

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1007

Amending MCC Chapter 38, Land Use Code Columbia River Gorge National Scenic Area to Make Technical Corrections

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

The Multnomah County Board of Commissioners Finds:

- a. On September 26, 2002, the Board adopted Ordinance No. 994 amending MCC Chapter 38 to make technical corrections.
- b. On November 7, 2002, the Board adopted Ordinance No. 998 that added language in § 38.0710 that was inadvertently omitted in Section 11 of Ordinance 994.
- c. The amendments to Chapter 38 General Management Areas by Ordinance 994 and 998 are effective on the date of adoption by: the Bi-State Gorge Commission for the General Management Areas, and by the U.S. Secretary of Agriculture for the Special Management Areas. These amendments have not yet been adopted by either the Gorge Commission or the Secretary of Agriculture.
- d. After review by the Gorge Commission staff, it is necessary to further amend language adopted in Ordinance 944. First, as required by the Gorge Management Plan, language needs to be added in § 38.0530 that acknowledges that the comment period for review of Cultural Resources is longer than that required for other resources. Also, wherever the number range given for NSA Site Review ends in MCC 38.7090, the number should be changed to 38.7085 in order to exclude the MCC section 38.7090 Responses to an Emergency/Disaster Event, which is not a part of the Site Review approval criteria.

Multnomah County Ordains as follows:

Section 1. § 38.0530 in Part 3: Administration and Procedures is amended to read as follows:

38.0530 Summary of decision making processes.

Permit Types

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and it's relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the Gorge Commission; the U.S. Forest Service; the Indian tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 days after the notice is mailed. The Planning Directors decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

Section 2. § 38.2025 in the GGF and GSF Districts is amended to read as follows:

38.2025 Review Uses

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530 (B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

Section 3. § 38.2225 in the GGA and GSA Districts is amended to read as follows:

38.2225 Review Uses

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

(B) The following uses may be allowed on lands designated GSA– 40 pursuant to MCC 38.0530 (B), provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

Section 4. § 38.2425 in the GGRC District is amended to read as follows:

38.2425 Review Uses

The following uses may be allowed on lands designated GGRC, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

Section 5. § 38.2625 in the GGO and GSO Districts is amended to read as follows:

38.2625 Review Uses

(A) The following uses may be allowed on lands designated GGO, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

(B) The following uses are allowed on land designated GGO-GW, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

(C) The following uses are allowed on land designated GGO-SP, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

(D) The following uses may be allowed on lands designated GGO– GW:

(1) Existing quarries may continue operation if they are determined to be consistent with standards to protect scenic, cultural, natural and recreation resources pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied.

(E) The following uses may be allowed on lands designated GSO, pursuant to MCC 38.0530 (B), when consistent with an open space plan approved by the U.S. Forest Service and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

Section 6. § 38.2825 in the GG-PR, GG-CR, and GS-PR Districts is amended to read as follows:

38.2825 Review Uses

(A) The following uses are allowed on all lands designated GG– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

(B) The following uses are allowed on all lands designated GG– CR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

(C) The following uses are allowed on all lands designated GS- PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

Section 7. § 38.3025 in the GGR and GSR Districts is amended to read as follows:

38.3025 Review Uses

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied:

Section 8. § 38.3225 in the GGC District is amended to read as follows:

38.3225 Review Uses

(A) A single-family dwelling on a legally created parcel, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through ~~38.7090~~38.7085 have been satisfied.

Section 9. The effective date of the amendments to Chapter 38 Columbia River Gorge National Scenic Area, General Management Areas shall be the date of adoption by the Bi-State Gorge Commission. Amendments to Special Management Areas shall be effective upon acknowledgement by the United States Secretary of Agriculture.

FIRST READING:

January 30, 2003

SECOND READING AND ADOPTION:

February 6, 2003



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney