in Portland/Multnomah County, Oregon". Presented by Rey Espana and Bill Thomas. 10:30 AM TIME CERTAIN, 30 MINUTES REQUESTED.*
-

Tuesday, December 28, 1993 - 1:30 PM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

- P-1 C 7-93 *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Sections of MCC 11.45, the Multnomah County Land Division Ordinance*
- P-2 C 11-93 *First Reading of a Proposed ORDINANCE Amending the Multnomah County Code Chapter 11.15 by Allowing, in Some Circumstances, for a Non-Relative to be the Care Provider in the Approval of a Health Hardship Mobile Home Placement and Extend the Subsequent Review Period of a Health Hardship Permit from One Year to Two Years*
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- P-4 C 13-93 *First Reading of a Proposed ORDINANCE Amending the Multnomah County Code Chapter 11.15 Hillside Development and Erosion Control Regulations to Require a 100-Foot Area of Undisturbed Natural Vegetation Between Proposed Grading and Land Disturbing Activities and a Stream, Water Body, or Wetland*
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Thursday, December 30, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

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Course in Section 35, TIN, R2E, WM, Multnomah County, Oregon

- R-13 *Ratification of Intergovernmental Agreement Contract 301214 Between the City of Portland and Multnomah County, to Equally Share the Costs Associated with an Analysis of the Potential Benefits of Consolidation of City/County Support Services, for the Period October 26, 1993 through December 31, 1994*

NON-DEPARTMENTAL

- R-14 *Budget Modification NOND #10 Requesting Authorization to Transfer \$568 from Materials and Supplies to Personal Services for a Wage Increase Effective January 1, 1994*
- R-15 *RESOLUTION in the Matter of Adoption of Multnomah County's Affirmative Action Plan for 1993-96*
- R-16 *RESOLUTION in the Matter of the Declaration of Official Intent to Reimburse Capital Expenditures with Proceeds of Debt Issued to Finance the Expansion, Remodeling and Equipping of Various Library Facilities*
- R-17 *First Reading of a Proposed ORDINANCE Amending MCC 2.60.310 and MCC 2.60.315 Relating to the Investment Advisory Board by Increasing the Membership and Increasing the Meetings*

CHILDREN AND FAMILIES SERVICES DIVISION

- R-18 *RESOLUTION in the Matter of Adopting the "Strategy for Serving Homeless Single Adults in Portland/Multnomah County, Oregon"*

PUBLIC COMMENT

- R-19 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

MEETING DATE: December 28, 1993

AGENDA NO: P-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 7-93 - Proposed Ordinance - Second Reading

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: December 28, 1993

Amount of Time Needed: 10 Minutes

DEPARTMENT: DES DIVISION: Planning

CONTACT: R. Scott Pemble TELEPHONE #: 3182 BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: David Prescott

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [x] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 7-93 A proposed Ordinance amending Sections of MCC 11.45, the Multnomah County Land Division Ordinance - Second Reading

12/28/93 copies to Scott Pemble, David Prescott & Sharon Cowley 12/29/93 copies to ordinance distribution list

BOARD OF COUNTY COMMISSIONERS MULTNOMAH COUNTY OREGON 1993 DEC 20 PM 3:01

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR DEPARTMENT MANAGER: Betty Williams

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

MEETING DATE: ~~December 14, 1993~~ DEC 28 1993

AGENDA NO: P2 P-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Proposed Ordinance - First Reading

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 14, 1993

Amount of Time Needed: 1 hour

DEPARTMENT: DES **DIVISION:** Planning

CONTACT: R. Scott Pemble **TELEPHONE #:** 3182
BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: David Prescott

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 7-93 A proposed Ordinance amending Sections of MCC 11.45, the Multnomah County Land Division Ordinance - First Reading

CLERK OF COUNTY COMMISSIONERS
1993 DEC - 8 AM 11:51
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

DEPARTMENT MANAGER: ^{OR} *Bob* *Betsy Willis*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT / 2115 S.E. MORRISON / PORTLAND, OREGON 97214

DIVISION OF PLANNING AND DEVELOPMENT

Board Planning Packet Check List

File No. C 7-93

Agenda Placement Sheet No. of Pages 1

Case Summary Sheet No. of Pages 1
 Previously Distributed _____

Notice of Review No. of Pages _____
*(Maybe distributed at Board Meeting)
 Previously Distributed _____

Decision No. of Pages _____
(Hearings Officer/Planning Commission)
 Previously Distributed _____

Proposed Ordinance No. of Pages 65

Planning Commission Resolution No. of Pages 1

Planning Commission Staff Report No. of Pages 54

***Duplicate materials will be provided upon request.
Please call 2610.**



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

DIVISION OF PLANNING AND DEVELOPMENT

Board Planning Packet Check List

File No. C 7-93

I. Materials Distributed to the Board

- Agenda Placement Sheet (/ Pages)
- Case Summary Sheet (Pages)
- Notice of Review Application (Pages)
- Decision (Pages)
(Hearings Officer/Planning Commission)

II. Materials Available Upon Request

- Minutes (5 Pages)
- Transcript (Pages)
- Applicant's Application and Submittals (Pages)
- Case Correspondence (Letters)
- Slides (Slides)
- Exhibits/Maps (Exhibits)
(Maps)
- Other Materials ()



Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043

MEMORANDUM

TO: Board of County Commissioners

FROM: Dave Prescott *DP*

SUBJECT: Amendments to County Land Division Ordinance (C 7-93)

DATE: December 14, 1993

Enclosed is an ordinance containing proposed amendments to the Multnomah County Land Division Ordinance (MCC 11.45). Some of the amendments are the result of changes in State Statutes that regulate subdivisions and partitions. Other amendments are proposed because of changes in the County's organization and administrative procedures as they relate to land divisions. Finally, some proposed amendments are intended to make the land division process work better. Such amendments consist of changes in procedure and additions of new standards or clarifications of existing standards.

The Planning Commission considered the proposed changes in public hearings held on October 4 and November 1, 1993, and approved them on November 1, 1993. Exhibit A is the Staff Report which contains the proposed amendments and explains the reasons for each amendment. Resolution No. C 7-93 (also enclosed) signifies the Planning Commission's approval of the proposed amendments.

ORDINANCE FACT SHEET

Ordinance Title: Land Division Ordinance (MCC 11.45)

Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:

Some of the proposed amendments are necessary due to changes in the State subdivision laws in Chapter 92 of Oregon Revised Statutes. Some amendments reflect changes in County organization and procedures. Other amendments are intended to improve the way that the Ordinance performs its purpose of providing classifications and standards for dividing land in unincorporated Multnomah County. What other local jurisdictions have enacted similar legislation?

All counties (including Multnomah County) and cities in Oregon have land division ordinances.

What has been the experience in other areas with this type of legislation?

The experience has been favorable.

What is the fiscal impact, if any?

None, except for reprinting the Ordinance.

(Please use other side if you need more space)

SIGNATURES

Person Filling out form

David N. Probert

Planning & Budget (if fiscal impact)

Department Manager/Elected Official

Betsy H. Williams

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 781

4
5 An Ordinance amending sections of MCC 11.45, the Multnomah County Land Division Ordinance.

6
7 (Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

8 Multnomah County Ordains as follows:

9
10 Section I. Findings.

11 (A) The Planning Director is authorized by Multnomah County Code, Chapter 11.45.830(A)(3) to
12 recommend to the Board of County Commissioners the adoption of amendments to the Land Division
13 Ordinance.

14 (B) Changes in state law regarding subdivisions, partitions, property line adjustments and other
15 matters relating to division of land, have been adopted by the Oregon Legislative Assembly, thereby caus-
16 ing certain portions of the County Land Division Ordinance to be out of date.

17 (C) Changes in the organizational structure of various County administrative departments and
18 divisions have resulted in the assignment of certain land division review functions to officials and depart-
19 ments different from those officials and departments designated in the Land Division Ordinance.

20 (D) Experience with the present Land Division Ordinance has shown that certain changes to the
21 Ordinance will improve the way in which the Ordinance achieves its purpose of providing classifications
22 and standards for dividing land in the County's unincorporated area.

23 (E) A 54 page Staff Report dated November 1, 1993 explains the reasons for the proposed changes
24 and is attached as Exhibit A. The Staff Report has the title "C 7-93, Exhibit A, Findings Associated with
25 Amending the Multnomah County Land Division Ordinance" The Staff Report is incorporated by refer-
26 ence, and is adopted.

1 (F) On October 4, 1993 and November 1, 1993 the Planning Commission held public hearings on
2 the proposed amendments. Hearings before the Board of County Commissioners followed on December
3 14, 1993 and December 28, 1993. At each of the hearings all interested persons were given an opportunity
4 to appear and be heard.

5

6 Section II. Amendments.

7 Multnomah County Code Chapter 11.45 is amended to read as follows:

8

9 **11.45.005 Title**

10

11 This Chapter shall be known as the Multnomah County Land Division Ordinance and may be so plead-
12 ed and referred to.

13

14 **11.45.010 Definitions**

15

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

17

18 (A) *Accessway* means a private street which is not a part of a lot or parcel and which provides access to
19 more than one lot or parcel.

20

21 (B) *Applicant* means the record owner or owners of a unit, area or tract of land or contiguous units,
22 areas or tracts, proposing subdivision or partitioning and includes the authorized representative of
23 the record owner or owners.

24

25 (C) *Approval authority* means the Hearings [~~Council~~] Officer, Planning Commission or Planning
26 Director authorized by this Chapter to approve tentative plans or final plans for land divisions.

1
2 (D) *Board* means the Board of County Commissioners of Multnomah County.

3
4 (E) *Comprehensive Plan* means the Comprehensive Plan adopted by Multnomah County, including any
5 plan or plan element adopted as a component of the Comprehensive Plan.

6
7 (F) *Cul-de-sac* means a short public street which is open to traffic at one end and is terminated by a
8 vehicle turnaround at the other.

9
10 (G) *Development permit* means any permit required by this or other Multnomah County Ordinances as a
11 prerequisite to the use or improvement of any land and includes a building, land use, occupancy,
12 sewer connection or other similar permit.

13
14 (H) *Flag lot* means a parcel which includes a private driveway as a part thereof.

15
16 (I) *Frontage street* means a minor street substantially parallel and adjacent to an arterial
17 street, providing access to abutting properties and separation from through traffic.
18

19
20 (J) *Future street plan* means a plan approved by the Hearings [~~Council~~] Officer or Planning
21 Commission, as appropriate, for the continuation into nearby property of any street in an Urban
22 Area Type [H] 1 Land Division to facilitate the future division of the nearby land according to the
23 provisions of this Chapter.

24
25 (K) *Half street* means a portion of the standard width of a street along the boundary of a land division,
26 where the remaining portion of the street width could be provided from the adjoining property.

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(L) *Hearings [Council] Officer* means the Hearings [Council] Officer of Multnomah County.

(M) *Land Division* means a subdivision[, ~~major partition~~] or ~~minor~~ partition. For the purposes of this Chapter, land divisions are further classified as

Type~~[H]~~ 1, Type ~~[H]~~ 2, ~~and~~ Type ~~[H]~~ 3, and Type 4 Land Divisions, as provided in MCC 11.45.070 through 11.45.~~[100]~~110.

(N) *Land Feasibility Study* means a Site Evaluation Report as defined in OAR 340-71-150(1) which is the first step in obtaining a construction permit for an on-site sewage disposal system.

~~[(N)]~~ *Lot* means a unit of land that is created by a subdivision of land.

~~[(O)]~~ *Major partition* means a partition which includes the creation of a street, but not the widening of an existing street.]

~~[(P)]~~ *Map* means a final diagram, drawing or other writing concerning a major or minor partition.]

~~[(Q)]~~ *Minor partition* means a partition which does not include the creation of a street, but may include the widening of an existing street.]

~~[(R)]~~ *Parcel* means a unit of land that is created by a partitioning of land.

~~[(S)]~~ *Partition* means either an act of partitioning land or an area or tract of land partitioned as defined in this Chapter.

1
2 ((F)R) *Partition land* means to divide an area or tract of land into two or three parcels within a
3 calendar year when such area or tract of land exists as a unit or contiguous units of land under sin-
4 gle ownership at the beginning of such year. *Partition land* does not include;

5
6 (1) a divisions of land resulting from a lien foreclosure, foreclosure of a recorded contract for the
7 sale of real property or the creation of cemetery lots; ~~and "partition land" does not include any~~

8
9 (2) An adjustment of a [lot] property line by the relocation of a common boundary where an addi-
10 tional [parcel] unit of land is not created and where the existing [parcel] unit of land reduced in
11 size by the adjustment is not reduced below the minimum lot size established by MCC 11.15;
12 or

13
14 (3) ~~Partition land does not include the~~ A sale or grant by a person to a public agency or public
15 body for state highway, county road, or other right-of-way purposes provided that such road or
16 right-of-way complies, in the case of a county road, with the Street Standards Ordinance, or, in
17 the case of other right of way, the applicable standards of the agency to which the sale or grant
18 is made. However, any property divided by the sale or grant of property for state highway or
19 county road or other right-of-way purposes shall continue to be considered a single unit of land
20 until such time as the property is further subdivided or partitioned; or

21
22 (4) the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to
23 the sale with other contiguous lots or property by a single owner.

24
25 (S) Partition Plat means means a final map and other writing containing all the descriptions, locations,
26 specifications, provisions and information concerning a partition.

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~~(U)~~(T) *Pedestrian path and bikeway* means a right- of-way or easement for pedestrian, bicycle or other non-motorized traffic.

~~(V)~~(U) *Person* means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

~~(W)~~(V) *Planning Commission* means the Planning Commission of Multnomah County.

~~(X)~~(W) *Planning Director* means the Director of the Division of Planning and Development or the Director's delegate.

~~(Y)~~(X) *Plat* includes a final ~~[map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision]~~ .subdivision plat or partition plat.

~~(ZY)~~(I) *Private driveway* means a private street which is a part of and provides access only to one lot or parcel.

~~(AA)~~(Z) *Private street* means a street which is either a private driveway or an accessway, which is under private ownership and which passes through or alongside the full length or width of, a separate lot or parcel, either existing or proposed.

(AA) *Property Line* means the division line between two units of land.

1 ~~(BB)~~ Property Line Adjustment means the relocation of a common property line between two
2 abutting properties.

3
4 ~~(BB)~~CC Public street means a street dedicated for public use or proposed to be dedicated for public
5 use in a land division.

6
7 ~~(CC)~~DD Right-of-way means the area between boundary lines of a public street or other area dedi-
8 cated for pedestrian or vehicular circulation.

9
10 ~~(DD)~~EE Rural Area means the unincorporated area of Multnomah County located outside of the
11 Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

12
13 ~~(EE)~~FF Sale or sell includes every disposition or transfer of land in a subdivision or partition or an
14 interest or estate therein.

15
16 ~~(FF)~~GG Sidewalk means a pedestrian walkway with all weather surfacing.

17
18 ~~(GG)~~HH Street means a public or private way that is created to provide access to one or more lots,
19 parcels, areas or tracts of land, excluding a private way that is created to provide access to such
20 land in conjunction with the use of such land for forestry, mining or agricultural purposes.

21
22 ~~(HH)~~II Street classifications such as *Arterial, Collector, Minor Arterial*, etc., shall have the mean-
23 ings stated in the Multnomah County Street Standards Ordinance.

24
25 ~~(II)~~JJ Street lighting means the total system of wiring, poles, arms, fixtures and lamps, including
26 all parts thereof that are necessary to light a street or pedestrian path and bikeway.

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~~(JJ)~~KK) *Subdivide land* means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

~~(KK)~~LL) *Subdivision* means either an act of subdividing land or an area or a tract of land subdivided as defined in this Chapter.

~~(MM)~~ *Subdivision Plat* means means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision.

~~(LL)~~NN) *Tentative plan* means the applicant's proposal for subdivision or partition and consists of the drawings, written information and supplementary material required by this Chapter.

~~(MM)~~OO) *Urban Area* Means the unincorporated area of Multnomah County located within the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

11.45.015 Purpose

This Chapter is adopted for the purposes of protecting property values, furthering the health, safety and general welfare of the people of Multnomah County, implementing the Statewide Planning Goals and the Comprehensive Plan adopted under Oregon Revised Statutes, Chapters 197 and 215, and providing classifications and uniform standards for the division of land and the installation of related improvements in the unincorporated area of Multnomah County.

11.45.020 Intent

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In the regulation of the division of land, it is intended that this Chapter shall minimize street congestion, secure safety from fire, flood, geologic hazards, pollution and other dangers, provide for adequate light and air, prevent the overcrowding of land and facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other public services and facilities, all in accord with Oregon Revised Statutes, Chapter 92.

11.45.030 Scope

This Chapter shall apply to the subdivision and partitioning of all land within the unincorporated area of Multnomah County.

11.45.040 Compliance Required

No land may be divided in the unincorporated area of Multnomah County except in accordance with this Chapter.

(A) No person shall create a street for the purpose of dividing land without the approval of a subdivision or ~~major~~ partition as provided by this Chapter.

(B) No development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Chapter, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat or partition map is a violation of this Chapter.

(C) The requirements of this Chapter shall apply to the applicant for a land division and to the appli-

1 cant's successors in interest in the land division or any portion thereof.

2
3 **11.45.050 Board findings Concerning Land Division Types**

4
5 The Board of County Commissioners finds that:

6
7 (A) The Comprehensive Framework Plan, adopted in accordance with the Statewide Planning Goals,
8 classifies certain County lands as within the Urban Area and therefore suitable for intensive devel-
9 opment, and other lands as within the Rural Area and therefore suitable for agricultural, forest, nat-
10 ural resource and other non-intensive uses.

11
12 (B) Land division proposals, consisting of subdivisions, [~~major partitions~~] and [~~minor~~] partitions are
13 steps in the land development process which should be encouraged in the Urban Area where sup-
14 portive services exist, subject to review for conformance with the Comprehensive Plan and other
15 legal requirements.

16
17 (C) Procedures governing land division in the urban area should be expeditious and inexpensive while
18 protective of the public interest. The County system in effect since 1955, however, has involved
19 time-consuming and costly procedures which, in many instances, have tended to discourage other-
20 wise appropriate urban area land divisions.

21
22 (D) Under ORS 92.044 and 92.046, it is the Board's policy to delegate the review and approval func-
23 tion over certain land division proposals to the Hearings [~~Council~~] Officer or Planning
24 Commission and over certain other proposals to an administrative official, provided that decisions
25 in either instance shall be guided by the procedures and standards established by this Chapter.

26

1 (E) Determination of whether administrative or public hearing review should be required depends on
2 the size, location and foreseeable impacts on the community of a given land division proposal.
3 Type [H] 2 and Type [HH] 3 Land Division proposals, as defined in this Chapter, are appropriate for
4 administrative review and decision due to their minor impacts on nearby properties and their con-
5 sistency with the objectives of facilitating development in accordance with the Statewide Planning
6 Goals, particularly Nos. 9, 10, 11, 13 and 14, and with the Comprehensive Plan.

7
8 **11.45.060 Land Division Approval Authority Delegated**

9
10 Based on the findings in MCC 11.45.050, the Board hereby:

11
12 (A) Adopts the classification system of Type [H] 1, Type [H] 2, ~~and~~ Type [HH] 3 and Type 4 Land
13 Divisions as distinguished in MCC 11.45.070 through 11.45.100;

14
15 (B) Delegates to the Hearings [~~Council~~] Officer and to the Planning Commission, as appropriate, the
16 authority to approve tentative plans for Type [H] 1 Land Divisions;

17
18 (C) Delegates to the Hearings [~~Council~~] Officer and to the Planning Commission, as appropriate, the
19 authority to approve a future street plan for an Urban Area of 40 acres or less in conjunction with
20 and in addition to action on a Type [H] 1 Land Division, provided that affected property owners are
21 notified thereof, according to subsection (A) of MCC 11.45.220. Subsequent land division propos-
22 als of 10 lots or less within the area affected by an approved future street plan and consistent with
23 it, are designated Type [H] 2 Land Divisions;

24
25 (D) Delegates to the Planning Director the authority to approve tentative plans and final plats ~~and~~
26 ~~maps~~ of Type [H] 2, ~~and~~-Type [HH] 3 and Type 4 Land Divisions, and to approve final plats ~~and~~

1 ~~maps~~] of Type[~~F~~] 1 Land Divisions; and

2
3 (E) Delegates to the Planning Director the authority to determine into which classification any pro-
4 posed land division falls. Doubt as to the classification of a land division proposal shall be resolved
5 in favor of Type[~~F~~] 1 classification.

6
7 **11.45.070 Land Division Types Distinguished**

8
9 For the purposes of this Chapter, the land division classifications listed in sections 11.45.080 through
10 11.45.100 are established.

11
12 **11.45.080 Type [~~F~~] 1 Land Divisions**

13
14 The following proposals are designated Type[~~F~~] 1 Land Divisions:

15
16 (A) A Rural Area subdivision;

17
18 (B) An Urban Area subdivision of more than 10 lots;

19
20 (C) Except as provided in subpart (3) herein, a Rural or Urban Area [~~major~~] partition which creates a
21 new street, [~~in either a Rural or an Urban Area~~] and an Urban Area subdivision of 10 lots or less
22 when the Planning Director determines that:

23
24 (1) The proposal includes the continuation of an existing or planned street to adjacent property, or

25
26 (2) The proposal either eliminates or makes impractical the continuation of an existing street or the

1 provision of needed access to adjacent property.

2
3 (3) Exception: A land division described in subsection [~~C of MCC 11.45.080~~] (1) or (2) above is
4 designated a Type [H] 2 Land Division when, as determined by the Planning Director, the pro-
5 posed street layout is consistent with a street pattern adopted as part of the Comprehensive
6 Plan, with a future street plan approved under MCC 11.45.200 through 11.45.280, or with a
7 street pattern approved as an element of a Special Plan Area under MCC 11.15.6604;

8
9 (D) A subdivision or partition associated with an application affecting the same property for any action
10 proceeding requiring a public hearing under MCC 11.15 or for a variance under this Chapter; and

11
12 (E) Any other land division proposal which, as determined by the Planning Director, will have a sub-
13 stantial impact on the use or development of nearby property such that determination at a public
14 hearing is required, considering:

15
16 (1) The nature of nearby land uses or the pattern of existing land divisions in relation to the appli-
17 cable elements of the Comprehensive Plan;

18
19 (2) Plans or programs for the extension of the street or utility systems on or near the proposed divi-
20 sion; or

21
22 (3) Physical characteristics of the tract or nearby area such as steep slopes, a history of flooding,
23 poor drainage, land slides or other existing or potential hazards.

24
25 **11.45.090 Type [H] 2 Land Division**

26

1 ~~[The following proposals are designated Type II Land Divisions:]~~ A Type 2 Land Division is an Urban
2 area subdivision of 10 lots or less, or a partition which includes the creation of a new street when:

3
4 (A) ~~[A major partition in either a Rural or Urban Area or an Urban Area subdivision of 10 lots or less,~~
5 ~~when e]~~ Continuation of an existing street is neither proposed nor needed to complete an appropri-
6 ate street system or to provide access to adjacent undivided property, as determined by the Planning
7 Director; and

8
9 (B) ~~[A major partition in either a Rural or an Urban Area or an Urban Area subdivision of 10 lots or~~
10 ~~less when t]~~ The proposed street layout is consistent with ~~[(1)A]~~ a street pattern adopted as part of
11 the Comprehensive Plan; ~~(2)W]~~, with a future street plan approved under MCC 11.45.~~[110]~~160,
12 or ~~(3) A]~~ a street pattern approved as an element of a Special Plan Area, under MCC 11.15.6604.

13
14 **11.45.100 Type ~~[III]~~ 3 Land Divisions**

15
16 A land division proposal under any of the following circumstances is designated a Type ~~[III]~~ 3 Land
17 Division:

18
19 (A) A ~~[minor]~~ partition located at the end of a street;

20
21 (B) A ~~[minor]~~ partition abutting a street which has a centerline to property line width less than one-half
22 the width specified for that functional street classification according to the Multnomah County
23 Street Standards Ordinance;

24
25 (C) A partition which will result in a flag lot;

26

1 (D) A ~~minor~~ partition which will result in one or more parcels with a depth-to-width ratio exceeding
2 2.5 to 1;

3
4 (E) A ~~minor~~ partition which will result in a proposed parcel with an area four or more times the area
5 of the smallest proposed parcel; and

6
7 (F) A ~~minor~~ partition of land classified as Significant Environmental Concern (SEC), Willamette
8 River Greenway (WRG), Flood Hazard (FH), Exclusive Farm Use (EFU), or Special Plan Area
9 (SPA) under MCC 11.15.

10 *[Amended 1990, Ord. 642 § 2]*

11 (G) A partition resulting in the creation of a lot for which an Exception or Variance is required under
12 MCC 11.15.

13
14 **11.45.110 ~~[Minor Partitions Exempted] Type 4 Land Division~~**

15
16 ~~[minor p]~~Partitions not listed in MCC 11.45.080 to 11.45.100 are ~~[exempt from the provisions of this~~
17 ~~Chapter.]~~ designated Type 4 Land Divisions.

18
19 (A) The Planning Director may approve a Type 4 Land Division based on a finding that the proposed
20 parcels comply with the area and dimensional requirements of the zoning district in which the land
21 division site is located.

22
23 (B) The procedure and forms for review and approval of a Type 4 Land Divisions shall be as provided
24 for by the Planning Director.

25
26 **11.45.115 Property Line Adjustment (Lot Line Adjustment)**

1
2 A property line adjustment is the relocation of a common property line between two abutting proper-
3 ties.

4
5 (A) The Planning Director may approve a property line adjustment between two properties, in either
6 the Urban Area or the Rural Area, where an additional lot or parcel is not created and where the
7 existing lot or parcel reduced in size by the adjustment is not reduced below the minimum lot size
8 established by the applicable zoning designation.

9
10 (B) The Planning Director may approve a property line adjustment between two properties in the Rural
11 Area where an additional lot or parcel is not created but where one or both of the adjusted proper-
12 ties are below the minimum lot size established by the applicable zoning district designation. Such
13 an adjustment shall comply with any applicable zoning district standards for a Lot of Exception or
14 Lot Line Adjustment.

15
16 (C) Property line adjustments approved under subsections (A) and (B) above shall meet the following
17 additional standards:

- 18
19 (1) No additional lot or parcel shall be created from any parcel by the property line adjustment; and
20
21 (2) Owners of both properties involved in the property line adjustment shall consent in writing to
22 the proposed adjustment and record a conveyance or conveyances conforming to the approved
23 property line adjustment; and
24
25 (3) The adjusted properties shall meet all dimensional requirements in the underlying zoning dis-
26 trict designation except for lot area.

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(4) The right-of-way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards Ordinance as determined by the County Engineer.

(D) The procedure and forms for obtaining approval of a property line adjustment shall be as provided for by the Planning Director.

11.45.120 Future Street Plan Requirements: Findings and Purposes

(A) Many urban area tracts have been divided into parcel sizes too large for efficient land development under present needs. Prior divisions have resulted in block sizes typically of 40 acres or less which are now appropriate for redivision. The diverse ownerships within these blocks make redivision difficult without an overall pattern for future streets.

(B) The purposes of the future street plan requirement are to aid in determining the suitability of an Urban Area Type [H] 1 Land Division in relation to the existing and potential development of nearby land; to establish a guide for the appropriate and economical provision of streets, land divisions and needed support services and to facilitate the orderly division or redivision of nearby lands.

11. 45.130 Future Street Plan Required

A future street plan shall be filed in conjunction with an application for an Urban Area Type [H] 1 Land Division. The plan shall show the pattern of future streets from the boundaries of the Type [H] 1 Land Division to the boundaries of those other tracts within a 40-acre area surrounding or adjacent to the Type [H] 1 Land Division which are capable of subsequent Type [H] 1 or 2 Land Division under MCC

1 11.45.090.

2

3 **11.45.140 Exception to Future Street Plan Requirement**

4

5 A future street plan shall not be required for any portion of the 40-acre area described in MCC 11.
6 45.130 for which a proposed street layout has been established by:

7

8 (A) The Comprehensive Plan;

9

10 (B) A future street plan approved under MCC 11. 45.[160]200 through 11.45.280; or

11

12 (C) A Special Plan Area, under MCC 11.15.6604.

13

14 **11. 45.150 Future Street Plan Contents**

15

16 The future street plan shall show the proposed continuation of streets in the Type[F] 1 Land Division in
17 sufficient detail to demonstrate that future division of the adjacent area in compliance with the provi-
18 sions of this Chapter is reasonably possible.

19

20 **11.45.160** [~~Approval Procedures~~]*Deleted by Ord. _____*

21

22 [~~A required future street plan shall be filed, reviewed and approved in the manner provided in MCC~~
23 ~~11.45.190 through 11.45.280~~]

24

25 **11.45.170 Recording and Filing**

26

1 Upon final approval, a future street shall be:

2

3 (A) Recorded by the applicant with the [~~Recording Section of the Department of Administrative~~
4 ~~Services~~] public office responsible for public records; and

5

6 (B) Indexed and filed by the Planning Director in the offices of the Department of Environmental
7 Services.

8

9 **11.45.180 Revision of Future Street Plan**

10

11 An approved future street plan may be revised by:

12

13 (A) Action by the Hearings [~~Council~~] Officer or Planning Commission, as appropriate, to approve a
14 revised future street plan filed by an applicant in conjunction with a Type[~~F~~] 1 Land Division; or

15

16 (B) Action by the Board to approve a revised future street plan, to approve an alternative street pattern
17 as part of the Comprehensive Plan or to approve an alternative street pattern as an element of a
18 Special Plan Area under MCC 11.15.6604.

