

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Code Revisions related to Regulations for Food Production and Distribution; Extention of Expiration Dates for Land Use Approvals; adding Expiration Timeline for Final Plats and Effective Date for Automatic Adjustments to Dollar Thresholds; the Repeal of Smith and Bybee Lakes Natural Resource Management Plan; the addition of three maps to Title 33 related to Airport Futures; and the repeal of PCC 17.38.060 by adopting PCC 17.38 in its entirety in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. In 1983, the Board of County Commissioners (Board) adopted Resolution A 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 May 12, 2011, 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 1182.
- f. Since the adoption of Ordinance 1182, 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 7. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.
- i. An error is apparent in recent adoptions of city code. Under Ordinance 970, the County adopted Portland City Code 17.38.060. Under Ordinance 1136, the County recognized that the City had repealed PCC 17.38.060 and that the County should do the same and, in its place, adopt the entirety of PCC chapter 17.38. However, in the process of adopting unrelated amendments to City code through Ordinance 1159, reference was made erroneously to PCC 17.38.060, rather than to PCC chapter 17.38 in its entirety.

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 Exhibits 1 through 7, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Date
1	Ordinance to amend regulations for food production and distribution to increase Portlanders' access to healthful, affordable food. (PDX Ord. #185412)	06/13/2012
2	Urban Food Code Project Amendments to the Zoning Code	06/14/2012
3	Ordinance to extend the expiration date for land use approvals, add expiration timeline for final plats, and change the effective date of automatic adjustments to dollar thresholds. (PDX Ord. #185333)	05/16/2012
4	Land Use Review Extensions Project II Recommended Draft	04/23/2012
5	Ordinance to repeal Smith and Bybee Lakes Natural Resource Management Plan, including amendments to Title 33, Planning and Zoning, and Zoning Map; add three maps to Title 33 related to Airport Futures. (PDX Ord. 184944)	10/19/2011
6	Memo – Retirement of the Natural Resources Management Plan for Smith and Bybee Lakes: Recommended Draft with Attachments A, B and C.	09/23/2011
7	Ordinance to Postpone the effective date of the amendments to Title 33, Chapter 33.430 and repeal date of the Smith and Bybee Lakes Natural Resources Management Plan. (PDX Ord. 185458)	06/27/2012

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.

Section 6. MCC Chapter 11.10, § 11.10.350 is amended as follows:

11.10.350 Replacement of portions of Community Plans with City of Portland Comprehensive Plans, Zoning Maps, and Codes.

(A) As of January 1, 2002, the County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

- (1) City of Portland Zoning Code, titles 10, 17.38, 24.50, 24.70, 32, 33 and 34, to include the 'Code Maintenance 2001' update effective September 7, 2001 and the additional 'Code Maintenance 2001' update as attached
- (2) City of Portland Zoning Code amendments relating to the transfer of administration from the County to the City for unincorporated urban areas within Portland's Urban Services Boundary
- (3) The Portland Comprehensive Plan
- (4) The Portland Comprehensive Plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)
- (5) The Outer SE and SW Community Plans
- (6) The Guilds Lake Industrial Sanctuary Plan
- (7) The proposed Metro Design Type Boundary Maps
- (8) The proposed County-City Street Classification Conversion Chart
- (9) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Portland Urban Services Boundary are repealed and replaced by the respective City of Portland Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Portland Zoning Code titles 10, 17.38, 24.50, 24.70, 32, 33 and 34 and maps adopted by reference in those Ordinances.

(D) As of July 1, 2010, the Multnomah County Code is amended to include City of Portland Code Title 29, Property Maintenance Regulations.

FIRST READING AND ADOPTION: July 26, 2012

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

JENNY.M MORF, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jed Tomkins, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Collier, Director, Department of Community Services

EXHIBIT LIST FOR ORDINANCE

1. Ordinance to amend regulations for food production and distribution to increase Portlanders' access to healthful, affordable food. **(PDX Ord. #185412)**
2. Urban Food Code Project Amendments to the Zoning Code
3. Ordinance to extend the expiration date for land use approvals, add expiration timeline for final plats, and change the effective date of automatic adjustments to dollar thresholds. **(PDX Ord. #185333)**
4. Land Use Review Extensions Project II Recommended Draft
5. Ordinance to repeal Smith and Bybee Lakes Natural Resource Management Plan, including amendments to Title 33, Planning and Zoning, and Zoning Map; add three maps to Title 33 related to Airport Futures. **(PDX Ord. 184944)**
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