

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. _____

Amending County Land Use Code to Apply City of Portland Tree Code and Zoning Code Amendments (RICAP 8) to the Unincorporated Urban Areas and Declaring an Emergency.

The Multnomah County Board of Commissioners Finds:

- a. Pursuant to an intergovernmental agreement executed in 2002 (the “IGA”), the City of Portland, Oregon (“City”), provides, with certain exceptions, land use planning services for those areas of unincorporated Multnomah County located within the City’s Urban Services Boundary (the “Unincorporated Urban Areas”).
- b. Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County land use regulations to apply applicable City land use regulations, and all subsequent amendments thereto, to the Unincorporated Urban Areas.
- c. As part of the City’s Regulatory Improvement Workplan, which is an ongoing program to improve city land use regulations and procedures, the City adopted Regulatory Improvement Code Amendment Package (“RICAP”) 8 through City Ordinance No. 188259 and City Ordinance No. 188278. RICAP 8 included amendments to multiple chapters of the Portland City Code, with changes that ranged from technical and minor corrections to ensure consistency within the code, to minor changes to current policy.
- d. Through City Ordinance No. 188259 (adopted March 1, 2017), the City Council adopted amendments to the *Planning and Zoning Code* to update and improve City building and land use regulations to encourage desirable development. These legislative actions by the City fall within the scope of the IGA.
- e. City Ordinance No. 188259 also made changes to the *Building Regulations Code* and *Public Improvements Code* of the *City Code*. These legislative actions by the City fall outside the scope of the IGA and therefore the County need not amend its regulations to apply those changes in the Unincorporated Urban Areas.
- f. Through City Ordinance No. 188278 (adopted March 15, 2017), the City Council adopted amendments to the *Tree Code*. Legislative actions by the City that apply in development situations, and non-development situations within environmental or greenway overlays, fall within the scope of the IGA.

- g. Pursuant to State and City notice requirements, as well as the terms of the IGA, the City provided public notice of its pending action on City Ordinance No. 188259 and City Ordinance No. 188278 and provided stakeholders an opportunity to be heard at public hearings before the City's Planning and Sustainability and Urban Forestry Commissions, culminating in hearings with the City Council. The City Council considered and took the legislative actions set forth in City Ordinance No. 188259 and City Ordinance No. 188278 in accordance with the City Council's public legislative process. Further, the Board Clerk has published notice of this public hearing of this ordinance in accordance with State and County notice requirements.
- h. The effective date of City Ordinance No. 188259 is March 31, 2017; the effective date of City Ordinance No. 188278 is April 14, 2017. This Ordinance is being adopted by emergency to best coordinate the effective date of this Ordinance with the effective date of the City's amendments.

Multnomah County Ordains as Follows:

Section 1. The Multnomah County Comprehensive Plan and the Multnomah County Zoning Code are amended to incorporate the City amendments, attached as Exhibits 1 and 2:

- a) Title 33 (Planning and Zoning) of the *Portland City Code*, as amended by City Ordinance No. 188259 (Exhibit 1).
- b) Title 11 (Trees) of the *Portland City Code*, as amended by City Ordinance No. 188278 (Exhibit 2).

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 City Planning and Sustainability Commission will act instead of the County Planning Commission for the Unincorporated Urban Areas by employing the City's own legislative procedures, while providing notice to, and facilitating participation from, property owners within Unincorporated Urban Areas. The Board will consider the recommendations of the Portland Planning and Sustainability Commission and City Council whenever legislative land use matters for the Unincorporated Urban Areas come before the Board for action.

Section 5. Under Section 5.50 of the Charter of Multnomah County, 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 at the times listed below to best ensure consistency with the City code, plan and map amendments:

The amendments to Title 33 of the *Portland City Code* in City Ordinance No. 188259 shall be effective immediately.

The amendments to Title 11 of the *Portland City Code* in City Ordinance No. 188278 shall be effective on and after April 14, 2017.

FIRST READING AND ADOPTION: April 13, 2017

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Kim E. Peoples, Director, Department of Community Services.