

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1014

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions 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 5, 2003, 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 1011.
- f. Since the adoption of Ordinance 1011, 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 and 2. 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 land use code, plan and map amendments, attached as Exhibits 1 and 2 and effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective or Hearing Date
1	Ordinance to amend Portland Title 33, Planning and Zoning, to update and improve City building and land use regulations and procedures that hinder desirable development. (ORD 177643)	7/10/2003
2	Portland Planning Commission Report and Recommendation: Policy Package 1 – Exhibit A	6/4/2003

Section 2. In accordance with ORS 215.427(3), the changes resulting from Sections 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.

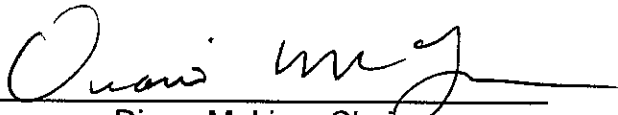
Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated 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: July 10, 2003



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 to amend Portland Title 33, Planning and Zoning, to update and improve City building and land use regulations and procedures that hinder desirable development (ORD 177643)
- 2 Portland Planning Commission Report & Recommendation: Policy Package 1

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.

177643

ORDINANCE NO.
As Amended

*Amend Title 33, Planning and Zoning, to apply design standards to substandard lots in the R5 and R2.5 zones. (Ordinance; amend Code Section 33.110)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. On June 26, 2002, the City Council adopted Resolution 36080, which authorized the Mayor to develop a process to streamline and update the City's building and land use regulations and to improve regulatory-related procedures and customer services.
2. This process, the Regulatory Improvement Workplan, includes several phases, and a number of projects assigned to several bureaus.
3. On August 14, 2002, Council adopted the FY 2002-2003 Initial Regulatory Improvement Work Plan.
4. The workplan has been divided into several projects. The first of the projects addressed the dollar thresholds for upgrades to nonconforming development and was adopted by City Council on April 2, 2003.
5. The bulk of the 2002-2003 Regulatory Improvement Workplan has been divided into two packages—Policy Package 1 and Policy Package 2.
6. This proposal includes one part of Policy Package 1.
7. On February 27, 2003, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
8. On April 22, 2003, the Planning Commission held a hearing on this proposal. Staff from the Bureau of Planning presented the proposal, and public testimony was received.
9. On May 13, 2003 and May 27, 2003, the Planning Commission held work sessions to further discuss the proposal and consider public testimony. The Commission made several changes to the proposal, and voted to forward Policy Package 1 to City Council. One of the changes was to add design standards for development on substandard lots in the R5 and R2.5 zones.
10. On June 18, 2003, City Council held a hearing on this proposal, and heard testimony from the public.

11. On June 18, 2003, City Council discussed the design impacts of new detached houses that have recently been built on substandard lots in neighborhoods that are zoned R5 and R2.5 but have an underlying platting pattern of 25 by 100 foot lots.
12. On June 18, 2003, City Council further discussed the Planning Commission recommendation to adopt design standards to ensure that narrow houses on substandard lots are more compatible with the design and character of existing houses in the surrounding area.
13. On June 18, 2003, City Council voted to separate the Planning Commission recommendation to apply design standards to new development on substandard lots from the other Policy Package 1 recommendations, and to proceed with an emergency ordinance to adopt the design standards.
14. On June 25, 2003, City Council voted to adopt the Planning Commission recommendation to amend the Zoning Code to add design standards for development on substandard lots in the R5 and R2.5 zones.

Statewide Planning Goals Findings

15. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals.
16. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement. The amendments are supportive of this goal in the following ways:
 - On March 21, 2003, the Bureau of Planning sent notice to all neighborhood associations and coalitions, and business associations in the City of Portland, as well as other interested persons, to inform them of an open house on April 9, 2003. The purpose of the open house was to allow the public the opportunity to review the proposed recommendations, and ask questions of staff.
 - Also on March 21, 2003, the Bureau of Planning sent notice to all neighborhood association and coalitions, and business associations in the City of Portland, as well as other interested persons, to inform them of a Planning Commission public hearing on the *2002-2003 Regulatory Improvement Workplan: Policy Package 1*. This event was also advertised in the *Oregonian*.
 - On March 24, 2003, the Bureau of Planning published a document titled, *2002-2003 Regulatory Improvement Workplan: Policy Package 1 Proposed Draft*. The report was made available to the public and mailed to all those requesting a copy.

