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Section III

Adoption

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 133

An ordinance establishing a Planning Commission and prescribing procedures for adopting and revising a comprehensive plan.

Multnomah County ordains as follows:

SECTION I PURPOSE AND POLICY

The Board of County Commissioners of Multnomah County, Oregon, recognizes that planning for County and community development is vital in order to protect the citizenry from fire, flood, pollution and other health or safety hazards; to prevent overcrowding and inefficient use of land; to safeguard natural resources; to provide communities and neighborhoods with a variety of living choices, adequate housing, amenities, stores, schools, parks and other public and private facilities; to provide a transportation system meeting the needs of all citizens; to provide for the location of industry and the creation of new and varied employment opportunities; and to provide a framework and process in which decisions by individuals and governmental agencies can be coordinated and made in the best interests of the general public. Therefore, pursuant to ORS Chapters 197 and 215 and the County Charter, the Board has determined that all decisions made by Multnomah County with respect to County development shall be predicated upon a comprehensive plan adopted and revised in the manner described in this Ordinance.

SECTION II

1.00 Definitions.

As used in this ordinance, unless the context otherwise requires, the following terms are hereby defined:

- a. BOARD: Board of County Commissioners of Multnomah County, Oregon.
- b. COMMISSION: The Planning Commission under this Ordinance.
- c. COMPREHENSIVE PLAN or PLAN: Shall have the meaning set forth in ORS 197.015 (4), shall be directed to the elements listed in the statewide land use planning goals adopted pursuant to ORS 197.240, shall include Framework, Development and Operational Plans based on an inventory of natural and cultural data, shall be prepared under the supervision of the Director of Planning and Development and may include maps, a text, or both.

1.10 Planning Commission Established. The Commission is designated as the land use planning advisory body to the Board and shall have the powers and duties described in this Ordinance and such other powers and duties which may from time to time be imposed on it by State, Federal or local law, rule, or regulation.

1.11 Membership. The Commission shall consist of nine members, who shall be appointed pursuant to law and the Charter of Multnomah County to fill designated positions numbered one through nine.

- 1.11.1 a. Members of the Commission shall be residents of the various geographic areas of the County and shall serve without compensation, except for reimbursement for duly authorized expenses.
- b. A member who ceases to be a resident of Multnomah County shall then cease to be a member of the Commission.
- 1.11.2 No more than two members of the Commission shall be engaged principally, whatever be the form of doing business, in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of business, trade or profession.
- 1.12 Terms of Office. Terms of office of Commission members shall be four years, but any term shall continue until a successor is appointed.
- 1.12.1 The terms of the Commission members serving on the effective date of this Ordinance shall expire on March 15 of the following years:

<u>Position No.</u>	<u>Expiration</u>
1	1978
2	1977
3	1979
4	1979
5	1980
6	1980
7	1977
8	1980
9	1978

- 1.12.2 No Commission member shall serve more than two consecutive terms, excluding completion of an unexpired term, but including any full term being served on the effective date of this ordinance, unless otherwise provided by unanimous concurrence of the Board.
- 1.13 Vacancies and Removal. Upon resignation, permanent disqualification or removal of any member of the Commission, the Chairman of the Board shall, pursuant to the County Charter, appoint a successor to fill the remainder of the term.
- 1.13.1 After hearing, the Board may remove any member for cause, which may include misconduct or non-performance of duty.
- 1.13.2 The absence of any member from three consecutive regular meetings shall be deemed a resignation, which resignation shall be presented by the Chairperson of the Commission at the next regular Board meeting for acceptance or rejection by the Board.
- 1.14 Officers. The Commission shall, at or before its first meeting in April each year, elect and install a Chairperson and Vice Chairperson. The Commission may elect one of its members to serve as Second Vice Chairperson.
- 1.15 Committees. The Chairperson of the Commission shall appoint advisory and other subcommittees as deemed appropriate or as directed by the Commission or the Board.