19

20 **11.45.190 Type [~~F~~] 1 and Type 2 Tentative Plan and Future Street Plan approval procedures**

21

22 [~~R~~] Filing and review [~~and approval~~] of [~~a~~] Type[~~F~~] 1 or Type 2 tentative plan and a future street plan
23 shall be in accordance with the provisions of MCC 11.45.200 through [~~11.45.280~~] 11.45.270.

24

25 **11.45.200 Pre-Filing Conference**

26

1 (A) Prior to the submission of a tentative plan for a Type [H] 1 Land Division, the applicant shall request
2 the Planning Director to arrange a pre-filing conference. The request shall include six copies of a
3 preliminary sketch of the proposal, general information entered on forms provided by the Director,
4 and the required fee. The conference shall be held within [10] 25 business days of the filing of the
5 request and shall provide for an exchange of information regarding procedures, applicable elements
6 of the Comprehensive Plan, zoning and development requirements, and such technical and design
7 assistance in better land use practices and techniques as will aid the applicant in preparing a tenta-
8 tive plan and a future street plan, if required.

9
10 (B) The Planning Director shall provide the applicant with a written summary of the conference within
11 five business days thereof.

12
13 (C) The Director shall supply information concerning the proposal to other agencies deemed affected.
14

15 **11.45.210 Filing of Type [H] 1 Tentative Plan and Future Street Plan**

16
17 (A) Following the pre-filing conference, the applicant for a Type [H] 1 Land Division shall file with the
18 Planning Director a completed tentative plan and future street plan, if required, including 15 copies
19 of the drawings required under MCC 11.45.250. The tentative plan shall be accompanied by the
20 required fee.

21
22 (B) On receipt of the completed application for a Type 1 Land Division or future street plan, the
23 Planning Director shall set a date for the public hearing thereon before the Hearings [~~Council~~
24 Officer or Planning Commission, as appropriate.

25
26 (C) The Planning Director shall furnish copies of the tentative plan and future street plan, if any, to all

1 affected city, county, state and federal agencies and special districts with a request for their review
2 and written comment.

3
4 (D) Failure of an agency or district to provide written comment to the Planning Director concerning a
5 Type[I] 1 tentative plan or future street plan within 10 business days after the furnishing thereof
6 may be deemed a recommendation of approval unless the agency or district has filed a written
7 request for an additional review period.

8
9 ~~[11.45.220 Public Hearing and Action, Type I Tentative Plan and Future Street Plan~~ *Renumbered to*
10 285

11
12 ~~(A) Notice of a hearing on a Type I tentative plan or a future street plan shall be given as required by~~
13 ~~MCC 11.15.8220, provided that mailed and posted notice shall also include a sketch indicating the~~
14 ~~proposed lotting and street patterns, the proposed future street plan, if any, and the location of the~~
15 ~~proposed land division in relation to adjoining properties and nearby streets.~~

16
17 ~~(B) A decision on a Type I tentative plan and future street plan, if any, shall be deemed an action as~~
18 ~~defined in MCC 11.15.8205, and shall be determined in the manner prescribed for action proceed-~~
19 ~~ings in MCC 11.15.8225 through .8230(C), and MCC 11.15.8235 through .8250(H).~~

20
21 ~~(C) The burden of the applicant for a Type I Land Division shall be to satisfy the hearing body that the~~
22 ~~criteria for approval listed in MCC 11.45.230 of this Chapter have been met. The findings and con-~~
23 ~~clusions adopted by the hearing body shall specifically address the relationships between the appli-~~
24 ~~cation and those criteria.~~

25
26 ~~(D) The written decision on a Type I tentative plan and future street plan, if any, shall be submitted to~~

1 ~~the Clerk of the Board by the Planning Director not later than ten days after the decision is~~
2 ~~announced. The Clerk shall summarize each decision on the agenda for the next Board meeting on~~
3 ~~planning and zoning matters for which notice can be given according to the Charter.~~

4
5 ~~(E) Review of a decision on a Type I tentative plan or future street plan shall be according to the provi-~~
6 ~~sions of MCC 11.15.8260 through .8285(E).~~

7
8 **~~11.45.225 Rescheduled Hearings~~ *Renumbered to .295***

9
10 ~~In the case of any hearing required under this Chapter which must be rescheduled at the request of or~~
11 ~~due to the neglect of the applicant, a fee in accordance with subsection (K) of MCC 11.45.810 shall be~~
12 ~~assessed against the applicant. Said fee may be waived in whole or part by the Planning Director if it is~~
13 ~~determined that the requested rescheduling was due to unavoidable circumstances or that the applicant~~
14 ~~proceeded with all possible diligence to give adequate advance notice of the request for rescheduling.~~

15
16 **11.45.230 Criteria for Approval, Type ~~[H]~~ 1 and Type 2 Tentative Plan and Future Street Plan**

17
18 In granting approval of a Type ~~[H]~~ 1 or Type 2 tentative plan or future street plan, the approval authority
19 shall find that:

20
21 (A) The tentative plan or future street plan is in accordance with[+:

22
23 (1) ~~F]the applicable elements of the Comprehensive Plan;~~

24
25 [(2) ~~The applicable Statewide Planning Goals adopted by the Land Conservation and~~
26 ~~Development Commission, until the Comprehensive Plan is acknowledged to be in compliance~~

1 ~~with said Goals under ORS Chapter 197; and~~

2
3 ~~(3) The applicable elements of the Regional Plan adopted under ORS Chapter 197.]~~

4
5 (B) Approval will permit development of the remainder of the property under the same ownership, if
6 any, or of adjoining land or of access thereto, in accordance with this and other applicable ordi-
7 nances;

8
9 (C) The tentative plan or future street plan complies with the applicable provisions, including the pur-
10 poses and intent of this Chapter.

11
12 (D) The tentative plan or future street plan complies with the Zoning Ordinance or a proposed change
13 thereto associated with the tentative plan proposal;

14
15 (E) If a subdivision, the proposed name has been approved by the [~~Division of Assessment and~~
16 ~~Taxation~~] County Surveyor and does not use a word which is the same as, similar to or pronounced
17 the same as a word in the name of any other subdivision in Multnomah County, except for the
18 words *town, city, place, court, addition* or similar words, unless the land platted is contiguous to
19 and platted by the same applicant that platted the subdivision bearing that name or unless the appli-
20 cant files and records the consent of the party that platted the subdivision bearing that name and the
21 block numbers continue those of the plat of the same name last filed.

22
23 (F) The streets are laid out and designed so as to conform, within the limits of MCC 11.45.490 and
24 11.45.500 and the Street Standards Ordinance, to the plats of subdivisions and maps of [~~major~~] par-
25 titions already approved for adjoining property unless the approval authority determines it is in the
26 public interest to modify the street pattern; and

1
2 (G) Streets held for private use are laid out and designed so as to conform with MCC 11.45.490 and
3 11.45.500 and the Street Standards Ordinance, and are clearly indicated on the tentative plan and all
4 reservations or restrictions relating to such private streets, including ownership, are set forth there-
5 on.

6
7 (H) Approval will permit development to be safe from known flooding and flood hazards. Public utili-
8 ties and water supply systems shall be designed and located so as to minimize or prevent infiltra-
9 tion of flood waters into the systems. Sanitary sewer systems shall be designed and located to mini-
10 mize or prevent:

11
12 (1) The infiltration of flood waters into the system; and

13
14 (2) The discharge of matter from the system into flood waters.

15 *[Added 1982, Ord. 324 § 2]*

16
17 **11.45.240 Contents of Type ~~[H]~~ 1 and Type 2 Tentative Plan**

18
19 A tentative plan shall consist of maps, written information and supplementary material adequate to pro-
20 vide the information required in MCC 11.45.250 through 11.45.280.

21
22 **11.45.250 Type ~~[H]~~ 1 and Type 2 Tentative Plan Map Specifications**

23
24 (A) ~~[For a subdivision, t]~~ The tentative plan map shall be drawn on a sheet 18 x 24 inches or 11 x 17
25 inches in size or a size approved by the Planning Director. ~~at a~~ The scale of ~~[one inch to]~~ the map
26 shall be 10, 20, 30, 40, [fifty] 50, 60 [feet], 100 [feet] or [two hundred] 200 feet to the inch or mul-

1 titles of ten of any of these scales. The map shall include one copy of a scaled drawing of the pro-
2 posed subdivision, on a sheet 8.5 x 11 inches, suitable for reproduction, mailing and posting with
3 the notices required by subsection (A) of MCC 11.45.220.

4
5 ~~[(B) For a major partition, the sheet size and the scale of tentative plan map shall be drawn on a sheet~~
6 ~~8.5 x 11 inches in size at a scale of one inch to fifty feet or one hundred feet.]~~

7
8 ~~[(C)B]~~ A future street plan may be combined with ~~[subsection (A) or (B) of this section]~~ the tenta-
9 tive plan map or may be drawn on a sheet 8.5 x 11 inches or larger in size at a scale of one inch to
10 one hundred feet.

11
12 **11.45.260 Type ~~[H]~~ 1 and Type 2 Tentative Plan Map Contents**

13
14 The tentative plan map shall indicate~~(d)~~ the following:

15
16 (A) General information:

17
18 (1) In the case of a subdivision, the proposed name which shall be in accord with subsection (E) of
19 MCC 11.45.230.

20
21 (2) Date, north point and scale of drawing.

22
23 (3) Description of the proposed land division sufficient to define its location and boundaries.

24
25 (4) Identification as a tentative plan map.
26

1 (B) Existing conditions:

2
3 (1) Streets: the location, name and present width of each street, alley or right-of-way in or serving
4 the tract.

5
6 (2) Easements: location, width and nature of any easement of record on or serving the tract.

7
8 (3) Utilities: location and identity of all utilities on or serving the tract.

9
10 [~~(4) Ground elevations shown by contour lines at five foot vertical intervals for ground slopes~~
11 ~~exceeding 10%. Ground elevation shall be related to an established bench mark or other point~~
12 ~~of reference approved by the County Engineer.] Contour lines at two foot intervals for land
13 inside the Urban Growth Boundary with 10% slope or less, five foot intervals for land inside
14 the Urban Growth Boundary with slope exceeding 10%; contour lines at ten foot intervals for
15 land outside the Urban Growth Boundary. The map shall state the source of the contour infor-
16 mation.~~

17
18 (5) The location of at least one temporary bench mark within the land division.

19
20 (6) Any natural features such as rock outcroppings, marshes, wooded areas, major vegetation, etc.,
21 which may affect the proposal.

22
23 (7) Water courses on and abutting the tract, including their location, width and direction of flow.

24
25 (8) The approximate location of areas subject to periodic inundation or storm sewer overflow, the
26 location of any designated Flood Hazard District, and all areas covered by water. *[Amended*

1 1982, Ord. 324 § 3]

2
3 (9) The location of any harbor line.

4
5 (10) Scaled location and size of all existing driveways and pedestrian walkways, and the
6 ~~[S]~~scaled location and size and present use of all existing buildings or other structures, and des-
7 ignation of any existing buildings or structures proposed to remain on the property after divi-
8 sion.

9
10 (C) Proposed improvements:

11
12 (1) Streets: location, proposed name, right-of-way width and approximate radii of curves of each
13 proposed street.

14
15 (2) Any proposed pedestrian path or bikeway.

16
17 (3) Easements: location, width and nature of all proposed easements.

18
19 (4) Lots or parcels: location and approximate dimensions of all lots or parcels, the minimum lot or
20 parcel size and, in the case of a subdivision, the proposed lot and block numbers.

21
22 (5) Water supply: the proposed domestic water supply system.

23
24 (6) Sewage disposal: the proposed method of sewage disposal.

25
26 (7) Drainage: proposed methods for surface water disposal and any proposed drainage easements.

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(8) Other utilities: the approximate location and nature of other utilities including the location of street lighting fixtures.

(9) Railroad rights-of-way, if any.

(10) Changes to navigable streams, if any.

(11) A street tree planting plan and schedule.

11.45.270 Written Information; Type [H] 1 and Type 2 Tentative Plan

Written information shall include:

(A) Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or surveyor(s) and the date of the survey, if any.

(B) Proof of record ownership of the tract and the representative's authorization.

(C) Legal description of the tract.

(D) Present and proposed uses of the tract including all areas proposed to be dedicated to the public.

(E) Statements of the manner in which the criteria for approval listed in MCC 11.45.230 are satisfied.

1 (F) Statement of the improvements to be made or installed, including street tree planting, and the time
2 such improvements are to be made or completed.

3
4 **11.45.280 Supplementary Material; Type [H] 1 and Type 2 Tentative Plan**

5
6 The following supplementary material may be required by the Planning Director:

7
8 (A) A survey of the tract.

9
10 (B) A vicinity map showing existing divided and undivided land adjacent to the proposed land division,
11 the existing uses and structures thereon, and an indication of the manner in which the proposed
12 streets and utilities may be extended to connect to existing streets and utilities or to serve future
13 land divisions.

14
15 (C) Proposed deed restrictions and methods of proposed ownership.

16
17 (D) Such other material as the Planning Director deems necessary to assist in the review and assess-
18 ment of the land division proposal according to the provision of this Chapter.

19
20 **11.45.[220] 285 Public Hearing and Action, Type [I] 1 Tentative Plan and Future Street Plan**

21 *Renumbered from >220*

22
23 (A) Notice of a hearing on a Type [H]-1 tentative plan or a future street plan shall be given as required by
24 MCC 11.15.8220, provided that mailed and posted notice shall also include a sketch indicating the
25 proposed lotting and street patterns, the proposed future street plan, if any, and the location of the
26 proposed land division in relation to adjoining properties and nearby streets.

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(B) A decision on a Type[F] 1 tentative plan and future street plan, if any, shall be deemed an *action* as defined in MCC 11.15.8205, and shall be determined in the manner prescribed for *action proceedings* in MCC 11.15.8225 through .8230(C), and MCC 11.15.8235 through .8250(H).

(C) The burden of the applicant for a Type[F] 1 Land Division shall be to satisfy the hearing body that the criteria for approval listed in MCC 11.45.230 of this Chapter have been met. The findings and conclusions adopted by the hearing body shall specifically address the relationships between the application and those criteria.

(D) The written decision on a Type[F] 1 tentative plan and future street plan, if any, shall be submitted to the Clerk of the Board by the Planning Director not later than ten days after the decision is announced. The Clerk shall summarize each decision on the agenda for the next Board meeting on planning and zoning matters for which notice can be given according to the Charter.

(E) Review of a decision on a Type[F] 1 tentative plan or future street plan shall be according to the provisions of MCC 11.15.8260 through .8285(E).

~~11.45.290~~ [Type II Tentative Plan Approval Procedures] *[Repealed 199 , Ord. , §]*

~~[Review and approval of a Type II tentative plan shall be in accordance with the provisions of MCC 11.45.300 through 11.45.340.]~~

11.45.[225] 295 Rescheduled Hearings *Renumbered from .225*

In the case of any hearing required under this Chapter which must be rescheduled at the request of or

1 due to the neglect of the applicant, a fee in accordance with subsection (K) of MCC 11.45.810 shall be
2 assessed against the applicant. Said fee may be waived in whole or part by the Planning Director if it is
3 determined that the requested rescheduling was due to unavoidable circumstances or that the applicant
4 proceeded with all possible diligence to give adequate advance notice of the request for rescheduling.

5
6 **11.45.300 [Pre Filing Conference]** *[Repealed 199_, Ord. ___, § ___]*

7
8 ~~[A pre filing conference shall be requested and held prior to the filing of a tentative plan for a Type II~~
9 ~~Land Division, in the manner provided in MCC 11.45.200.~~

10
11 **11.45.310 [Filing of Type II Tentative Plan]** *[Repealed 199_, Ord. ___, § ___]*

12
13 ~~[(A) Following the pre filing conference the applicant for a Type II Land Division shall file with the~~
14 ~~Planning Director a completed tentative plan, including 15 copies of the tentative plan map, as pro-~~
15 ~~vided in MCC 11.45.240 through 11.25.280. The tentative plan shall be accompanied by the~~
16 ~~required fee.~~

17
18 ~~(B) The Planning Director shall furnish copies of the tentative plan to all affected city, county, state~~
19 ~~and federal agencies and special districts with a request for their review and written comment.~~

20
21 ~~(C) Failure of an agency or district to provide written comment to the Planning Director concerning~~
22 ~~a Type II tentative plan within 10 business days after the furnishing thereof, may be deemed a rec-~~
23 ~~ommendation of approval unless the agency or district has filed a written request for an additional~~
24 ~~review period.]~~

25
26 **11.45.320 Decision by Planning Director; Type [H] 2 Tentative Plan**

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(A) Within 25 business days of the filing of a Type [H] 2 tentative plan, the Planning Director shall approve the tentative plan with or without modifications or conditions, as appropriate, or disapprove it, and shall file the decision with the Director of the Department of Environmental Services and furnish a copy of the decision to the applicant and to other persons who request the same.

(B) A decision by the Planning Director on a Type [H] 2 tentative plan shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationships between the proposal and the criteria for approval listed in MCC 11.45.230.

(C) A decision by the Planning Director on a Type [H] 2 tentative plan application may be appealed to the Hearings [Council] Officer in the manner provided in MCC 11.15.8290 and .8295.

11.45.330 [Criteria for Approval, Type II Tentative Plan] [Repealed 199 , Ord. , §]

~~[In granting approval of a Type II tentative plan, the Planning Director shall find that the proposal complies with the applicable criteria listed in MCC 11. 45. 230.]~~

11.45.340 [Contents of Type II Tentative Plan] [Repealed 199 , Ord. , §]

~~[A tentative plan for a Type II Land Division shall consist of a map, written information and supplementary material adequate to provide the applicable information required in MCC 11.45.240 through 11.45.280.]~~

11.45.350 Type [HH]-3 Tentative Plan Approval Procedures

1 Review and approval of a Type [HH] 3 tentative plan shall be in accordance with the provisions of MCC
2 11.45.360 through 11.45.400.

3

4 **11.45.360 Pre-Filing Conference**

5

6 A pre-filing conference may be requested by the applicant for a Type [HH] 3 Land Division or by the
7 Planning Director. The conference shall be held in the manner provided in MCC 11.45.200.

8

9 **11.45.370 Filing of Type [HH] 3 Tentative Plan**

10

11 (A) The applicant for a Type [HH] 3 Land Division shall file with the Planning Director a completed
12 tentative plan, following the pre-filing conference, if any. The application, including three copies of
13 the tentative plan map, shall include the information required by MCC 11. 45.400. The tentative
14 plan shall be accompanied by the required fee.

15

16 (B) The Planning Director may furnish copies of the tentative plan to any city, county, state and fed-
17 eral agency deemed by the Director to be affected, with a request for their review and written com-
18 ment.

19

20 (C) Failure of any such agency or district to provide written comment to the Planning Director con-
21 cerning a Type [HH] 3 tentative plan within 10 business days after the furnishing thereof, may be
22 deemed a recommendation of approval unless the agency or district has filed a written request for an
23 additional review period.

24

25 **11.45.380 Decision by Planning Director; Type [HH] 3 Tentative Plan.**

26

1 (A) Within 25 business days of the filing of a Type [HH] 3 tentative plan, the Planning Director shall
2 approve the tentative plan with or without modifications or conditions, as appropriate, or disapprove
3 it, and shall file the decision with the Director of the Department of Environmental Services, and
4 furnish a copy of the decision to the applicant and to other persons who request the same.
5

6 (B) A decision by the Planning Director on a Type [HH] 3 tentative plan shall include written modifi-
7 cations and conditions, if any, and findings and conclusions which shall specifically address the rela-
8 tionships between the proposal and the criteria for approval listed in MCC 11.45.390.
9

10 (C) A decision by the Planning Director on a Type [HH] 3 tentative plan application may be appealed
11 to the Hearings [~~Council~~] Officer in the manner provided in MCC 11.15.8290 and .8295.
12

13 **11.45.390 Criteria for Approval, Type [HH] 3 Tentative Plan**
14

15 In granting approval of a Type [HH] 3 tentative plan, the Planning Director shall find that the criteria list-
16 ed in subsections [~~(A)~~], (B), (C) and (H) of MCC 11.45.230 are satisfied and that the tentative plan com-
17 plies with the area and dimensional requirements of the underlying zoning district and the solar access
18 regulations in the Zoning Ordinance.

19 *[Amended 1982, Ord. 324 § 4]*
20

21 **11.45.400 Contents of Type [HH] 3 Tentative Plan**
22

23 A tentative plan for a Type [HH] 3 Land Division shall consist of maps, written information and supple-
24 mentary material adequate to provide the following:
25

26 (A) Type [HH] 3 tentative plan map contents. A tentative plan map [~~drawn on a sheet 8 1/2 x 11 inch~~

1 ~~es in size at a scale of one inch to fifty feet or one hundred feet,]~~ of a sheet size and scale as speci-
2 fied in MCC 11.45.250(A) shall indicate the following:

3
4 (1) Date, north point and scale of drawing.

5
6 (2) Description of the proposed land division sufficient to define its location and boundaries.

7
8 (3) Identification as a tentative plan map.

9
10 (4) Location, names or purpose and width of all streets, rights-of-way or easements on or abutting
11 the tract.

12
13 (5) Natural features, water courses or areas covered by water.

14
15 (6) The location and use of any buildings or structures proposed to remain after division.

16
17 (7) The proposed parcels, their dimensions and areas.

18
19 (8) The location of any designated Flood Hazard District. *[Added 1982, Ord. 324 § 5]*

20
21 (9) Contiguous property under the same ownership

22
23 (B) Written information; Type ~~[H]~~ 3 tentative plan. Written information shall include:

24
25 (1) Name, address and telephone number of the record owner(s), owner's representative,
26 designer(s), engineer(s) or surveyor(s), and the date of survey, if any.

1
2 (2) Proof of record ownership of the tract and the representative's authorization.

3
4 (3) Legal description of the tract .

5
6 (4) Present and proposed uses .

7
8 (5) Description of the water supply, methods of sewage disposal and storm water disposal, and the
9 availability of other utilities.

10
11 (6) Statements of the manner in which the criteria for approval listed in MCC 11.45. 390 are satis-
12 fied.

13
14 (7) Statement of the improvements to be made or installed and the time schedule therefor.

15
16 (C) Supplementary material; Type [H] 3 tentative plan. The Planning Director may require such
17 additional information, listed in sections MCC 11.45.240 through 11.45.280, as the Director deems
18 necessary to assist in the review and assessment of the land division proposal according to the provi-
19 sions of this Chapter.

20
21 **11.45.410 Tentative Plan Approval Time Limits; Staged Development**

22
23 The time limits for approval of tentative plans and staged development proposals shall be in accordance
24 with MCC 11.45.420 through 11.45.440.

25
26 **11.45.420 Time Limit**

1

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

8

9 **11.45.430 Staged Development for Subdivision**

10

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

16

17 **11.45.440 Re-Approval After Expiration**

18

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

21

22 **11.45.450 Application of General Standards and Requirements**

23

24 Every land division proposal shall comply with the applicable provisions of MCC 11.45.460 through
25 11.45.610.

26

1 **11.45.460 Land Suitability**

2

3 A land division shall not be approved on land found by the approval authority to be both unsuitable and
4 incapable of being made suitable for the intended uses because of any of the following characteristics:

5

6 (A) Slopes exceeding 20%;

7

8 (B) Severe soil erosion potential;

9

10 (C) Within the 100-year flood plain;

11

12 (D) A high seasonal water table within 0–24 inches of the surface for three or more weeks of the
13 year;

14

15 (E) A fragipan or other impervious layer less than 30 inches from the surface; or

16

17 (F) Subject to slumping, earth slides or movement.

18

19 **11.45.470 Lots and Parcels**

20

21 The design of lots and parcels shall comply with the following:

22

23 (A) The size, shape, width, orientation and access shall be appropriate:

24

25 (1) To the types of development and uses contemplated;

26

1 (2) To the nature of existing or potential development on adjacent tracts;

2
3 (3) For the maximum preservation of existing slopes, vegetation and natural drainage;

4
5 (4) To the need for privacy through such means as transition from public to semi-public to private
6 use areas and the separation of conflicting areas by suitable distances, barriers or screens; and

7
8 (5) To the climactic conditions including solar orientation and winter wind and rain.

9
10 (B) The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to
11 the extent practicable.

12
13 (C) Double frontage or reverse frontage lots or parcels shall be provided only when essential for sep-
14 aration of land uses from arterials or to overcome specific disadvantages of topography or orienta-
15 tion.

16
17 (D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum
18 frontage requirement of the applicable zoning district, subject to the following:

19
20 (1) When a flag lot does not adjoin another flag lot, as shown in
21 Figure .470(D)(1), the pole portion of the flag lot shall be at least
22 16 feet wide.

23
24 (2) Where two flag lots are placed back to back as shown in Figure
25 .470(D)(2), the pole portion of each flag lot shall be at least 12
26 feet wide.

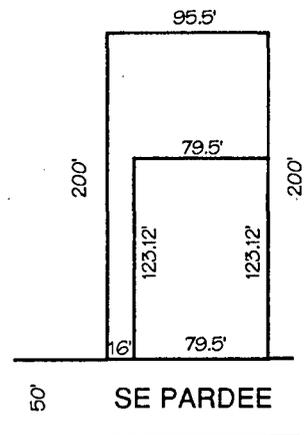
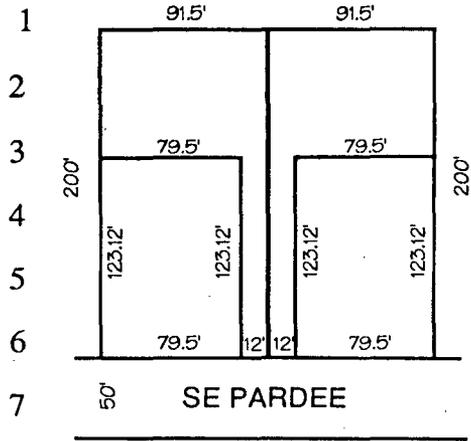
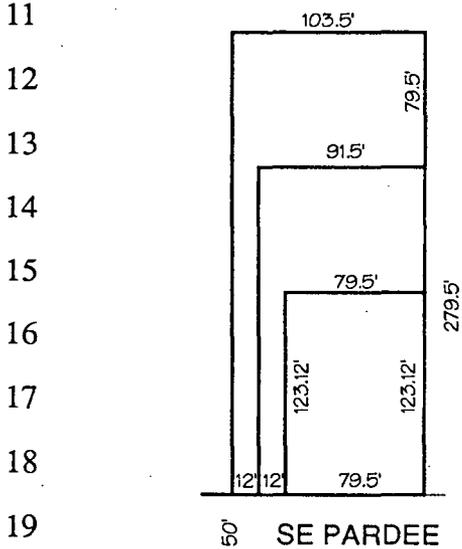


Figure .470(D)(1)

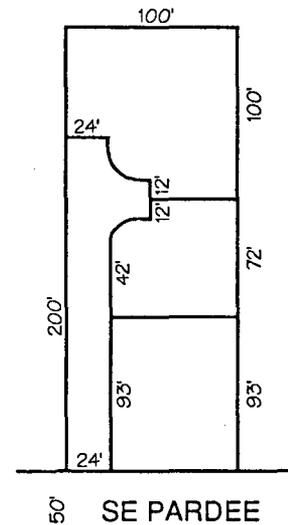


8 Figure .470(D)(2)

9 (E) Within a land division, flag lots shall not be stacked one behind the other as shown in Figure
 10 .470(E)(1). Instead, a private accessway shall be used as shown in Figure .470(E)(1).



20 Figure .470(E)(1)



22 Figure .470(E)(2)

23 **11.45.480 Acreage Tracts**

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

1 future rights-of-way or building sites.

2

3 **11.45.490 Street Layout**

4

5 (A) Except as otherwise provided in subsections (B) and (C) of this section, the arrangement of
6 streets in a land division shall be designed:

7

8 (1) To conform to the arrangement established or approved in adjoining land divisions;

9

10 (2) To continue streets to the boundary of any adjoining undivided tract where such is necessary to
11 the proper development of the adjoining land;

12

13 (3) To assure the maximum possible preservation of existing slopes, vegetation and natural
14 drainage;

15

16 (4) To limit unnecessary through traffic in residential areas;

17

18 (5) To permit surveillance of street areas by residents and users for maximum safety;

19

20 (6) To assure building sites with appropriate solar orientation and protection from winter wind and
21 rain;

22

23 (7) To assure storm water drainage to an approved means of disposal; and

24

25 (8) To provide safe and convenient access.

26

1 (B) Where topography or other conditions make conformance to the existing street pattern or contin-
2 uance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement
3 authorized by the approval authority.

4
5 (C) Where a street layout affecting the proposed land division has been established by the
6 Comprehensive Plan, a future street plan under MCC 11.45.160, or as an element of a Special Plan
7 Area under MCC 11.15.6604, the arrangement of streets in the land division shall conform to the
8 established layout.

9
10 (D) A half street may be permitted only where appropriate to the future division of adjoining unde-
11 veloped property, provided that when possible, additional dedicated right-of-way exceeding one-half
12 of a street may be required to provide adequate width to accommodate two-way vehicle traffic.

13
14 (E) When necessary for adequate protection of existing or proposed land uses or to afford separation
15 of through and local traffic, a land division abutting or containing an existing or proposed arterial
16 may be required to include, among other things, a frontage street, reverse frontage lots with extra
17 depth, or screen plantings in a non-access reservation along a property line.

