

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 997

Repealing and Re-Adopting Numerous County Land Use Ordinances in Response to Land Use Board of Appeals Remand Order (LUBA No. 2001-171) and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

a. On September 17, 2002 the Oregon Land Use Board of Appeals remanded County Ordinance 967 which replaces County Comprehensive Plan and Zoning Ordinance provisions with City of Portland Comprehensive Plan and Zoning Provisions for that portion of the unincorporated County that lies inside the Metro Urban Growth Boundary.

b. LUBA held that the challenged ordinance was to be remanded back to the County because the County did not comply with ORS 215.060. ORS 215.060 requires that when the County amends its comprehensive plan it is required to publish at least 10 days advance public notice in a newspaper of general circulation.

c. The County did mail individual notices to affected property owners (a "Ballot Measure 56" notice). These notices were reasonably calculated to give actual notice to all affected property owners.

d. LUBA determined that the published notice would have been broader in reach than the Ballot Measure 56 notice and was not coextensive with Ballot Measure 56.

e. There were three readings of Ordinance 967 before the Board of County Commissioners and a public hearing was held at each reading.

f. The County has realized there is an error in our noticing procedures and has fixed the error to prevent this from happening in the future. However, to correct any potential problems, the Board wishes to readopt all of the ordinances that did not receive the notice required pursuant to ORS 215.060.

g. The only error in Ordinance 967 identified by LUBA was the failure to publish a notice of the intended adoption of the ordinance by the Board of County Commissioners at least 10 days before the proposed action. The purpose of the ordinance now before the Board is to correct that failure to publish. All other procedures required for adoption of comprehensive plan amendments and implementing zoning code are hereby acknowledged to have occurred and are supported by the record in *Ramsey v. Multnomah County*, LUBA No. 2001-171 (September 17, 2002), and incorporated herein.

h. A public hearing in this matter was properly noticed and held on October 31, 2002, as required by ORS 215.060.

Multnomah County Ordains as follows:

Section 1. The ordinances listed in the following table and attached to this ordinance are repealed and reenacted by this ordinance.

#	Ordin	Adoption Date	Title
1.	865	8/1/1996	AMENDING THE MULTNOMAH COUNTY ZONING CODE AND THE GRADING EROSION CONTROL CODE TO REDEFINE CERTAIN TERMS, AND DECLARING AN EMERGENCY
2.	879	5/29/1997	AMENDING MULTNOMAH COUNTY CODE SECTION 11.15.8240 TO LIMIT REQUIRED NOTIFICATION FOR PLANNING COMMISSION AND HEARINGS OFFICER DECISIONS TO PERSONS WHO PARTICIPATED IN THE HEARINGS AS CONSISTENT WITH STATE LAW, AND DECLARING AN EMERGENCY
3.	889	11/12/1997	AMENDING FEES FOR ACTION PROCEEDINGS AND ADMINISTRATIVE ACTIONS UNDER MCC 9.40, 11.05, 11.15 AND 11.45
4.	899	1/29/1998	AMENDING THE CONDITIONAL USE AND DESIGN REVIEW SECTIONS OF THE ZONING CODE BY PROVIDING AN EXEMPTION FOR ALL SINGLE FAMILY RESIDENCES FROM THE DESIGN REVIEW REQUIREMENTS OF THE ZONING CODE, AND DECLARING AN EMERGENCY
5.	900	2/12/1998	AMENDING THE MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN AND THE MULTNOMAH COUNTY ZONING ORDINANCE REGARDING THE PROVISIONS FOR HOME OCCUPATIONS
6.	903	4/2/1998	AMENDING MCC 11.15 BY ESTABLISHING AN EXPIRATION PERIOD FOR CERTAIN SINGLE FAMILY DWELLING APPROVALS IN THE EXCLUSIVE FARM USE DISTRICT
7.	905	4/23/1998	DELETING ENFORCEMENT PROCEEDING REGULATIONS CONTAINED IN MCC 11.15.8135 AND AMENDING THE VIOLATION AND ENFORCEMENT REGULATIONS CONTAINED IN MCC 11.15.9052 FOR LAND USE VIOLATIONS TO INCREASE THE CAPABILITY OF THE COUNTY TO GAIN COMPLIANCE WITH LAND USE REGULATIONS
8.	908	6/18/1998	AMENDING THE VIOLATION AND ENFORCEMENT REGULATIONS CONTAINED IN MCC 11.15.9052 WHICH WAS PREVIOUSLY AMENDED ON APRIL 23, 1998 BY ORDINANCE 905
9.	911	7/2/1998	ADOPTING THE WESTSIDE RURAL MULTNOMAH COUNTY TRANSPORTATION SYSTEM PLAN
10.	912	7/2/1998	AMENDING THE COMPREHENSIVE FRAMEWORK PLAN
11.	913	7/2/1998	AMENDING THE SAUVIE ISLAND/MULTNOMAH CHANNEL RURAL AREA PLAN
12.	914	7/2/1998	AMENDING THE WEST HILLS RURAL AREA PLAN