- 1.15.1 The Director of Planning and Development and persons designated by the Director shall serve as staff for the Commission and its committees and shall provide such administrative and technical assistance as may be required.
- 1.16 Rules of Procedure. The conduct of hearings of the Commission shall be according to Rules of Procedure adopted by the Commission and filed with the Clerk of the Board. They shall be effective 15 days after filing unless modified by the Board.
- 1.16.1 The staff of the Planning and Development Division shall be responsible for keeping an accurate and permanent record of all proceedings before the Commission.
- 1.16.2 A verbatim recording shall be made of the proceedings before the Commission.
- 1.16.3 Five members of the Commission shall constitute a quorum for the conduct of business.
- 1.16.4 A member of the Commission shall not participate in any Commission proceeding in which any of the following has a direct or substantial financial interest: the member, the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner in any business of which the member is or has been a member within the previous two years or in any business with which the member is negotiating or has an arrangement or understanding concerning prospective partnership or employment.

1.16.5 Any actual or potential financial or other interest which could lead to a member's bias or partiality in any action shall be disclosed by the member at the meeting of the Commission where the action is considered.

1.17 Coordination.

- a. The Commission shall advise and cooperate with the Hearings Council and with other planning commissions, hearings officers, agencies or bodies within the State, and shall, upon request or on its own initiative, make available advice or reports to the State or Federal Government or any regional association of governments, city, county, public officer or department on any problem comprehended within its powers and duties.
- b. All County officials, departments and agencies having information, maps and data deemed by the Commission to be pertinent to its powers and duties shall make such information available for the use of the Commission upon request.

1.18 Powers and Duties. The Commission shall:

- a. Recommend to the Board the adoption, revision or repeal of a comprehensive plan or portions thereof.
- b. Report and recommend to the Board the adoption, revision, amendment or repeal of zoning, subdivision, and other regulatory ordinances and regulations intended to carry out part or all of a plan adopted

by the Board; provided, however, that action proceedings, as defined in subsection 12.21 of Ordinance No. 100, as amended, shall be within the exclusive jurisdiction of the Hearings Council, except as otherwise provided herein.

- c. Where appropriate, initiate actions pursuant to subsection 12.21 of Ordinance No. 100, as amended.
- d. On request, provide written advisory opinions to the Board and Hearings Council on the application of the Comprehensive Plan, Zoning Ordinance or other matter or regulation within the jurisdiction of the Commission to any proposed action before the Board or the Hearings Council;
- e. Recommend to the Board the institution of injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or remove any existing or proposed unlawful location, construction, maintenance, repair, alteration or use of any building or structure or the existing or proposed unlawful subdivision or other unlawful partitioning or use of any land;
- f. Enter upon any land and make examinations and surveys and place and maintain the necessary monuments and markers thereon, as required to perform its functions;

- g. Consult with each advisory committee established under ORS 215.046(1) in regard to any matter within the powers and duties of the Commission; and
- h. Exercise such other powers and perform such other duties as may be given to the Commission by Federal or State law or by this or other ordinance.

1.19 Meetings, Notices. The Commission shall hold at least one public meeting each month. Additional meetings and the time and place of all meetings shall be determined by the Chairperson of the Commission or as requested by a majority of the entire Commission.

1.19.1 Before any meeting of the Commission for the conduct of business, notice shall be given as required by statute or rule and also in the following manner:

- a. Posting a notice in a conspicuous place in the Multnomah County Courthouse not less than ten days prior to the meeting;
- b. Publishing a notice of the date, time, place and agenda of the meeting at least once in a daily newspaper having general circulation in excess of 50,000 in Multnomah County not less than ten days before the meeting; and
- c. Providing such notice and in such other manner as the Board or the Commission may direct.

1.19.1.1 Failure to give the notice provided in subparagraphs a., b., and c. of subsection 1.19.1 shall not invalidate any action taken at a meeting.