18
19 **11.45.500 Street Design**

20
21 The width, design and configuration of all streets in or abutting the land division shall comply with
22 applicable ordinance standards as follows:

23
24 (A) For a public street — in accordance with the Street Standards Ordinance; and

25
26 (B) For a private street — in accordance with the [~~Site Development~~] Street Standards Ordinance,

1 subject to the following additional requirements:

2
3 (1) Accessways shall be designed in accordance with *Permit Requirements for Accessway*
4 *Construction* published by the Multnomah County Department of Environmental Service.
5 Accessways shall have a maximum length of 300 feet.

6
7 (C) A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve
8 building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a turnaround
9 having a radius of 50 feet.

10
11 **11.45.510 Street Reserve Strips**

12
13 The land division shall provide for the appropriate extension or widening of streets serving the division
14 or for allocating the improvement costs among future land divisions. A reserve strip or street plug may
15 be required for such purposes. The control and disposition of reserve strips or plugs shall be placed
16 within the jurisdiction of the County.

17
18 **11.45.520 Temporary Turnarounds**

19
20 A temporary turnaround shall be provided on any street that is appropriate for continuation, either with-
21 in the land division or beyond, when the street serves more than six interior lots. However, in the case of
22 a subdivision to be recorded and developed in stages under MCC 11.45.450, a temporary turnaround
23 shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate
24 improvement agreement under MCC 11.45.680 may be required by the Planning Director to assure that
25 a temporary turnaround will be provided should the subsequent stage not proceed according to the
26 approved schedule.

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11.45.530 Street Names

Names for public streets shall conform to the street naming system of Multnomah County. In order to discourage unnecessary traffic, the nature of a private street, a dead end street or a cul-de-sac shall be identified by a sign approved as to design, content and placement by the County Engineer.

11.45.540 Sidewalks, Pedestrian Paths and Bikeways

(A) Sidewalks shall be required in Urban Area public streets in accordance with the provisions of the Street Standards Ordinance.

(B) A sidewalk shall be required along any private street serving more than six dwelling units.

(C) A pedestrian path located outside a street right-of-way may be substituted for a required sidewalk when it serves the same circulation function.

(D) Where a pedestrian path and bikeway is part of an approved plan for the area or has been approved on adjoining property, the approval authority may require the provision of a pedestrian path or bikeway within the land division.

(E) In order to provide for an appropriate circulation system, the approval authority may require a pedestrian path and bikeway across an unusually long or oddly-shaped block.

(F) The width, design and configuration of sidewalks and pedestrian paths and bikeways shall comply with applicable ordinance standards, as follows:

1
2 (1) In a public right-of-way — in accordance with the Street Standards Ordinance; and

3
4 (2) On private property — [~~in accordance with the Site Development Standards Ordinance~~] as
5 approved by the Planning Director in accordance with the Design Review provisions of the
6 Zoning Ordinance.

7
8 **11.45.550 Easements**

9
10 Easements shall be provided and designed according to the following:

11
12 (A) Easements for utilities and storm or sanitary sewers may be required where appropriate to serve
13 abutting lots or parcels. Such easements shall be not less than 10 feet in width, centered on side or
14 rear property lines or five feet in width along front property lines.

15
16 (B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm
17 water easement or drainage right-of-way adequate to conform substantially with the lines of the
18 water course shall be provided. In a drainage district or water control district, such easement or
19 right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within
20 such District, approval shall be by the County Engineer.

21
22 (C) Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.

23
24 **11.45.560 Street Trees**

25
26 Street trees shall be planted by the applicant according to the [~~Street Standards Ordinance or the Site~~

1 ~~Development Standards Ordinance, as appropriate, and to the~~ street tree planting plan and schedule
2 approved by the County Engineer as an element of the tentative plan. Trees which have not survived for
3 one year after initial planting shall be replaced by the applicant within four months of loss.

4
5 **11.45.570 Street Lighting**

6
7 Street lighting shall be provided in all Urban Area subdivisions in accordance with the requirements of
8 the Street Standards Ordinance.

9
10 **11.45.580 Water System**

11
12 The provision of domestic water to every lot or parcel in a land division shall comply with the require-
13 ments of subsections (4)(a), (b), or (c) of ORS 92.090 and MCC 11.45.640 of this Chapter.

14
15 **11.45.590 Sewage Disposal**

16
17 The provision for the disposal of sewage from every lot or parcel in a land division shall comply with
18 the requirements of subsections (5)(a), (b) or (c) of ORS 92.090 and MCC 11.45.650 of this Chapter.

19
20 **11.45.600 Surface Drainage**

21
22 Surface drainage and storm sewer systems shall be provided as required by section 11.45.660. The
23 County Engineer may require on-site water disposal or retention facilities adequate to insure that surface
24 runoff volume after development is no greater than that before development.

25
26 **11.45.610 Electrical and Other Wires**

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Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

- (A) Is impracticable due to topography, soil or subsurface conditions;
- (B) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or
- (C) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

11.45.620 Required Improvements

Improvements in a land division shall be made in accordance with the provisions of MCC 11.45.630 through 11.45.680.

11.45.630 Streets, Sidewalks, Pedestrian Paths and Bikeways

Any street, pedestrian path or bikeway shall be improved as follows:

- (A) In a public street — in accordance with this Chapter and the Street Standards Ordinance; and
- (B) In a private street — in accordance with the ~~[Site Development]~~ Street Standards Ordinance.
- (C) Underground utilities and street lighting facilities, sanitary sewers, storm drains and water mains

1 located in a street shall be installed prior to the surfacing of the street.

2

3 **11.45.640 Water System**

4

5 Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be
6 located as follows:

7

8 (A) In a public street — in accordance with the Street Standards Ordinance; and

9

10 (B) In a private street — [~~in accordance with the Site Development Standards Ordinance~~] as
11 approved by the approval authority

12

13 **11.45.650 Sewage Disposal**

14

15 (A) Except as provided in subsection (B) of this section, a sanitary sewer line shall be installed to
16 serve every lot or parcel in a land division by extension of an existing sewer line:

17

18 (1) In a public street — in accordance with the Street Standards Ordinance; and

19

20 (2) In a private street — [~~in accordance with the Site Development Standards Ordinance~~] as
21 approved by the approval authority.

22

23 (B) In the event the State Department of Environmental Quality determines that it is impractical to
24 serve any lot or parcel by an existing sewer system, a private sewage disposal system approved by
25 the Department, shall be provided. All lots or parcels in a proposed land division which will utilize
26 private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility

1 Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the
2 [County Engineer] approval authority may require that a sanitary sewer line, with branches to the
3 right-of-way line for connection to a future sewer system, be constructed and sealed.
4

5 **11.45.660 Surface Drainage and Storm Sewer Systems**

6
7 Drainage facilities shall be constructed as follows:

8
9 (A) In a public street — in accordance with the Street Standards Ordinance; and

10
11 (B) In a private street and on lots or parcels — in accordance with the ~~[in accordance with the Site~~
12 ~~Development Standards Ordinance]~~ plans prepares by an Oregon licensed and registered profession-
13 al engineer and approved by the approval authority.
14

15 **11.45.670 Other Utilities**

16
17 Other utilities, including electric, gas, street lighting and cable television facilities shall be provided as
18 required by this Chapter and as follows:

19
20 (A) In a public street — in accordance with the Street Standards Ordinance; and

21
22 (B) In a private street — ~~[in accordance with the Site Development Standards Ordinance]~~ as
23 approved by the approval authority.
24

25 **11 45 680 Improvement Agreement**

26

1 Prior to approval of a subdivision plat or partition [~~map~~] plat by the County Engineer, the applicant
2 shall execute and file with the County Engineer an agreement with the County, which shall include:

3
4 (A) A schedule for the completion of required improvements;

5
6 (B) Provision that the applicant file with the County Engineer a maintenance bond, on forms provid-
7 ed by the Engineer, guaranteeing the materials and workmanship in the improvements required by
8 this Chapter against defects for a period of 12 months following the issuance of a certificate of
9 acceptance by the County Engineer; and

10
11 (C) A surety bond, executed by a surety company authorized to transact business in the State of
12 Oregon, or a certified check or other assurance approved by the County Counsel, guaranteeing com-
13 plete performance. Such assurance shall be for a sum equal to 110% of the actual costs of the
14 improvements as estimated by the County Engineer.

15
16 **11.45.690 Final Subdivision Plat or Partition [~~Map~~] Plat-Requirements**

17
18 A final subdivision plat or [~~a final~~] partition [~~map~~] plat shall be prepared and reviewed as provided in
19 MCC 11.45.700 through 11.45.740, and approval shall be effective according to MCC 11.45.750.

20
21 **11.45.700 Final Drawing and Prints**

22
23 Two prints of the subdivision or partition plat [~~or map~~] shall accompany the final drawing, which shall
24 be prepared as follows:

25
26 (A) The final subdivision [~~plat~~] or partition plat shall be drawn in the manner provided by ORS

1 92.080 and shall include an exact copy thereof, according to subsection (2) of ORS 92.120.

2
3 (B) The final subdivision or partition [~~map~~] plat shall be [~~drawn in the manner provided by~~] subject
4 to the requirements of subsection (2) of ORS 209.250.

5
6 **11.45.710 Information Required on Subdivision Plat or Partition [~~Map~~] Plat**

7
8 In addition to the information required to be shown on the tentative plan, the following shall be shown
9 on the subdivision plat or partition [~~map~~] plat.

10
11 (A) The information required by subsections (1) and (2) of ORS 92.070 and subsections (3)(a), (b),
12 (e) and (f) of ORS 92.090.

13
14 (B) Recording numbers of existing surveys which are identified, related to the plat or map by dis-
15 tances and bearings, and related to a field book or map by any of the following:

16
17 (1) Stakes, monuments or other evidence found on the ground and used to determine the boundaries
18 of the land division;

19
20 (2) Corners of adjoining subdivisions or partitions; or

21
22 (3) Other monuments found or established in making the survey or required to be set by law.

23
24 (C) The location, width and centerline of streets and easements abutting the boundaries of the land
25 division.

26

- 1 (D) Normal flood plain or high water line for any creek or other minor body of water or natural
2 drainageway and the 100-year flood line of any major water body.
3
- 4 (E) Tract, block, and lot or parcel boundary lines and street rights-of-way and centerlines, with
5 dimensions, bearings or deflection angles, radii arc, points of curvature and tangent bearings. Tract
6 boundaries and street bearings shall be shown to the nearest second with basis of bearings.
7 Distances shall be shown to the nearest 0.01 feet. All curve data, including length of cord and cord
8 bearing, shall be shown in tabular form. Arc lengths shall be shown on the lines.
9
- 10 (F) The width of the portion of any street being created and the width of any existing right-of-way.
11 For a curved street, curve data shall be based on the street centerline. In addition to the centerline
12 dimensions, the radius and central angle shall be indicated. Each public street shall be named. The
13 ownership of each private street shall be shown.
14
- 15 (G) Easements shall be clearly identified as to intended purpose. Book and page numbers shall be
16 provided for any easement of record. If an easement is not of record, a description of the nature of
17 the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to
18 locate the easement with respect to the land division shall be shown. If an easement is being dedicat-
19 ed by a plat, it shall be so indicated in the owner's certificate of dedication.
20
- 21 (H) For a subdivision — lot numbers beginning with the number "1" and numbered consecutively
22 ~~[in each block]~~.
23
- 24 (I) ~~[For a subdivision — block numbers beginning with the number "1" and continuing consecutive-~~
25 ~~ly without omission or duplication throughout the subdivision. The numbers shall be solid, of suffi-~~
26 ~~cient size and thickness to stand out and so placed as not to obliterate any figure.] [Repealed 199_~~

1 Ord. _____ § _____

2
3 (J) Lot and block numbers in an addition to a subdivision of the same name, shall be a continuation
4 of the numbering in the original subdivision.

5
6 (K) Identification of land to be dedicated for any purpose, public or private, in a manner sufficient to
7 distinguish it from lots or parcels intended for sale.

8
9 ~~[(L) Building setback lines, identified as such, which are to be made a part of the subdivision or par-~~
10 ~~tion restrictions.]~~

11
12 ~~[(M)L]~~ The following certificates, which may be combined where appropriate:

13
14 (1) For a subdivision — a certificate signed and acknowledged by all parties having any record title
15 interest in the land, consenting to the recording of the plat.

16
17 (2) For a subdivision — a certificate signed and acknowledged as above, dedicating to the public all
18 land and common improvements intended for public use.

19
20 (3) For a subdivision or partition — a certificate with the seal of and signed by the surveyor respon-
21 sible for the survey and the final plat or map.

22
23 (4) Other certifications required by law.

24
25 **11.45.720 Supplemental Information with Subdivision Plat or Partition ~~[Nap]~~ Plat**

26

1 The following shall accompany the subdivision plat or partition ~~[map]~~ plat, as appropriate:

2
3 (A) A title report issued by a title insurance company if any real property is to be dedicated to the
4 public.

5
6 (B) Sheets and drawings showing the following:

7
8 (1) Traverse data including the coordinates of the boundary of the land division and ties to section
9 corners and Donation Land Claim corners. The error of closure shall not exceed 1:10,000. All
10 error is to be removed by adjustment on the plat or map.

11
12 (2) The computation of the distances, angles and courses shown on the plat or map.

13
14 (3) Ties to existing monuments, proposed monuments, adjacent subdivisions or partitions and street
15 corners.

16
17 (C) A copy of any deed restrictions applicable to the subdivision or partition.

18
19 (D) A copy of any dedication requiring separate documents.

20
21 (E) A copy of the future street plan, when required, as recorded according to MCC 11.45.170(A).

22
23 ~~[(F) For a partition, a metes and bounds description of each parcel being created.]~~

24
25 **11.45.730 Technical Review and Approval of Subdivision Plat or Partition Plat ~~[or Map]~~**

26

1 (A) The subdivision plat or partition [~~map~~] plat and all required material shall be filed with the
2 Planning Director for final approval. Within 10 business days of filing, the Planning Director shall
3 determine whether the material conforms with the approved tentative plan and with the applicable
4 requirements of this Ordinance. If the Planning Director determines that there is not such conformi-
5 ty, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat
6 ~~or map~~ is found to be in conformity, it shall be signed and dated by the Planning Director.

7
8 (B) Following review and approval of a subdivision or partition plat, the Planning Director shall:

9
10 (1) Obtain the approval signature thereon by the County [~~Engineer~~] Surveyor, certifying that the
11 subdivision plat complies with all applicable laws. Before so certifying, the County [~~Engineer~~]
12 Surveyor may cause field investigations to be made to verify that the plat survey is sufficiently
13 accurate. If it is determined that there has not been full compliance, the applicant shall be so
14 notified and afforded an opportunity to make corrections. When the plat is found to be in confor-
15 mity, it shall be signed and dated by the County [~~Engineer~~] Surveyor. ;

16
17 (2) As required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors, or
18 Board's delegate, of an irrigation district, drainage district, water control district or district
19 improvement company, if the subdivision is within such district;

20
21 (3) [~~Ø~~] In the case of a subdivision, obtain the approval signatures thereon of [~~a majority~~] the Chair of
22 the Board of County Commissioners or the [~~Board~~] Chair's delegate, certifying that the plat is
23 approved;

24
25 (4) Obtain the approval signature thereon from the Division of Assessment & Taxation, certifying
26 that all taxes on the property have been paid or bonded for in accordance with State law;

1
2 (5) Deliver the approved subdivision plat and accompanying documents to the Recording Section of
3 the [~~Recording Section of the Department of Administrative Services~~] public office responsible
4 for public records for recording; and

5
6 (6) Notify the applicant that the approved subdivision plat and accompanying documents have been
7 delivered to the Recording Section and may be offered for record.

8
9 ~~[(C) Following review and approval of a final partition map the Planning Director shall:~~

10
11 ~~(1) Obtain the approval signature thereon by the County Engineer certifying that it complies with all~~
12 ~~applicable laws. Before so certifying, the County Engineer may cause field investigations to be~~
13 ~~made to verify that the map survey is sufficiently accurate. If it is determined that there has not~~
14 ~~been full compliance, the applicant shall be so notified and afforded an opportunity to make cor-~~
15 ~~rections. When the map is found to be in conformity, it shall be signed and dated by the County~~
16 ~~Engineer and filed in accordance with ORS 209.250;~~

17
18 ~~(2) As required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors or~~
19 ~~Board's delegate, of any irrigation district, drainage district, water control district or district~~
20 ~~improvement company, if the partition is within such district;~~

21
22 ~~(3) Deliver the approved partition map and accompanying documents to the Recording Section of~~
23 ~~the Department of Administrative Services for recording; and~~

24
25 ~~(4) Notify the applicant that the approved partition map and documents have been delivered to the~~
26 ~~Recording Section and may be offered for record.]~~

1
2 (C) No building permit shall be issued or parcel sold, transferred or assigned until the partition plat
3 has been approved by the Planning Director and County Surveyor and recorded with the public
4 office responsible for public records.:
5

6 **11.45.740** [~~Appeal From Action on Final Plat or Map~~ *[Repealed 199 . Ord. . §]*]
7

8 ~~A decision of the Planning Director on a final subdivision plat or final partition plat may be appealed to~~
9 ~~the Hearings Council in the manner provided in MCC 11.15.8290 and .8295.]~~
10

11 **11.45.750 Final Approval Effective**
12

13 [~~The approval process for a s~~] Subdivision and partition approvals shall become final upon the recording
14 of the approved [~~subdivision~~] plats, under [~~subsection (1) of~~] ORS 92.120, [~~and for a partition, upon the~~
15 ~~recording of the approved partition map~~] any required street dedications and other required documents
16 with the [~~Recording Section of the Department of Administrative] Services] public office responsible
17 for public records.
18~~

19 **11.45.760 Variances**
20

21 (A) A variance from the provisions of MCC 11.45.450 through 11.45.610 and MCC 11.45.620
22 through 11.45.670 of this Chapter may be authorized by the Hearings [~~Council~~] Officer or the
23 Planning Commission, as appropriate. Such a variance may be authorized only when substantially
24 all of the following factors exist:
25

26 (I) Special circumstances or conditions apply to the property or to the intended use that do not apply

1 to other property in the same vicinity;

2
3 (2) The variance is necessary for the preservation and enjoyment of a substantial property right of
4 the applicant and extraordinary hardship would result from strict compliance with the ordinance
5 requirements;

6
7 (3) The authorization of the variance will not be materially detrimental to the public welfare or inju-
8 rious to other property in the vicinity;

9
10 (4) The granting of the variance will not adversely affect implementation of the Comprehensive
11 Plan; and

12
13 (5) The circumstances of any hardship are not of the applicant's making.

14
15 (B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the
16 time of application for tentative plan approval. The application shall be accompanied by the required
17 fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.

18
19 (C) A variance authorized under the provisions of MCC 11.45.760 shall expire upon expiration of
20 the tentative plan approval or of the phase of an approved staged development associated therewith.

21
22 (D) A variance from the provisions of the Street Standards Ordinance [~~or the Site Development~~
23 ~~Standards Ordinance~~] may be authorized as provided therein.

24
25 **11.45.770 Appeals from Hearings [Council] Officer or Planning Commission Decision**

26 A final decision [~~on a land division proposal made~~] by the Hearings [Council] Officer or the Planning

1 Commission under this Chapter may be appealed to the Board of County Commissioners in the manner
2 provided in MCC 11.15.~~[8260]~~8205 through .~~[8285(E)]~~8295.

3
4 **11.45.780 Interpretation**

5
6 It shall be the duty of the Planning Director to interpret the provisions of this Chapter. The provisions of
7 this Chapter shall be held to the minimum requirements necessary for the promotion of the public
8 health, safety, convenience and general welfare.

9
10 **11.45.790** ~~[Continuation of Previous Approvals]~~ ~~[Repealed 199 . Ord. . §]~~

11
12 ~~[The provisions of this Chapter shall apply to all tentative plans for land divisions for which application~~
13 ~~is made after July 13, 1982.~~

14
15 ~~(A) An application for a preliminary subdivision or plat or for the creation of a street or road under~~
16 ~~ORS 92.014, completed and filed prior to July 13, 1982, shall be processed in accordance with and~~
17 ~~subject to the requirements of the pre-existing regulations.~~

18
19 ~~(B) An approval of a preliminary subdivision plat or of the creation of a street or road under ORS~~
20 ~~92.014, which was granted prior to July 13, 1982, shall expire one year after said approval date.]~~

21
22 **11.45.800 Enforcement**

23
24 The Director of the Department of Environmental Services shall be responsible for the enforcement of
25 the provisions of this Chapter.

26

1 **11.45.810 Fee Schedule**

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(A) Pre-filing Conference.

(1) Type [H] 1 or Type [H] 2 Land Division \$50.00

(2) Type [HH] 3 and [HV] 4 Land Division \$50.00

(B) Type [H] 1 Tentative Plan.

(1)20 lots or less \$800.00

(2)More than 20 lots \$800.00 plus \$25.00 for each lot over 20.

(3) A land division which is classified as Type [H] 1 according to the criteria in MCC 11.45.080(D) which would otherwise be designated a Type [H] 2, Type [HH] 3, or Type [HV] 4 Land Division shall be assessed the lesser respective fee.

(C)Type [H] 2 Tentative Plan \$450.00

(D)Type [HH] 3 Tentative Plan \$250.00

(E)Type [HV] 4 Tentative Plan \$ \$125.00

(F) [Lot] Property Line Adjustment \$75.00

1 ((F)G) Final Plat [~~or Map~~] Survey Check.

2
3 (1) For subdivision as follows:

4
5 (a) The fee to be paid by the applicant to the County Surveyor for checking subdivision plats
6 having all boundary and lot corner monuments in place on the subdivision site at the time of
7 inspection by the County Surveyor, shall be \$500 plus \$25 for each lot contained in the sub-
8 division.

9
10 (b) The fee to be paid by the applicant to the County Surveyor for checking subdivision plats
11 having all boundary angle points and all points of intersection of parcel lines with the bound-
12 ary marked by monuments at the time of inspection by the County Surveyor, but with the
13 interior parcel and roadway monuments to be delayed in accordance with ORS 92.060(5),
14 shall be \$650 plus \$35 for each lot contained within the subdivision.

15
16 (2) For partitions The fee to be paid by the applicant to the County Surveyor for checking partition
17 plats as required by ORS 92.100(3) shall be \$300.00

18
19 (3) In addition to the above fees the applicant shall pay to the County Surveyor for repeated calcula-
20 tions and review due to necessary data changes or erroneous data, and necessary repeated field
21 inspections due to omitted, erroneously placed, disturbed or destroyed monuments, an amount
22 equal to the actual cost to the Department of Environmental Services

23
24 (4) The fees to be paid by the applicant for the services of the County Surveyor described in subsec-
25 tions (1) and (2) are payable to the County Surveyor in advance of inspections, at the time the
26 final subdivision plat and/or survey map is submitted to the office of County Surveyor. Any fees

necessarily assessed for services of the County Surveyor described in subsection (3) shall be payable prior to approval of the subject plat.

(5) As used in this section, *lot* means a unit of land that is created by a subdivision of land, and a *tract* will be considered a lot, except for street plugs.

- (G).....Variance [MCC 11.45.760] \$400.00
- (H).....Notice Sign [MCC 11.15.9020(A) \$5.00
- (I) Time Limit Extension [MCC 11.45.420] \$75.00
- (J) Appeals
 - (1)From administrative decisions under MCC 11.45.320(C), 11.45.380(C) [~~and 11.45.740~~] \$100.00
 - (2)From decisions of the Hearings [~~Council~~] Officer or Planning Commission under MCC 11.45.770..... \$300.00
 - Plus transcript cost per minute of hearing time \$3.50
- (K) Records and Reports, per page \$0.30
- (L) Rescheduled Hearing \$200.00
- (M)The fees required under MCC 11.45.810 shall apply to all actions specified in this Chapter, regardless of applicant.

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11.45.820 Amendment

This Chapter may be amended according to the provisions of MCC 11.45.830 through 11.45.860.

11.45.830 Initiation of Amendment

(A) An amendment of this Chapter may be initiated by:

- (1) Order of the Board;
- (2) Vote of a majority of the entire Planning Commission; or
- (3) Request of the Planning Director.

(B) The provisions of this section or any other provision of this Chapter which relates to procedures for amendment hereof shall not apply to any amendment which relates to fees. The establishment of any such fees, and the amendment thereof, shall be prescribed by the Board of County Commissioners acting in accordance with Chapter V of the Charter.

11.45.840 Procedure for Amendment; Notice

(A) A public hearing shall be held by a majority of the entire Planning Commission on a proposed amendment of this Chapter. A proposed amendment shall be in draft form.

(B) Notice of the time, place and purpose of the hearing and a description of the land to be subject to

1 the amendment shall be given as follows:

2
3 (1) As required by MCC 11.05.110; and

4
5 (2) Once a week for two successive weeks prior to the hearing in a newspaper of general circulation
6 published in Multnomah County.

7
8 **11.45.850 Planning Commission Recommendation on Proposed Amendment**

9
10 (A) A recommendation to approve an amendment of this Chapter shall be by majority vote of the
11 entire Planning Commission. A recommendation, together with relevant information, shall be
12 referred by the Planning Commission to the Board.

13
14 (B) An amendment initiated by the Planning Director shall be referred to the Planning Commission
15 for report and recommendation.

16
17 (C) An amendment initiated by the Board shall be referred to the Planning Commission for report
18 and recommendation by a date certain. If no timely report and recommendation is made by the
19 Planning Commission and no extension is granted by the Board, the Board may consider the amend-
20 ment without recommendation of the Planning Commission thereon.

21
22 **11.45.860 Board Procedure on Amendment; Notice**

23
24 (A) The Board shall conduct a public hearing and take action on a proposed amendment of this
25 Chapter in accordance with the Charter and the rules of the Board.

26
(B) The Board shall give notice of the hearing as required by the Charter and
in the manner provided in subsection (B) of MCC 11.45.840.

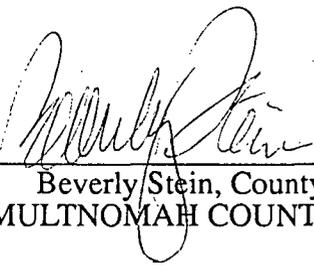
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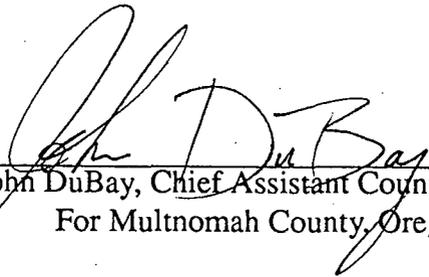
~~11.45.870 [Repeal of Subdivision Regulations] [Repealed 199 , Ord. , §]~~

~~[The Subdivision Regulations of Multnomah County, adopted April 19, 1955, and all amendments thereto are repealed, except for the purposes of MCC 11.45.790.]~~

ADOPTED THIS 28th day of December, 199³, being the date of its second reading before the Board of County Commissioners of Multnomah County.



By 
Beverly Stein, County Chair
MULTNOMAH COUNTY, OREGON

REVIEWED:

John DuBay, Chief Assistant County Counsel
For Multnomah County, Oregon



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

C 7-93
Exhibit A

STAFF REPORT ASSOCIATED WITH AMENDING THE MULTNOMAH COUNTY LAND DIVISION ORDINANCE

November 1, 1993

I. INTRODUCTION

The Multnomah County Land Division Ordinance (MCC 11.45) was adopted in 1978 and has had very few amendments since then. During the 15 years since adoption of the Land Division Ordinance, changes have occurred in the State Statutes that regulate subdivisions and partitions. Also, there have been changes at the County level in terms of organizational structure and process by which the County conducts its planning process. As a result, some provisions in the Land Division Ordinance are out of date because of inconsistencies with statutory definitions, for example, or because the County departments and officers authorized to perform certain functions under the Land Division Ordinance are not the same today as they were in 1978. Many of the proposed amendments are of a "housekeeping" nature in that they address problems such as those identified above.

The second broad category of amendments relates to matters in which Staff, based on experience with the existing Ordinance, believes that improvements could be made in the way that the Ordinance performs its purpose of providing classifications and standards for the division of land in unincorporated Multnomah County.

In Part II, the left side of the following pages contains the complete text of the Land Division Ordinance. Proposed amendments are shown within the text by the new wording being underlined and language to be deleted in ~~[brackets and crossed through]~~. On the right side of the page, aligned with the proposed code amendments, is the explanation of the reason for the amendment. The "Item #" reference for a comment in the right column refers to a master list of proposed amendments compiled by staff. In this draft, we have deleted many "repeat" comments that refer to the same change over and over again (e.g., change from partition "map" to "plat"). Comments that are preceded only by the word "Comment" accompany changes that were added after the October 4 draft. Part II incorporates changes approved by the Planning Commission on November 1, 1993

Code provisions that state "as shown in Figure ___" indicate the location of graphics that have been incorporated into the ordinance to illustrate specific situations or concepts.

II. PROPOSED CODE AMENDMENTS

11.45.005 Title

This Chapter shall be known as the Multnomah County Land Division Ordinance and may be so pleaded and referred to.

11.45.010 Definitions

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

(A) *Accessway* means a private street which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

(B) *Applicant* means the record owner or owners of a unit, area or tract of land or contiguous units, areas or tracts, proposing subdivision or partitioning and includes the authorized representative of the record owner or owners.

(C) *Approval authority* means the Hearings [~~Council~~ Officer], Planning Commission or Planning Director authorized by this Chapter to approve tentative plans or final plans for land divisions.

(D) *Board* means the Board of County Commissioners of Multnomah County.

(E) *Comprehensive Plan* means the Comprehensive Plan adopted by Multnomah County, including any plan or plan element adopted as a component of the Comprehensive Plan.

(F) *Cul-de-sac* means a short public street which is open to traffic at one end and is terminated by a vehicle turnaround at the other.

