

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 928

An Ordinance amending MCC 11.15.8280(D) and deleting MCC 11.15.8285 regarding the date at which a Board decision on a land use matter becomes final.

New wording is **bold and underlined**, ~~strikethrough sections~~ are deleted.

SECTION I. FINDINGS

- (A) The date at which a land use decision becomes final plays an important role in the timeliness of land use decisions. The current Code requires that a decision of the Board shall be final at the close of business on the tenth day after the decision.
- (B) The Board of Commissioners' in July of 1998, adopted Ordinance 915 in response to concerns related to the mandated time frame in which a final decision must be made by the County, generally referred to as the 120/150 day rule. With the complexity of procedural requirements affecting land use applications including notice requirements, staff reports, scheduling hearings, continuances, keeping the record open, etc., the County has found it difficult in many cases to complete all the requirements within the 120/150 day.
- (C) On December 7, 1998, the Planning Commission held public a hearing. At that hearing all interested persons were given an opportunity to appear and be heard. At the close of that hearing, the Planning Commission recommended adoption of an ordinance amending MCC 11.15.8280 (D) and repealing MCC 11.15.8285 to effectively change the date at which a decision of the Board becomes final from 10 days after a decision to upon filing of a signed final decision.

1 **SECTION II. AMENDMENT OF MCC 11.15**

2 Multnomah County Code Chapter 11.15 is amended as follows:

3
4 **11.15.8280 Board Decision**

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

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

11
12 (C) Written findings of fact and conclusions, based upon the record, shall be signed by the
13 Presiding Officer of the Board and filed with the Clerk of the Board with a decision within
14 five business days following announcement of the decision under subsection (B) above.

15 (D) The Board's decision shall be final **upon signing and filing of** ~~at the close of business on~~
16 ~~the tenth day after the Decision, Findings of Fact and Conclusions under subsection (C)~~
17 ~~above, unless the Board on its own motion grants a rehearing under MCC .8285(A).~~

18
19 **~~11.15.8285 Rehearing~~**

20
21 ~~The Board may rehear a matter on its own motion under subsection (A).~~

22 ~~(A) A Board motion for rehearing shall be made, if at all, within ten days after the Decision,~~
23 ~~Findings of Fact and Conclusions have been signed and filed with the Clerk of the Board~~
24 ~~under MCC .8280 (C).~~

1 ~~(B) A Board motion for rehearing shall be made, if at all, within ten days after the action takes~~
2 ~~effect as provided in MCC 8280 (C).~~

3 ~~(C) At the meeting at which the Board determines to grant a rehearing, the Board shall set the~~
4 ~~time and place for the rehearing, which shall not be later than 21 days from the date of the~~
5 ~~Board determination.~~

6
7 ~~(E) If a rehearing is granted, it shall be heard as a new review, except that all testimony and~~
8 ~~evidence theretofore received shall be included in the record.~~

9
10 ~~(F) No action shall be reheard more than once.~~

11 **SECTION III. ADOPTION**

12
13 ADOPTED this 11th day of March, 1999, being the date of its second reading before the Board
14 of County Commissioners of Multnomah County.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

21 By *Beverly Stein*
22 for Beverly Stein, Chair

23 REVIEWED:

24 THOMAS SPONSLER, COUNTY COUNSEL
25 FOR MULTNOMAH COUNTY, OREGON

26 By *Sandra N. Duffy*
Sandra N. Duffy, Chief Assistant Counsel

Page 3 of 3 - ORDINANCE