- 1.19.2 The Commission may continue any proceeding. A proceeding continued to a date certain requires no additional notice unless such notice is required by statute, rule, this or other ordinance, or is ordered by the Commission.
- 1.19.3 The Commission shall hold a public meeting jointly with the Hearings Council at least once each four months to consider such matters as the Commission or the Council may propose. Notice of each joint meeting shall be given as required by statute, rule and subsection 8.17.1.b of Ordinance No. 100 as amended.
- 1.19.3.1 The Chairperson of the Commission or the Chairperson of the Hearings Council, or their designated member substitutes, shall preside at alternate joint meetings provided for under subsection 1.19.3.
- 1.20 Existing Comprehensive Plan Validated. The Comprehensive Plan for unincorporated Multnomah County, adopted on October 6, 1964, and all revisions thereof enacted prior to the effective date of this Ordinance are hereby validated and shall remain in full force and effect until revised or superceded in the manner required by this Ordinance; provided that any revision of such plan pursuant to this Ordinance shall comply with the standards in subsection 1.27.
- 1.20.1 In the event of a conflict between the Comprehensive Plan adopted October 6, 1964, including any revision thereof, and a plan adopted or revised pursuant to this Ordinance, the latter shall control.

1.21

Legislative and Quasi-Judicial Plan Revisions and Zoning Map Amendments Distinguished.

- a. If the Commission determines that a proposed plan revision or zoning map amendment requested in connection with a required plan revision entails a change in policy, the proposal shall be considered a legislative plan revision or legislative zoning map amendment.
- b. If the Commission determines that a proposed plan revision or zoning map amendment requested in connection with a required plan revision entails only the application of existing policy, the proposal shall be considered a quasi-judicial plan revision or quasi-judicial zoning map amendment.
 1. Quasi-judicial zoning map amendments shall be considered by the Commission and Board as action proceedings, in accordance with subsection 12.20 - 12.37.5 of Ordinance No. 100 as amended.

1.22

Consolidation of Proceedings. Where a plan revision is required and, in connection with the same property, an action as defined in subsection 12.21 of Ordinance No. 100 as amended, or a subdivision or other land division approval, is requested, the matters shall be consolidated in one proceeding and heard by the Commission.

1.23 Revision of Plan. Any revision of an adopted plan may be initiated by:

- a. Order of the Board;
- b. Resolution of a majority of the entire Commission; or
- c. Application of a record owner of property, which is the subject of the revision, as determined by the records of the Department of Administrative Services, or the authorized agent of such a record owner.

1.23.1 A plan revision initiated pursuant to subsection 1.23 shall be filed with the Director of Planning and Development on forms provided by the Director. Proposed plan revisions shall not be processed unless all the information requested is provided and any required fee is paid.

1.24 Pre-application Conference. Prior to filing any plan revision pursuant to subsection 1.23.1, an applicant or applicant's representative shall meet with the Director of Planning and Development or the Director's designee in a conference to discuss the plan revision proposed and the requisites of formal application.

1.24.1 A written summary of the matters discussed in the pre-application conference shall be mailed to the applicant within five business days after the conference.

1.25 Staff Report. No proposed plan revision shall be heard by the Commission unless a staff report is completed and available at the office of the Director of Planning and Development at least five calendar days prior to the

date fixed for hearing. A copy of the report shall be mailed to the person initiating the revision and to the Commission. In addition, a copy shall be furnished to any other person who requests the same upon payment of the fee provided under subsection 1.49.2. The staff report may be supplemented only at the hearing.

- 1.25.1 In the event the Chairperson of the Commission determines that a staff report was not completed and available pursuant to subsection 1.25, the matter shall be continued to the next regular meeting of the Commission.
- 1.26 Hearing on Plan or Revision. The Commission shall conduct at least one public hearing on a proposed comprehensive plan or any proposed revision of an adopted plan.
- 1.26.1 A proposed comprehensive plan or proposed revision of an adopted plan shall be on file with the Director of Planning and Development for public inspection at least ten calendar days prior to a public hearing thereon.
- 1.27 Standards for Plan and Revisions. A plan adopted or revised pursuant to this Ordinance shall comply with ORS 215.055 and ORS 197.755.
- 1.28 Vote on Plan or Revision. The Commission may recommend approval of a plan or plan revision, approval with such modifications or conditions as may be necessary to carry out the plan or bring the plan or plan revision into conformance with the standards set forth in subsection 1.27, or denial.

