



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: Feb. 2017)

Board Clerk Use Only

Meeting Date: 8/23/18
Agenda Item #: R.2
Est. Start Time: 9:45 a.m.
Date Submitted: 7/31/18

Agenda Title: Ordinance Amending MCC Chapters 37 and 38 - Adding Procedures Relating to Type I Permit Applications

Requested

Meeting Date: August 23, 2018 **Time Needed:** 10 minutes

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

Contact(s): Kevin Cook, Senior Planner

Phone: 503.988.0188 **Ext.** 80188 **Email:** kevin.c.cook@multco.us

Presenters: Kevin Cook, Senior Planner; Michael Cerbone, Planning Director

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and approve proposed amendments to Multnomah County Zoning Code Chapters 37 and 38. These legislative amendments have been recommended by the Multnomah County Planning Commission for adoption by the Board.

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.

Multnomah County land use permits are classified as Type I, II, III, IV and PC, based on the type of activity proposed. Different procedural requirements apply to the different types of permits.

Type I permits are issued based on standards that do not require interpretation or the exercise of policy or legal judgment. As a result, decisions on Type I permits are not "land use decisions" under state law and therefore are not required to be processed in the same way as other land use permits. Given that distinction, Multnomah County Code currently provides less detail about Type I permit procedures.

One of the Land Use Planning Division's (LUP) goals for 2018 is to make the Type I land use application process clearer, more efficient, and shorter. The proposed amendments incorporate into the Type I process procedures similar to those that currently apply to other types of land use permits. The amendments would accomplish the following:

- Clarify that a Type I application shall not be approved unless all of the approval criteria are met.
- Add a completeness review procedure for Type I applications similar to what is

required for Type II through IV permit applications. This addresses the goal of providing timely communication to applicants who have not provided all of the information required to process the application.

- Add a 180-day timeframe for an applicant to make a Type I application complete. The 180-day timeframe is the same timeframe provided for Type II - Type IV applications. This addresses the issue of permit applications remaining incomplete for years after the initial application is made.
- Insure that applicants can complete their projects under the rules that were in effect on the date the application was filed, which eliminates the need to reapply if a new rule goes into effect during the application approval time frame.
- Allow applicants with existing incomplete Type I applications 180 days from the effective date of this proposed ordinance to make the Type I application complete, or the application will become void. This addresses Type I applications that are currently incomplete, some of which have been in incomplete status for years. This provision is applicable for a set timeframe – the proposed ordinance provides that this provision is repealed on March 15, 2019, shortly after the relevant time period expires.
- Provide a permit expiration timeframe, which gives applicants six years to establish the use or development authorized under the Type I permit, with the opportunity to extend the permit if it is tied to a higher order permit (e.g., a Type II Significant Environmental Concern Permit). The six-year timeframe was chosen because it aligns with the maximum six-year approval period for dwelling approvals in resource zones.
- Allow those with Type I permits that were issued prior to the effective date of this proposed ordinance, but for which the use or development has not been established, six years to establish the use or development, or the permit will expire. This answers the question of whether a very old Type I permit can still be acted on if the applicant did not establish the use or development within a few years of the permit's issuance.
- Adds Type I permits to the list of permit types that can be revoked (through a hearing) if the permit is not being complied with.

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

None.

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

Adding clarity around processing procedures and permit timelines provides a common framework for applicants and staff.

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

The County Planning Commission held a public hearing on July 9, 2018 during which all interested persons were given the opportunity to appear and be heard. No public comment was given. Notices of the Planning Commission hearings were published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program.

Required Signature

**Elected
Official or
Department
Director:**

Kim Peoples /s/

Date:

July 31, 2018