#	Ordin	Adoption Date	Title
13.	915	7/2/1998	AMENDING THE ACTION PROCEEDINGS SECTION OF THE ZONING CODE BY: 1) REPEALING THE 120 DAY REQUIREMENT OF CODE; 2) AMENDING THE PUBLIC NOTICE REQUIREMENT; AND 3) AMENDING THE DATE REQUIRED FOR A STAFF REPORT TO BE MADE AVAILABLE PRIOR TO A HEARING
14.	916	7/9/1998	AMENDING MCC 11.15 BY INCORPORATING STANDARDS IMPLEMENTING THE COMMERCIAL FOREST USE POLICIES OF THE WEST HILLS AND EAST OF SANDY RIVER RURAL AREA PLANS AND PROVIDING EQUIVALENCY STANDARDS TO FIRE SAFETY ZONES AS ALLOWED BY OREGON ADMINISTRATIVE RULE 660-06-035
15.	922	12/10/1998	AMENDING THE MULTNOMAH COUNTY ZONING ORDINANCE REGARDING THE PROVISIONS FOR LARGE FILL OPERATIONS
16.	924	1/21/1999	AMENDING MCC 11.15 BY INCORPORATING STANDARDS REVISING AND IMPLEMENTING THE COMMERCIAL FOREST USE POLICIES OF THE WEST HILLS RURAL AREA PLAN FOR THE STUDY AREA IDENTIFIED IN THAT PLAN
17.	925	1/28/1999	AMENDING MCC 11.15 BY INCORPORATING STANDARDS IMPLEMENTING OPEN SPACE AND EMERGENCY/DISASTER RESPONSE AMENDMENTS TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA, CORRECTING CERTAIN ERRORS IN THE GENERAL MANAGEMENT FOREST DISTRICT, AND DECLARING AN EMERGENCY
18.	926	2/18/1999	AMENDING THE COMPREHENSIVE FRAMEWORK PLAN
19.	928	3/11/1999	AMENDING MCC 11.15.8280(D) AND DELETING MCC 11.15.8252 REGARDING THE DATE AT WHICH A BOARD DECISION ON A LAND USE MATTER BECOMES FINAL
20.	931	4/15/1999	DELETING FLOOD HAZARD REGULATIONS CONTAINED IN MCC 11.15.6301 THROUGH 11.15.6323 AND AMENDING THE SIGNIFICANT ENVIRONMENTAL CONCERN REGULATIONS FOR STREAMS AND GRADING AND EROSION CONTROL REGULATIONS AND ADDING TO CHAPTER 29 AND AMENDING THE FLOOD HAZARD REGULATIONS TO BE IN COMPLIANCE WITH THE STANDARDS OF THE NATIONAL FLOOD INSURANCE PROGRAM
21.	932	4/15/1999	AMENDING MCC 11.15, MCC 11.45 AND MCC § 29.305 TO ENACT EIGHT "HOUSEKEEPING" AMENDMENTS THAT UPDATE, CLARIFY, OR CORRECT CERTAIN ZONING AND BUILDING CODE PROVISIONS