- 1.28.1 The affirmative vote of at least five members of the Commission shall be required for a recommendation for approval of a plan or any revision of an adopted plan.
- 1.28.2 In the event the votes cast for approval are insufficient for a recommendation for approval pursuant to subsection 1.28.1, the proposed plan or plan revision shall be deemed denied.
- 1.29 Notice of Hearing on Plan or Legislative Revision: Contents.
Notice of a Commission public hearing on a proposed comprehensive plan or legislative revision of an adopted plan shall describe the location of the property affected and shall include a copy of the proposed plan or revision or shall inform the public where all relevant materials and information may be obtained or reviewed.
- 1.30 Commission Action on Plan or Legislative Revision.
Within ten days of determining a recommendation on a proposed comprehensive plan or legislative revision of an adopted plan, the Commission shall cause the proposed plan or revision and a resolution of action signed by the presiding officer to be filed with the Clerk of the Board.
- 1.30.1 A member of the Commission who voted in opposition to a recommendation by the Commission on a proposed plan or legislative revision of an adopted plan may file a written statement of such opposition with the Clerk of the Board prior to any Board hearing on the plan or revision.

- 1.30.2 If the Commission fails to recommend approval or denial of a proposed plan or legislative revision of an adopted plan within 90 days of its first hearing on such plan or revision, it shall report the failure, together with the proposed plan or revision to the Clerk of the Board, who shall place the matter on the agenda for the next Board meeting on planning and zoning matters for which notice can be given pursuant to the Charter.
- 1.31 Board Hearing on Plan or Legislative Revision. The Board shall conduct at least one public hearing on a comprehensive plan or legislative revision of an adopted plan transmitted to it by the Commission pursuant to this Ordinance.
- 1.32 Notice of Board Hearing. Notice of a Board hearing on a proposed comprehensive plan or legislative revision of an adopted plan shall be given pursuant to statute, rule and subsections 1.19.1 and 1.29 of this Ordinance.
- 1.32.1 The Board may continue any proceeding. Unless otherwise provided by the Board or required by law, no additional notice shall be given of a continued proceeding if the matter is continued to a time certain.
- 1.33 Board Procedure. A Board hearing on a proposed comprehensive plan or legislative revision of an adopted plan shall be in accordance with its Rules of Procedure.
- 1.34 Board Decision on Plan or Legislative Revision. After public hearing, the Board may adopt, adopt with modifi-

cations consistent with subsection 1.27 of this Ordinance, reject, or remand to the Commission for reconsideration and rehearing all or part of a proposed plan or legislative revision of an adopted plan transmitted to it pursuant to this Ordinance.

1.34.1 A Board decision adopting a plan or legislative revision of an adopted plan shall be in the form of a Board Order.

1.34.2 A Comprehensive Plan or legislative revision of an adopted plan, adopted by the Board, shall be signed by the Chairman and filed with the Clerk of the Board within ten days after the Board's decision, whereupon it shall be effective.

1.35 Quasi-Judicial Plan Revision: Notice, Contents.

Notice of a hearing before the Commission regarding a proposed quasi-judicial plan revision shall contain the following:

- a. The date, time and place of the hearing;
- b. A legal description of the subject property;
- c. The nature of the proposed revision;
- d. A statement that all interested parties may appear and be heard;
- e. A statement that the hearing shall be held pursuant to the Rules of Procedure adopted by the Commission; and
- f. The names of the members of the Commission.

1.35.1 In addition to the notice required by subsection 1.19.1 and any other notice required by statute or rule, notice shall be mailed at least ten days prior to a quasi-judicial plan revision hearing to the following persons:

- a. The person initiating the revision; and
- b. All record owners of property located within a minimum of 250 feet from the area subject to the proposed revision.

