

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC-04-001

Recommend to the Board of Commissioners the adoption of an ordinance amending Chapters 37 and 38 of the Multnomah County Code to clarify when the County is precluded from issuing permits for property that is not in full compliance with the County code, adding specific language to allow issuance of a permit when necessary to protect public safety.

The Planning Commission Finds:

- a. The Planning Commission supports the objective that properties comply with County land use requirements, and recognizes this as the premise behind the current language in §37.0560 and §38.0560 of the Multnomah County Code requiring properties be in "full compliance" before an application for a permit is approved.
- b. While effective, this full compliance requirement has limitations in terms of the range of County actions that require compliance, its application to work within easements, and its lack of flexibility to allow landowners to obtain permits in response to legitimate public safety issues or work with the County to sequence permits to achieve compliance.
- c. The proposed amendments, discussed in the February 20, 2004 staff report and described in Exhibit A to this resolution, resolves this by (1) clarifying that allowed uses, which do not require a land use decision or building permit, are not subject to the full compliance requirement; (2) allowing sequencing of permits or other approvals as part of a voluntary compliance agreement; (3) providing the County the ability to issue permits on non-compliant properties for public facilities within valid easements and; (4) allowing issuance of permits for public safety purposes even if the property is not in full compliance with the County code.
- d. The Multnomah County Comprehensive Framework Plan supports these changes, identifying protection of the public health, safety, and welfare as a goal of the County Land Use Planning Program that is achieved in part by assuring that the residents of Multnomah County are provided with a safe and healthy living environment and that public facilities and support facilities are provided in a timely, safe, and efficient manner.
- e. After notification of the proposed amendments was published in the Oregonian newspaper and copies mailed to the Gorge Commission, Forest Service, Indian tribal governments, the State Historic Preservation Office, and Cultural Advisory Committee, the Planning Commission held a public hearing on March 1, 2004 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The Multnomah County Planning Commission hereby recommends that the changes to sections §37.0560 and §38.0560 of the Multnomah County Code, as discussed in the staff report dated February 20, 2004 and described in Exhibit A to this resolution, be adopted by the Multnomah County Board of Commissioners.

Adopted this 1st day of March, 2004

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair

Exhibit A to Planning Commission Resolution No. PC-04-001

Amendments to Chapters 37 and 38 of the Multnomah County Code to clarify when the County is precluded from issuing permits for property that is not in full compliance with the County code, adding specific language to allow issuance of a permit when necessary to protect public safety.

Section 37.0560 of the Code is amended to read as follows:

(Language ~~stricken~~ is deleted; underlined language is new.)

§37.0560 Code Compliance And Applications.

Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approving any application for a permit or other approval development, including land divisions and property line adjustments including building permit applications, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County. A permit or other approval, including building permit applications, may be authorized if it results in the parcel coming into full compliance with all applicable provisions of the Multnomah County Code.

- (A) A permit or other approval, including building permit applications, may be authorized if:
- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
 - (2) It is necessary to protect public safety; or
 - (3) It is for work related to and within a valid easement over, on or under an affected property.
- (B) For the purposes of this section, *Public Safety* means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Section 38.0560 of the Code is amended to read as follows:

(Language ~~stricken~~ is deleted; underlined language is new.)

§38.0560 Code Compliance And Applications.

Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approveing any application for a permit or other approval development, including land divisions and property line adjustments including building permit applications, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County. A permit or other approval, including building permit applications, may be authorized if it results in the parcel coming into full compliance with all applicable provisions of the Multnomah County Code.

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- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
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