

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1076

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Transportation System Plan, Comprehensive Plan and Map Revisions Related to Adoption of the City Freight Master Plan in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 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 June 1, 2006, 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 1075.
- f. Since the adoption of Ordinance 1075, the City's Planning Commission recommended Transportation System Plan, Comprehensive 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 City Freight Master Plan amending its Transportation System Plan, Comprehensive Plan and maps, set out in Section 1 below and attached as Exhibits 1 through 6. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

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 Freight Master Plan, Transportation System Plan, Comprehensive Plan and map amendments, attached as Exhibits 1 through 6, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance adopting the City Freight Master Plan amending the Comprehensive Plan and Transportation System Plan. (PDX Ord. #180132)	6/10/06
2	Exhibit A – Freight Master Plan Recommendation	2/2006
3	Exhibit B – Freight Master Plan Findings	2/2006
4	Exhibit C – Comprehensive Plan Amendments	2/2006
5	Exhibit D – Major System Improvements List	2/2006
6	Exhibit E – Planning Commission Recommendations	3/23/2006

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.

FIRST READING AND ADOPTION:

June 8, 2006



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Sandra N. Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting the City Freight Master Plan amending the Comprehensive Plan and Transportation System Plan. (**PDX Ord. #180132**)
2. Exhibit A – Freight Master Plan Recommendation
3. Exhibit B – Freight Master Plan Findings
4. Exhibit C – Comprehensive Plan Amendments
5. Exhibit D – Major System Improvements List
6. Exhibit E – Planning Commission Recommendations

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

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ORDINANCE No. As Amended

Amend the Transportation System Plan and Comprehensive Plan to incorporate the City Freight Master Plan (Ordinance; amend Ordinance No. 177028)

The City of Portland ordains:

Section 1. The Council finds that:

1. The City of Portland adopted its Comprehensive Plan on October 16, 1980 (effective date January 1, 1981). The Plan was acknowledged as being in conformance with Statewide Land Use Planning Goals by the Land Conservation and Development Commission (LCDC). Upon its adoption, the Plan complied with State Goal 12: Transportation.
2. In April 1991, the LCDC adopted an Administrative Rule for Goal 12 (660-012), the Transportation Planning Rule (TPR), which imposed additional requirements on local jurisdictions to achieve compliance with Goal 12.
3. The TPR requires local jurisdictions to develop transportation system plans (TSP) to ensure that the transportation system will support travel and land use patterns that will avoid air pollution, traffic, and livability problems faced by other areas of the country. The TSP is also intended to develop a safe, convenient and economic transportation system.
4. The TSP also incorporates the requirements of State Land Use Goal 11: Public Facilities and becomes the public facilities plan for transportation for the City. The Public Facilities Plan for the City was adopted by City Council Ordinance NO. 161770 on April 5, 1989. The Public Facilities Plan for Transportation includes a list of major transportation projects intended to serve the needs of the City for the following 20 years. The TSP Transportation System Improvements replaced the transportation projects in the Public Facilities Plan.
5. The Transportation Element of the Comprehensive Plan (TE) was originally adopted by City Council Ordinance 165851 (effective date October 23, 1992) to update the Transportation Goal and Policies to comply, in part, with the TPR. The TE also updated and incorporated the Arterial Streets Classification Policy (ASCP), including district policies and street classification descriptions and maps, into the Comprehensive Plan.
6. The TE was updated in 1996 and adopted by City Ordinance 170136 (effective date June 21, 1996). This update was Phase 1 of the City's effort to develop a transportation system plan for the City and includes amendments to Goal 6 and its policies, street classifications, and Goals 1, 2, 7, and 11.
7. On October 30, 2002 City Council adopted Ordinance 177028 (effective date December 14, 2003, the first Transportation System Plan (TSP) for Portland. The TSP included modal plans for motor vehicles, transit, bicycles, pedestrians, freight, and air, rail, water and pipeline and management plans for transportation demand management/parking and transportation system management. During the adoption process, the City recognized the need to better understand and plan for freight movement.

