

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1083

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Adoption of the 122nd Avenue Station Area Study Implementation Amendments in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On June 22, 2006, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1078.
- f. Since the adoption of Ordinance 1078, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 3, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Titles 33 and 16 and Comprehensive Plan to implement the 122nd Avenue Station Area Study Implementation Amendments. (PDX Ord. #180372)	9/30/06
2	Exhibit A – 122nd Avenue Station Area Study Recommended Implementation Amendments	5/2006
3	Exhibit B – 122nd Avenue Station Area Study Recommended Implementation Amendments Findings Report	8/2/2006

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

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: September 28, 2006



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Titles 33 and 16 and Comprehensive Plan to implement the 122nd Avenue Station Area Study Implementation Amendments. (**PDX Ord. #180372**)
2. Exhibit A – 122nd Avenue Station Area Study Recommended Implementation Amendments.
3. Exhibit B – 122nd Avenue Station Area Study Recommended Implementation Amendments Findings Report

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

SUBSTITUTE

ORDINANCE No. 180372

Adopt and implement the 122nd Avenue Station Area Study Implementation Amendments (Ordinance; Amend Titles 33 and 16, Comprehensive Plan)

The City of Portland Ordains:

Section 1. The Council finds:

1. Portland's *Comprehensive Plan* was adopted on October 16, 1980, acknowledged for compliance with Statewide Planning Goals on May 3, 1981, and again on January 25, 2000, and updated as a result of periodic review in June 1988, January 1991, March 1991, September 1992, and May 1995.
2. The Outer Southeast Community Plan was adopted on January 31, 1996, and amended on May 19, 2004.
3. Oregon Revised Statutes (ORS) 197.628 requires cities and counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up-to-date and in compliance with Statewide Planning Goals and State laws. Portland is also required to coordinate its review and update of the *Comprehensive Plan* and land use regulations with State plans and programs.
4. Portland *Comprehensive Plan* Goal 10, Plan Review and Administration, states that the *Comprehensive Plan* will undergo periodic review to ensure that it remains an up-to-date and workable framework for land use development.
5. Portland *Comprehensive Plan* Policy 10.2, Comprehensive Plan Map Review, establishes a community and neighborhood planning process for the review and update of the Portland Comprehensive Plan Map.
6. Portland *Comprehensive Plan* Goal 3, Neighborhoods, calls for preserving and reinforcing the stability, diversity, residential quality, and economic vitality of the City's neighborhoods, while allowing for increased density.
7. Specific area plans and studies are advisory documents for directing and managing change over time. The adopted 122nd Avenue Station Area Study Implementation Amendments will serve as an official guide to decision-making, public deliberation, and investments.
8. Information used for the formulation of the amendments was based on land use, public infrastructure, economic and transportation analyses, and public comments from workshops, open houses, and other meetings, presentations and events.

9. The Bureau of Planning developed the proposed amendments with participation from interested neighborhood and business associations, property owners, business persons and citizens and with cooperation from other bureaus and agencies.
10. Public involvement and outreach activities included regular consultation with a study working group, and three public meetings held between February 2005 and July 2005. Staff also attended neighborhood and business association meetings to discuss issues addressed in the study.
11. The neighborhood and business associations in the study area named a representative to the project's working group. In addition, the working group included representatives of property and business owners in the study area, and representatives of TriMet and Metro. These representatives informed staff on neighborhood and business issues and other matters related to the project and provided feedback on study issues.
12. The *122nd Avenue Station Area Study Implementation Amendments* implement or are consistent with the Statewide Planning Goals, the Oregon Transportation Planning Rule, the Region 2040 Plan, the Metro Urban Growth Management Functional Plan, and the Portland Comprehensive Plan, as explained in the *Findings Report* attached as Exhibit B and incorporated as part of this ordinance. These rules, policies, plans, provide a basis for integrating new residential, commercial and employment activities into the study area.
13. On October 5, 2005 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
14. Written notice of the November 22, 2005 Portland Planning Commission and December 1, 2005 Portland Design Commission public hearings was mailed to 614 interested parties on October 21, 2005.
15. On October 24, 2005 a notice as required by ORS 227.186 was sent to all property owners potentially affected by changes to the base zone or allowed uses of property (73 total). Additional notices were mailed to property owners affected by additional proposed Design overlay zone and Comprehensive Plan Map changes (R3 to R1d) on December 9, 2005.
16. Notice of a rescheduled Design Commission public hearing was mailed to 617 interested parties on December 9, 2005.
17. On November 22, 2005, the Portland Planning Commission held a public hearing on the *122nd Avenue Station Area Study Proposed Implementation Amendments*. The Portland Planning Commission also held a public hearing for testimony on additional areas proposed for the Design overlay zone and changes to the Comprehensive Plan Map (R3 to R1d) on January 10, 2006. On February 14, 2006 the Planning Commission recommended that City Council adopt the *Proposed Implementation Amendments* as amended by the Planning Commission.