1.35.2 The records of the Department of Administrative Services shall be used to determine who is entitled to mailed notice; persons whose names and addresses are not on record at the time of the filing of the proposed plan revision pursuant to subsection 1.23.1 need not be notified of the hearing. The failure of a property owner to receive such notice shall not invalidate the hearing if the owner was entitled to receive such notice and if a good faith attempt was made to notify such person.

1.35.3 In addition to the notice required by subsection 1.35.1, the person initiating a quasi-judicial plan revision shall, at the person's expense, post signs on the property conspicuously displaying notice of the pending hearing at least ten days prior to the date of the hearing. One sign shall be required for each 300 feet or part thereof of frontage of the subject property

on any street. The content, design, size and location of the signs shall be determined by the Director of Planning and Development to assure that the information thereon is legible from the public right-of-way. As a precondition to a hearing, the party shall file an affidavit of such posting with the Director of Planning and Development not less than five days prior to the hearing.

1.36 Parties. The following persons only are parties and shall be entitled either themselves or through their representatives or counsel to make an appearance of record at a hearing on a proposed quasi-judicial plan revision before the Commission and to seek review by the Board and the Courts:

- a. Those persons entitled to mailed notice pursuant to subsection 1.35.1; and
- b. Other persons who demonstrate to the Commission, pursuant to its Rules of Procedure, that the revision may affect some substantial right of those persons.

1.36.1 "Appearance of Record" shall mean either:

- a. Testimony by a party or the party's counsel or other representative; or
- b. A written statement bearing the name and address of the person making the appearance, signed by the person or the person's counsel, and filed with the

Director of Planning and Development at or prior to the hearing.

1.37 Burden of Proof. The burden of proof is upon the person initiating a quasi-judicial plan revision. That burden shall be to persuade that the revision is:

- a. Consistent with the standards in subsection 1.27 of this Ordinance;
- b. In the public interest; and
- c. In compliance with the applicable elements of the Comprehensive Plan.

1.37.1 Proof that circumstances in the area affected by the proposed revision have changed since adoption of the plan, or that there was a mistake in the plan, are additional relevant factors which may be considered under subsection 1.37.

1.38 Findings of Fact; Conclusions. The Commission shall cause written findings of fact and conclusions, based upon the record, to be filed with a recommendation on a proposed quasi-judicial plan revision, pursuant to subsection 1.39. The findings shall specifically address the relationships between the proposed revision and the factors listed in subsections 1.37 and 1.37.1, to the extent they form the basis for recommendation; provided that in the event denial of a proposed revision is recommended, summary findings with reference to those factors may be filed.

- 1.38.1 A quasi-judicial plan revision deemed denied pursuant to subsection 1.28.2 shall be transmitted to the Board with summary findings stating that the burden under subsection 1.37 has not been carried.
- 1.38.2 The Commission shall announce a recommendation at the close of the hearing.
- 1.39 Notice of Recommendations. Within ten days after a recommendation on a quasi-judicial plan revision is announced, it shall be reduced to writing by the Director of Planning and Development, signed by the Chairperson or Vice Chairperson of the Commission, filed by the Director with the Clerk of the Board and mailed to those persons entitled to mailed notice pursuant to subsection 1.35.1 and to such other persons who request the same.
- 1.39.1 The written recommendation mailed pursuant to subsection 1.39 shall indicate the date on which the recommendation shall be on the Board's agenda pursuant to subsection 1.39.2.
- 1.39.2 The Clerk of the Board shall summarize the Commission's written recommendation on the agenda for the next Board meeting on planning and zoning matters for which notice can be given pursuant to the Charter.
- 1.40 Board Action on Quasi-Judicial Plan Revision. A recommendation by the Commission on a proposed quasi-judicial plan revision shall be adopted by Board Order at the

meeting at which the Board's agenda includes a summary of that recommendation pursuant to subsection 1.39.2 unless:

- a. A notice of review from a party is received by the Director of Planning and Development within ten days after the recommendation has been filed with the Clerk of the Board pursuant to subsection 1.39; or
- b. The Board, on its own motion, continues consideration of the matter or orders review pursuant to subsection 1.42.