(G) *Development permit* means any permit required by this or other Multnomah County Ordinances as a prerequisite to the use or improvement of any land and includes a building, land use, occupancy, sewer connection or other similar permit.

(H) *Flag lot* means a parcel which includes a private

Item #20 The County has not had a Hearings Council since 1981. The County most recently began using Hearings Officers in 1992

driveway as a part thereof.

- (I) *Frontage street* means a minor street substantially parallel and adjacent to an arterial

street, providing access to abutting properties and separation from through traffic.

- (J) *Future street plan* means a plan approved by the Hearings [~~Council~~] Officer or Planning Commission, as appropriate, for the continuation into nearby property of any street in an Urban Area Type [~~H~~] 1 Land Division to facilitate the future division of the nearby land according to the provisions of this Chapter.

- (K) *Half street* means a portion of the standard width of a street along the boundary of a land division, where the remaining portion of the street width could be provided from the adjoining property.

- (L) *Hearings [~~Council~~] Officer* means the Hearings [~~Council~~] Officer of Multnomah County.

- (M) *Land Division* means a subdivision[, [~~major partition~~] or [~~minor~~] partition. For the purposes of this Chapter, land divisions are further classified as

Type [~~I~~] 1, Type [~~H~~] 2, and] Type [~~III~~] 3, and Type 4 Land Divisions, as provided in MCC 11.45.070 through 11.45.[~~100~~]110.

- (N) *Land Feasibility Study* means a Site Evaluation Report as defined in OAR 340-71-150(1) which is the first step in obtaining a construction permit for

Item # 21: Numerical references to different types of Land Divisions are proposed to be changed from Roman to Arabic numerals for the sake of simplicity.

Item #10: The Future Street Plan findings section (MCC 11.45.120) make it clear that Future Street Plans were intended to be used in the urban and not the rural areas of the County. The proposed amendment clarifies the point.

Item #1: The 1991 Legislature removed the statutory distinction between major and minor partitions, instead simply defining a partition as a division creating 2 or 3 parcels. The proposed change removes a source of confusion.

Item #9: See comment at MCC 11.45.110 concerning new Type 4 Land Division category

Comment: New definition requested by Planning Commission for sake of clarity.

an on-site sewage disposal system.

~~[(N)]~~O *Lot* means a unit of land that is created by a subdivision of land.

~~[(O)]~~Major partition means a partition which includes the creation of a street, but not the widening of an existing street.]

~~[(P)]~~Map means a final diagram, drawing or other writing concerning a major or minor partition.]

~~[(Q)]~~Minor partition means a partition which does not include the creation of a street, but may include the widening of an existing street.]

~~[(R)]~~P *Parcel* means a unit of land that is created by a partitioning of land.

~~[(S)]~~Q *Partition* means either an act of partitioning land or an area or tract of land partitioned as defined in this Chapter.

~~[(T)]~~R *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 divisions of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; and ~~“partition land” does not include any~~

(2) An adjustment of a [lot] property line by the relocation of a common boundary where an additional [parcel] unit of land is not created and where the existing [parcel] unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by MCC 11.15; or

(3) ~~Partition land does not include the~~ A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or

See previous comment on Item #1

Item #2: See comment opposite new definition of *Partition Plat*.

See previous comment for Item #1.

Item #34: The proposed changes in this definition reflect changes in the definition *partition land* in Chapter 92 of ORS as amended by the 1992 Legislature.

right-of-way complies, in the case of a county road, with the Street Standards Ordinance, or, in the case of other right of way, the applicable standards of the agency to which the sale or grant is made. However, any property divided by the sale or grant of property for state highway or county road or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(4) the, sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

(S) Partition Plat means means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

~~(U)~~T *Pedestrian path and bikeway* means a right-of-way or easement for pedestrian, bicycle or other non-motorized traffic.

~~(V)~~U *Person* means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

~~(W)~~V *Planning Commission* means the Planning Commission of Multnomah County.

~~(X)~~W *Planning Director* means the Director of the Division of Planning and Development or the Director's delegate.

~~(Y)~~X *Plat* includes a final [~~map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision~~] subdivision plat or partition plat.

Item #2: The 1989 Legislature established the partition plat as the statewide standard for the final map and other documents associated with completing a partition. In essence, the partition plat is to a partition what the *final plat* is to a subdivision

Item #17: This amended definition matches the definition for *plat* in the current Oregon Revised Statutes.

~~(ZY)~~ *Private driveway* means a private street which is a part of and provides access only to one lot or parcel.

~~(AA)Z~~ *Private street* means a street which is either a private driveway or an accessway, which is under private ownership and which passes through or alongside the full length or width of, a separate lot or parcel, either existing or proposed.

(AA) *Property Line* means the division line between two units of land.

(BB) *Property Line Adjustment* means the relocation of a common property line between two abutting properties.

~~(BB)CC~~ *Public street* means a street dedicated for public use or proposed to be dedicated for public use in a land division.

~~(CC)DD~~ *Right-of-way* means the area between boundary lines of a public street or other area dedicated for pedestrian or vehicular circulation.

~~(DD)EE~~ *Rural Area* means the unincorporated area of Multnomah County located outside of the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

~~(EE)FF~~ *Sale or sell* includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

~~(FF)GG~~ *Sidewalk* means a pedestrian walkway with all weather surfacing.

~~(GG)HH~~ *Street* means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

~~(HH)II~~ Street classifications such as *Arterial, Collector, Minor Arterial*, etc., shall have the meanings

Item #4: The definitions for property line and property line adjustment match those in Chapter 92 of ORS. See comment At MCC 11.45.115 regarding the new Property Line Adjustment process.

stated in the Multnomah County Street Standards Ordinance.

~~(H)~~JJ) *Street lighting* means the total system of wiring, poles, arms, fixtures and lamps, including all parts thereof that are necessary to light a street or pedestrian path and bikeway.

~~(H)~~KK) *Subdivide land* means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

~~(K)~~LL) *Subdivision* means either an act of subdividing land or an area or a tract of land subdivided as defined in this Chapter.

(MM) *Subdivision Plat* means means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision.

~~(L)~~NN) *Tentative plan* means the applicant's proposal for subdivision or partition and consists of the drawings, written information and supplementary material required by this Chapter.

~~(M)~~OO) *Urban Area* Means the unincorporated area of Multnomah County located within the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

11.45.015 Purpose

This Chapter is adopted for the purposes of protecting property values, furthering the health, safety and general welfare of the people of Multnomah County, implementing the Statewide Planning Goals and the Comprehensive Plan adopted under Oregon Revised Statutes, Chapters 197 and 215, and providing classifications and uniform standards for the division of land and the installation of related improvements in the unincorporated area of Multnomah County.

11.45.020 Intent

Language Added, [~~Language Deleted~~]

Exhibit A, Staff Report, November 1, 1993 7

Item #16: This amended definition matches the definition for *subdivision plat* in the current Oregon Revised Statutes.

In the regulation of the division of land, it is intended that this Chapter shall minimize street congestion, secure safety from fire, flood, geologic hazards, pollution and other dangers, provide for adequate light and air, prevent the overcrowding of land and facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other public services and facilities, all in accord with Oregon Revised Statutes, Chapter 92.

11.45.030 Scope

This Chapter shall apply to the subdivision and partitioning of all land within the unincorporated area of Multnomah County.

11.45.040 Compliance Required

No land may be divided in the unincorporated area of Multnomah County except in accordance with this Chapter.

(A) No person shall create a street for the purpose of dividing land without the approval of a subdivision or [~~major~~] partition as provided by this Chapter.

(B) No development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Chapter, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat or partition map is a violation of this Chapter.

(C) The requirements of this Chapter shall apply to the applicant for a land division and to the applicant's successors in interest in the land division or any portion thereof.

11.45.050 Board findings Concerning Land Division Types

The Board of County Commissioners finds that:

(A) The Comprehensive Framework Plan, adopted in

Language Added, [~~Language Deleted~~]

Exhibit A, Staff Report, November 1, 1993 8

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accordance with the Statewide Planning Goals, classifies certain County lands as within the Urban Area and therefore suitable for intensive development, and other lands as within the Rural Area and therefore suitable for agricultural, forest, natural resource and other non-intensive uses.

- (B) Land division proposals, consisting of subdivisions, ~~[major partitions]~~ and ~~[minor]~~ partitions are steps in the land development process which should be encouraged in the Urban Area where supportive services exist, subject to review for conformance with the Comprehensive Plan and other legal requirements.
- (C) Procedures governing land division in the urban area should be expeditious and inexpensive while protective of the public interest. The County system in effect since 1955, however, has involved time-consuming and costly procedures which, in many instances, have tended to discourage otherwise appropriate urban area land divisions.
- (D) Under ORS 92.044 and 92.046, it is the Board's policy to delegate the review and approval function over certain land division proposals to the Hearings ~~[Council]~~ Officer or Planning Commission and over certain other proposals to an administrative official, provided that decisions in either instance shall be guided by the procedures and standards established by this Chapter.
- (E) Determination of whether administrative or public hearing review should be required depends on the size, location and foreseeable impacts on the community of a given land division proposal. Type ~~[H]~~ 2 and Type ~~[HH]~~ 3 Land Division proposals, as defined in this Chapter, are appropriate for administrative review and decision due to their minor impacts on nearby properties and their consistency with the objectives of facilitating development in accordance with the Statewide Planning Goals, particularly Nos. 9, 10, 11, 13 and 14, and with the Comprehensive Plan.

11.45.060 Land Division Approval Authority Delegated

Language Added, ~~[Language Deleted]~~

Based on the findings in MCC 11.45.050, the Board hereby:

- (A) Adopts the classification system of Type[~~H~~] 1, Type [~~H~~] 2, [~~and~~] Type [~~H~~] 3 and Type 4 Land Divisions as distinguished in MCC 11.45.070 through 11.45.100;
- (B) Delegates to the Hearings [~~Council~~] Officer and to the Planning Commission, as appropriate, the authority to approve tentative plans for Type[~~H~~] 1 Land Divisions;
- (C) Delegates to the Hearings [~~Council~~] Officer and to the Planning Commission, as appropriate, the authority to approve a future street plan for an Urban Area of 40 acres or less in conjunction with and in addition to action on a Type[~~H~~] 1 Land Division, provided that affected property owners are notified thereof, according to subsection (A) of MCC 11.45.220. Subsequent land division proposals of 10 lots or less within the area affected by an approved future street plan and consistent with it, are designated Type [~~H~~] 2 Land Divisions;
- (D) Delegates to the Planning Director the authority to approve tentative plans and final plats [~~and maps~~] of Type [~~H~~] 2, [~~and~~]-Type [~~H~~] 3 and Type 4 Land Divisions, and to approve final plats [~~and maps~~] of Type[~~H~~] 1 Land Divisions; and
- (E) Delegates to the Planning Director the authority to determine into which classification any proposed land division falls. Doubt as to the classification of a land division proposal shall be resolved in favor of Type[~~H~~] 1 classification.

11.45.070 Land Division Types Distinguished

For the purposes of this Chapter, the land division classifications listed in sections 11.45.080 through 11.45.100 are established.

11.45.080 Type [~~H~~] 1 Land Divisions

The following proposals are designated Type[~~H~~] 1 Land Divisions:

Language Added, [~~Language Deleted~~]

- (A) A Rural Area subdivision;
- (B) An Urban Area subdivision of more than 10 lots;
- (C) Except as provided in subpart (3) herein, a Rural or Urban Area [major] partition which creates a new street, [in either a Rural or an Urban Area] and an Urban Area subdivision of 10 lots or less when the Planning Director determines that:
 - (1) The proposal includes the continuation of an existing or planned street to adjacent property, or
 - (2) The proposal either eliminates or makes impractical the continuation of an existing street or the provision of needed access to adjacent property.
 - (3) Exception: A land division described in subsection [~~C of MCC 11.45.080~~] (1) or (2) above is designated a Type [H] 2 Land Division when, as determined by the Planning Director, the proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan, with a future street plan approved under MCC 11.45.200 through 11.45.280, or with a street pattern approved as an element of a Special Plan Area under MCC 11.15.6604;
- (D) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC 11.15 or for a variance under this Chapter; and
- (E) Any other land division proposal which, as determined by the Planning Director, will have a substantial impact on the use or development of nearby property such that determination at a public hearing is required, considering:
 - (1) The nature of nearby land uses or the pattern of existing land divisions in relation to the applicable elements of the Comprehensive Plan;
 - (2) Plans or programs for the extension of the street or utility systems on or near the proposed division; or

Changes in wording of Subsections (C) and (C)(3) are suggested by Planning staff to make language more straightforward while keeping the same meaning.

- (3) Physical characteristics of the tract or nearby area such as steep slopes, a history of flooding, poor drainage, land slides or other existing or potential hazards.

11.45.090 Type [H] 2 Land Division

~~[The following proposals are designated Type II Land Divisions:]~~ A Type 2 Land Division is an Urban area subdivision of 10 lots or less, or a partition which includes the creation of a new street when:

- (A) ~~[A major partition in either a Rural or Urban Area or an Urban Area subdivision of 10 lots or less, when~~
e] Continuation of an existing street is neither proposed nor needed to complete an appropriate street system or to provide access to adjacent undivided property, as determined by the Planning Director; and
- (B) ~~[A major partition in either a Rural or an Urban Area or an Urban Area subdivision of 10 lots or less when t]~~ The proposed street layout is consistent with:
 - ~~(1) A~~ a street pattern adopted as part of the Comprehensive Plan;
 - ~~(2) W~~ with a future street plan approved under MCC 11.45.110, 160, or
 - ~~(3) A~~ a street pattern approved as an element of a Special Plan Area, under MCC 11.15.6604.

11.45.100 Type [H] 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Type [H] 3 Land Division:

- (A) A ~~minor~~ partition located at the end of a street;
- (B) A ~~minor~~ partition abutting a street which has a centerline to property line width less than one-half the width specified for that functional street classification according to the Multnomah County Street Standards Ordinance;
- (C) A partition which will result in a flag lot;
- (D) A ~~minor~~ partition which will result in one or more

Language Added, [~~Language Deleted~~]

Changes in wording of MCC 11.45.090 are suggested by staff to make language more straightforward while keeping the same meaning.

Item #4 Correction of citation.

parcels with a depth-to-width ratio exceeding 2.5 to 1;

(E) A ~~[minor]~~ partition which will result in a proposed parcel with an area four or more times the area of the smallest proposed parcel; and

(F) A ~~[minor]~~ partition of land classified as Significant Environmental Concern (SEC), Willamette River Greenway (WRG), Flood Hazard (FH), Exclusive Farm Use (EFU), or Special Plan Area (SPA) under MCC 11.15.

[Amended 1990, Ord. 642 § 2]

(G) A partition resulting in the creation of a lot for which an Exception or Variance is required under MCC 11.15.

11.45.110 ~~[Minor Partitions Exempted]~~ Type 4 Land Division

~~[minor-p]~~ Partitions not listed in MCC 11.45.080 to 11.45.100 are ~~[exempt from the provisions of this Chapter.]~~ designated Type 4 Land Divisions.

(A) The Planning Director may approve a Type 4 Land Division based on a finding that the proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located.

(B) The procedure and forms for review and approval of a Type 4 Land Divisions shall be as provided for by the Planning Director.

Item 15: This change expands the Type 3 Land Division definition to include divisions where a lot area or dimension Exception or Variance is required to create a proposed lot or parcel.

Item #9: This change established a new class of land division with clear, objective, non-discretionary approval standards. Although the Land Division Ordinance declares all partitions that are not listed as Type 3's to be "exempt" from the ordinance's provisions, the exclusion makes little sense when state law requires those same partitions to be subject to the partition plat requirements. The present language, could produce the bizarre result in which a partition might contain parcels having less than the minimum area required by zoning, but would be "exempt" because it did not qualify as a Type 3. The proposed change formalizes a procedure that the Planning Division has followed since 1978, in which so-called "Exempt Minor Partitions were recognized as a courtesy to landowners who wanted County "approval" of their partitions, even though the ordinance required no approval.

11.45.115 Property Line Adjustment (Lot Line Adjustment)

A property line adjustment is the relocation of a common property line between two abutting properties.

(A) The Planning Director may approve a property line adjustment between two properties, in either the Urban Area or the Rural Area, where an additional lot or parcel is not created and where the existing lot or parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the applicable zoning designation.

(B) The Planning Director may approve a property line adjustment between two properties in the Rural Area where an additional lot or parcel is not created but where one or both of the adjusted properties are below the minimum lot size established by the applicable zoning district designation. Such an adjustment shall comply with any applicable zoning district standards for a Lot of Exception or Lot Line Adjustment.

(C) Property line adjustments approved under subsections (A) and (B) above shall meet the following additional standards:

- (1) No additional lot or parcel shall be created from any parcel by the property line adjustment; and
- (2) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and
- (3) The adjusted properties shall meet all dimensional requirements in the underlying zoning district designation except for lot area.
- (4) The right-of-way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards

Item 3: At present there are no provisions in the Land Division Ordinance relating to property line adjustments. Despite the lack of ordinance provisions, the Planning Division has developed an unofficial process for reviewing and approving property line adjustments as a courtesy to landowners seeking assurance from the planning staff that their proposed adjustments complied with zoning requirements. The proposed amendment essentially incorporates that process into the Land Division Ordinance.

This change was suggested by the Transportation Division staff to assure that adjusted lots meet applicable right-of-way width standards.

Ordinance as determined by the County Engineer.

(D) The procedure and forms for obtaining approval of a property line adjustment shall be as provided for by the Planning Director.

11.45.120 Future Street Plan Requirements: Findings and Purposes

(A) Many urban area tracts have been divided into parcel sizes too large for efficient land development under present needs. Prior divisions have resulted in block sizes typically of 40 acres or less which are now appropriate for redivision. The diverse ownerships within these blocks make redivision difficult without an overall pattern for future streets.

(B) The purposes of the future street plan requirement are to aid in determining the suitability of an Urban Area Type [F] 1 Land Division in relation to the existing and potential development of nearby land; to establish a guide for the appropriate and economical provision of streets, land divisions and needed support services and to facilitate the orderly division or redivision of nearby lands.

See previous comment on Item #10.

11. 45.130 Future Street Plan Required

A future street plan shall be filed in conjunction with an application for an Urban Area Type [F] 1 Land Division. The plan shall show the pattern of future streets from the boundaries of the Type[F] 1 Land Division to the boundaries of those other tracts within a 40-acre area surrounding or adjacent to the Type[F] 1 Land Division which are capable of subsequent Type [H] 1 or 2 Land Division under MCC 11.45.090.

See previous comment on Item #10.

11.45.140 Exception to Future Street Plan Requirement

A future street plan shall not be required for any portion of the 40-acre area described in MCC 11. 45.130 for which a proposed street layout has been established by:

(A) The Comprehensive Plan;

(B) A future street plan approved under MCC 11.

Language Added, [Language Deleted]

45.[460]200 through 11.45.280; or

(C) A Special Plan Area, under MCC 11.15.6604.

11.45.150 Future Street Plan Contents

The future street plan shall show the proposed continuation of streets in the Type[F] 1 Land Division in sufficient detail to demonstrate that future division of the adjacent area in compliance with the provisions of this Chapter is reasonably possible.

11.45.160 ~~[Approval Procedures]~~ Deleted by Ord. _____

~~[A required future street plan shall be filed, reviewed and approved in the manner provided in MCC 11.45.190 through 11.45.280]~~

11.45.170 Recording and Filing

Upon final approval, a future street shall be:

(A) Recorded by the applicant with the ~~[Recording Section of the Department of Administrative Services]~~ public office responsible for public records; and

(B) Indexed and filed by the Planning Director in the offices of the Department of Environmental Services.

11.45.180 Revision of Future Street Plan

An approved future street plan may be revised by:

(A) Action by the Hearings ~~[Council]~~ Officer or Planning Commission, as appropriate, to approve a revised future street plan filed by an applicant in conjunction with a Type[F] 1 Land Division; or

(B) Action by the Board to approve a revised future street plan, to approve an alternative street pattern as part of the Comprehensive Plan or to approve an alternative street pattern as an element of a Special Plan Area under MCC 11.15.6604.

11.45.190 Type [F] 1 and Type 2 Tentative Plan and Future Street Plan approval procedures

Language Added, ~~[Language Deleted]~~

Exhibit A, Staff Report, November 1, 1993 16

This section is recommended for deletion because it says the same thing as 11.45.190.

Item #29: The Recording Section is now part of the Department of Environmental Services.

Comment: Under the present ordinance, Type 1 and Type 2 Land

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[R]Filing and review [and approval] of [a] Type[F] 1 or Type 2 tentative plan and a future street plan shall be in accordance with the provisions of MCC 11.45.200 through [~~11.45.280~~] 11.45.270.

11.45.200 Pre-Filing Conference

(A) Prior to the submission of a tentative plan for a Type[F] 1 Land Division, the applicant shall request the Planning Director to arrange a pre-filing conference. The request shall include six copies of a preliminary sketch of the proposal, general information entered on forms provided by the Director, and the required fee. The conference shall be held within [~~40~~] 25 business days of the filing of the request and shall provide for an exchange of information regarding procedures, applicable elements of the Comprehensive Plan, zoning and development requirements, and such technical and design assistance in better land use practices and techniques as will aid the applicant in preparing a tentative plan and a future street plan, if required.

(B) The Planning Director shall provide the applicant with a written summary of the conference within five business days thereof.

(C) The Director shall supply information concerning the proposal to other agencies deemed affected.

11.45.210 Filing of Type [F] 1 Tentative Plan and Future Street Plan

(A) Following the pre-filing conference, the applicant

Divisions both have the same criteria for approval and the same submittal requirements for tentative plan maps and written information. The only difference between the approval process for Type 1 and 2 Land Divisions is that Type 1 Land Divisions require approval at a public hearing, whereas Type 2 Land Divisions are approved by the Planning Director. Therefore, various modifications and deletions to Sections .190 through .340 are proposed in order to streamline the requirements by reducing duplication of language and cross-references.

Comment: It is not always possible to stay within the 10-day time frame during periods of extremely heavy application volume.

Comment: Change consistent with (A) above

for a Type[~~I~~] 1 Land Division shall file with the Planning Director a completed tentative plan and future street plan, if required, including 15 copies of the drawings required under MCC 11.45.250. The tentative plan shall be accompanied by the required fee.

(B) On receipt of the completed application for a Type 1 Land Division or future street plan, the Planning Director shall set a date for the public hearing thereon before the Hearings [~~Council~~] Officer or Planning Commission, as appropriate.

(C) The Planning Director shall furnish copies of the tentative plan and future street plan, if any, to all affected city, county, state and federal agencies and special districts with a request for their review and written comment.

(D) Failure of an agency or district to provide written comment to the Planning Director concerning a Type[~~I~~] 1 tentative plan or future street plan within 10 business days after the furnishing thereof may be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period.

~~[11.45.220 Public Hearing and Action, Type I Tentative Plan and Future Street Plan Renumbered to .285~~

~~(A) Notice of a hearing on a Type I tentative plan or a future street plan shall be given as required by MCC 11.15.8220, provided that mailed and posted notice shall also include a sketch indicating the proposed lotting and street patterns, the proposed future street plan, if any, and the location of the proposed land division in relation to adjoining properties and nearby streets.~~

~~(B) A decision on a Type I tentative plan and future street plan, if any, shall be deemed an action as defined in MCC 11.15.8205, and shall be determined in the manner prescribed for action proceedings in MCC 11.15.8225 through .8230(C), and MCC 11.15.8235 through .8250(H).~~

See Comment at MCC 11.45.190.

See Comment at MCC 11.45.190.

~~(C) The burden of the applicant for a Type I Land Division shall be to satisfy the hearing body that the criteria for approval listed in MCC 11.45.230 of this Chapter have been met. The findings and conclusions adopted by the hearing body shall specifically address the relationships between the application and those criteria.~~

~~(D) The written decision on a Type I tentative plan and future street plan, if any, shall be submitted to the Clerk of the Board by the Planning Director not later than ten days after the decision is announced. The Clerk shall summarize each decision on the agenda for the next Board meeting on planning and zoning matters for which notice can be given according to the Charter.~~

~~(E) Review of a decision on a Type I tentative plan or future street plan shall be according to the provisions of MCC 11.15.8260 through 8285(E).~~

**11.45.225 Rescheduled Hearings *Renumbered to*
295**

~~In the case of any hearing required under this Chapter which must be rescheduled at the request of or due to the neglect of the applicant, a fee in accordance with subsection (K) of MCC 11.45.810 shall be assessed against the applicant. Said fee may be waived in whole or part by the Planning Director if it is determined that the requested rescheduling was due to unavoidable circumstances or that the applicant proceeded with all possible diligence to give adequate advance notice of the request for rescheduling.~~

**11.45.230 Criteria for Approval, Type ~~[1]~~ 1 and Type 2
Tentative Plan and Future Street Plan**

In granting approval of a Type~~[1]~~ 1 or Type 2 tentative plan or future street plan, the approval authority shall find that:

(A) The tentative plan or future street plan is in accordance with[~~z~~];

~~(1)~~ ~~F]the~~ applicable elements of the Comprehensive Plan;

Language Added, [Language Deleted]

See Comment at MCC 11.45.190.

~~[(2) The applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said Goals under ORS Chapter 197; and~~

~~(3) The applicable elements of the Regional Plan adopted under ORS Chapter 197.]~~

(B) Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;

(C) The tentative plan or future street plan complies with the applicable provisions, including the purposes and intent of this Chapter.

(D) The tentative plan or future street plan complies with the Zoning Ordinance or a proposed change thereto associated with the tentative plan proposal;

(E) If a subdivision, the proposed name has been approved by the ~~[Division of Assessment and Taxation]~~ County Surveyor and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words *town*, *city*, *place*, *court*, *addition* or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name or unless the applicant files and records the consent of the party that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.

(F) The streets are laid out and designed so as to conform, within the limits of MCC 11.45.490 and 11.45.500 and the Street Standards Ordinance, to the plats of subdivisions and maps of ~~[major]~~ partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and

(G) Streets held for private use are laid out and designed

Language Added, [~~Language Deleted~~]

Exhibit A, Staff Report, November 1, 1993 20

Comment: The Comprehensive Plan already complies with the Regional Plan, and has been acknowledged by LCDC. If a land division complies with the County Comprehensive Plan, it therefore automatically complies with the Regional Plan and with LCDC Goals

Item #22: This amendment reflects a change in Chapter 92 of ORS whereby the County Surveyor has the authority for checking of plat names.

Comment: This change was suggested by Transportation Division staff to make clear the need for roads to conform to the design and layout standards in the Land Division Ordinance.

Comment: This change was sug-

C 7-93

so as to conform with MCC 11.45.490 and 11.45.500 and the Street Standards Ordinance, and are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets, including ownership, are set forth thereon.

(H) Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:

(1) The infiltration of flood waters into the system; and

(2) The discharge of matter from the system into flood waters.

[Added 1982, Ord. 324 § 2]

11.45.240 Contents of Type ~~[F]~~ 1 and Type 2 Tentative Plan

A tentative plan shall consist of maps, written information and supplementary material adequate to provide the information required in MCC 11.45.250 through 11.45.280.

11.45.250 Type ~~[F]~~ 1 and Type 2 Tentative Plan Map Specifications

(A) ~~[For a subdivision, t]~~ The tentative plan map shall be drawn on a sheet 18 x 24 inches or 11 x 17 inches in size or a size approved by the Planning Director. ~~at a~~ The scale of [one inch to] the map shall be 10, 20, 30, 40, [fifty] 50, 60 [feet], 100 [feet] or [two hundred] 200 feet to the inch or multiples of ten of any of these scales. The map shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8.5 x 11 inches, suitable for reproduction, mailing and posting with the notices required by subsection (A) of MCC 11.45.220.

~~[(B) For a major partition, the sheet size and the scale of~~

gested by Transportation Division staff to make clear the need for roads to conform to the design and layout standards in the Land Division Ordinance. The reference to ownership was recommended by the County Surveyor.

See Comment at MCC 11.45.190.

See Comment at MCC 11.45.190.

Item #32: The changes to this section are intended to clarify the requirements pertaining to the scale to which tentative plan maps are to be drawn.

~~tentative plan map shall be drawn on a sheet 8.5 x 11 inches in size at a scale of one inch to fifty feet or one hundred feet.]~~

~~([C]B)~~ A future street plan may be combined with ~~[subsection (A) or (B) of this section]~~ the tentative plan map or may be drawn on a sheet 8.5 x 11 inches or larger in size at a scale of one inch to one hundred feet.

11.45.260 Type ~~[F]~~ 1 and Type 2 Tentative Plan Map Contents

The tentative plan map shall indicate~~[d]~~ the following:

(A) General information:

- (1) In the case of a subdivision, the proposed name which shall be in accord with subsection (E) of MCC 11.45.230.
- (2) Date, north point and scale of drawing.
- (3) Description of the proposed land division sufficient to define its location and boundaries.
- (4) Identification as a tentative plan map.

(B) Existing conditions:

- (1) Streets: the location, name and present width of each street, alley or right-of-way in or serving the tract.
- (2) Easements: location, width and nature of any easement of record on or serving the tract.
- (3) Utilities: location and identity of all utilities on or serving the tract.

~~[(4) Ground elevations shown by contour lines at five foot vertical intervals for ground slopes exceeding 10%. Ground elevation shall be related to an established bench mark or other point of reference approved by the County Engineer.]~~
Contour lines at two foot intervals for land inside the Urban Growth Boundary with 10%

See Comment at MCC 11.45.190.