18. On January 5, 2006, the Portland Design Commission held a public hearing on the *122nd Avenue Station Area Study Proposed Implementation Amendments*. On February 2, 2006 the Design Commission recommended that City Council adopt the *Proposed Implementation Amendments* as amended by the Design Commission.
19. The Planning Commission held a second hearing on the *122nd Avenue Station Area Study Proposed Implementation Amendments* on April 25, 2006 to consider further revisions to the Portland Zoning Code. Written notice of this follow-up Planning Commission hearing was mailed to 670 interested parties on April 7, 2006.
20. Portland City Council held a public hearing on June 15, 2006. Written notice of the June 15, 2006 a Portland City Council public hearing was mailed on May 22, 2006. The hearing was continued to June 28, 2006 and August 2, 2006 to consider amendments. Public testimony was taken at all hearings.
21. On July 12, 2006 a notice as required by ORS 227.186 was sent to property owners potentially affected by changes to the base zone or allowed uses of property (CM to CXd). On August 2, 2006, the Portland City Council held a hearing to consider the proposed changes and take public testimony on this matter.
22. The Portland Bureau of Planning mailed notice and held a public meeting on July 20, 2006 to discuss specific proposed amendments for a fuel station in the 122nd Avenue subdistrict of the East Corridor Plan District.
23. The City of Portland wishes to reduce reliance on oil and encourages the use of alternative fuels to help reduce oil dependence and improve air quality.
24. The 122nd Avenue Subdistrict will continue to evolve into a transit and pedestrian oriented mixed use area which will reduce reliance on motor vehicle travel and oil.
25. New fuel stations approved in the 122nd Avenue Subdistrict should include features such as mixed or multiple uses to reduce vehicle miles traveled and alternative fuel products such as B20 biodiesel to further reduce dependency on oil.
26. It is in the public interest that the recommendations contained in the *122nd Avenue Station Area Study Implementation Amendments* be adopted to direct change in the study area. These recommendations are consistent with Statewide Planning Goals, Metro's Functional Plan and the City's Comprehensive Plan for the reasons stated in the findings in Exhibit B.

NOW, THEREFORE, the Council directs:

- a. The *122nd Avenue Station Area Study Implementation Amendments*, dated May 2006 and contained in the attached Exhibit A, as amended by City Council, are hereby adopted.

- b. Portland's *Comprehensive Plan* is amended as described in Exhibit A, the *122nd Avenue Station Area Study Implementation Amendments*, and as amended by City Council.
- c. The *Outer Southeast Community Plan* is amended as described in Exhibit A, the *122nd Avenue Station Area Study Implementation Amendments*.
- d. The Portland Comprehensive Plan Map and the Zoning Map of the City of Portland are amended, as shown in Exhibit A, and as amended by City Council.
- e. The *Community Design Guidelines* are amended as shown in Exhibit A. The Desired Characteristics and Traditions statements included in Exhibit A will be used by design review bodies as extensions of Community Design Guideline P1, Plan Area Character, in the 122nd Avenue area as shown in Exhibit A, the *122nd Avenue Station Area Study Implementation Amendments*.
- f. Title 33, Planning and Zoning of the Code of the City of Portland, Oregon, is amended as shown in Exhibit A, and as amended by City Council.
- g. The commentary in Exhibit A is adopted as legislative intent and as further findings.
- h. Amended Exhibit B, *Findings Report*, dated August 2, 2006, which contains findings on applicable statewide planning goals, the Metro functional plan, and Portland Comprehensive Plan, is adopted as findings of fact.
- i. Portland City Code Title 16, Chapter 16.60 Motor Vehicle Fuels, is amended as shown in Attachment 1 of the memorandum to City Council dated July 31, 2006,
- j. The amendment to add Subsection 33.521.300.G, Motor Vehicle Fuel Sales in the CX Zone to Title 33, Planning And Zoning, will be effective on July 1, 2007. This amendment is in the memorandum to City Council dated July 31, 2006.

Section 2. This Ordinance shall be in full force and effect 45 days after Council adoption.

Passed by the Council, **AUG 1 6 2006**

Mayor Tom Potter
Barry Manning
Date: August 1, 2006

GARY BLACKMER
Auditor of the City of Portland

By

Deputy