8. The development of the Freight Master Plan occurred in two phases. The first phase began in January 2003 and included a Freight Master Plan – Interim Report. City Council passed Resolution No. 36167 (September 10, 2003) recognizing the importance of freight and goods delivery and supporting implementation of the Freight Master Plan.
9. The TSP Technical Update included a recommendation to “develop a master plan to address freight movement in the local transportation system including needs and deficiencies of heavy freight and local good delivery, opportunities to support economic development, and alternative solutions to conflicts between truck freight and neighborhoods.”
10. On October 13, 2004, City Council adopted Ordinances 178815 and 178826 (effective date November 12, 2004) to amend the TSP through the first Technical Update to correct omissions and update the major system improvements.
11. Phase II of the Freight Master Plan began in July 2004. Development of the Plan included a number of technical memoranda that addressed: innovations and trends, existing conditions, needs assessment, solutions and strategies, and performance measures.
12. The Freight Master Plan supports Portland’s long-term commitment to a vibrant economy and efficient movement of goods and services to maintain the region’s competitiveness and affordability for businesses.
13. Citizen involvement and public outreach for the Plan (outlined in the findings for Goal 1, Citizen Involvement, in the Findings section of Exhibit B), which included a Freight Advisory Committee and numerous opportunities for community input in the form of three open houses. The Freight Master Plan web page provides a public communication tool where meeting notices and documents are available for review.
14. On September 7, 2005, notice of proposed action was mailed to the Oregon Department of Land Conservation and Development (DLCD) in compliance with the post-acknowledgement review process required by OAR-660-020 and to Metro and Multnomah County.
15. On September 22, 2005, public notice was mailed to approximately 450 interested persons and groups of the Planning Commission hearing. The Planning Commission held a public hearing on October 25, 2005 to receive public testimony on the Freight Master Plan. Staff responded to public testimony and questions from the Commission on November 8, 2005. The Planning Commission approved the Freight Master Plan as amended on that date.
16. Findings of compliance with Statewide Planning Goals, the Transportation Planning Rule, the Regional Transportation Plan, the Urban Growth Management Functional Plan, and the Comprehensive Plan are contained in Exhibit B attached to this ordinance.

NOW, THEREFORE, the Council Directs:

- a. Adopt the Freight Master Plan as shown in Exhibit A;

- b. Adopt the Freight Master Plan findings as shown in Exhibit B;
- c. Exhibit A of Ordinance 150580 adopting Portland's Comprehensive Plan to is amended to incorporate the Policies, Objectives, and street classification maps as shown in Exhibit C of this ordinance;
- d. Exhibit C, the Public Facilities Plan, which was added to Ordinance 150580 by Ordinance 161770 is amended by updating the List of Significant Projects, as shown in Exhibit D of this ordinance;
- e. Adopt the remainder of Exhibit A as additions to the support documents for Goal 6 and 11B of the Comprehensive Plan;
- f. Adopt the explanations, as shown in Exhibits A and C, as an expression of legislative intent and as further findings to support City Council's action;
- g. Direct the Office of Transportation to publish updated versions of Volumes 1, 2, and 3 of the Transportation System Plan to incorporate appropriate elements of the Freight Master Plan as adopted by City Council;
- h. Direct the Bureau of Planning to update the Comprehensive Plan to incorporate changes to Goal 5, Goal 6, Goal 11B, including Policies, Objectives, and classification maps as shown in Exhibit C and publish the amended Comprehensive Plan by the effective date of this ordinance;
- i. Direct the Office of Transportation to complete development of the Design Guide for Truck Streets.

Passed by the Council: MAY 10 2006

Prepared by: J. Harrison
February 23, 2006

GARY BLACKMER
Auditor of the City of Portland

By 
Deputy