Item #23: This change is intended to fit the contour line requirements to the characteristics of the land division site. Urban sites are typically smaller in size and contour information for those sites is available at 2-foot intervals. Rural sites are typi-

slope or less, five foot intervals for land inside the Urban Growth Boundary with slope exceeding 10%; contour lines at ten foot intervals for land outside the Urban Growth Boundary. The map shall state the source of the contour information.

- (5) The location of at least one temporary bench mark within the land division.
- (6) Any natural features such as rock outcroppings, marshes, wooded areas, major vegetation, etc., which may affect the proposal.
- (7) Water courses on and abutting the tract, including their location, width and direction of flow.
- (8) The approximate location of areas subject to periodic inundation or storm sewer overflow, the location of any designated Flood Hazard District, and all areas covered by water. *[Amended 1982, Ord. 324 § 3]*
- (9) The location of any harbor line.
- (10) Scaled location and size of all existing driveways and pedestrian walkways, and the [S]scaled location and size and present use of all existing buildings or other structures, and designation of any existing buildings or structures proposed to remain on the property after division.

(C) Proposed improvements:

- (1) Streets: location, proposed name, right-of-way width and approximate radii of curves of each proposed street.
- (2) Any proposed pedestrian path or bikeway.
- (3) Easements: location, width and nature of all proposed easements.
- (4) Lots or parcels: location and approximate dimensions of all lots or parcels, the minimum lot or parcel size and, in the case of a subdivi-

cally larger in size, and adequate contour information is available at 10-foot intervals.

Item #31: The additional information required by this change is valuable in determining the most appropriate provision for access to existing structures in relation to new lots and parcels.

sion, the proposed lot and block numbers.

- (5) Water supply: the proposed domestic water supply system.
- (6) Sewage disposal: the proposed method of sewage disposal.
- (7) Drainage: proposed methods for surface water disposal and any proposed drainage easements.
- (8) Other utilities: the approximate location and nature of other utilities including the location of street lighting fixtures.
- (9) Railroad rights-of-way, if any.
- (10) Changes to navigable streams, if any.
- (11) A street tree planting plan and schedule.

11.45.270 Written Information; Type [F] 1 and Type 2 Tentative Plan

Written information shall include:

- (A) Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or surveyor(s) and the date of the survey, if any.
- (B) Proof of record ownership of the tract and the representative's authorization.
- (C) Legal description of the tract.
- (D) Present and proposed uses of the tract including all areas proposed to be dedicated to the public.
- (E) Statements of the manner in which the criteria for approval listed in MCC 11.45.230 are satisfied.
- (F) Statement of the improvements to be made or installed, including street tree planting, and the time such improvements are to be made or completed.

See Comment at MCC 11.45.190.

Language Added, [~~Language Deleted~~]

**11.45.280 Supplementary Material; Type [F] 1 and Type
2 Tentative Plan**

The following supplementary material may be required by the Planning Director:

- (A) A survey of the tract.
- (B) A vicinity map showing existing divided and undivided land adjacent to the proposed land division, the existing uses and structures thereon, and an indication of the manner in which the proposed streets and utilities may be extended to connect to existing streets and utilities or to serve future land divisions.
- (C) Proposed deed restrictions and methods of proposed ownership.
- (D) Such other material as the Planning Director deems necessary to assist in the review and assessment of the land division proposal according to the provision of this Chapter.

**11.45.[220] 285 Public Hearing and Action, Type [I] 1
Tentative Plan and Future Street Plan *Renumbered
from >220***

- (A) Notice of a hearing on a Type[F]-1 tentative plan or a future street plan shall be given as required by MCC 11.15.8220, provided that mailed and posted notice shall also include a sketch indicating the proposed lotting and street patterns, the proposed future street plan, if any, and the location of the proposed land division in relation to adjoining properties and nearby streets.
- (B) A decision on a Type[F] 1 tentative plan and future street plan, if any, shall be deemed an *action* as defined in MCC 11.15.8205, and shall be determined in the manner prescribed for *action proceedings* in MCC 11.15.8225 through .8230(C), and MCC 11.15.8235 through .8250(H).
- (C) The burden of the applicant for a Type[F] 1 Land Division shall be to satisfy the hearing body that the criteria for approval listed in MCC 11.45.230 of this Chapter have been met. The findings and conclu-

See Comment at MCC 11.45.190.

See Comment at MCC 11.45.190.

sions adopted by the hearing body shall specifically address the relationships between the application and those criteria.

(D) The written decision on a Type[~~I~~] 1 tentative plan and future street plan, if any, shall be submitted to the Clerk of the Board by the Planning Director not later than ten days after the decision is announced. The Clerk shall summarize each decision on the agenda for the next Board meeting on planning and zoning matters for which notice can be given according to the Charter.

(E) Review of a decision on a Type[~~I~~] 1 tentative plan or future street plan shall be according to the provisions of MCC 11.15.8260 through .8285(E).

~~11.45.290 [Type II Tentative Plan Approval Procedures] [Repealed 199 , Ord. , § 1~~

~~[Review and approval of a Type II tentative plan shall be in accordance with the provisions of MCC 11.45.300 through 11.45.340.~~

11.45.[~~225~~] 295 Rescheduled Hearings *Renumbered from .225*

In the case of any hearing required under this Chapter which must be rescheduled at the request of or due to the neglect of the applicant, a fee in accordance with subsection (K) of MCC 11.45.810 shall be assessed against the applicant. Said fee may be waived in whole or part by the Planning Director if it is determined that the requested rescheduling was due to unavoidable circumstances or that the applicant proceeded with all possible diligence to give adequate advance notice of the request for rescheduling.

~~11.45.300 [Pre Filing Conference] [Repealed 199 , Ord. , § 1~~

~~[A pre filing conference shall be requested and held prior to the filing of a tentative plan for a Type II Land Division, in the manner provided in MCC 11.45.200.~~

~~11.45.310 [Filing of Type II Tentative Plan] [Repealed 199 , Ord. , § 1~~

Language Added, [~~Language Deleted~~]

See Comment at MCC 11.45.190

See Comment at MCC 11.45.190

See Comment at MCC 11.45.190

See Comment at MCC 11.45.190.

~~[(A) Following the pre filing conference the applicant for a Type II Land Division shall file with the Planning Director a completed tentative plan, including 15 copies of the tentative plan map, as provided in MCC 11.45.240 through 11.25.280. The tentative plan shall be accompanied by the required fee.~~

~~(B) The Planning Director shall furnish copies of the tentative plan to all affected city, county, state and federal agencies and special districts with a request for their review and written comment.~~

~~(C) Failure of an agency or district to provide written comment to the Planning Director concerning a Type II tentative plan within 10 business days after the furnishing thereof, may be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period.]~~

11.45.320 Decision by Planning Director; Type ~~[H]~~ 2 Tentative Plan

(A) Within 25 business days of the filing of a Type ~~[H]~~ 2 tentative plan, the Planning Director shall approve the tentative plan with or without modifications or conditions, as appropriate, or disapprove it, and shall file the decision with the Director of the Department of Environmental Services and furnish a copy of the decision to the applicant and to other persons who request the same.

(B) A decision by the Planning Director on a Type ~~[H]~~ 2 tentative plan shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationships between the proposal and the criteria for approval listed in MCC 11.45.230.

(C) A decision by the Planning Director on a Type ~~[H]~~ 2 tentative plan application may be appealed to the Hearings ~~[Council]~~ Officer in the manner provided in MCC 11.15.8290 and .8295.

11.45.330 ~~[Criteria for Approval, Type II Tentative Plan]~~ [Repealed 199 , Ord. , §]

Language Added, ~~[Language Deleted]~~

See Comment at MCC 11.45.190

~~[In granting approval of a Type II tentative plan, the Planning Director shall find that the proposal complies with the applicable criteria listed in MCC 11.45.230.]~~

11.45.340 ~~[Contents of Type II Tentative Plan]~~
~~[Repealed 199 , Ord. , §]~~

~~[A tentative plan for a Type II Land Division shall consist of a map, written information and supplementary material adequate to provide the applicable information required in MCC 11.45.240 through 11.45.280.]~~

11.45.350 Type ~~[HH]~~ 3 Tentative Plan Approval Procedures

Review and approval of a Type ~~[HH]~~ 3 tentative plan shall be in accordance with the provisions of MCC 11.45.360 through 11.45.400.

11.45.360 Pre-Filing Conference

A pre-filing conference may be requested by the applicant for a Type ~~[HH]~~ 3 Land Division or by the Planning Director. The conference shall be held in the manner provided in MCC 11.45.200.

11.45.370 Filing of Type ~~[HH]~~ 3 Tentative Plan

(A) The applicant for a Type ~~[HH]~~ 3 Land Division shall file with the Planning Director a completed tentative plan, following the pre-filing conference, if any. The application, including three copies of the tentative plan map, shall include the information required by MCC 11.45.400. The tentative plan shall be accompanied by the required fee.

(B) The Planning Director may furnish copies of the tentative plan to any city, county, state and federal agency deemed by the Director to be affected, with a request for their review and written comment.

(C) Failure of any such agency or district to provide written comment to the Planning Director concerning a Type ~~[HH]~~ 3 tentative plan within 10 business days after the furnishing thereof, may be deemed a recommendation of approval unless the agency or

See Comment at MCC 11.45.190

district has filed a written request for an additional review period.

11.45.380 Decision by Planning Director; Type [H] 3 Tentative Plan.

- (A) Within 25 business days of the filing of a Type [H] 3 tentative plan, the Planning Director shall approve the tentative plan with or without modifications or conditions, as appropriate, or disapprove it, and shall file the decision with the Director of the Department of Environmental Services, and furnish a copy of the decision to the applicant and to other persons who request the same.
- (B) A decision by the Planning Director on a Type [H] 3 tentative plan shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationships between the proposal and the criteria for approval listed in MCC 11.45.390.
- (C) A decision by the Planning Director on a Type [H] 3 tentative plan application may be appealed to the Hearings [Council] Officer in the manner provided in MCC 11.15.8290 and .8295.

11.45.390 Criteria for Approval, Type [H] 3 Tentative Plan

In granting approval of a Type [H] 3 tentative plan, the Planning Director shall find that the criteria listed in subsections [~~A~~], (B), (C) and (H) of MCC 11.45.230 are satisfied and that the tentative plan complies with the area and dimensional requirements of the underlying zoning district and the solar access regulations in the Zoning Ordinance.

[Amended 1982, Ord. 324 § 4]

11.45.400 Contents of Type [H] 3 Tentative Plan

Language Added, [~~Language Deleted~~]

Item 11: The proposed amendment streamlines the approval criteria for a Type 3 Land Division by removing the requirement of compliance with "the applicable elements of the Comprehensive Plan." The theory behind the proposed amendment is that compliance with the underlying zoning district area and dimensional requirements and solar access standards is sufficient demonstration of Comprehensive Plan compliance in that zoning designation are required to comply with the Comprehensive Plan in the first place.

A tentative plan for a Type [III] 3 Land Division shall consist of maps, written information and supplementary material adequate to provide the following:

(A) Type [III] 3 tentative plan map contents. A tentative plan map [~~drawn on a sheet 8 1/2 x 11 inches in size at a scale of one inch to fifty feet or one hundred feet,~~] of a sheet size and scale as specified in MCC 11.45.250(A) shall indicate the following:

- (1) Date, north point and scale of drawing.
- (2) Description of the proposed land division sufficient to define its location and boundaries.
- (3) Identification as a tentative plan map.
- (4) Location, names or purpose and width of all streets, rights-of-way or easements on or abutting the tract.
- (5) Natural features, water courses or areas covered by water.
- (6) The location and use of any buildings or structures proposed to remain after division.
- (7) The proposed parcels, their dimensions and areas.
- (8) The location of any designated Flood Hazard District. *[Added 1982, Ord. 324 § 5]*
- (9) Contiguous property under the same ownership

(B) Written information; Type [III] 3 tentative plan. Written information shall include:

- (1) Name, address and telephone number of the record owner(s), owner's representative, designer(s), engineer(s) or surveyor(s), and the date of survey, if any.

Item #24: This change is proposed because contiguous parcels under common ownership are aggregated into single zoning lots in some zones under certain circumstances.

- (2) Proof of record ownership of the tract and the representative's authorization.
- (3) Legal description of the tract .
- (4) Present and proposed uses .
- (5) Description of the water supply, methods of sewage disposal and storm water disposal, and the availability of other utilities.
- (6) Statements of the manner in which the criteria for approval listed in MCC 11.45. 390 are satisfied.
- (7) Statement of the improvements to be made or installed and the time schedule therefor.

(C) Supplementary material; Type [H] 3 tentative plan. The Planning Director may require such additional information, listed in sections MCC 11.45.240 through 11.45.280, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Chapter.

11.45.410 Tentative Plan Approval Time Limits; Staged Development

The time limits for approval of tentative plans and staged development proposals shall be in accordance with MCC 11.45.420 through 11.45.440.

11.45.420 Time Limit

The final subdivision plat or final partition [~~map~~] 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.

11.45.430 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 [e] the tentative plan. Each stage so platted and developed shall conform to all applicable requirements of this Chapter.

11.45.440 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.

11.45.450 Application of General Standards and Requirements

Every land division proposal shall comply with the applicable provisions of MCC 11.45.460 through 11.45.610.

11.45.460 Land Suitability

A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics:

- (A) Slopes exceeding 20%;
- (B) Severe soil erosion potential;
- (C) Within the 100-year flood plain;
- (D) A high seasonal water table within 0–24 inches of the surface for three or more weeks of the year;
- (E) A fragipan or other impervious layer less than 30 inches from the surface; or
- (F) Subject to slumping, earth slides or movement.

sComment: This is a grammatical revision

11.45.470 Lots and Parcels

The design of lots and parcels shall comply with the following:

(A) The size, shape, width, orientation and access shall be appropriate:

- (1) To the types of development and uses contemplated;
- (2) To the nature of existing or potential development on adjacent tracts;
- (3) For the maximum preservation of existing slopes, vegetation and natural drainage;
- (4) To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and
- (5) To the climactic conditions including solar orientation and winter wind and rain.

(B) The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable.

(C) Double frontage or reverse frontage lots or parcels shall be provided only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography or orientation.

(D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable zoning district, subject to the following:

- (1) When a flag lot does not adjoin another flag lot, as shown in Figure _____, the pole portion of the flag lot shall be at least 16 feet wide.
- (2) Where two flag lots are placed back to back as shown in Figure _____, the pole portion of each flag lot shall be at least 12 feet wide..

Item #5: At present neither the Land Division Ordinance nor the Zoning Ordinance has a minimum standard for the width of the flag-pole portion of a flag lot. The 12-foot and 16-foot widths proposed have been used unofficially for 15 years and have worked well for purposes of assuring adequate width for driveways.

(E) Within a land division, flag lots shall not be stacked one behind the other as shown in Figure _____. Instead, a private accessway shall be used as shown in Figure _____.

Comment: This change reflects the policy that the Planning Division has followed since before 1978 of requiring private accessways in land divisions where two or more new lots are proposed behind a front lot.

11.45.480 Acreage Tracts

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or 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.

11.45.490 Street Layout

(A) Except as otherwise provided in subsections (B) and (C) of this section, the arrangement of streets in a land division shall be designed:

- (1) To conform to the arrangement established or approved in adjoining land divisions;
- (2) To continue streets to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land;
- (3) To assure the maximum possible preservation of existing slopes, vegetation and natural drainage;
- (4) To limit unnecessary through traffic in residential areas;
- (5) To permit surveillance of street areas by residents and users for maximum safety;
- (6) To assure building sites with appropriate solar orientation and protection from winter wind and rain;
- (7) To assure storm water drainage to an approved means of disposal; and

Language Added, [Language Deleted]

(8) To provide safe and convenient access.

(B) Where topography or other conditions make conformance to the existing street pattern or continuance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement authorized by the approval authority.

(C) Where a street layout affecting the proposed land division has been established by the Comprehensive Plan, a future street plan under MCC 11.45.160, or as an element of a Special Plan Area under MCC 11.15.6604, the arrangement of streets in the land division shall conform to the established layout.

(D) A half street may be permitted only where appropriate to the future division of adjoining undeveloped property, provided that when possible, additional dedicated right-of-way exceeding one-half of a street may be required to provide adequate width to accommodate two-way vehicle traffic.

(E) When necessary for adequate protection of existing or proposed land uses or to afford separation of through and local traffic, a land division abutting or containing an existing or proposed arterial may be required to include, among other things, a frontage street, reverse frontage lots with extra depth, or screen plantings in a non-access reservation along a property line.

11.45.500 Street Design

The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows:

(A) For a public street — in accordance with the Street Standards Ordinance; and

(B) For a private street — in accordance with the [~~Site Development~~] Street Standards Ordinance, subject to the following additional requirements:

Comment: This change addresses situations where dedication of more than half the right-of-way width is needed to provide room for a road that will handle 2-way traffic.

Item #33: The Site Development Standards Ordinance was intended to regulate the design of private roads and other privately owned facilities used by the public, but were never adopted. The proposed

(1) Accessways shall be designed in accordance with Permit Requirements for Accessway Construction published by the Multnomah County Department of Environmental Service. Accessways shall have a maximum length of 300 feet.

(C) A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a turnaround having a radius of 50 feet.

11.45.510 Street Reserve Strips

The land division shall provide for the appropriate extension or widening of streets serving the division or for allocating the improvement costs among future land divisions. A reserve strip or street plug may be required for such purposes. The control and disposition of reserve strips or plugs shall be placed within the jurisdiction of the County.

11.45.520 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 11.45.450, 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 11.45.680 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.

11.45.530 Street Names

Names for public streets shall conform to the street naming system of Multnomah County. In order to discourage unnecessary traffic, the nature of a private street, a dead end street or a cul-de-sac shall be identi-

change substitutes the Street Standards Ordinance as the basic design standard for private streets.

Item #6: This change incorporated by reference the document that the Planning Division has used as its standard for accessway design since 1979.

Item #35: This change provides a standard in a case where none currently exists in County regulations. The language is identical to that used by the City of Portland.

fied by a sign approved as to design, content and placement by the County Engineer.

11.45.540 Sidewalks, Pedestrian Paths and Bikeways

- (A) Sidewalks shall be required in Urban Area public streets in accordance with the provisions of the Street Standards Ordinance.
- (B) A sidewalk shall be required along any private street serving more than six dwelling units.
- (C) A pedestrian path located outside a street right-of-way may be substituted for a required sidewalk when it serves the same circulation function.
- (D) Where a pedestrian path and bikeway is part of an approved plan for the area or has been approved on adjoining property, the approval authority may require the provision of a pedestrian path or bikeway within the land division.
- (E) In order to provide for an appropriate circulation system, the approval authority may require a pedestrian path and bikeway across an unusually long or oddly-shaped block.
- (F) The width, design and configuration of sidewalks and pedestrian paths and bikeways shall comply with applicable ordinance standards, as follows:
 - (1) In a public right-of-way — in accordance with the Street Standards Ordinance; and
 - (2) On private property — ~~[in accordance with the Site Development Standards Ordinance]~~ as approved by the Planning Director in accordance with the Design Review provisions of the Zoning Ordinance.

11.45.550 Easements

Easements shall be provided and designed according to the following:

- (A) Easements for utilities and storm or sanitary sewers may be required where appropriate to serve abutting

Comment: This change reflects the fact that there is no Site Development Standards Ordinance.

Comment: This change was recommended by Transportation Division

lots or parcels. Such easements shall be not less than 10 feet in width, centered on side or rear property lines or five feet in width along front property lines.

(B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a drainage district or water control district, such easement or right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.

(C) Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.

11.45.560 Street Trees

Street trees shall be planted by the applicant according to the [~~Street Standards Ordinance or the Site Development Standards Ordinance, as appropriate, and to the~~] street tree planting plan and schedule approved by the County Engineer as an element of the tentative plan. Trees which have not survived for one year after initial planting shall be replaced by the applicant within four months of loss.

11.45.570 Street Lighting

Street lighting shall be provided in all Urban Area subdivisions in accordance with the requirements of the Street Standards Ordinance.

11.45.580 Water System

The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of subsections (4)(a), (b), or (c) of ORS 92.090 and MCC 11.45.640 of this Chapter.

11.45.590 Sewage Disposal

The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsections (5)(a), (b) or (c) of ORS 92.090 and MCC 11.45.650 of this Chapter.

Language Added, [~~Language Deleted~~]

staff.

Comment: This change was recommended by Transportation Division staff to reflect actual practice in the absence of an adopted Site Development Standards Ordinance

11.45.600 Surface Drainage

Surface drainage and storm sewer systems shall be provided as required by section 11.45.660. The County Engineer may require on-site water disposal or retention facilities adequate to insure that surface runoff volume after development is no greater than that before development.

11.45.610 Electrical and Other Wires

Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

- (A) Is impracticable due to topography, soil or subsurface conditions;
- (B) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or
- (C) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

11.45.620 Required Improvements

Improvements in a land division shall be made in accordance with the provisions of MCC 11.45.630 through 11.45.680.

11.45.630 Streets, Sidewalks, Pedestrian Paths and Bikeways

Any street, pedestrian path or bikeway shall be improved as follows:

- (A) In a public street — in accordance with this Chapter and the Street Standards Ordinance; and
- (B) In a private street — in accordance with the [~~Site~~ Development] Street Standards Ordinance.

See previous comment on Item #33.

- (C) Underground utilities and street lighting facilities, sanitary sewers, storm drains and water mains located in a street shall be installed prior to the surfacing of the street.

11.45.640 Water System

Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

- (A) In a public street — in accordance with the Street Standards Ordinance; and
- (B) In a private street — ~~[in accordance with the Site Development Standards Ordinance]~~ as approved by the approval authority

11.45.650 Sewage Disposal

- (A) Except as provided in subsection (B) of this section, a sanitary sewer line shall be installed to serve every lot or parcel in a land division by extension of an existing sewer line:

- (1) In a public street — in accordance with the Street Standards Ordinance; and
- (2) In a private street — ~~[in accordance with the Site Development Standards Ordinance]~~ as approved by the approval authority.

- (B) In the event the State Department of Environmental Quality determines that it is impractical to serve any lot or parcel by an existing sewer system, a private sewage disposal system approved by the Department, shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the ~~[County Engineer]~~ approval authority may require that a sanitary sewer line, with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.

Comment: This change reflects the absence of an adopted Site Development Standards Ordinance.

Comment: This change reflects the absence of an adopted Site Development Standards Ordinance.

Item 25: This change is consistent with Comprehensive Framework Plan Policy #37 which requires "a finding prior to approval of a legislative or quasi-judicial action" that a permit for a subsurface sewage disposal system will be approved. Evidence of an approved Land Feasibility Study meets this requirement.

11.45.660 Surface Drainage and Storm Sewer Systems

Drainage facilities shall be constructed as follows:

- (A) In a public street — in accordance with the Street Standards Ordinance; and
- (B) In a private street and on lots or parcels — in accordance with the ~~[in accordance with the Site Development Standards Ordinance]~~ plans prepares by an Oregon licensed and registered professional engineer and approved by the approval authority.

Comment: This change reflects the absence of an adopted Site Development Standards Ordinance.

11.45.670 Other Utilities

Other utilities, including electric, gas, street lighting and cable television facilities shall be provided as required by this Chapter and as follows:

- (A) In a public street — in accordance with the Street Standards Ordinance; and
- (B) In a private street — ~~[in accordance with the Site Development Standards Ordinance]~~ as approved by the approval authority.

Comment: This change reflects the absence of an adopted Site Development Standards Ordinance.

11 45 680 Improvement Agreement

Prior to approval of a subdivision plat or partition ~~[map]~~ plat by the County Engineer, the applicant shall execute and file with the County Engineer an agreement with the County, which shall include:

- (A) A schedule for the completion of required improvements;
- (B) Provision that the applicant file with the County Engineer a maintenance bond, on forms provided by the Engineer, guaranteeing the materials and workmanship in the improvements required by this Chapter against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and
- (C) A surety bond, executed by a surety company authorized to transact business in the State of Oregon, or a certified check or other assurance approved by the

Language Added, [Language Deleted]

County Counsel, guaranteeing complete performance. Such assurance shall be for a sum equal to 110% of the actual costs of the improvements as estimated by the County Engineer.

11.45.690 Final Subdivision Plat or Partition [~~Map~~] Plat Requirements

A final subdivision plat or [~~a final~~] partition [~~map~~] plat shall be prepared and reviewed as provided in MCC 11.45.700 through 11.45.740, and approval shall be effective according to MCC 11.45.750.

11.45.700 Final Drawing and Prints

Two prints of the subdivision or partition plat [~~or map~~] shall accompany the final drawing, which shall be prepared as follows:

- (A) The final subdivision [~~plat~~] or partition plat shall be drawn in the manner provided by ORS 92.080 and shall include an exact copy thereof, according to subsection (2) of ORS 92.120.
- (B) The final subdivision or partition [~~map~~] plat shall be [~~drawn in the manner provided by~~] subject to the requirements of subsection (2) of ORS 209.250.

11.45.710 Information Required on Subdivision Plat or Partition [~~Map~~] Plat

In addition to the information required to be shown on the tentative plan, the following shall be shown on the subdivision plat or partition [~~map~~] plat

- (A) The information required by subsections (1) and (2) of ORS 92.070 and subsections (3)(a), (b), (e) and (f) of ORS 92.090.
- (B) Recording numbers of existing surveys which are identified, related to the plat or map by distances and bearings, and related to a field book or map by any of the following:
 - (1) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the land division;

(2) Corners of adjoining subdivisions or partitions;
or

(3) Other monuments found or established in making the survey or required to be set by law.

(C) The location, width and centerline of streets and easements abutting the boundaries of the land division.

(D) Normal flood plain or high water line for any creek or other minor body of water or natural drainageway and the 100-year flood line of any major water body.

(E) Tract, block, and lot or parcel boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii arc, points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest second with basis of bearings . Distances shall be shown to the nearest 0.01 feet. All curve data, including length of cord and cord bearing, shall be shown in tabular form. Arc lengths shall be shown on the lines.

(F) The width of the portion of any street being created and the width of any existing right-of-way. For a curved street, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated. Each public street shall be named. The ownership of each private street shall be shown.

(G) Easements shall be clearly identified as to intended purpose. Book and page numbers shall be provided for any easement of record. If an easement is not of record, a description of the nature of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division shall be shown. If an easement is being dedicated by a plat, it shall be so indicated in the owner's certificate of dedication.

(H) For a subdivision — lot numbers beginning with the number "1" and numbered consecutively [~~in each~~

Comment: This change was recommended by the County Surveyor.

Comment: This change was recommended by the County Surveyor.

Comment: This revision reflects a Legislative change in ORS ch. 92

block].

~~[(I) For a subdivision — block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure.]~~

(J) Lot and block numbers in an addition to a subdivision of the same name, shall be a continuation of the numbering in the original subdivision.

(K) Identification of land to be dedicated for any purpose, public or private, in a manner sufficient to distinguish it from lots or parcels intended for sale.

~~[(L) Building setback lines, identified as such, which are to be made a part of the subdivision or partition restrictions.]~~

~~[(M)L]~~ The following certificates, which may be combined where appropriate:

(1) For a subdivision — a certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the recording of the plat.

(2) For a subdivision — a certificate signed and acknowledged as above, dedicating to the public all land and common improvements intended for public use.

(3) For a subdivision or partition — a certificate with the seal of and signed by the surveyor responsible for the survey and the final plat or map.

(4) Other certifications required by law.

11.45.720 Supplemental Information with Subdivision Plat or Partition ~~[Nap]~~ Plat

Language Added, ~~[Language Deleted]~~

Exhibit A, Staff Report, November 1, 1993 44

Comment: This revision reflects a Legislative change in ORS ch. 92

Item #36: The 1991 Legislature amended Chapter 92 of ORS to disallow the showing of setback lines on final plats on the basis that such lines could become obsolete if local zoning laws were later amended and changed the setback requirements.

C 7-93

The following shall accompany the subdivision plat or partition ~~[map]~~ plat, as appropriate:

(A) A title report issued by a title insurance company if any real property is to be dedicated to the public.

(B) Sheets and drawings showing the following:

(1) Traverse data including the coordinates of the boundary of the land division and ties to section corners and Donation Land Claim corners. The error of closure shall not exceed 1:10,000. All error is to be removed by adjustment on the plat or map.

(2) The computation of the distances, angles and courses shown on the plat or map.

(3) Ties to existing monuments, proposed monuments, adjacent subdivisions or partitions and street corners.

(C) A copy of any deed restrictions applicable to the subdivision or partition.

(D) A copy of any dedication requiring separate documents.

(E) A copy of the future street plan, when required, as recorded according to MCC 11.45.170(A).

~~[(F) For a partition, a metes and bounds description of each parcel being created.]~~

Comment: This change is due to the new partition plat rules.

11.45.730 Technical Review and Approval of Subdivision Plat or Partition Plat ~~[or Map]~~

(A) The subdivision plat or partition ~~[map]~~ plat and all required material shall be filed with the Planning Director for final approval. Within 10 business days of filing, the Planning Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity

to make corrections. When the plat ~~or map~~ is found to be in conformity, it shall be signed and dated by the Planning Director.