- On April 4, 2003, the Bureau of Planning sent a letter to specific persons interested in the amendments to PCC 33.110.212, Validation of Lots and Lots of Record, to inform them of the April 9, 2003 open house.
 - On April 22, 2003, the Planning Commission held a public hearing during which citizens commented on the *2002-2003 Regulatory Improvement Workplan: Policy Package 1 Proposed Draft*. After listening to testimony, the Planning Commission decided to add design standards for development on substandard lots in the R5 and R2.5 zones to the Policy Package 1 proposal. On May 13 and May 27, 2003, the Planning Commission held work sessions to further discuss the Policy Package 1 amendments.
 - On June 2, 2003, The Bureau of Planning sent notice to all persons who testified, orally or in writing, at the Planning Commission hearing, informing them of a City Council public hearing to consider the *2002-2003 Regulatory Improvement Workplan: Policy Package 1* including the design standard recommendations. This notice was also sent to those persons requesting such notification.
 - On June 18, 2003, the City Council held a public hearing on *2002-2003 Regulatory Improvement Workplan: Policy Package 1 Recommended Draft*, dated June 4, 2003. Citizens were provided the opportunity to attend this hearing and present testimony.
 - On June 25, 2003, the City Council held a public hearing on this ordinance.
17. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions, and ensures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments are supportive of this goal because development of the recommendations followed established city procedures for legislative actions.
 18. **Goal 3, Agricultural Lands**, requires the preservation and maintenance of the State's agricultural land, generally located outside of urban areas. The amendments do not affect the use of agricultural land so they are not applicable to this goal.
 19. **Goal 4, Forest Lands**, requires the preservation and maintenance of the State's forest lands, generally located outside of urban areas. The amendments do not affect the use of forest lands, so they are not applicable to this goal.
 20. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to the conservation of open space, scenic and historic areas, and natural resources.

21. **Goal 6, Air, Water and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water and land resources, including the handling of solid wastes. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to air, water and land resource quality.
22. **Goal 7, Areas Subject to Natural Disasters and Hazards**, requires the protection of life and property from natural disasters and hazards. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to areas subject to natural disasters and hazards.
23. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to recreational needs.
24. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to economic development.
25. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to housing.
26. **Goal 11, Public Facilities and Services**, requires planning and development of timely, orderly and efficient public service facilities that serve as a framework for urban and rural development. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to public facilities and services.
27. **Goal 12, Transportation**, requires provision of a safe, convenient and economic transportation system. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to transportation.
28. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to energy conservation. In addition, one of the amendments allows attached houses in the R5 zone. This amendment is supportive of this goal because attached houses can be more energy efficient than detached houses.
29. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. The amendments are consistent with this goal in that

they do not affect the placement of the urban growth boundary, and they do not change policy or intent of any of the existing regulations pertaining to urbanization.

30. **Goal 15, Willamette River Greenway**, requires the protection, conservation, enhancement, and maintenance of the natural, scenic, historic, agricultural, economic, and recreational qualities of land along the Willamette River. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to the Willamette River Greenway.
31. **Goals 16, 17, 18, and 19 deal with Estuarine Resources, Coastal Shorelines, Beaches and Dunes, and Ocean Resources**, respectively, and are not applicable to Portland as none of these resources is present within the City limits.

Metro Urban Growth Management Functional Plan Findings

32. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through city-wide analysis based on calculated capacities from land use designations. The amendments do not change policy or intent of existing regulations relating to the regional requirements for housing and employment accommodation, and therefore, do not affect the City's ability to meet Title 1.
33. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. Generally, the amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to the amount of parking allowed. Specifically, one amendment is supportive of this title because it eliminates the requirement for on-site parking for substandard lots in the R5 zone.
34. **Title 3, Water Quality and Flood Management Conservation**, calls for the protection of the beneficial uses and functional values of resources within Metro-defined Water Quality and Flood Management Areas by limiting or mitigating the impact of development in those areas. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to water quality and flood management conservation.
35. **Title 4, Retail in Employment and Industrial Areas**, calls for retail development that supports Employment and Industrial areas, and that does not serve a larger market area. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to retail in employment and industrial areas.
36. **Title 5, Neighbor Cities and Rural Reserves**, defines Metro's policy regarding areas outside of the Urban Growth Boundary. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to neighbor cities and rural reserves.

