



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 09/23/13)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R.1 DATE 12/1/16
MARINA BAKER, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/1/16
Agenda Item #: R.1
Est. Start Time: 9:30 am
Date Submitted: 11/3/16

Agenda Title: Public Hearing and First Reading of Ordinance Amending Multnomah County's Comprehensive Plan, Including the Comprehensive Plan Map and the Multnomah County Transportation System Plan, to Incorporate the City of Portland's 2035 Comprehensive Plan, Including the Associated Comprehensive Plan Map and Transportation System Plan.

Note: Title should not be more than 2 lines but sufficient to describe the action requested. Title on APR must match title on Ordinance, Resolution, Order or Proclamation.

Requested

Meeting Date: December 1, 2016 Time Needed: 20 minutes

Department: Community Services Division: Land Use Planning

Contact(s): Michael Cerbone, Planning Director

Phone: 503-988-0218 Ext. 80218 I/O Address: 455/116

Presenter

Name(s) & Title(s): Michael Cerbone, Multnomah County Planning Director, and Eric Engstrom, City of Portland Principal Planner

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and adopt the proposed Ordinance.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

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").

Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County land use policies and regulations to apply applicable City land use policies and regulations, and all subsequent amendments thereto, to the Unincorporated Urban Areas.

Through Ordinance No. 187832 (June 15, 2016), the City Council adopted the 2035 Comprehensive Plan, including the associated Comprehensive Plan Map, as well as amendments to its Transportation System Plan. These legislative actions by the City fall within the scope of the IGA.

With respect to City Ordinance No. 187832, the most direct impact to the Unincorporated Urban Areas is the redesignation of 137 residential lots to a lower residential density. This redesignation is due to, and consistent with, the site and infrastructure constraints associated with these lots.

3. Explain the fiscal impact (current year and ongoing).

Adoption of the City's Plan has no fiscal impact on the County. The City will incur the cost of preparing and mailing notice of the Board's hearing on this matter and recoups its IGA-related planning services costs through collection of application fees.

4. Explain any legal and/or policy issues involved.

Notice requirements have been satisfied as described in Section 5 below.

Because the City's Plan was adopted as a periodic review task rather than as a post-acknowledgement plan amendment, the City's adopting ordinance specified a delayed effective date of January 1, 2018, to provide for review by the Oregon Land Conservation and Development Commission.

Through the IGA, the City and County agreed to coordinate the effective dates of legislative acts; accordingly, the effective date proposed for this ordinance is the effective date specified in City Ordinance No. 187832, January 1, 2018.

Under the IGA, if the Board chooses not to adopt the proposed Ordinance, the City may terminate the IGA; in such event, the County would resume responsibility for land use planning in the Unincorporated Urban Areas.

5. Explain any citizen and/or other government participation that has or will take place.

Pursuant to State and City notice requirements, as well as the terms of the IGA, the City provided public notice of their pending action on City Ordinance No. 187832 to all affected property owners, including all property owners within the Unincorporated Urban Areas, and provided such property owners an opportunity to be heard at several public hearings culminating with hearings before the City's Planning Commission and the City Council. In addition, the City has notified the property owners with the Unincorporated Urban Areas of this hearing before the Board. Further, the Board Clerk has published notice of this public hearing of this ordinance in accordance with state and county notice requirements.

The City's Planning Commission considered and recommend the legislative actions proposed in City Ordinance No. 187832 in accordance with the City Planning Commission's public legislative process.

The City Council considered and took the legislative actions set forth in City Ordinance No. 187832 in accordance with the City Council's public legislative process.

Required Signature

**Elected
Official or
Department**

Director: /s/ Kim E. Peoples

Date: November 3, 2016

Note: Please submit electronically. Insert names of your approvers followed by /s/ - we no longer use actual signatures. Please insert date approved.

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

ORDINANCE NO. _____

Amending Multnomah County's Comprehensive Plan, Including the Comprehensive Plan Map and the Multnomah County Transportation System Plan, to Incorporate the City of Portland's 2035 Comprehensive Plan, Including the Associated Comprehensive Plan Map and Transportation System Plan.

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 policies and regulations to apply applicable City land use policies and regulations, and all subsequent amendments thereto, to the Unincorporated Urban Areas.
- c. Through Ordinance No. 187832 (June 15, 2016), the City Council adopted the 2035 Comprehensive Plan, including the associated Comprehensive Plan Map, as well as amendments to its Transportation System Plan. These legislative actions by the City fall within the scope of the IGA.
- d. With respect to City Ordinance No. 187832, the most direct impact to the Unincorporated Urban Areas is the re-designation of 141 residential lots to a lower residential density. This re-designation is due to, and consistent with, the site and infrastructure constraints associated with these lots.
- e. Pursuant to State and City notice requirements, as well as the terms of the IGA, the City provided public notice of their pending action on City Ordinance No. 187832 to all affected property owners, including all property owners within the Unincorporated Urban Areas, and provided such property owners an opportunity to be heard at several public hearings culminating with hearings before the City's Planning Commission and the City Council. In addition, the City has notified the property owners within the Unincorporated Urban Areas of this hearing before the Board. Further, the Board Clerk has published notice of this public hearing of this ordinance in accordance with state and county notice requirements.
- f. Through the IGA, the City and County agreed to coordinate the effective dates of legislative acts; the effective date specified in City Ordinance No. 187832, January 1, 2018.

Multnomah County Ordains as Follows:

Section 1. The Multnomah County Comprehensive Plan, including the Comprehensive Plan Map and the Multnomah County Transportation System Plan, is amended to incorporate:

- a) The City of Portland's 2035 Comprehensive Plan, Including the Associated Comprehensive Plan Map, adopted through City Ordinance No. 187832; and
- b) The City of Portland's Transportation System Plan as amended by City Ordinance No. 187832.

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. The effective date of this ordinance is January 1, 2018.

FIRST READING: _____ *(type in meeting date)*

SECOND READING AND ADOPTION: _____ *(type in meeting date)*

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

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

By _____
Jed Tomkins, Assistant County Attorney

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