1.41 Notice of Review. A notice of review shall contain:

- a. An identification of the recommendation sought to be reviewed, including the date of such recommendation;
- b. A statement of the interest of the person filing the notice of the review; and
- c. The specific grounds relied upon for review.

1.41.1 If review by additional testimony and other evidence or de novo review is requested, a statement relating the request to the factors listed in subsection 1.43.4 and 1.43.5 as appropriate, shall be included in the notice of review.

1.41.2 A notice of review shall be accompanied by the required fee pursuant to subsection 1.49.1.

1.41.3 Upon receipt of a Notice of Review, the Director of Planning and Development shall inform the person filing

the notice of the estimated cost of a transcript of the Commission hearing, which cost shall be paid by the person within ten days of the estimate.

1.41.4 Within ten days after notice from the Director of Planning and Development of completion of a transcript, the party seeking review shall transmit the balance due, if any, of the actual cost of preparing the transcript.

1.41.4.1 If a party has been overcharged for a transcript under subsection 1.41.3, the overcharged amount shall be refunded promptly by the Director of Planning and Development.

1.41.5 Failure to pay the costs pursuant to subsections 1.41.3 and 1.41.4 shall be a jurisdictional defect and shall preclude review by the Board.

1.41.6 Notice of Review shall be a condition precedent to judicial review of final orders.

1.42 Board Order for Review. A Board Order for Review of a recommendation by the Commission on a proposed quasi-judicial plan revision shall be made at the meeting at which the Commission's recommendation is on the Board's agenda pursuant to subsection 1.39.2, unless specifically continued.

1.43 Scope of Review.

a. The Board, upon receipt of a Notice of Review, or upon its own Order for Review, shall at the appropriate meeting, determine whether review shall be:

1. On the record;
 2. By additional testimony and other evidence without full de novo review; or
 3. De novo.
- b. Prior to such determination, the Board may require preparation of a transcript of the proceeding below.

1.43.1 The Board may conduct a hearing at which the parties shall be afforded an opportunity to appear and present argument on the scope of review. Notice of such hearing shall be mailed to the parties not less than ten days prior to the hearing.

1.43.2 Unless otherwise ordered by the Board, review of the Commission's recommendation shall be confined to the record of the proceeding below, which shall include:

- a. All materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered by the Commission;
- b. All materials submitted to the Commission by the Director of Planning and Development with respect to the proposal;
- c. The transcript of the hearing below; and
- d. The findings, conclusions, and recommendation of the Commission and the Notice of Review, when applicable.

- 1.43.3 Unless otherwise provided by the Board, review before the Board shall include argument by the parties or their authorized representatives.
- 1.43.4 The Board may admit additional testimony and evidence without holding a de novo hearing if it is satisfied that the additional testimony or evidence could not reasonably have been presented at the Commission's hearing. The Board may, in making such decision consider:
- a. Prejudice or surprise to parties;
 - b. Convenience or availability of the additional evidence at the time of the initial hearing; and
 - c. The competency, relevancy and materiality of the proposed testimony or evidence.
- 1.43.5 The Board may hear the entire matter de novo if the public interest would be served thereby.
- 1.43.6 "De novo hearing" means a hearing by the Board as if the matter were being heard for the first time and as if no recommendation had been made, except that all testimony, evidence and other material received by the Commission shall be included in the record.
- 1.43.7 Review by the Board, if upon Notice of Review by an aggrieved party, shall be limited to the grounds relied upon in the Notice of Review.
- 1.43.8 At the meeting at which the scope of review is determined pursuant to subsection 1.43, the Board shall

further determine the time and place for the review, which shall not be later than 45 days from the date of the Board determination.

