

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. _____

Amending Ordinance Nos. 1239 and 1245 to suspend their January 1, 2018 effective dates pending acknowledgment of the City of Portland's 2035 Comprehensive Plan and Declaring and Emergency.

The Multnomah County Board of Commissioners Finds:

- a. Pursuant to an intergovernmental agreement executed in 2002 (the "IGA"), the City of Portland, Oregon (City), provides, with certain exceptions, land use planning services for those areas of unincorporated Multnomah County located within the City's Urban Services Boundary (the "Unincorporated Urban Areas").
- b. Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County land use policies and regulations to apply applicable City land use policies and regulations, and all subsequent amendments thereto, to the Unincorporated Urban Areas. As part of the IGA, the County agreed to coordinate the effective dates of its amendments incorporating City land use policies and regulations with the effective dates of relevant code amendments adopted by the City.
- c. Through Multnomah County Ordinance No. 1239, the County Board of Commissioners amended Multnomah County's Comprehensive Plan, including the Comprehensive Plan Map and the Multnomah County Transportation System Plan, to incorporate the City of Portland's 2035 Comprehensive Plan adopted by City of Portland Ordinance No. 187832. Both the City Ordinance and the related County Ordinance have a January 1, 2018 effective date.
- d. Through Multnomah County Ordinance No. 1245, the County Board of Commissioners amended the Multnomah County Zoning Code and County Comprehensive Plan, including the County Comprehensive Plan and Zoning Map and County Transportation System Plan, to incorporate the amended City Zoning Code and City Zoning Map carrying out the City's 2035 Comprehensive Plan, and the City's Amended 2035 Comprehensive Plan, as adopted by the City of Portland Ordinance No. 188177. Both the City Ordinance and the related County Ordinance have a January 1, 2018 effective date.
- e. Portland's 2035 Comprehensive Plan and implementing measures were adopted within the structure of a state-mandated process called "periodic review," which means that the state must review and approve (or "acknowledge") the plan by action of either the Oregon Department of Land Conservation and Development (DLCD) or the Land Conservation and Development Commission (LCDC).

- f. City Ordinance No. 188177 and City Ordinance No. 187832 were submitted to the state for review earlier this year. The review process, including possible appeals, is ongoing. The earliest expected acknowledgement date for the City ordinances is May 23, 2018, but the exact date currently is unknown and could be later.
- g. ORS 197.175 requires that land use decisions and limited land use decisions made under an effective but unacknowledged plan or implementing measure make findings of compliance with the Statewide Planning Goals. Acknowledgement provides relief from this findings requirement.
- h. The Portland City Council, wishing to avoid complicating the City's development review system by having land use plans and regulations coming into effect before they are acknowledged, extended the effective dates of City Ordinance Nos. 188177 and 187832 from January 1, 2018 to May 23, 2018.
- i. The Board County Commissioners also wishes to avoid the complication of land use plans and regulations coming into effect before they are acknowledged, and to avoid the added complication of having City plans and regulations becoming effective in the Unincorporated Urban Areas before they become effective in the City. However, because the date of acknowledgment remains uncertain, the Board wishes to suspend the effective date of the prior ordinances until the acknowledgment process is complete.

The Multnomah County Board of Commissioners Ordains as Follows:

Section 1. The effective dates of Ordinance No. 1239 and Ordinance No. 1245 are suspended, pending acknowledgment of the City of Portland's 2035 Comprehensive Plan. At that time, the Board will take further action to amend the effective dates for those ordinances.

Section 2. 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 City Planning and Sustainability Commission will act instead of the County Planning Commission for the Unincorporated Urban Areas by employing the City's own legislative procedures, while providing notice to, and facilitating participation from, property owners within Unincorporated Urban Areas. The Board will consider the recommendations of the Portland Planning and Sustainability Commission and City Council whenever legislative land use matters for the Unincorporated Urban Areas come before the Board for action.

Section 3. 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 immediately to best ensure consistency with the City code, plan and map amendments. Under Section 5.50 of the Charter of Multnomah County, the amendments to Ordinance Nos. 1239 and 1245 shall be effective immediately.

FIRST READING AND ADOPTION:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Kim E. Peoples, Director, Department of Community Services.