#	Ordin	Adoption Date	Title
22.	933	7/15/1999	AMENDING COMPREHENSIVE FRAMEWORK PLAN POLICIES 13, 22, 37, 38 AND 40 AND THE REQUIREMENTS OF FINDINGS FOR QUASI-JUDICIAL AND LEGISLATIVE APPROVALS
23.	935	8/5/1999	REPEALING MULTNOMAH COUNTY ORDINANCE 903 PERTAINING TO EXPIRATION PERIODS FOR CERTAIN SINGLE FAMILY DWELLINGS APPROVED IN EXCLUSIVE FARM USE DISTRICTS
24.	940	2/3/2000	AMENDING THE NONCONFORMING USE SECTION OF THE MULTNOMAH COUNTY ZONING ORDINANCE TO COMPLY WITH ORS 215.130
25.	944	4/13/2000	AMENDING MULTNOMAH COUNTY CODE 11.05 LAND USE GENERAL PROVISIONS, 11.15 ZONING, 11.45 LAND DIVISION, AND CHAPTER 29 BUILDING REGULATIONS TO ESTABLISH FEES AND CHARGES BY RESOLUTION
26.	947	6/15/2000	AMENDING CHAPTER 11.15 TO ADD PROVISIONS FOR EMERGENCY/DISASTER RESPONSE ACTIVITIES
27.	953	11/30/2000	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
28.	958	2/15/2001	AMENDING MULTNOMAH COUNTY CODE CHAPTERS 11.15, 33, 34, AND 35 TO PROVIDE STANDARDS FOR THE APPROPRIATE LOCATION, REGULATION, AND DEVELOPMENT OF WIRELESS COMMUNICATIONS FACILITIES AND DECLARING AN EMERGENCY
29.	967	10/11/2001	AMENDING MULTNOMAH COUNTY CODE CHAPTER 11.10, COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND COUNTY ZONING CODE CHAPTERS TO ADOPT PORTLAND'S ZONING CODE, COMPREHENSIVE PLAN AND MAPS AND COMMUNITY PLANS
30.	970	12/20/2001	AMENDING THE COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND ZONING CODE CHAPTERS TO ADOPT PORTLAND'S RECENT CODE AND COMPREHENSIVE PLAN REVISIONS IN COMPLIANCE WITH METRO'S FUNCTIONAL PLAN, AND DECLARING AN EMERGENCY

#	Ordin	Adoption Date	Title
31.	973	1/31/2002	AMENDING MULTNOMAH COUNTY CODE CHAPTER 11.10, COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND COUNTY ZONING CODE CHAPTERS TO ADOPT TROUTDALE'S ZONING CODE, COMPREHENSIVE PLAN AND MAPS AND COMMUNITY PLANS
32.	977	2/7/2002	ADOPTING AN AMENDMENT TO MULTNOMAH COUNTY CODE CHAPTERS 11.15, 33, 34, 35, AND 38 PROVIDING FOR A WILDLIFE HABITAT CONSERVATION AND MANAGEMENT PLAN AS AN ALLOWED USE ON LANDS ZONED FOR EXCLUSIVE FARM USE
33.	982	5/16/2002	ADOPTING AMENDMENTS TO MULTNOMAH COUNTY CODE CHAPTERS 33, 34, AND 35 PERTAINING TO "LOTS OF RECORD" AND CHANGES TO OTHER LAND USE STANDARDS AS REQUIRED BY RECENTLY ADOPTED OREGON ADMINISTRATIVE RULES FOR "RURAL RESIDENTIAL AREAS"
34.	984	6/20/2002	AMENDING COUNTY LAND USE CODE, PLANS AND MAPS TO ADOPT PORTLAND'S RECENT LAND USE CODE, PLAN AND MAP REVISIONS IN COMPLIANCE WITH METRO'S FUNCTIONAL PLAN AND DECLARING AN EMERGENCY

Section 2. This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

FIRST READING AND ADOPTION:

October 31, 2002



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*
Sandra N. Duffy, Assistant County Attorney