37. **Title 6, Regional Accessibility**, recommends street design and connectivity standards that better serve pedestrian, bicycle and transit travel and that support the 2040 Growth Concept. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to regional accessibility.
38. **Title 7, Affordable Housing**, recommends that local jurisdictions implement tools to facilitate development of affordable housing. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to the development of affordable housing. In addition, the amendments will result in the application of design standards to development on substandard lots in the R5 and R2.5 zones. The design standards currently apply in other situations in the City and will not add substantially to the cost of construction on substandard lots. One of the standards eliminates a requirement for on-site parking; this could reduce the cost of construction and thus the sales price.
39. **Title 8, Compliance Procedures**, outlines compliance procedures for amendments to comprehensive plans and implementing ordinances. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to compliance.

Portland Comprehensive Plan Goals Findings

40. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with statewide planning goals.
41. **Goal 2, Urban Development**, calls for maintenance of Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to urban development. In addition, the amendments will result in the application of design standards to substandard lots in the R5 and R2.5 zones. The design standards currently apply in other situations in the City and are intended to protect neighborhood character.
42. **Goal 3, Neighborhoods**, calls for preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to the stability and diversity of neighborhoods. In addition, the amendments will result in the application of design standards to substandard lots in

the R5 and R2.5 zones. The design standards currently apply to other situations in the City and are intended to protect neighborhood character.

43. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to housing. In addition, the amendments will result in the application of design standards to substandard lots in the R5 and R2.5 zones. The design standards currently apply to other situations in the City and are intended to protect neighborhood character.

44. **Goal 6, Transportation**, calls for protection of the public interest and investment in the public right-of-way and transportation system by

- encouraging development of a balanced, affordable and efficient transportation system consistent with the Arterial Streets Classifications and Policies; providing adequate accessibility to all planned land uses;
- providing safe and efficient movement of people and goods while preserving, enhancing, or reclaiming neighborhood livability;
- minimizing the impact of inter-regional trips on City neighborhoods, commercial areas, and the City street system;
- reducing reliance on the automobile and per capita vehicle miles traveled;
- building the use of the City street system to control air pollution, traffic, and livability problems; and maintaining the infrastructure in good condition.

The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to transportation. While not changing policy, one amendment is related to transportation. The amendment exempts substandard lots in the R5 and R2.5 zones from the requirement for on-site parking. The exemption is part of a package of standards aimed at increasing the design compatibility of narrow houses on substandard lots. This particular exemption will result in fewer of these narrow houses being built with a garage as the primary focal point on the ground floor.

45. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the City by ten percent by the year 2000. The amendments are consistent with this goal because they do not change policy or intent of existing regulations. In addition, one of the amendments allows attached houses in the R5 zone. This amendment is supportive of this goal because attached houses can be more energy efficient than detached houses.

46. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The amendments are consistent with this goal because the process provided opportunities for public input and followed adopted procedures for notification and involvement of citizens in the planning process.
47. **Goal 12, Urban Design**, calls for the enhancement of Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to urban design. The amendments will result in the application of design standards to substandard lots in the R5 and R2.5 zones. The design standards that will apply to substandard lots currently apply in other parts of the City and are intended to protect neighborhood character.
48. The following goals do not apply because of the limited scope of these amendments: **Goals 1, 5, 8, 10 and 11.**

NOW, THEREFORE, the Council directs:

- a. Amend Title 33, Planning and Zoning, as shown in Exhibit A, dated June 24, 2003; and
- b. Direct the Bureau of Development Services, in cooperation with the Bureau of Planning, the neighborhoods, the design community, the home builders, and other affected parties, to develop a catalogue of home designs that are allowed to be built on lots in R5 zones which are less than 3000 square feet in area or less than 36 feet wide, and lots in the R2.5 zone that are less than 1600 square feet in area. The catalogue of designs shall be completed no later than July 1, 2004.

Section 2.

1. The Council declares an emergency exists because:

- a. The design of many new detached houses on substandard lots in the R5 and R2.5 zones is incompatible with the character and design of existing, neighboring houses;
- b. There are thousands of substandard lots in the R5 and R2.5 zones throughout the City that can potentially be built on;
- c. The pace of development on substandard lots in the R5 and R2.5 zones has increased sharply in the past year; and
- b. The design standards will ensure that the design of houses on substandard lots in the R5 and R2.5 zones is more compatible with existing, neighboring housing.

Therefore this ordinance shall be in full force and effect on July 10, 2003.

Passed by the Council, **JUN 25 2003**

Mayor Vera Katz

Shannon Buono, Bureau of Planning
June 9, 2003

GARY BLACKMER
Auditor of the City of Portland

By


Deputy