



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: Feb. 2017)

Board Clerk Use Only

Meeting Date: 5/17/18
Agenda Item #: R.2
Est. Start Time: 9:45 a.m.
Date Submitted: 5/3/18

Agenda Title: Ordinance Repealing Ordinance 1252, Amending Ordinance Nos. 1239 and 1245 to Establish May 24, 2018 at 1:00 PM PST as the Effective Date, and Declaring an Emergency

Requested Meeting: May 17, 2018 **Time Needed:** 5 minutes

Department: Community Services **Division:** Land Use Planning

Contact(s): Michael Cerbone, Planning Director

Phone: 503-988-0218 **Ext.** 80218 **Email:** michael.cerbone@multco.us

*Michael Cerbone, Multnomah County Planning Director, and
Eric Engstrom, City of Portland Principal Planner*

Presenters: _____

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and adopt the proposed Ordinance by emergency.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer(s) this action affects and how it impacts the results.

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").

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. Previously, through adoption of Ordinance No. 1252, the County suspended the effective dates of Ordinance Numbers 1239 and 1245, which incorporated the City of Portland's *2035 Comprehensive Plan* and related documents into the Multnomah County Comprehensive Plan and Zoning Code. The County took that action in coordination with the City's delay of the effective dates of its

associated ordinances pending the outcome of a state approval process.

The state approval process has now moved forward, as explained below, and the City adopted Ordinance 188695, which set the effective dates of its associated ordinances (City of Portland Ordinance Numbers 188177 and 187832) as May 24, 2018 at 1:00 pm. The City of Portland has requested that the County amend Ordinance Numbers 1239 and 1245 to establish the same effective date and time of May 24, 2018 at 1:00 pm.

3. Explain the fiscal impact (current year and ongoing).

There would be no fiscal impacts.

4. Explain any legal and/or policy issues involved.

Notice requirements have been satisfied as described in Section 5 below.

The following items were adopted by the two City ordinances referenced above: a new *2035 Comprehensive Plan*, a new plan map, a new list of significant projects, a new *Transportation System Plan*, an amended zoning map, and an amended zoning code. Because these items were adopted as part of a process called “periodic review,” each of the City’s two adopting ordinances specified a delayed effective date of January 1, 2018 to allow time for a required state review and approval process, known as “acknowledgment.” Pursuant to the IGA, the County adopted these same items by two ordinances, each with the coordinated effective date of January 1, 2018.

While the state review process was ongoing, the City and County delayed the effective dates of the relevant ordinances. On March 15, 2018, the state review process moved forward when the Oregon Land Conservation and Development Commission voted to approve Portland’s *2035 Comprehensive Plan* and reject six appeals that had been filed to block elements of the *Comprehensive Plan*. As a result, the City has decided to move forward with a May 24, 2018 effective date for its implementing ordinances.

The City of Portland has adopted Ordinance 188695 identifying May 24, 2018 at 1:00 pm as the date Portland’s *2035 Comprehensive Plan* and associated documents will be effective. If the Board chooses not to adopt this proposed Ordinance, there would be a conflict on May 24, 2018 at 1:00 pm because new City plans and land use regulations would become effective within the City and would not be effective within the Unincorporated Urban Pockets. In such an event, the City may terminate the IGA and the County would resume responsibility for land use planning in the Unincorporated Urban Areas.

5. Explain any citizen and/or other government participation that has or will take place.

The Multnomah County Board Clerk has published notice of the public hearing on this ordinance in accordance with state and county notice requirements.

Required Signature

**Elected
Official or
Department
Director:**

Kim Peoples /s/

Date:

May 3, 2018