

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1056

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to Accessory Structures, Public Art Murals and 2004 Technical Updates to the Transportation System Plan 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 December 2, 2004, 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 10454.
- f. Since the adoption of Ordinance 1054, 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 8. 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 Exhibit 1 through 8, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Portland Zoning Code to clarify and improve regulations for accessory structures including accessory dwelling units, without changing policy or intent of the original regulations. (PDX Ord. #178927)	12/1/2004
2	Exhibit A Code Maintenance 2004 Portland Planning Commission Report and Recommendation on Accessory Structures Amendments as Revised by City Council	11/18/2004
3	Ordinance amending Portland Zoning Code to authorize expansion of the City Public Art Program to include the Public Art Murals Program; amend Titles 5, 32 and 33. (PDX Ord. #178946)	12/8/2004
4	Exhibit A – Public Art Murals Program Recommended Draft	11/8/2004
5	Ordinance amending the Transportation System Plan: 2004 Technical Update to change an Emergency Response Street designation. (PDX Ord. #178826)	10/20/2004
6	Exhibit A – TSP Update corrected page; Far NE District	10/20/2004
7	Ordinance amending the Transportation System Plan and Comprehensive Plan to ensure that the documents remain current and consistent with Metro Regional Transportation Plan (PDX Ord. #178815)	10/13/2004
8	Transportation System Plan: 2004 Technical Update Planning Commission Recommendation to City Council	9/2004

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: January 6, 2005



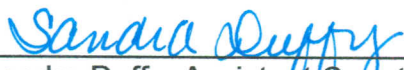
BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Sandra Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Portland Zoning Code to clarify and improve regulations for accessory structures including accessory dwelling units, without changing policy or intent of the original regulations. (PDX Ord. #178927)
2. Exhibit A Code Maintenance 2004 Portland Planning Commission Report and Recommendation on Accessory Structures Amendments as Revised by City Council; November 18, 2004.
3. Ordinance amending Portland Zoning Code to authorize expansion of the City Public Art Program to include the Public Art Murals Program; amend Titles 5, 32 and 33. (PDX Ord. #178946)
4. Exhibit A – Public Art Murals Program Recommended Draft; November 8, 2004
5. Ordinance amending the Transportation System Plan: 2004 Technical Update to change an Emergency Response Street designation. (PDX Ord. #178826)
6. Exhibit A – TSP Update corrected page; Far NE District
7. Ordinance amending the Transportation System Plan and Comprehensive Plan to ensure that the documents remain current and consistent with Metro Regional Transportation Plan (PDX Ord. #178815)
8. Transportation System Plan: 2004 Technical Update Planning Commission Recommendation to City Council

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.