(B) Following review and approval of a subdivision or partition plat, the Planning Director shall:

(1) Obtain the approval signature thereon by the County ~~[Engineer]~~ Surveyor, certifying that the subdivision plat complies with all applicable laws. Before so certifying, the County ~~[Engineer]~~ Surveyor may cause field investigations to be made to verify that the plat survey is sufficiently accurate. If it is determined that there has not been full compliance, the applicant shall be so notified and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the County ~~[Engineer]~~ Surveyor ;

(2) As required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors, or Board's delegate, of an irrigation district, drainage district, water control district or district improvement company, if the subdivision is within such district;

(3) ~~[O]~~ In the case of a subdivision, obtain the approval signatures thereon of ~~[a majority]~~ the Chair of the Board of County Commissioners or the ~~[Board]~~ Chair's delegate, certifying that the plat is approved;

(4) Obtain the approval signature thereon from the Division of Assessment & Taxation, certifying that all taxes on the property have been paid or bonded for in accordance with State law;

(5) Deliver the approved subdivision plat and accompanying documents to the Recording Section of the ~~[Recording Section of the Department of Administrative Services]~~ public office responsible for public records for recording; and

(6) Notify the applicant that the approved subdivision plat and accompanying documents have been delivered to the Recording Section and

Item #28: This revision reflects a change in County organization wherein the position of County Surveyor was formally established following the 1978 adoption of the Land Division Ordinance. Signing of the plat by the County Surveyor is consistent with Chapter 92 of ORS.

Item 18: The 1993 Legislature amended Chapter 92 of ORS so that only the County Chair needs to sign the plat instead of a majority of the Board.

may be offered for record.

~~[(C) Following review and approval of a final partition map the Planning Director shall:~~

- ~~(1) Obtain the approval signature thereon by the County Engineer certifying that it complies with all applicable laws. Before so certifying, the County Engineer may cause field investigations to be made to verify that the map survey is sufficiently accurate. If it is determined that there has not been full compliance, the applicant shall be so notified and afforded an opportunity to make corrections. When the map is found to be in conformity, it shall be signed and dated by the County Engineer and filed in accordance with ORS 209.250;~~
- ~~(2) As required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors or Board's delegate, of any irrigation district, drainage district, water control district or district improvement company, if the partition is within such district;~~
- ~~(3) Deliver the approved partition map and accompanying documents to the Recording Section of the Department of Administrative Services for recording; and~~
- ~~(4) Notify the applicant that the approved partition map and documents have been delivered to the Recording Section and may be offered for record.]~~

(C) No building permit shall be issued or parcel sold, transferred or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the Recording Section of the Department of Environmental Services.†

11.45.740 [Appeal From Action on Final Plat or Map Repealed 199 . Ord. . § 1]

~~A decision of the Planning Director on a final subdivision plat or final partition plat may be appealed to the Hearings Council in the manner provided in MCC~~

Language Added, [Language Deleted]

Exhibit A, Staff Report, November 1, 1993 47

Comment: Subsections (C)(1) through (4) are proposed for deletion because the approval processes for subdivision plats and partition plats are identical.

Item #27: The purpose of this amendment is to emphasize the need for all appropriate signatures to be on the partition plate for the division to be valid.

Item #19: It makes no sense for a final plat approval to be appealable if the plat conforms with the approved tentative plan as required by MCC 11.45.730(A).. There appears to be no basis in state subdi-

C 7-93

11.45.750 Final Approval Effective

~~[The approval process for a s]~~ Subdivision and partition approvals shall become final upon the recording of the approved ~~[subdivision]~~ plats, under ~~[subsection (1) of]~~ ORS 92.120, ~~[and for a partition, upon the recording of the approved partition map]~~ any required street dedications and other required documents with the ~~[Recording Section of the Department of Administrative Services]~~ public office responsible for public records.

11.45.760 Variances

(A) A variance from the provisions of MCC 11.45.450 through 11.45.610 and MCC 11.45.620 through 11.45.670 of this Chapter may be authorized by the Hearings ~~[Council]~~ Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:

- (1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;
- (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;
- (3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;
- (4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and
- (5) The circumstances of any hardship are not of the applicant's making.

(B) Application for a variance shall be filed with the

Language Added, [Language Deleted]

vision law (ORS ch. 92) for making final plat approvals appealable. Staff finds no record of any final plat approval ever having been appealed.

Comment: This change was recommended by the County Surveyor.

Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.

(C) A variance authorized under the provisions of MCC 11.45.760 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.

(D) A variance from the provisions of the Street Standards Ordinance [~~or the Site Development Standards Ordinance~~] may be authorized as provided therein.

11.45.770 Appeals from Hearings [~~Council~~] Officer or Planning Commission Decisions

A final decision [~~on a land division proposal made~~] by the Hearings [~~Council~~] Officer or the Planning Commission under this Chapter may be appealed to the Board of County Commissioners in the manner provided in MCC 11.15.~~[8260]~~8205 through .~~[8285(E)]~~8295.

11.45.780 Interpretation

It shall be the duty of the Planning Director to interpret the provisions of this Chapter. The provisions of this Chapter shall be held to the minimum requirements necessary for the promotion of the public health, safety, convenience and general welfare.

11.45.790 [~~Continuation of Previous Approvals~~] *[Repealed 199 , Ord. , §]*

~~[The provisions of this Chapter shall apply to all tentative plans for land divisions for which application is made after July 13, 1982.~~

~~(A) An application for a preliminary subdivision or plat or for the creation of a street or road under ORS 92.014, completed and filed prior to July 13, 1982, shall be processed in accordance with and subject to the requirements of the pre-existing regulations.~~

~~(B) An approval of a preliminary subdivision plat or of the creation of a street or road under ORS 92.014,~~

Comment: There is no Site Development Standards Ordinance.

Comment: This revision corrects two citations.g

Comment: This section no longer applies because the July 13, 1983 expiration date has past.

~~which was granted prior to July 13, 1982, shall expire one year after said approval date.]~~

11.45.800 Enforcement

The Director of the Department of Environmental Services shall be responsible for the enforcement of the provisions of this Chapter.

11.45.810 Fee Schedule

(A) Pre-filing Conference.

- (1) Type ~~[F]~~ 1 or Type ~~[H]~~ 2 Land Division \$50.00
- (2) Type ~~[H]~~ 3 and ~~[W]~~ 4 Land Division \$50.00

(B) Type ~~[F]~~ 1 Tentative Plan.

- (1) 20 lots or less\$800.00
- (2) More than 20 lots \$800.00 plus \$25.00 for each lot over 20.
- (3) A land division which is classified as Type ~~[F]~~ 1 according to the criteria in MCC 11.45.080(D) which would otherwise be designated a Type ~~[H]~~ 2, Type ~~[H]~~ 3, or Type ~~[W]~~ 4 Land Division shall be assessed the lesser respective fee.

(C) Type ~~[H]~~ 2 Tentative Plan ...\$450.00

(D) Type ~~[H]~~ 3 Tentative Plan\$250.00

(E) Type ~~[W]~~ 4 Tentative Plan\$ 125.00

(F) ~~[Lot]~~ Property Line Adjustment \$75.00

(~~[F]~~G) Final Plat ~~[or Map]~~ Survey Check.

(1) For subdivision as follows:

- (a) The fee to be paid by the applicant to the County Surveyor for checking subdivision plats having all boundary and lot corner

Language Added, [Language Deleted]

monuments in place on the subdivision site at the time of inspection by the County Surveyor, shall be \$500 plus \$25 for each lot contained in the subdivision.

- (b) The fee to be paid by the applicant to the County Surveyor for checking subdivision plats having all boundary angle points and all points of intersection of parcel lines with the boundary marked by monuments at the time of inspection by the County Surveyor, but with the interior parcel and roadway monuments to be delayed in accordance with ORS 92.060(5), shall be \$650 plus \$35 for each lot contained within the subdivision.
- (2) For partitions The fee to be paid by the applicant to the County Surveyor for checking partition plats as required by ORS 92.100(3) shall be \$300.00
- (3) In addition to the above fees the applicant shall pay to the County Surveyor for repeated calculations and review due to necessary data changes or erroneous data, and necessary repeated field inspections due to omitted, erroneously placed, disturbed or destroyed monuments, an amount equal to the actual cost to the Department of Environmental Services
- (4) The fees to be paid by the applicant for the services of the County Surveyor described in subsections (1) and (2) are payable to the County Surveyor in advance of inspections, at the time the final subdivision plat and/or survey map is submitted to the office of County Surveyor. Any fees necessarily assessed for services of the County Surveyor described in subsection (3) shall be payable prior to approval of the subject plat.
- (5) As used in this section, *lot* means a unit of land that is created by a subdivision of land, and a *tract* will be considered a lot, except for street plugs.

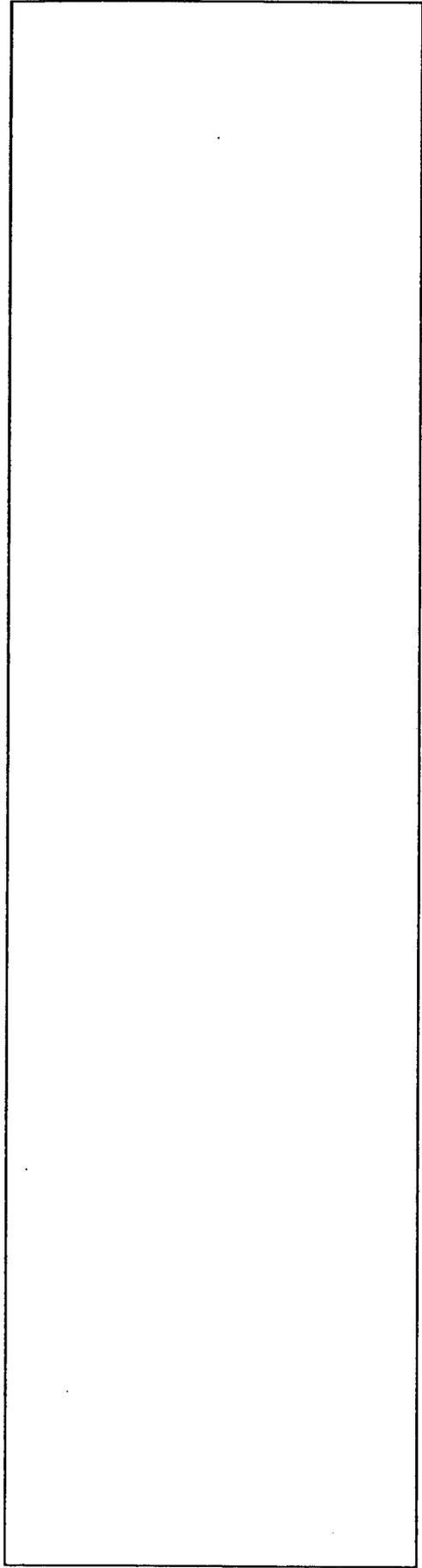
- (G) Variance [MCC 11.45.760] \$400.00
- (H) Notice Sign [MCC 11.15.9020(A) \$5.00
- (I) Time Limit Extension [MCC 11.45.420] \$75.00
- (J) Appeals
 - (1) From administrative decisions under MCC 11.45.320(C), 11.45.380(C) and 11.45.740 \$100.00
 - (2) From decisions of the Hearings [~~Council~~] Officer or Planning Commission under MCC 11.45.770\$300.00
Plus transcript cost per minute of hearing time\$3.50
- (K) Records and Reports, per page.....\$0.30
- (L) Rescheduled Hearing.....\$200.00
- (M) The fees required under MCC 11.45.810 shall apply to all actions specified in this Chapter, regardless of applicant.

11.45.820 Amendment

This Chapter may be amended according to the provisions of MCC 11.45.830 through 11.45.860.

11.45.830 Initiation of Amendment

- (A) An amendment of this Chapter may be initiated by:
 - (1) Order of the Board;
 - (2) Vote of a majority of the entire Planning Commission; or
 - (3) Request of the Planning Director.
- (B) The provisions of this section or any other provision of this Chapter which relates to procedures for amendment hereof shall not apply to any amendment which relates to fees. The establishment of any such fees, and the amendment thereof, shall be pre-



scribed by the Board of County Commissioners acting in accordance with Chapter V of the Charter.

11.45.840 Procedure for Amendment; Notice

- (A) A public hearing shall be held by a majority of the entire Planning Commission on a proposed amendment of this Chapter. A proposed amendment shall be in draft form.
- (B) Notice of the time, place and purpose of the hearing and a description of the land to be subject to the amendment shall be given as follows:
 - (1) As required by MCC 11.05.110; and
 - (2) Once a week for two successive weeks prior to the hearing in a newspaper of general circulation published in Multnomah County.

11.45.850 Planning Commission Recommendation on Proposed Amendment

- (A) A recommendation to approve an amendment of this Chapter shall be by majority vote of the entire Planning Commission. A recommendation, together with relevant information, shall be referred by the Planning Commission to the Board.
- (B) An amendment initiated by the Planning Director shall be referred to the Planning Commission for report and recommendation.
- (C) An amendment initiated by the Board shall be referred to the Planning Commission for report and recommendation by a date certain. If no timely report and recommendation is made by the Planning Commission and no extension is granted by the Board, the Board may consider the amendment without recommendation of the Planning Commission thereon.

11.45.860 Board Procedure on Amendment; Notice

- (A) The Board shall conduct a public hearing and take action on a proposed amendment of this Chapter in accordance with the Charter and the rules of the

Language Added, [~~Language Deleted~~]

Board.

(B) The Board shall give notice of the hearing as required by the Charter and in the manner provided in subsection (B) of MCC 11.45.840.

11.45.870 [~~Repeal of Subdivision Regulations~~]
[Repealed 199 , Ord. , §]

~~[The Subdivision Regulations of Multnomah County, adopted April 19, 1955, and all amendments thereto are repealed, except for the purposes of MCC 11.45.790.]~~

Comment: This revision is consistent with repeal of MCC 11.45.790.

PLEASE PRINT LEGIBLY!

MEETING DATE 12-25-93

NAME Derwood W. Davis

ADDRESS 45301 E Loach Mt Rd

STREET

CITY Corbett OR

ZIP CODE 97014

I WISH TO SPEAK ON AGENDA ITEM # P-2-C11-93

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

MEETING DATE: December 28, 1993

AGENDA NO: P-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 11-93 - Proposed Ordinance Amendment - First Reading

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: December 28, 1993

Amount of Time Needed: 15 Minutes

DEPARTMENT: DES DIVISION: Planning

CONTACT: R. Scott Pemble TELEPHONE #: 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Gary Clifford

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 11-93 - An Ordinance amending the Multnomah County Code Chapter 11.15 by allowing, in some circumstances, for a non-relative to be the care provider in the approval of a health hardship mobile home placement and extend the subsequent review period of a health hardship permit from one year to two years

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER: Betty Williams

BOARD OF COUNTY COMMISSIONERS
1993 DEC 20 PM 3:01
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

DIVISION OF PLANNING AND DEVELOPMENT

Board Planning Packet Check List

File No. C 11-93

- Agenda Placement Sheet No. of Pages 1

- ~~Case Summary Sheet~~ *Ordinance Tech* No. of Pages 1
- Previously Distributed _____

- Notice of Review No. of Pages _____
- *(Maybe distributed at Board Meeting)
- Previously Distributed _____

- ~~Decision~~ *Proposed Ordinance* No. of Pages 5
- (Hearings Officer/Planning Commission)
- Previously Distributed _____

*Duplicate materials will be provided upon request.
Please call 2610.

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption)
of an Ordinance Amending MCC Chapter)
11.15 Concerning Health Hardship Mobile)
Home Placement Permits)

**RESOLUTION
C 11-93**

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan and its implementing ordinances; and

WHEREAS, Multnomah County Code subsection MCC 11.15.8710 allows for the temporary placement of a mobile home on a property with an existing single family residence upon a finding that a resident of one of the dwellings has a demonstrated health hardship and that needed care can be provided by a relative living in the other dwelling; and

WHEREAS, There are some situations where residents of Multnomah County could otherwise qualify for the temporary placement of a hardship mobile home on their property, but there is no relative that can provide the needed care; and

WHEREAS, Amending the Code to allow for a non-relative to be the care provider for a property owner with a health hardship provides that property owner the same opportunity for care as is presently allowed to property owners with available relatives; and

WHEREAS, It has been the Division's experience with health hardship permits that the present yearly review is not necessary and continuing review of the permits can be adequately made in two year increments; and

WHEREAS, The Planning Commission considered this Ordinance at a public hearing on December 6, 1993 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the Ordinance captioned "...An Ordinance amending the Multnomah County Code Chapter 11.15 by allowing in some circumstances for a non-relative to be the care provider in the approval of a health hardship mobile home placement and extend the subsequent review period of a health hardship permit from one year to two years," is hereby recommended for adoption by the Board of County Commissioners.

Approved this 6th day of December, 1993



Karin Hunt, Vice Chair
Multnomah County Planning Commission

ORDINANCE FACT SHEET

Ordinance Title: C 11-93

An Ordinance amending the Multnomah County Code Chapter 11.15 by allowing, in some circumstances, for a non-relative to be the care provider in the approval of a health hardship mobile home placement and extend the subsequent review period of a health hardship permit from one year to two years.

Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:

This ordinance would amend the "health hardship mobile home" provision to allow a non-relative to occupy a temporary mobile home in order to provide the health care needs of a property owner. Presently, the care giver must be a close relative. The close relative requirement would continue for persons with a health hardship that are not one of the property owners. Other care needs situations can be met in "Adult Care Homes" that do not involve the placement of a mobile home.

What other local jurisdictions have enacted similar legislation?

Cities do not generally include this type of temporary housing in their ordinances. The counties that do recognize the land use are for the most part those which are more rural in character. State Statutes and Administrative Rules allow for the approval of health hardship permits in the farm and forest zones.

What is the fiscal impact, if any?

There will be a few more applications for the permit, but staff time should actually be reduced because the ordinance also extends the subsequent review period after approval from one to two years.

SIGNATURES

Person filling out form: Gary Clippard, pd

Planning and Budget (if fiscal impact): _____

Department Manager / Elected Official: Betsy Wellia

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4
5 An Ordinance amending the Multnomah County Code Chapter 11.15 by allowing, in
6 some circumstances, for a non-relative to be the care provider in the approval of a health
7 hardship mobile home placement and extend the subsequent review period of a health hardship
8 permit from one year to two years.

9 (Language in brackets [] is to be deleted; underlined language is new.)

10 Multnomah County Ordains as follows:

11
12 Section I. Findings.

13 (A). Multnomah County Code subsection MCC 11.15.8710 allows for the temporary
14 placement of a mobile home on a property with an existing single family residence upon a
15 finding that a resident of one of the dwellings has a demonstrated health hardship and that
16 needed care can be provided by a relative living in the other dwelling. The mobile home
17 placement is permitted only as long as the hardship exists.

18 (B). Recent public inquires to the Division of Planning and Land Development have
19 brought about the recognition that there are some situations where residents of Multnomah
20 County could otherwise qualify for the temporary placement of a hardship mobile home on
21 their property, but there is no relative that can provide the needed care. Amending the Code to
22 allow for a non-relative to be the care provider for a property owner with a health hardship
23 affords the property owners without available relative assistance the same opportunity.

24 (C). It is the Division's recent experience with health hardship permits that the present
25 yearly review is not necessary and continuing review of the permits can be adequately made in
26 two year increments. The two year time frame is the maximum time between reviews allowed

1 in the Exclusive Farm Use district under Oregon Administrative Rule (OAR) 660-33-130(10),
2 (adopted December 3, 1992) and the Commercial Forest Use district under OAR 660-06-
3 25(4)(s), (amended December 3, 1992).

4
5 Section II. Amendments.

6 Multnomah County Code Chapter 11.15 is amended to read as follows:

7
8 **11.15.8710 [Annual] Temporary Health Hardship Permit**

9 The purpose of the [Annual] Temporary Health Hardship Permit is to allow the convenient
10 provision of daily health care needs to a person [relatives] with a demonstrated health
11 hardship by allowing the placement of a mobile home on a lot with an existing single family
12 residence. The permit is temporary in nature and not intended to encourage an increase in
13 the residential density beyond that envisioned by the Comprehensive Plan and its
14 implementing ordinances.

15 (A) The Planning Director may grant a [an Annual] Temporary Health Hardship Permit to
16 allow occupancy of a mobile home on a lot with a single family residence based on the
17 following findings:

18 (1) The person with the health hardship is either one of the property owners or is a
19 relative of one of the property owners [a relative of the person identified in
20 subsection (2) below as being capable of providing the necessary health care].

21 (a) If the person with the health hardship is one of the property owners, then the
22 care provider in the other residence is not required to be a relative.

23 (b) If the person with the health hardship is a relative of one of the property
24 owners, then the care provider must be a relative.

25 (c) For the purposes of this section, a relative is defined as a grandparent, parent,
26 child, brother or sister, either by blood or legal relationship.

- 1 (2) The person [relative] with the health hardship is unable to adequately provide
2 daily self-care needs because of a physical and/or medical impairment based upon
3 a statement from a licensed physician describing the nature of the impairment and
4 its resultant limitations. The physician shall indicate that those limitations are
5 severe enough to warrant daily assistance, and that at least one of the residents of
6 the property is capable of providing that assistance.
- 7 (3) There is a demonstrated lack of appropriate alternative accommodations within the
8 area entitled to notice, including, but not limited to, rental housing or space within
9 the existing residence.
- 10 (4) The following locational criteria are satisfied:
- 11 (a) The proposed siting of the mobile home will satisfy the applicable setback and
12 lot coverage standards of the zoning district without variance.
- 13 (b) The mobile home shall be located in a manner which satisfies the locational
14 requirements of a second residence on properties capable of being divided
15 under the existing zoning within those areas designated as urban by the
16 Comprehensive Framework Plan.
- 17 (c) The mobile home will not require any new main connections to public
18 facilities or services (e.g., sewer, water or power mains, curb cuts, etc.) unless
19 sited in the manner allowed in subsection (b) above, in which case those
20 services may be extended to the area on the property which satisfies the
21 locational requirements of a second residence.
- 22 (d) The mobile home will not require any attached or detached accessory
23 structures other than wheelchair ramps to accommodate the health care needs
24 of the proposed occupant.
- 25 (5) A penal bond in the amount of \$1,000 is posted to insure removal of the mobile
26 home within six months after the health hardship ceases to exist.

1 (6) As a condition of approval, every two years from the approval date the applicant
2 shall submit:

3 (a) A recent (within 6 months prior to the two year deadline) physician's statement
4 verifying that the situation described in (2) above still exists; and

5 (b) A letter from the care provider describing the continuing assistance being
6 given.

7 (B) [The Planning Director shall make findings and a tentative decision within ten business
8 days of the application filing.] Notice of the Planning Director's findings and decision,
9 and information describing the appeals process, shall be mailed by first class mail to the
10 applicant and the record owners of all property within :

11 (1) 100 feet of the subject property if the property is within the Urban Growth
12 Boundary, or [proposed for use]

13 (2) 250 feet of the subject property if the property is outside the Urban Growth
14 Boundary and not within the EFU or CFU districts, or

15 (3) 500 feet of the subject property if the property is within the EFU or CFU districts.

16 (C) The tentative decision shall be final at the close of business on the tenth calendar day
17 after notice is mailed, unless the applicant or a person entitled to mailed notice or a
18 person substantially affected by the application files a written Notice of Appeal. Such
19 Notice of Appeal and the decision shall be subject to the applicable provisions of MCC
20 .8290 and .8295, except that subsection MCC .8290(C) shall apply only to a Notice of
21 Appeal filed by the applicant. The persons entitled to notice under subsection (B) of
22 this Section shall be given the same notice of appeal hearing as is given the applicant.

1 (D) [Annual t] Temporary health hardship permits approved prior to (the effective date of
2 this Ordinance) [February 15, 1985, which were renewable for a five-year period,] shall
3 not be subject to the original expiration date and shall be permitted to be renewed by the
4 Planning Director every two years from the original approval date based upon a Finding
5 that the hardship [found by the Hearing Authority] still exists and that the conditions
6 imposed are being satisfied.

7
8 Section III. Adoption.

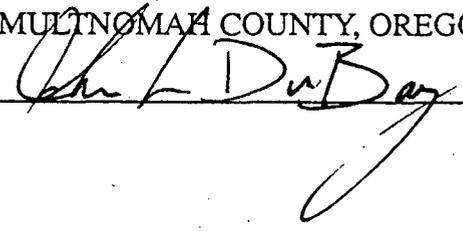
9
10 ADOPTED THIS _____ day of _____, 1994, being the date of its
11 _____ reading before the Board of County Commissioners of Multnomah County.

12
13
14
15 (S E A L)

16 By _____
17 Beverly Stein
18 Multnomah County Chair

19
20 REVIEWED:

21 JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL
22 for MULTNOMAH COUNTY, OREGON

23 By 
24
25
26

PLEASE PRINT LEGIBLY!

MEETING DATE

12-28-93

NAME

KLAYS HEYNE

ADDRESS

41101 SE LOUDEN RO

STREET

CORBETT, OREGON 97019

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

5-93

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

P-3

MEETING DATE: December 28, 1993

AGENDA NO: P-3

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 5-93 - Proposed Ordinance Amendment - First Reading

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: December 28, 1993

Amount of Time Needed: 15 Minutes

DEPARTMENT: DES DIVISION: Planning

CONTACT: R. Scott Pemble TELEPHONE #: 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Mark Hess

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 5-93 An Ordinance amending the Multnomah County Comprehensive Framework Plan Policy 16 and Supplemental Findings in the Multnomah County Inventory of Water Resources and Wetlands Sites and designations under Statewide Planning Goal 5.

BOARD OF COUNTY COMMISSIONERS
1993 DEC 20 PM 3:01
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER: Betty H. Wallia

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

DIVISION OF PLANNING AND DEVELOPMENT

Board Planning Packet Check List

File No. C5-93

Agenda Placement Sheet No. of Pages 1

Ordinance Tech
 ~~Case Summary Sheet~~ No. of Pages 1

Previously Distributed _____

Notice of Review No. of Pages _____

*(Maybe distributed at Board Meeting)

Previously Distributed _____

~~Decision~~ *Proposed Ordinance* No. of Pages 11
(Hearings Officer/Planning Commission)

Previously Distributed _____

*Duplicate materials will be provided upon request.
Please call 2610.

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption of an)
Ordinance Amending the Comprehensive Plan)
Concerning Water Resources, Streams, and)
Wetland Resources in the Goal 5 Inventory)

**RESOLUTION
C 5-93**

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan; and

WHEREAS, Multnomah County's 1990 Periodic Review Order was reviewed by the Land Conservation and Development Commission (LCDC) on April 23, 1993; and,

WHEREAS, The LCDC Remand Order 93-RA-876 found that amendments to the county's comprehensive plan are required to comply with certain Statewide Planning Goals; and,

WHEREAS, Item 8 of the remand order requires the county to amend the comprehensive plan to map or identify the significant streams that are subject to the Significant Environmental Concern (SEC) provisions of MCC 11.15.6404(C); and,

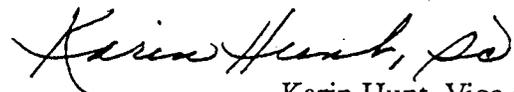
WHEREAS, In 1988 and 1989, the County completed inventory and analysis of Goal 5 Resources and identified and designated "3-C" (protect Goal 5) water resource and wetland sites; and

WHEREAS, The water resource and wetland sites designated "3-C" (protect Goal 5) were listed and mapped by the Planning Staff and presented at a public hearing on December 6, 1993 where all interested persons were given an opportunity to appear and be heard by the Planning Commission; and,

WHEREAS, The Multnomah County Planning Commission considered and adopted the map and list of Protected Water Resources & Wetlands as detailed in the C 5-93 Staff Report and presented at a public hearing on December 6, 1993;

NOW, THEREFORE BE IT RESOLVED that the proposed Ordinance which amends the Multnomah County Comprehensive Plan text and adds a map and list of Protected Water Resources & Wetlands to the Multnomah County Goal 5 Inventory is hereby recommended for adoption by the Board of County Commissioners.

Approved this 6th day of December, 1993



Karin Hunt, Vice Chair
Multnomah County Planning Commission

ORDINANCE FACT SHEET

Ordinance Title:

An Ordinance Which Amends the Multnomah County Comprehensive Framework Plan Policies 16, 16-G, and Supplemental Findings For Water Resources, Streams, and Wetland Sites and Designations Under Statewide Planning Goal 5.

Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:

This ordinance is recommended for adoption as a response to LCDC Remand Order 93-876; Item No. 8. It would amend the Multnomah County Framework Plan to Policy 16 (Natural Resources) and Sub-policy 16-G (Water Resources and Wetlands) and update the County's Goal 5 Inventory to include:

1. A list and map of Protected Water Resources & Wetlands which are designated: "2A", "3A", or "3C" under Goal 5 and protected by SEC or WRG zoning provisions; and,
2. A list and map of Significant Water Resources & Wetlands which are designated: "1C" under Goal 5 [based on proposed changes to Policy 16-G]; and,
3. A list of potentially significant streams and watersheds which require additional information to complete the Goal 5 process [designated: "1B"].

What other local jurisdictions have enacted similar legislation?

All jurisdictions in the State are required to complete the Goal 5 process. The City of Portland has similar legislation for the Balch Creek Basin and the Columbia South Shore sub-areas.

What is the fiscal impact, if any?

There are specific timelines proposed for the County to complete ESEE evaluations and develop protection programs for Significant (1C) and Potentially Significant (1B) water resources, streams, and wetlands. The first of these includes \$40,000 in FY '93-'94 for a consultant contract to complete ESEE evaluations for the Angel Brothers and Howard Canyon streams and associated watersheds. There will also be at least an equivalent amount of Staff time (and \$) involved in completing the Goal 5 process for these sites (for Water Resources and Wetlands). The fiscal impact of completing the remaining streams inventory, significance analysis and ESEE evaluations would be incorporated in the Rural Area Plans anticipated for FY '94-'95; '95-'96; & '96-'97.

