



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 09/23/13)

Board Clerk Use Only

Meeting Date: 1/19/17
Agenda Item #: R.3
Est. Start Time: 9:40 am
Date Submitted: 1/5/17

Agenda Title: Public Hearing and First Reading of Ordinance Amending County Land Use Code to Apply Portland Regulations Relating to Tree Preservation, Bulk Fossil Fuel Terminal Restrictions, and an Inclusionary Housing Program to the Unincorporated Urban Areas and Declaring an Emergency

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: January 19, 2017 **Time Needed:** 10 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, Planning Director

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and adopt the proposed Ordinance on an emergency basis.

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 regulations to apply applicable City land use regulations, and all subsequent amendments thereto, to the Unincorporated Urban Areas. The County commenced this process of adopting City land use regulations through adoption of Ordinances 967 (2001) and 997 (2002).

The City has adopted the regulations attached to the proposed Ordinance, and these regulations fall within the scope of the IGA. The City's regulations apply to the Unincorporated Urban Areas and amend City Code Chapter 11.50 (Trees in Development Situations) to strengthen regulations for tree preservation in development situations; amend

Title 33 (Planning and Zoning) to restrict bulk fossil fuel terminals; and revise Title 33 to enact an Inclusionary Housing program to provide affordable housing. More specifically, the City's regulations amend the tree retention and mitigation requirements in private development situations with a focus on retention and mitigation requirements for large trees; identify bulk fossil fuel terminals as a regulated land use, restricting expansion at existing terminals and prohibiting new terminal development; and create an Inclusionary Housing program that mandates on-site or off-site affordable housing production for all development projects with 20 or more dwelling units in one building, allows for a fee-in-lieu payment, creates bonuses for floor area and density, and otherwise is consistent with Senate Bill 1533 (2016), which authorized cities and counties to implement inclusionary housing programs.

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

Adoption of this ordinance has no fiscal impact on the County. The City recoups its IGA-related planning services costs through collection of application fees.

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

Through the IGA, the City and County agreed to coordinate the effective dates of legislative acts; accordingly, adoption of this Ordinance by emergency is requested to best coordinate the Ordinance's effective date with the effective date of the City's regulations.

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.

The City's Planning and Sustainability Commission reviewed this matter and provided public notice of the regulations together with an opportunity to be heard at public hearings in accordance with the City's legislative process. In addition, a review draft of the regulations was available for a four-week public comment period.

The City Council adopted the regulations at public hearings in accordance with the City's public legislative process.

Similarly, public notice of this Board Agenda Item has been given in accordance with the County's notice requirements and procedures.

Required Signature

**Elected
Official or
Department**

Director: Kim Peoples /s/

Date: January 5, 2017

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