

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. 915

4
5 An Ordinance amending the Action Proceedings Section of the zoning code by: 1)
6 repealing the 120 day requirement of code; 2) amending the public notice requirement; and 3)
7 amending the date required for a staff report to be made available prior to a hearing. (Underlined
8 sections are new replacements; [~~bracketed~~] sections are deleted.)

9 Multnomah County Ordains as follows:

10
11 Section I. Findings.

12
13 (A) The Action Proceedings section of the zoning code lays out the process by which land
14 use decisions are made. Through time the procedural requirements of the County have been and
15 are increasingly affected by new and/or revised statutory requirements. The effect of these
16 changes result in the Action Proceedings provisions becoming increasingly inconsistent with
17 statutory language, inflexible with statutory choices, or in conflict with the expeditious review of
18 land use applications.

19
20 (B) On February 2, 1998 the Planning Commission held a public hearing and
21 recommended approval through Resolution C7-97, of an ordinance amendment to the Action
22 Proceedings section of code by: 1) repealing the 120 day requirement of code and relying on
23 statutory requirements; 2) amending the public hearing notice requirement from twenty days to
24 ten days prior to a hearing as provided by statute; and 3) amending the date a staff report is
25 required to be made available from 5 days to 7 days as required by statute. All interested persons
26 were given an opportunity to be heard at the hearing.

27
28 (C) Planning Commission Resolution C7-97 is intended to make minor changes necessary
29 to both satisfy statutory requirements and provide clarification within the zoning ordinance of
30 the procedural choices of the County.

1 Section II. Amendment of the Action Proceedings Section of Code.

2 Multnomah County Code Chapter 11.15 is amended to read as follows:

3 ***

4 11.15.8280 Board Decision

5
6 (A) The Board may affirm, reverse or modify the decision of the Planning Commission or
7 Hearings Officer and may grant approval subject to such modifications or conditions as
8 may be necessary to carry out the Comprehensive Plan or to achieve the objectives of
9 MCC .8240 (D).

10
11 (B) The Board shall state all decisions upon the close of its hearing or upon continuance of
12 the matter to a time certain.

13
14 (C) Written findings of fact and conclusions, based upon the record, shall be signed by the
15 Presiding Officer of the Board and filed with the Clerk of the Board with a decision
16 within five business days following announcement of the decision under subsection (B)
17 above.

18
19 (D) The Boards decision shall be final at the close of business on the tenth day after the
20 Decision, Findings of Fact and Conclusions have been filed under subsection (C) above,
21 unless the Board on its own motion grants a rehearing under MCC .8285(A).

22
23 ~~[(E) The Board shall render a decision within 120 days from the time the application for that~~
24 ~~action is accepted as being complete, except when: Except as provided in MCC .7330,~~
25 ~~the approval of a Conditional Use shall expire two years from the date of issuance of the~~
26 ~~Board Order in the matter, or two years from the final resolution of all appeals, unless:~~

27
28 ~~(1) A participant requests an extension before the conclusion of the initial evidentiary~~
29 ~~hearing, in which case the extension shall not be subject to the 120 day limitation, or~~
30

1 ~~(2) Additional documents or evidence is provided in support of the application less than~~
2 ~~20 days prior to or at the initial evidentiary hearing and a party requests a continuance~~
3 ~~of the hearing, in which case the continuance shall not be subject to the 120 day~~
4 ~~limitation.]~~

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6 11.15.8220 Notice of Hearing - Contents

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8 (C) In addition to the notice required by MCC .8120(B) and any other notice required by law,
9 notice shall be mailed at least ten [twenty] days prior to the hearing to the following
10 persons:

- 11
- 12 (1) The applicant;
- 13 (2) All record owners of property within:
 - 14 (a) 100 feet of the subject property on matters listed under MCC .8205(D) and (E),
 - 15 and on all other matters within the Urban Growth Boundary.
 - 16 (b) 250 feet of the subject property where the subject property is outside the Urban
 - 17 Growth Boundary and not within a farm or forest zone;
 - 18 (c) 500 feet of the subject property where the subject property is within a farm or
 - 19 forest zone.

20 ***

21 MCC 11.15.8230 Hearings

22
23 (A) The Hearings Officer or a quorum of at least three members of the Planning Commission,
24 as is appropriate, shall conduct a hearing on the application within 90 days of the
25 initiation thereof, under MCC .8210(B), unless such time is extended with the written
26 consent of the one initiating the action.

27
28 (B) Three members of the Planning Commission shall constitute a quorum in acting on
29 applications under MCC .8115(B).

1 (C) No action shall be heard unless a Staff Report is completed and available at the office of
2 the Planning Director at least ~~seven~~ [five] days prior to the date fixed for hearing. A
3 copy of the Report shall be mailed, upon completion, to the one initiating the action and
4 to the Planning Commission or Hearings Officer, as appropriate. In addition, a copy shall
5 be furnished to other persons who request the same upon payment of the fee provided for
6 under MCC .9020. The Staff Report may be supplemented only at the hearing.

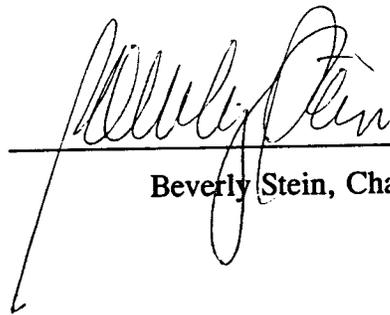
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9 Section III. Adoption

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12 ADOPTED THIS 2nd day of July, 1998, being the date of its second reading
13 before the Board of County Commissioners of Multnomah County.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

25 REVIEWED:

26 THOMAS SPONSLER, COUNTY COUNSEL
27 FOR MULTNOMAH COUNTY, OREGON

28
29 By 
30 Sandra N. Duffy, Chief Assistant County Counsel