SIGNATURES

Person filling out form: *Mark D. Jew* (Reviewed by R. Scott Fumble)

Planning and Budget (if fiscal impact): _____

Department Manager / Elected Official: *Betsy Wellis*

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

3
4 ORDINANCE NO. _____
5

6 An Ordinance Which Amends the Multnomah County Comprehensive
7 Framework Plan Policies 16, 16-G, and Supplemental Findings For Water
8 Resources, Streams, and Wetland Sites and Designations Under Statewide Plan-
9 ning Goal 5

10 Multnomah County Ordains as follows:
11

12 Section I. **FINDINGS.**
13

14 (A). Multnomah County's 1990 Local Review Order was reviewed by the
15 Land Conservation and Development Commission (LCDC) on April 23, 1993.
16 The LCDC determined that amendments to the County's comprehensive plan
17 and zoning code are required to comply with Statewide Planning Goals as
18 detailed in Remand Order 93-RA-876; item 8 orders the following:
19

20 *"The county shall amend the comprehensive plan to map or identify the*
21 *significant streams that are subject to the Significant Environmental Con-*
22 *cern (SEC) provisions. Amend MCC 11.15.6404(C) to reference this plan*
23 *inventory of significant streams rather than the FPA definition."*
24

25 (B). Public hearings were held before the Planning Commission on
26 August 2, 1993 and December 6, 1993 and before the Board of County Commis-

1 sioners on September 28, 1993 and December 28, 1993. On each of those dates
2 written and oral testimony was taken and heard regarding this issue.

3
4 (C). The Planning Commission recommends that the Board of Commis-
5 sioners adopt proposed revisions to the Comprehensive Plan to comply with
6 LCDC Remand Order 93-RA-876, item 8. Findings in support of the recommen-
7 dation are detailed in Exhibit A, the Supplemental Staff Report for Case File C
8 5-93 considered by the Planning Commission on December 6, 1993 and modified
9 for the Board hearing on December 28, 1993.

10
11 Section II. AMENDMENT OF FRAMEWORK PLAN TEXT IN POLICY 16

12
13 Multnomah County Comprehensive Plan Policy 16, Strategy (C) is
14 amended as follows; language appearing in [brackets] is to be deleted; under-
15 lined language is new.

16
17 POLICY 16: NATURAL RESOURCES

18
19 THE COUNTY'S POLICY IS TO PROTECT NATURAL RESOURCES, CON-
20 SERVE OPEN SPACE, AND TO PROTECT SCENIC AND HISTORIC
21 AREAS AND SITES. THESE RESOURCES ARE ADDRESSED WITHIN
22 SUB-POLICIES 16-A THROUGH 16-L.

23
24 STRATEGIES

25 * * *

1 C. The following areas shall be designated as "Areas of Significant Envi-
2 ronmental Concern" based on "Economic, Social, Environmental,
3 and Energy" (ESEE) evaluations and designations of: "2A",
4 "3A", or "3C" under Statewide Goal 5. Resource protection
5 shall be provided by either the SEC or WRG overlay provisions
6 in the Multnomah County Zoning Code (MCC 11.15) applied on:
7

8 1. Resource sites designated "2A", "3A", or "3C" in the Multnom-
9 ah County Goal 5 Inventory and identified for SEC or WRG
10 protections in SUB-POLICIES 16-D, 16-E, 16-G, or 16-L,
11

12 [~~The Columbia River Gorge National Scenic Area, as defined in fed-~~
13 ~~eral legislation PL 99-663~~

14 ~~2. The Sandy River State Scenic Waterway,~~

15 ~~3. Portions of the Mount Hood National Forest,~~

16 ~~4. Smith and Bybee Lakes,]~~

17 ~~2. [5. The Undeveloped Columbia River Islands and]~~ Hayden Island
18 west of the Burlington Northern Railroad tracks,

19 ~~[6. Sturgeon Lake,]~~

20 ~~3.[7.]~~ Blue Lake, Fairview Lake (Ord. 234), and Columbia River shore
21 area and islands,

22 ~~4.[8.]~~ Johnson Creek,

23 ~~[9. Beggar's Tick Marsh,~~

24 ~~10. Virginia Lakes,~~

25 ~~11. Rafton/Burlington Bottoms,~~

26 ~~12. Multnomah Channel,~~

1 ~~13. Sand Lake,]~~

2 ~~14. Howell Lake,]~~

3 ~~15. Wagonwheel Hole Lake and nearby unnamed slough/lake to the~~
4 ~~west,~~

5 ~~16. All Class 1 Streams (Oregon State Forestry Department designa-~~
6 ~~tion) and the adjacent area within 100 feet of the normal high~~
7 ~~water line except those within an ESEE designated "2A", "3A", or~~
8 ~~"3C" mineral and aggregate resource site,]~~

9 ~~5. and such o]~~ Other areas as may be determined under established
10 Goal 5 procedures to be suitable for this "area" designation.

11
12 a. The County shall complete ESEE evaluations by June 30,
13 1994 for Significant Water Resources & Wetlands potentially
14 affected by the Angel Brothers and Howard Canyon Mineral
15 and Aggregate Resource sites; and,

16
17 b. The County will conduct ESEE evaluations and determine
18 appropriate protections for Significant ('1C') sites as part of
19 the Rural Area Planning Program, to include 1B designated
20 sites subsequently determined to be Significant ['1C']; and

21
22 c. The County shall complete all outstanding ESEE evalua-
23 tions by January, 1998 for Significant Water Resources &
24 Wetlands.

25
26 * * *

1 Section III. AMENDMENT OF FRAMEWORK PLAN TEXT IN POLICY 16-G

2
3 POLICY 16-G: WATER RESOURCES AND WETLANDS

4
5 IT IS THE COUNTY'S POLICY TO PROTECT AND, WHERE APPROPRI-
6 ATE, DESIGNATE AS AREAS OF SIGNIFICANT ENVIRONMENTAL CON-
7 CERN, THOSE WATER AREAS, STREAMS, WETLANDS, WATERSHEDS,
8 AND GROUNDWATER RESOURCES HAVING SPECIAL PUBLIC VALUE
9 IN TERMS OF THE FOLLOWING:

- 10
11 A. ECONOMIC VALUE;
12 B. RECREATION VALUE;
13 C. EDUCATIONAL RESEARCH VALUE (ECOLOGICALLY AND SCIEN-
14 TIFICALLY SIGNIFICANT LANDS);
15 D. PUBLIC SAFETY, (MUNICIPAL WATER SUPPLY WATERSHEDS,
16 WATER QUALITY, FLOOD WATER STORAGE AREAS, VEGETA-
17 TION NECESSARY TO STABILIZE RIVER BANKS AND SLOPES);
18 E. NATURAL AREA VALUE, (AREAS VALUED FOR THEIR FRAGILE
19 CHARACTER AS HABITATS FOR PLANT, ANIMAL OR AQUATIC
20 LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES).

21
22 STRATEGIES

- 23
24 A. Assess the economic values of Water Resource and Wetland
25 Sites and designate as "significant" (1C) if:
26 1. Any use of the water resource can be shown to be feasible

1 1. Any use of the water resource can be shown to be feasible
2 for use in significantly increasing a specified economic
3 activity or function or substantially increasing the econom-
4 ic value of the land through which the waters flow.

5
6 B. Assess the recreation values of Water Resource and Wetland
7 Sites and designate as "significant" (1C) if:

8 1. The water resource lies within the boundary of a public
9 park, publicly accessible recreational facility, or private
10 recreational facility available for public or group use, and is
11 an integral part of the facilities' recreational activities; or,

12
13 2. The water resource contributes water to a water resource
14 within the boundary of a public park, publicly accessible
15 recreational facility, or private recreational facility avail-
16 able for public or group use, and the diversion or degrada-
17 tion of the contributing waters would significantly diminish
18 the recreational value of the water resource.

19
20 C. Assess the educational research value of Water Resource and
21 Wetland Sites and designate as "significant" (1C) if:

22
23 1. The resource has been identified by the Oregon Natural
24 Heritage Program as being ecologically or scientifically sig-
25 nificant; or

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D. Assess the public safety values of Water Resource and Wetland Sites and designate as “significant” (1C) if:

1. The water resource is within the Watershed Management Unit of an existing or proposed municipal water source as identified by the US Forest Service, US Geological Service, City of Portland, or other public agency; or
2. The water resource is part of a groundwater area which provides a municipal water supply; or
3. The water resource and surrounding lands are flood water storage areas whose removal or degradation would increase the frequency or height of floods to adjacent or downstream areas.
4. The riparian or watershed vegetation associated with a water resource shall be considered part of the water resource area if that vegetation substantially contributes to the protection of water quality by reducing sedimentation and erosion, removing nutrients, or lowering water temperature / increasing BOD.

E. Assess the natural area value of Water Resource and Wetland Sites and designate “significant” (1C) if:

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- 1. The Oregon Department of Forestry has classified the stream or watercourse as "Class 1 waters" as defined in the State Forest Practices Act; or

- 2. The water resource or associated vegetation area is the habitat of an endangered or threatened plant or animal species as identified by the Oregon Natural Heritage Program, US Fish and Wildlife Service or other public agency; or

- 3. A "Wildlife Habitat Assessment" (WHA) rating form has been completed and the site scored ~~[Wetland areas that attain]~~ 45 or more points of the possible 96 points, ~~[on the "Wildlife Habitat Assessment" (WHA) rating form will be designated "Significant"]~~ Sites ~~[with ratings of]~~ with scores between 35 - 44 points ~~[or more]~~ on the WHA form may be determined "Significant" (1C) if they function ~~[in providing]~~ as essential connections between ~~[and]~~ or demonstrably enhance ~~[ment of]~~ higher rated adjacent ~~[habitat]~~ resource areas.

The WHA is a standardized rating system for evaluating the wildlife habitat values of a site. The form was cooperatively developed by staff from the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, The Oregon Department of Fish and Wildlife, the Audubon Society of Portland,

1 The Wetlands Conservancy, and the City of Beaverton Planning
2 Bureau.

3
4 **F.[B.]** Significant water resource and wetland areas identified as a "2A", "3A",
5 or "3C" sites using the Statewide Planning Goal 5 "Economic, Social,
6 Environmental, and Energy analysis" procedure as outlined in OAR 660-
7 16-000 through 660-16-025 shall be designated as "Areas of Significant
8 Environmental Concern" and protected by either the SEC or WRG overlay
9 zone.

10
11 **G.[C.]** Wetlands information gathered by and made available to the County shall
12 be utilized as follows:

- 13
- 14 1. The U.S. Fish and Wildlife National Wetland Inventory (NWI) maps
15 should be consulted at the beginning stages of any development proposal
16 in order to alert the property owner/developer of the U.S. Corps of Engi-
17 neers and Division of State Lands permit requirements.
 - 18
 - 19 2. Wetlands shown on the NWI maps which are determined to not be impor-
20 tant by the county after field study should be indicated as such on 1"=200'
21 aerial photographs made part of the State Goal 5 supporting documents.
 - 22
 - 23 3. Boundaries of "Significant" wetlands located within the SEC and WRG
24 overlay zones should be depicted on 1"=200' aerial photographs.
 - 25
 - 26 4. Additional information on wetland sites should be added to the plan and

1 supporting documents as part of a scheduled plan update or by the stan-
2 dard plan amendment process initiated at the discretion of the county.

3
4 H.~~D.~~ Although a wetland area may not meet the County criteria for the
5 designation "Significant," the resource may still be of sufficient
6 importance to be protected by State and Federal agencies.

7
8 I.~~E.~~ The zoning code should include provisions requiring a finding
9 prior to approval of a legislative or quasijudicial action that the
10 long-range availability and use of domestic water supply water-
11 sheds will not be limited or impaired.

12
13 * * *

14
15
16 Section IV. AMENDMENT OF POLICY 16-G INVENTORY OF WATER RESOURCES

17
18 The following are added to the Policy 16-G Inventory of Water Resources:

- 19
20 1. **Protected Water Resources & Wetlands** (designated 2A, 3A, or 3C
21 under Goal 5) identified on the attached List and map, a reduced copy
22 of which is attached as Appendix A of Exhibit A; and
23
24 2. **Significant Water Resources & Wetlands** (designated 1C under
25 Goal 5) and identified on the attached List and map, a reduced copy of
26 which is attached as Appendix B of Exhibit A; and,

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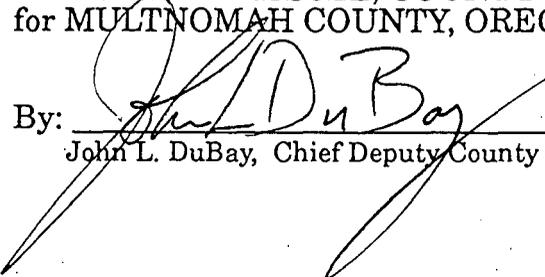
3. A list of potentially significant Water Resources & Wetlands (designated 1B under Goal 5) and identified in Appendix C of Exhibit A.

ADOPTED THIS _____ day of _____, 199_, being the date of its ____ reading before the Multnomah County Board of Commissioners.

(SEAL)

By _____
Beverly Stein,
Multnomah County Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By: 
John L. DuBay, Chief Deputy County Counsel



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

C 5-93
Exhibit A

Supplemental Staff Report
to the Board of Commissioners;
Hearing Date: December 28, 1993

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I. SUMMARY:

This report accompanies a proposed Ordinance which would amend the Multnomah County Comprehensive Framework Plan Policy 16 (Natural Resources) and Sub-policy 16-G (Water Resources and Wetlands) and update the County's Goal 5 Inventory to include:

1. A list and map of **Protected Water Resources & Wetlands** which are designated: "2A", "3A", or "3C" under Goal 5 and protected by SEC or WRG zoning provisions; and,
2. A list and map of **Significant Water Resources & Wetlands** which are designated: "1C" under Goal 5 [based on proposed revisions to Policy 16-G]; and,
3. A list of potentially significant streams and watersheds which require additional information to complete the Goal 5 process [designated: "1B"].

II. PROCEDURAL HISTORY:

The Planning Commission reviewed a proposed map of Significant Streams and Riparian Areas on August 2, 1993 and discussed anticipated revisions to the Comprehensive Plan and Zoning Code in response to item #8 of the Remand Order 93-RA-876 from the State Land Conservation and Development Commission (LCDC). Item #8 requires the County to map streams which are regulated by Significant Environmental Concern (SEC) zoning provisions in MCC 11.15.6404(C), and revise text to reference the streams map rather than the Forest Practices Act (FPA) definition of "Class I streams".

The Board of County Commissioners (Board) held a hearing on this matter on September 28, 1993 and received oral and written testimony. After considering issues raised, the Board expanded the scope of C 5-93 to address concerns regarding the proposed removal of SEC zoning protections along most "Class I streams". However, County and DLCD Staff concur that environmental protections applied to "Class I streams" in 1990 under Plan Policy 16-G (Water resources and Wetlands) are not fully justified under the Goal 5 process.

III. FINDINGS

Multnomah County's 1990 Periodic Review Order was reviewed by the LCDC on April 23, 1993. The LCDC found that amendments to the County's comprehensive plan are required to comply with certain Statewide Planning Goals (Remand Order 93-RA-876). Item 8 orders the following:

"The county shall amend the comprehensive plan to map or identify the significant streams that are subject to the Significant Environmental Concern (SEC) provisions. Amend MCC 11.15.6404(C) to reference this plan inventory of significant streams rather than the FPA definition."

The County conducted an inventory of important water resources and wetlands in 1988-1989. The Planning Division contracted with Ester Lev, a Wildlife Biologist, for an inventory and significance analysis of wetland resources and associated riparian habitats. The constraints of the contract limited the inventory and significance analysis to certain portions of rural Multnomah County. Water resource and wetland sites were deemed "significant" (1C) if they scored 45 points or more on a "Wildlife Habitat Assessment" (WHA) rating system. Resources designated "2A", "3A", or "3C" after Goal 5 ESEE evaluations were protected by zoning code revisions in the SEC and WRG subsections.

The principal code revision required an SEC Permit for developments within 100 feet of a "Class I stream" (as defined in the State Forest Practice Rules; see Appendix A). However, the *Class I stream threshold* did not extend SEC protections to three wetland sites identified in the Lev study and designated 3C – (1) "Northwest Hills Wetlands/Riparian Areas", (2) "Dairy Creek, Gilbert River, and related drainageways", and (3) "Ditches and Sloughs on Sauvie Islands". These three sites were not fully protected by 1990 revisions to the SEC zone.

In addition, the 1990 SEC changes applied a protection program to several "Class I streams" which were not evaluated under the Goal 5 rule. County Staff proposes to extend some work under case C 5-93 to provide an adequate inventory and a complete ESEE evaluation for 1B and 1C designated water resource sites.

The LCDC Remand Order directs the County to identify the specific streams and land areas that are subject to the SEC provisions, and include the map or descriptive text in the Comprehensive Plan. This report includes revised maps of all Wetland and Water Resources in rural areas of Multnomah County with Goal 5 designations:

The **Protected Water Resources & Wetlands** map and Table 1 includes all water resources that have completed the Goal 5 process, have been designated 2A, 3A, or 3C, and are protected by SEC or WRG code provisions (see Appendix A). Map and Table 1 fulfill the Remand Order requirements;

Map and table 2, **Significant Water Resources & Wetlands** list the water resources that have been designated as significant (1C) under Goal 5, but have not had ESEE evaluations (see Appendix B);

Table 3 lists other (1B) streams and water resource sites that have not been evaluated under Goal 5 (see Appendix C).

Several streams initially mapped as 3C sites in the C 5-93 report for the August 2, 1993 hearing are not included in revised maps with this report. Changes to the status of some streams are the result of meetings and discussions between the County and DLCD staff concerning the remand item #8 and – more importantly, a close examination and assessment of prior Goal 5 Inventory materials in light of recent case law effecting the substantive and procedural requirements for local governments in applying Statewide Goal 5.

Several streams shown on the *significant streams* map proposed at the August 2, 1993 hearing are deleted from the '3C' map of protected Goal 5 resources. Streams deleted were listed in the "Northwest Hills/Riparian Areas" composite site description because the resource inventory was derived from National Wetlands Inventory maps and aerial photograph interpretation; but resource values were not verified in the field. Revised maps proposed with this report show only those "Northwest Hills/Riparian Areas" which were designated "Significant" based on the "Wildlife Habitat Assessment" (WHA) rating form score of 63 points or more, and which were verified in the field by Ester Lev, the County's consultant in 1988-1989. Field verification of the resource is indicated on the 1:200 scale aerial photographs which are part of the County's Goal 5 inventory of wetland and water resources. Those streams not shown as 1C (Significant Water Resources & Wetlands) or 2A, 3A, or 3C (Protected Water Resources & Wetlands) are recommended for a 1B designation (future study).

Proposed Revisions to Policy 16 and Sub-policy 16-G:

Amendments are proposed to the inventory list of SEC protected resources under Policy 16 of the Comprehensive Framework Plan. The changes include removing from the Policy 16 list those resources that are inventoried under any of the Policy 16 sub-policies. For instance, many of the water resources listed under Policy 16 are included in the proposed list of protected water resources under sub-policy 16-G (see Table 1, Appendix A). In addition, several resources are deleted from the Policy 16 list because they have been annexed into the city or, as in the case of the Columbia River Gorge National Scenic Area, are under a different method of protection now.

Several amendments to sub-policy 16-G are proposed. These include adding streams to the descriptive list of water resources, in order to make it clear that streams are part of this sub-policy, and modifying and adding Strategies in order to reflect all five of the values (economic, recreational, educational, public safety and natural area) that sub-policy 16-G says are provided by water resources. The existing strategy section of the sub-policy includes only one method of determining the significance of water resources, the Wildlife Habitat Assessment. Water resources clearly have other values besides wildlife. The additional Strategies will provide a tool to assess these other values. Included as a new strategy for assessing natural area value is using the Forest Practices Act definition of a Class I stream as a determinant of significance (see Appendix D).

These changes to sub-policy 16-G are proposed in order to facilitate subsequent Goal 5 work for 1B designated water resources, which will occur as part of the rural area planning projects. The proposed amendments to Policy 16 and sub-policy 16-G are detailed in a proposed Ordinance included with this report (Appendix E).

IV. RECOMMENDATIONS

Recommend the following to the Board of County Commissioners:

1. Adopt the list and map of **Protected Water Resources & Wetlands** (designated 2A, 3A, or 3C under Goal 5 and protected by SEC or WRG ordinances; see Table 1).
2. Adopt the proposed plan revision and updates to the County's Goal 5 inventory to include a list and map of **Significant Water Resources & Wetlands** (designated 1C under Goal 5; see Table 2).
 - a. Direct the Planning Division to complete ESEE evaluations by June 30, 1994 for **Significant Water Resources & Wetlands** potentially affected by the Angel Brothers and Howard Canyon Mineral and Aggregate Resource sites; and,
 - b. Direct the Planning Division to conduct the ESEE evaluations and determine appropriate protections for the remaining '1C' sites as part of the Rural Area Planning Program; and
 - c. Direct the Planning Division to complete all outstanding ESEE evaluations by January, 1998 for **Significant Water Resources & Wetlands**.
3. Adopt the list of 1B designated water resource and wetland sites for further inventory and, if significant, ESEE evaluation.
 - a. Direct the Planning Division to complete significance determinations by June 30, 1994 for **Water Resources & Wetlands** potentially affected by the Angel Brothers and Howard Canyon Mineral and Aggregate Resource sites; and,
 - a. Direct the Planning Division to conduct the ESEE evaluations and determine appropriate protections for 1B designated sites subsequently determined to be Significant ['1C'] as part of the Rural Area Planning Program; and
 - c. Direct the Planning Division to complete all ESEE evaluations by January, 1998 for **Significant Water Resources & Wetlands**.
4. Amend Comprehensive Plan Policy 16 and sub-policy 16-G to reflect changes in the list of protected natural resources and to provide strategies to determine the significance of water resources.

Table 1

PROTECTED WATER RESOURCE AND WETLAND SITES
MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN: POLICY 16-G

[sites designated 2A, 3A, or 3C in the Goal 5 Inventory: 1993 Update]

Rural Westside Sites *(listed alphabetically):*

- 1 Agricultural Ditches and Sloughs on Sauvie Island
- 2 'Audubon House' tributary of Balch Creek (in sub-basin #5; 1993 BES report)
- 3 Balch Creek (Class I reach outside Portland; below confluence of Thompson and Cornell forks)
- 4 Burlington Bottoms Wetlands
- 5 Dairy Creek
- 6 Gilbert River & tributary drainageways/wetlands
(in R1W sections 5, 8, 9, 16, 21, 22, 28, 29, 31, 32 & 33)
- 7 Howell Lake
- 8 McCarthy Creek (Class I reach; R1W sections 18, 19, 30 & 31)
- 9 Miller Creek (sections outside Portland)
- 10 Multnomah Channel (reach outside Portland)
- 11 'Newberry' (or 'Ennis') Creek (reach in R1W sections 28 & 33)
- 12 Sand Lake
- 13 'Sheltered Nook' tributary of McCarthy Creek (in R2W sections 19 & 24)
- 14 Small Unnamed Lake/Slough west of Wagon Wheel Hole Lake
- 15 Sturgeon Lake
- 16 Un-named creek which flows into Rainbow Lake (reaches in R2W sections 12 & 13)
- 17 Un-named creeks with confluence south of Logie Trail Rd.
(Class I reaches; in R2W sections 13 & 24 and R1W section 18)
- 18 Un-named creek between Logie Trail and Cornelius Pass Roads
(in R2W section 24 and R1W sections 18 & 19)
- 19 Virginia Lakes
- 20 Wagon Wheel Hole Lake

Rural Eastside Sites: *[Does not include sites within the Columbia Gorge NSA]*

- 1 Government Island wetlands
- 2 McGuire Island wetlands
- 3 Sandy River Gorge

NOTE: *Sites listed above are protected by SEC or WRG zoning provisions, based on completed ESEE evaluations and designations: 2A, 3A, or 3C under Statewide Goal 5. Table 2 lists Significant Water Resources and Wetland sites designated 1C [Goal 5 ESEE processes pending]*

PROTECTED WATER RESOURCE AND WETLAND SITES

MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN: POLICY 16-G

[sites designated 2A, 3A, or 3C in the Goal 5 Inventory (1993 Update)]

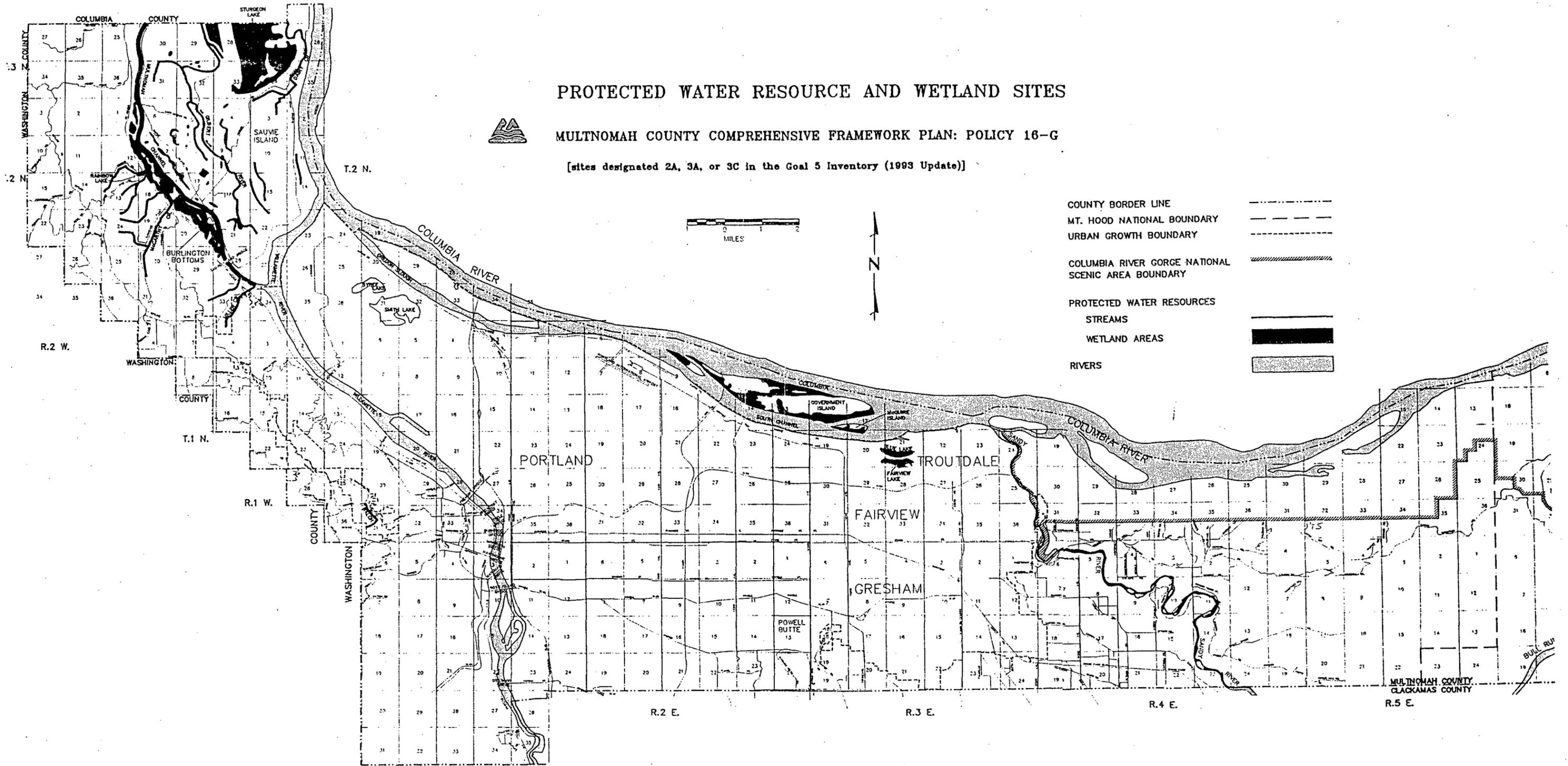


Table 2

SIGNIFICANT WATER RESOURCE AND WETLAND SITES
MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN: POLICY 16-G

[sites designated 1C in the Goal 5 Inventory (1993 Update); ESEE evaluations pending]

Rural Westside Sites *(listed alphabetically):*

- 1 Balch Creek Forks: Thompson, Cornell, and 'South-Audubon' (outside Portland)
- 2 'Germantown Road' tributaries of Rock Creek (Class I reaches in R 1W sections 8, 9, & 16)
- 3 Jackson Creek (Class I reach in R 2W section 10)
- 4 Jones Creek (Class I reach in R 2W section 25)
- 5 Joy Creek (Class I reach in R 2W section 25)
- 6 McKay Creek, East Fork (Class I reach in R 2W section 10)
- 7 Rock Creek (Class I reaches in R 2W sections 22, 23, 26, & 36; includes East Fork)
- 8 Three Un-named creeks with confluence on Wildwood Golf Course
(Class I reaches in R 2W sections 1, 2, 11, & 12)

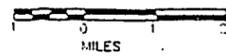
Rural Eastside Sites *[Does not include sites within the Columbia Gorge NSA]:*