- 1.44 Notice of Board Hearing. In addition to the notice required by subsection 1.19.1, and any other notice required by statute or rule, notice of a Board Hearing to review a recommendation by the Commission on a quasi-judicial plan revision shall be mailed to the parties, as defined in subsection 1.36, at least ten days prior to the hearing.
- 1.45 Board Procedure. Review by the Board shall be in accordance with its Rules of Procedure.
- 1.46 Board Decision. The Board may adopt, adopt with modifications or conditions consistent with the plan and subsection 1.27, reject, or remand to the Commission for reconsideration and rehearing all or part of a recommendation by the Commission on a proposed quasi-judicial plan revision.
- 1.46.1 The Board shall announce the decision on a quasi-judicial plan revision at the close of its hearing.
- 1.46.2 A decision and written findings of fact and conclusions, based upon the record, shall be signed by the Chairman of the Board and filed with the Clerk of the Board within ten business days following announcement of the decision pursuant to subsection 1.46.1.

- 1.46.3 The Board's decision shall be final at the close of business on the tenth calendar day after the decision, findings of fact and conclusions have been filed pursuant to subsection 1.46.2, unless the Board on its own motion grants a rehearing pursuant to subsection 1.47.
- 1.47 Rehearing. The Board may rehear a matter decided pursuant to subsection 1.46 only on its own motion, pursuant to subsection 1.47.1.
- 1.47.1 A Board motion for rehearing shall be made, if at all, within ten calendar days after the decision, findings of fact and conclusions have been signed and filed with the Clerk of the Board pursuant to subsection 1.46.2.
- 1.47.2 At the meeting at which the Board determines to grant a rehearing, the Board shall determine the scope and set the time and place of the rehearing, which shall not be later than 21 days from the date of the Board determination.
- 1.47.3 If a rehearing is granted, all testimony and evidence theretofore received at the previous hearing before the Board shall be included in the record, in addition to the record defined in subsection 1.43.2.
- 1.47.4 No quasi-judicial plan revision recommendation shall be reheard by the Board more than once.
- 1.48 Reapplication. If a quasi-judicial plan revision application is denied, either initially by the Board or by action of the courts, no new application for the same

or substantially similar revision shall be accepted within six months from the date of the final action denying the application.

1.49 Fee Schedule. The following fees shall be paid by the applicant at the time of filing pursuant to subsection 1.23.1:

- a. Legislative Plan Revision \$500.00
- b. Legislative Zoning Map Amendment 500.00
- c. Quasi-Judicial Plan Revision
 - One acre or less 300.00
 - Each additional acre or portion thereof (maximum \$800.00) 25.00
- d. Quasi-Judicial Plan Revision in conjunction with other action as defined in subsection 12.21 of Ordinance No. 100 as amended 200.00
 - 1. The fee for an action, as defined in subsection 12.21 of Ordinance No. 100 as amended shall be as required by subsection 13.00 through 13.05 of Ordinance No. 100 as amended.
 - 2. The fee for a subdivision application shall be as required by subsection 11.0 of the Multnomah County Subdivision Regulations.

1.49.1 A fee of \$50.00 shall be charged for the filing of a Notice of Review. The person filing the notice shall pay for the cost of a transcript of the Commission hearing pursuant to subsections 1.41.3 and 1.41.4.

1.49.2 A fee of \$0.25 per page shall be charged for staff reports.

1.50 Saving Clause. If any subsection, subdivision, phrase, clause, sentence or word in this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not invalidate the remainder of this Ordinance, but shall be confined to the subsection, subdivision, clause, sentence or word held invalid or unconstitutional.

SECTION III

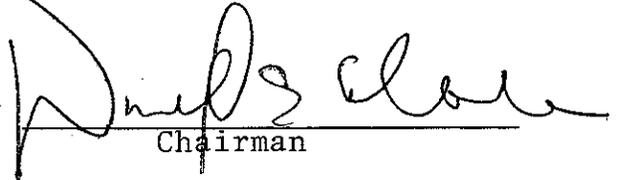
ADOPTION

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption pursuant to Section 5.50 of the Charter of Multnomah County.

Adopted this 19th day of October, 1976, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By



Chairman