

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 953

Adopting Five New Zoning Code Chapters as Part of the Multnomah County Code of Ordinances Volume II: Land Use in Continuation of the Reorganization Efforts of Ordinance No. 910 to Revise, Amend, Restate, Codify and Repeal Certain Existing Code Provisions

The Multnomah County Board of Commissioners Finds:

a. **Chapter 11.05 Planning Authority** was adopted by Ordinance 133 on October 19, 1976 [and as subsequently amended].

b. **Chapter 11.10 Comprehensive Plan** was adopted by Ordinance 147 on September 6, 1977 [and as subsequently amended].

c. **Chapter 11.12 Annexation Policy** was adopted by Ordinance 163 on May 11, 1978 [and as subsequently amended].

d. **Chapter 11.15 Zoning Regulations.** Multnomah County first adopted zoning regulations on May 26, 1953, on an interim basis. A permanent ordinance was enacted for the North-Central portion of the County on April 19, 1955, and successive geographic areas were added until the entire unincorporated County had permanent zoning on December 11, 1958. (Interim regulations, adopted August 15, 1955, applied to those areas awaiting permanent zoning). On November 15, 1962, the permanent zoning ordinance was re-enacted for the entire unincorporated County as Ordinance No. 100. Ordinance No. 100 underwent several amendments over the years, the last of which was its codification as Chapter 11.15 of the Multnomah County Code on March 23, 1982 through Ordinance No. 300. Since that date, Chapter 11.15 has undergone amendments, in which various sections and subsections have been added, repealed, modified, or renumbered.

e. **Chapter 11.45 Land Division** was adopted by Ordinance 174 on September 19, 1978 [and as subsequently amended].

f. **1990 Code.** The last periodic comprehensive review of code provisions relating to zoning and land use occurred in 1990 (1990 Code). On February 2, 1990, Ordinances 641, 642 and 643 were adopted amending MCC Chapters 11.05, 11.45 and 11.15 respectively, to comply with the periodic review requirements of the Oregon Department of Land Conservation and Development.

g.. Ordinance No. 910 adopted on June 25, 1998, enacted a revision of Multnomah County Codes and Ordinances that established a Volume I: General Code and set up the framework for a future Volume II: Land Use within a renumbered and reformatted Code of Ordinances. The extensive organization and numbering changes that were necessary to adapt the existing land use code chapters into a new Volume II prompted the initiation of a proposal to further reorganize Volume II into a format that recognized and further implemented the Rural Plan Area Planning Program.

h. Volume II: Land Use, in consideration of the Rural Area Planning Program, will contain separate Zoning Ordinances for each of the recognized Rural Area Plans: Chapter 33 West Hills; Chapter 34 Sauvie Island / Multnomah Channel; Chapter 35 East of Sandy River; Chapter 38 Columbia River Gorge National Scenic Area; and the future Chapter 36 West of Sandy River.

i. This Zoning Code reorganization effort includes the adoption of a Chapter 37 Administration and Procedures that will contain the new land use application review and decision process for all applications pertaining to properties in the unincorporated areas of the County except those located in the Columbia River Gorge National Scenic Area (CRGNSA). Similar procedural revisions are in the new Chapter 38 that apply only in the CRGNSA.

j. The revised and consolidated land use application review procedures in Chapters 37 were developed to bring the processing procedures into compliance with state statute, standardize the reviews by permit type, simplify the process as allowed by state law, and provide for expanded opportunities for citizen comment with expanded notice areas and longer timelines for submitting comments and appeals.

k. For the remaining time that Multnomah County has jurisdictional planning responsibility for unincorporated urban areas within the Urban Growth Boundary and until a new Chapter 36 West of Sandy River is adopted to implement the currently ongoing development of a West of Sandy River Rural Area Plan, MCC 11.05 Planning Authority, 11.10 Comprehensive Plan, 11.12 Annexation Policy, 11.15 Zoning Ordinance and 11.45 Land Division (all 1990 Code) will continue to be applicable to those areas only.

The Multnomah County Board of Commissioners Ordains as Follows:

Section 1. The Multnomah County Code as revised, amended, restated, codified and compiled in book form as the Multnomah County, Oregon Code of Ordinances, Volume II: Land Use and attached as Exhibit A are enacted as the general and permanent land use law of Multnomah County.

Section 2. The Code enacted in Section 1 shall consist of the following Chapters and shall apply to the respective geographic area of each recognized Rural Area Plan:

33. West Hills Rural Area
34. Sauvie Island / Multnomah Channel Rural Area
35. East of Sandy River Rural Area
36. (Reserved for the future West of Sandy River Rural Area)
37. Administration and Procedures
38. Columbia River Gorge National Scenic Area

Section 3. Except as provided in Sections 4 and 7, all prior ordinances and codes relating to land use in the geographic areas listed in Section 2 are repealed from the effective date of this ordinance, except as they are included and reenacted in whole or in part in this Code. This repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance. This repeal shall not affect any other ordinance of special nature or pertaining to subject not contained in or covered by the Code.

Section 4. Until repealed, replaced, or superceded by subsequent code chapter provisions adopted after this ordinance, the existing Multnomah County Land Use Ordinances, also known as 1990 Code Chapters 11.05 Planning Authority, 11.10 Comprehensive Plan, 11.12 Annexation Policy, 11.15 Zoning Ordinance, and 11.45 Land Division shall remain in effect except Chapter 37 shall apply for all properties within the unincorporated area of Multnomah County within the Urban Growth Boundary, for all properties within the geographic area of the West of Sandy River Rural Area Plan, and

all Columbia River Islands within the planning jurisdiction of Multnomah County that are outside the Columbia River Gorge National Scenic Area.

Section 5. The Code shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations contained therein, and of the date of enactment. The Code also shall be presumptive evidence that it has been properly enacted, signed, attested and published, and that all public notices and hearings requirements have been met.

Section 6. The effective date of Chapters 33, 34, 35 and 37 shall be January 1, 2001.

Section 7. The effective date of Chapter 38 Columbia River Gorge National Scenic Area shall be as specified by the by the Bi-State Gorge Commission after their review and approval.

FIRST READING:

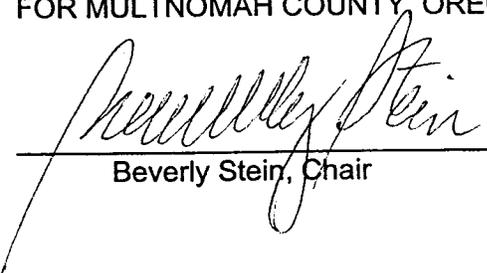
November 9, 2000

SECOND READING AND ADOPTION:

November 30, 2000



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Deputy County Attorney