- 1 Beaver Creek (Class I reaches in R3E sections 1 & 12; and R4E sections 7, 8, 16, & 17)
- 2 Big Creek
- 3 Bridal Veil Creek (Class I reach outside Gorge NSA; R5E section 24 & 25)
- 4 Buck Creek (Class I reaches)
- 5 Camp Creek (tributary to Bull Run River, in Mt. Hood National Forest)
- 6 Cat Creek (includes North Fork in sections 16 & 17)
- 7 Donahue Creek (Class I reach outside Gorge NSA; R5E section 25 & 36)
- 8 Gordon Creek (includes South, Middle, & North forks in Mt. Hood Nat. Forest)
- 9 Howard Canyon Creek (Class I reaches in R 4E sections 1 & 2; and R5E sections 5 & 6)
- 10 Johnson Creek (Class I reaches southeast of Gresham, including North Fork)
- 11 Kelly Creek (tributary of Johnson Creek)
- 12 Knieriem (or 'Ross') Creek (Class I reaches in R 4E sections 2, 35, & 36; and R5E section 31)
- 13 Lattourelle Creek (reaches outside Gorge NSA; R5E sections 32 & 33; includes South Fork)
- 14 Mitchell Creek (tributary of Kelly Creek; in R 3E section 19)
- 15 Pounder Creek (Class I reach outside Gorge NSA; in R4E sections 2 & 35)
- 16 Smith Creek (Class I reaches in R 4E sections 3, 4, 5, & 36)
- 17 Thompson Creek (tributary of Gordon Creek)
- 18 Trout Creek (Class I reaches in R4E sections 13, 14 & 24; and R 5E sections 17, 18, & 19)
- 19 Two Un-named creeks west of Springdale (Class I reaches in R4E sections 5, 6, 32 & 33)
- 20 Un-named tributary of Bull Run River (Class I reach in R5E section 22)
- 21 Walker Creek (Class I reach in R5E section 22)
- 22 Young Creek (Class I reach in R5E section 35 & outside Gorge NSA)

SIGNIFICANT WATER RESOURCE AND WETLAND SITES

MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN: POLICY 16-G

[sites designated IC in the Goal 5 Inventory (1993 Update); ESEE evaluations pending]



- COUNTY BORDER LINE 
- MT. HOOD NATIONAL BOUNDARY 
- URBAN GROWTH BOUNDARY 
- COLUMBIA RIVER GORGE NATIONAL SCENIC AREA BOUNDARY 
- SIGNIFICANT WATER RESOURCES
 - STREAMS 
 - WETLAND AREAS 
 - RIVERS 

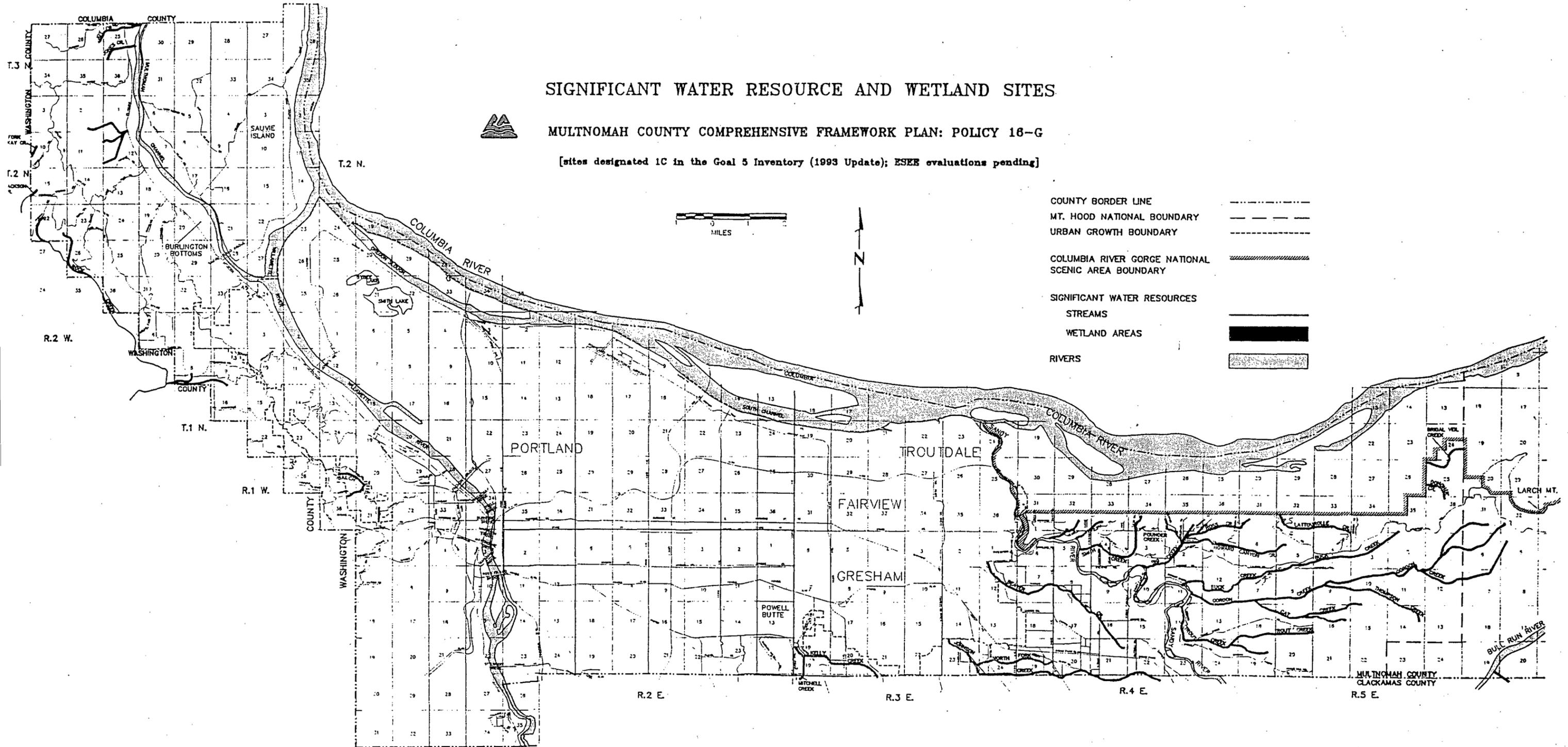


Table 3

WATER RESOURCE AND WETLAND SITES
MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN: POLICY 16-G

[sites designated 1B in the Goal 5 Inventory: 1993 Update]

Rural Westside Sites *(listed alphabetically)*:

- 1 Balch Creek watershed (except 1C or 3C designated reaches & sections in Portland)
- 2 Burlington Bottoms watersheds
- 3 Jackson Creek tributaries and watersheds (except Class I reaches)
- 4 Jones Creek tributaries and watersheds (except Class I reaches)
- 5 Joy Creek tributaries and watersheds (except Class I reaches)
- 6 McCarthy Creek tributaries and watersheds
(except Class I reaches & 'Sheltered Nook' tributary in sections 19 & 24)
- 7 McKay Creek tributaries and watersheds (except Class I reaches)
- 8 Miller Creek tributaries and watersheds (except 3C designated reach & sections in Portland)
- 9 Newberry Creek tributaries and watersheds (except 3C designated reach)
- 10 Rock Creek tributaries and watersheds (except Class I reaches)
- 11 Tributaries and watersheds to three un-named creeks on Wildwood Golf Course
(upstream of Class I reaches in R 2W sections 1, 2, 11, & 12)
- 12 Tributaries and watersheds to un-named creek which flows into Rainbow Lake
(except 3C designated reaches)
- 13 Tributaries and watersheds above three un-named creeks south of Logie Trail Rd.
(except 3C designated reaches)

Rural Eastside Sites *[Does not include sites within the Columbia Gorge NSA]*:

- 1 Beaver Creek tributaries and watersheds (except Class I reaches)
- 2 Bridal Veil Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)
- 3 Buck Creek tributaries and watersheds (except Class I reaches)
- 4 Cat Creek tributaries and watersheds (except Class I reaches)
- 5 Donahue Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)
- 6 Gordon Creek tributaries and watersheds (except Class I reaches)
- 7 Howard Canyon Creek tributaries and watersheds (except Class I reaches)
- 8 Johnson Creek/Kelly Creek watersheds (except Class I reaches)
- 9 Knieriem (or 'Ross') Creek tributaries and watersheds (except Class I reaches)
- 10 Lattourelle Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)
- 11 Pounder Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)
- 12 Smith Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)
- 13 Thompson Creek tributaries and watersheds (except Class I reach)
- 14 Trout Creek tributaries and watersheds (except Class I reaches)
- 15 Tributaries and watersheds to two un-named creeks west of Springdale
- 16 Young Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

To: Interested Parties
From: Mark R. Hess, Planner
Date: October 8, 1993
Subject: Streams Subject to Multnomah County Code (MCC) 11.15.6404(C);
"Class I waters" as defined in the Oregon Forest Practice Rules
(reference: OAR 629-24-101 DEFINITIONS; published August 3, 1992)

"Class I waters" means any portions of streams, lakes, or other waters of the state which are significant for:

- (A) Domestic use, including drinking, culinary and other household human use;
- (B) Angling;
- (C) Water dependent recreation; or
- (D) Spawning, rearing or migration of anadromous or game fish.

The following are included within the meaning of "Class I waters":

- (A) The water itself, including any vegetation, aquatic life, or habitats therein; or
- (B) Beds and banks below the normal high water level which may contain water, whether or not water is actually present

WETLANDS WILDLIFE HABITAT ASSESSMENT

UNIT NO.	LOCATION	SQ. FT.	SCORE
COMMENTS: _____			

	COMPONENT	DEGREE	SCORE	COMMENTS
WATER	Seasonality	Seasonal 4 _____ 8 Perennial		
	Quality	Stagnant / Seasonally Flushed / Continually Flushed 0 _____ 3 _____ 6		
	Proximity to Cover	None Nearby Immediately Adjacent 0 _____ 4 _____ 8		
	Diversity (Streams, Ponds, Wetlands)	One Present Two Present Three Present 2 _____ 4 _____ 8		
FOOD	Variety	Low Medium High 0 _____ 4 _____ 8		
	Quantity	Low Medium High 0 _____ 4 _____ 8		
	Seasonality	None Limited Year Around 0 _____ 2 _____ 4		
COVER	Structural Diversity	Low Medium High 0 _____ 4 _____ 8		
	Variety	Low Medium High 0 _____ 4 _____ 8		
	Seasonality	None Limited Year Around 0 _____ 2 _____ 4		

ADDITIONAL VALUES				
DISTURBANCE	Physical	High	Medium	Low
		0 _____ 2 _____ 4		
	Human	High	Medium	Low
		0 _____ 2 _____ 4		
INTERSPERSION		Low	Medium	High
		0 _____ 3 _____ 6		
UNIQUE FEATURES 0-4 points each		Wildlife _____	Flora _____	
		Rarity of Habitat Type _____		

NATURAL AREAS INVENTORY FIELD NOTES

Location:

Observer:

Date:

Weather

Precipitation (yes, no, type):

Wind:

Percent cloud cover:

Temperature:

Physical Parameters

General topography:

Degree and orientation of slope:

Water features (pond, lake, stream stagnant, etc.):

Percent of silt inundated by water:

Major structures, roads:

Vegetation

Description of vegetation types, including species list, communities, percent canopy closure (tree, shrub, herb), number and size of snags, seral stage, general health and vitality, percent open water/percent emergent vegetation at inundated areas:

Wildlife

Species observed (herps, fish, birds, mammals):

Species not observed but known to be present, and source of information:

General description of habitat function (food sources, roosting, perching, nesting, etc.):

Human Use

List human uses and use by domestic animals, and proximity to residential area. Discuss compatibility and conflicts with natural resources and interspersions with other natural areas:

Management/Potential

A brief statement on enhancement, maintenance, or compatible uses and development:

Additional Comments

Unique features; rare, threatened species:

Sketch of Site

Observation points, different vegetation types, and water:

MEETING DATE: December 28, 1993

AGENDA NO: P-4

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 13-93 - Proposed Ordinance Amendment - First Reading

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: December 28, 1993

Amount of Time Needed: 30 Minutes

DEPARTMENT: DES DIVISION: Planning

CONTACT: R. Scott Pemble TELEPHONE #: 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Gary Clifford

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 13-93 An Ordinance amending the Multnomah County Code Chapter 11.15, Hillside Development and Erosion Control regulations to require a 100-foot area of undisturbed natural vegetation between proposed grading and land disturbing activities and a stream, water body or wetland.

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR DEPARTMENT MANAGER: Betsy Williams

BOARD OF COUNTY COMMISSIONERS 1993 DEC 20 PM 3:01 MULTNOMAH COUNTY OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

DIVISION OF PLANNING AND DEVELOPMENT

Board Planning Packet Check List

File No. CLB-93

Agenda Placement Sheet No. of Pages 1

~~Case Summary Sheet~~ *Assurance Fact* No. of Pages 1

Previously Distributed _____

Notice of Review No. of Pages _____

*(Maybe distributed at Board Meeting)

Previously Distributed _____

~~Decision~~ *Proposed Ordinance* No. of Pages 9
(Hearings Officer/Planning Commission)

Previously Distributed _____

*Duplicate materials will be provided upon request.
Please call 2610.

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption of)
Ordinances Amending MCC Chapter 11.15)
Concerning Erosion Control and Storm and)
Surface Water Facilities and Regulations)
Near Streams, Water Bodies, and Wetlands)

**RESOLUTION
C 13-93**

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan and its implementing ordinances; and

WHEREAS, The grading and erosion control permit standards contained in the Hillside Development and Erosion Control subsection of the zoning code (MCC 11.15.6700 - .6735) were adopted to comply with the purposes of (1) the Oregon Statewide Planning Goal Number 6: Air, Water and Land Resources Quality, (2) the Multnomah County Comprehensive Framework Plan Policy 13: Air Water and Noise Quality, and (3) the 1989 Oregon Administrative Rules subsection 340 requiring affected Counties to put into place implementing Ordinances for controlling erosion and storm water runoff in the Tualatin River Drainage Basin; and

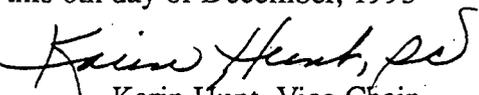
WHEREAS, The Division of Planning and Development has had nearly four years of experience in reviewing erosion control permits since the erosion control standards were first adopted on February 20, 1990 (Ordinance Number 643) and more than two years of experience with reviewing permit proposals within the Tualatin River Basin under the latest ordinance language specific to the Tualatin Basin (Ordinance Number 705); and

WHEREAS, It is in accordance with Comprehensive Framework Plan Policy 13 to "maintain healthful ground and surface water resources" that it is recommended Multnomah County apply erosion control requirements near all streams, water bodies, and wetlands equivalent to the requirements presently in place for lands within the Tualatin Basin; and

WHEREAS, The Planning Commission considered this Ordinance at a public hearing on December 6, 1993 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the Ordinance captioned "...An Ordinance amending the Multnomah County Code Chapter 11.15 Hillside Development and Erosion Control regulations to require a 100-foot area of undisturbed natural vegetation between proposed grading and land disturbing activities and a stream, water body, or wetland," is hereby recommended for adoption by the Board of County Commissioners.

Approved this 6th day of December, 1993


Karin Hunt, Vice Chair

Multnomah County Planning Commission

ORDINANCE FACT SHEET

Ordinance Title: C 13-93

An Ordinance amending the Multnomah County Code Chapter 11.15 Hillside Development and Erosion Control regulations to require a 100-foot area of undisturbed natural vegetation between proposed grading and land disturbing activities and a stream, water body, or wetland.

Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:

This ordinance is recommended for adoption as an additional zoning provision to implement Comprehensive Framework Plan Policy 13 to maintain and improve the quality of surface water in the unincorporated area of the County. A buffer of undisturbed natural vegetation will filter sediments and pollutants before they enter streams and water bodies. The natural vegetation within the buffer can be disturbed only after approval of a mitigation plan employing effective erosion control features and vegetation replacement methods. The requirements of these ordinance amendments are already in place for lands within the Tualatin River Basin and will be extended to all other areas subject to Multnomah County zoning regulations.

What other local jurisdictions have enacted similar legislation?

Washington County and the City of Portland for the Tualatin River Basin. The City of Portland for the Balch Creek Basin.

What is the fiscal impact, if any?

There should not be a significant change in the number of permit applications received. The applicant will be encouraged to either leave the natural vegetation undisturbed or employ additional and more sophisticated erosion control methods than without these amendments.

SIGNATURES

Person filling out form: *Gary Clifford, Jr.*

Planning and Budget (if fiscal impact): _____

Department Manager / Elected Official: *Betsy Wallis*

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. _____
4

5 An Ordinance amending the Multnomah County Code Chapter 11.15 Hillside
6 Development and Erosion Control regulations to require a 100-foot area of undisturbed natural
7 vegetation between proposed grading and land disturbing activities and a stream, water body,
8 or wetland.

9 (Language in brackets [] is to be deleted; underlined language is new.)

10 Multnomah County Ordains as follows:

11 Section I. Findings.

12 (A). The grading and erosion control permit standards contained in the Hillside
13 Development and Erosion Control subsection of the zoning code (MCC 11.15.6700 - .6735)
14 were adopted to comply with the purposes of (1) the Oregon Statewide Planning Goal Number
15 6: Air, Water and Land Resources Quality, (2) the Multnomah County Comprehensive
16 Framework Plan Policy 13: Air, Water and Noise Quality, and (3) the 1989 Oregon
17 Administrative Rules subsection 340 requiring affected Counties to put into place
18 implementing Ordinances for controlling erosion and storm water runoff in the Tualatin River
19 Drainage Basin.

20 (B). The erosion control permit standards were first adopted on February 20, 1990
21 (Ordinance Number 643) and were last amended on November 26, 1991 with the addition of
22 some language specific to the Tualatin Basin (Ordinance Number 705).

23 (C). It is in accordance with Comprehensive Framework Plan Policy 13 to "maintain
24 healthful ground and surface water resources" that this ordinance is adopted. This Ordinance
25 will apply erosion control requirements near all streams, water bodies, and wetlands equivalent
26 to the requirements presently in place for lands within the Tualatin Basin.

1 Section II. Amendments.

2 Multnomah County Code Chapter 11.15 is amended to read as follows:

3
4 **11.15.6710 Permits Required**

5 (A) **Hillside Development Permit:** All persons proposing development, construction, or
6 site clearing (including tree removal) on property located in hazard areas as identified
7 on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall
8 obtain a Hillside Development Permit as prescribed by this subdistrict, unless
9 specifically exempted by MCC .6715.

10 (B) **Grading and Erosion Control Permit:** All persons proposing site grading :

11 (1) [w] Where the volume of soil or earth material disturbed, stored, disposed of or
12 used as fill exceeds 50 cubic yards, or

13 (2) [w] Which obstructs or alters a drainage course, or

14 (3) Which takes place within 100 feet by horizontal measurement from the top of the
15 bank of a watercourse, the mean high watermark (line of vegetation) of a body of
16 water, or within the wetlands associated with a watercourse or water body,
17 whichever distance is greater

18 shall obtain a Grading and Erosion Control Permit as prescribed by this subdistrict,
19 unless exempted by MCC .6715(B)(2) through (6 [8]) or .6715(C). Development
20 projects subject to a Hillside Development Permit do not require a separate Grading and
21 Erosion Control Permit.

22 (C) **Grading and Erosion Control Permit:** All persons proposing land-disturbing
23 activities within the Tualatin River and Balch Creek Drainage Basins shall first obtain a
24 Grading and Erosion Control Permit, except as provided by MCC 11.15.6715(C)
25 below.

1 **11.15.6715 Exempt Land Uses and Activities**

2 The following are exempt from the provisions of this Chapter:

3 (A) Development activities approved prior to February 20, 1990; except that within such a
4 development, issuance of individual building permits for which application was made
5 after February 20, 1990 shall conform to site-specific requirements applicable herein.

6 (B) General Exemptions – Outside the Tualatin River and Balch Creek Drainage Basins, all
7 land-disturbing activities outlined below shall be undertaken in a manner designed to
8 minimize earth movement hazards, surface runoff, erosion, and sedimentation and to
9 safeguard life, limb, property, and the public welfare. A person performing such
10 activities need not apply for a permit pursuant to this subdistrict, if :

- 11 (1) Natural and finished slopes will be less than 25 %; and,
- 12 (2) The disturbed or filled area is 20,000 square feet or less; and,
- 13 (3) The volume of soil or earth materials to be stored is 50 cubic yards or less; and,
- 14 (4) Rainwater runoff is diverted, either during or after construction, from an area
15 smaller than 10,000 square feet; and,
- 16 (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,
- 17 (6) No drainageway is to be blocked or have its stormwater carrying capacities or
18 characteristics modified . [; and,]

19 [(7) The activity will not take place within 100 feet by horizontal measurement from the
20 top of the bank of a watercourse, the mean high watermark (line of vegetation) of a
21 body of water, or within the wetlands associated with a watercourse or water body,
22 whichever distance is greater.]

23 (C) Categorical Exemptions – Notwithstanding MCC .6715(A) and (B)(1) through (6 [7]),
24 the following activities are exempt from the permit requirements, except that in the
25 Tualatin River Drainage Basin, activities which effect water quality shall require a
26 Permit pursuant to OAR 340-41-455(3):

- 1 (1) An excavation below finished grade for basements and footings of a building,
2 retaining wall, or other structure authorized by a valid building permit. This shall
3 not exempt any fill made with the material from such excavation, nor exempt any
4 excavation having an unsupported finished height greater than five feet.
- 5 (2) Cemetery graves, but not cemetery soil disposal sites.
- 6 (3) Refuse disposal sites controlled by other regulations. Sites in the Tualatin Basin
7 shall require Erosion Control Plans for exposed areas consistent with OAR 340-41-
8 455(3).
- 9 (4) Excavations for wells, except that sites in the Tualatin Basin shall require Erosion
10 Control Plans for spoils or exposed areas consistent with OAR 340-41-455(3).
- 11 (5) Mineral extraction activities as regulated by MCC .7305 through .7335, except that
12 sites in the Tualatin Basin shall require Erosion Control Plans for spoils or exposed
13 areas consistent with OAR 340-41-455(3).
- 14 (6) Exploratory excavations under the direction of certified engineering geologists or
15 geotechnical engineers.
- 16 (7) Routine agricultural crop management practices, [.]
- 17 (8) [r] Residential gardening and landscape maintenance at least 100-feet by horizontal
18 measurement from the top of the bank of a watercourse, or the mean high
19 watermark (line of vegetation) of a body of water or wetland.
- 20 (9) [(8)] Emergency response activities intended to reduce or eliminate an immediate
21 danger to life, property, or flood or fire hazards.
- 22 (10) [(9)] Forest practices as defined by ORS 527 (State Forest Practices Act) and
23 approved by the Oregon Department of Forestry.

24 **11.15.6730 Grading and Erosion Control Permit Standards**

25 Approval of development plans on sites subject to a Grading and Erosion Control Permit
26 shall be based on findings that the proposal adequately addresses the following standards.

1 Conditions of approval may be imposed to assure the design meets the standards:

2 (A) Design Standards For Grading and Erosion Control

3 (1) Grading Standards

4 (a) Fill materials, compaction methods and density specifications shall be
5 indicated. Fill areas intended to support structures shall be identified on the
6 plan. The Director or delegate may require additional studies or information
7 or work regarding fill materials and compaction;

8 (b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or
9 engineering analysis certifies that steep slopes are safe and erosion control
10 measures are specified;

11 (c) Cuts and fills shall not endanger or disturb adjoining property;

12 (d) The proposed drainage system shall have adequate capacity to bypass through
13 the development the existing upstream flow from a storm of 10-year design
14 frequency;

15 (e) Fills shall not encroach on natural watercourses or constructed channels unless
16 measures are approved which will adequately handle the displaced streamflow
17 for a storm of 10-year design frequency;

18 (2) Erosion Control Standards

19 (a) On sites within the Tualatin River Drainage Basin, erosion and stormwater
20 control plans shall satisfy the requirements of OAR 340. Erosion and
21 stormwater control plans shall be designed to perform as prescribed by the
22 "*Erosion Control Plans Technical Guidance Handbook*" and the "*Surface*
23 "*Water Quality Facilities Technical Guidance Handbook*". Land-disturbing
24 activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer
25 from the top of the bank of a stream, or the ordinary high watermark (line of
26 vegetation) of a water body, or within 100-feet of a wetland; unless a

1 mitigation plan consistent with OAR 340 is approved for alterations within the
2 buffer area.

3 (b) Stripping of vegetation, grading, or other soil disturbance shall be done in a
4 manner which will minimize soil erosion, stabilize the soil as quickly as
5 practicable, and expose the smallest practical area at any one time during
6 construction;

7 (c) Development Plans shall minimize cut or fill operations and ensure conformity
8 with topography so as to create the least erosion potential and adequately
9 accommodate the volume and velocity of surface runoff;

10 (d) Temporary vegetation and/or mulching shall be used to protect exposed critical
11 areas during development;

12 (e) Whenever feasible, natural vegetation shall be retained, protected, and
13 supplemented;

14 (i) A 100-foot undisturbed buffer of natural vegetation shall be retained from
15 the top of the bank of a stream, or from the ordinary high watermark (line
16 of vegetation) of a water body, or within 100-feet of a wetland;

17 (ii) The buffer required in (i) may only be disturbed upon the approval of a
18 mitigation plan which utilizes erosion and stormwater control features
19 designed to perform as effectively as those prescribed in the “Erosion
20 Control Plans Technical Guidance Handbook” and the “Surface Water
21 Quality Facilities Technical Guidance Handbook” and which is consistent
22 with attaining equivalent surface water quality standards as those
23 established for the Tualatin River Drainage Basin in OAR 340;

24 (f) Permanent plantings and any required structural erosion control and drainage
25 measures shall be installed as soon as practical;

26 (g) Provisions shall be made to effectively accommodate increased runoff caused

1 by altered soil and surface conditions during and after development. The rate
2 of surface water runoff shall be structurally retarded where necessary;

3 (h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps,
4 or other measures until the disturbed area is stabilized;

5 (i) Provisions shall be made to prevent surface water from damaging the cut face
6 of excavations or the sloping surface of fills by installation of temporary or
7 permanent drainage across or above such areas, or by other suitable
8 stabilization measures such as mulching or seeding;

9 (j) All drainage provisions shall be designed to adequately carry existing and
10 potential surface runoff to suitable drainageways such as storm drains, natural
11 watercourses, drainage swales, or an approved drywell system;

12 (k) Where drainage swales are used to divert surface waters, they shall be
13 vegetated or protected as required to minimize potential erosion;

14 (l) Erosion and sediment control devices shall be required where necessary to
15 prevent polluting discharges from occurring. Control devices and measures
16 which may be required include, but are not limited to:

17 (i) Energy absorbing devices to reduce runoff water velocity;

18 (ii) Sedimentation controls such as sediment or debris basins. Any trapped
19 materials shall be removed to an approved disposal site on an approved
20 schedule;

21 (iii) Dispersal of water runoff from developed areas over large undisturbed
22 areas.

23 (m) Disposed spoil material or stockpiled topsoil shall be prevented from eroding
24 into streams or drainageways by applying mulch or other protective covering;
25 or by location at a sufficient distance from streams or drainageways; or by
26 other sediment reduction measures;

1 (n) Such non-erosion pollution associated with construction such as pesticides,
2 fertilizers, petrochemicals, solid wastes, construction chemicals, or
3 wastewaters shall be prevented from leaving the construction site through
4 proper handling, disposal, continuous site monitoring and clean-up activities.

5 (o) On sites within the Balch Creek Drainage Basin, erosion and stormwater
6 control features shall be designed to perform as effectively as those prescribed
7 in the Erosion Control Plans Technical Guidance Handbook (January, 1991).
8 All land disturbing activities within the basin shall be confined to the period
9 between May first and October first of any year. All permanent vegetation or a
10 winter cover crop shall be seeded or planted by October first the same year the
11 development was begun; all soil not covered by buildings or other impervious
12 surfaces must be completely vegetated by December first the same year the
13 development was begun.

14 (B) Responsibility

- 15 (1) Whenever sedimentation is caused by stripping vegetation, regrading or other
16 development, it shall be the responsibility of the person, corporation or other entity
17 causing such sedimentation to remove it from all adjoining surfaces and drainage
18 systems prior to issuance of occupancy or final approvals for the project;
- 19 (2) It is the responsibility of any person, corporation or other entity doing any act on or
20 across a communal stream watercourse or swale, or upon the floodplain or right-of-
21 way thereof, to maintain as nearly as possible in its present state the stream,
22 watercourse, swale, floodplain, or right-of-way during such activity, and to return it
23 to its original or equal condition.

24 (C) Implementation

- 25 (1) Performance Bond – A performance bond may be required to assure the full cost of
26 any required erosion and sediment control measures. The bond may be used to

1 provide for the installation of the measures if not completed by the contractor. The
2 bond shall be released upon determination the the control measures have or can be
3 expected to perform satisfactorily. The bond may be waived if the Director
4 determines the scale and duration of the project and the potential problems arising
5 therefrom will be minor.

6 (2) Inspection and Enforcement. The requirements of this subdistrict shall be enforced
7 by the Planning Director. If inspection by County staff reveals erosive conditions
8 which exceed those prescribed by the Hillside Development Permit or Grading and
9 Erosion Control Permit, work may be stopped until appropriate correction
10 measures are completed.

11 (D) Final Approvals

12 A certificate of Occupancy or other final approval shall be granted for development
13 subject to the provisions of this subdistrict only upon satisfactory completion of all
14 applicable requirements.

15
16 Section III. Adoption.

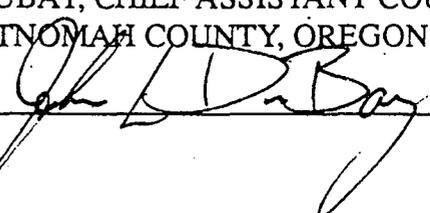
17 ADOPTED THIS _____ day of _____, 1994, being the date of its
18 _____ reading before the Board of County Commissioners of Multnomah County.

19
20 (S E A L)

21 By _____
22 Beverly Stein
23 Multnomah County Chair

24 REVIEWED:

25 JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL
26 for MULTNOMAH COUNTY, OREGON

By  _____