

## BEFORE THE BOARD OF COUNTY COMMISSIONERS

## FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 486

An ordinance amending the Zoning Ordinance of Multnomah County, Oregon (MCC 11.15) by amending Section .8225 "Parties."

Multnomah County ordains as follows:

SECTION 1. FINDINGS.

1. MCC 11.15.8225 defines the term 'parties' for purposes of the Multnomah County Zoning Ordinance. Only parties are entitled either themselves or through their representatives to make an appearance of record at a hearing before the approval authority and to seek review by the Board and the courts.
2. In order for the Planning Commission or any other approval authority to perform its function effectively, it is necessary that all relevant information be presented for consideration at the time of the hearing on each application. It is a waste of staff resources and the Planning Commission's time to allow persons to appeal Planning Commission decisions to the Board without having first presented their evidence and arguments to the Planning Commission for consideration.
3. MCC 11.15.8225 is defective in that a literal reading of this section would allow appeals to the Board to be filed by those persons entitled to notice under MCC .8220(C), even if those persons failed to make an appearance of record at the time of the approval authority's hearing on an application.
4. To promote the effective and efficient functioning of the Planning Commission, MCC 11.15.8225 should be amended so that it clearly requires that a person appear before the approval authority in order to have standing to appeal a decision to the Board.

SECTION 2. AMENDMENT.

MCC 11.15.8225 is hereby amended to add and revise:

11.15.8225 Parties.

(A) 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 before the approval authority and to seek review by the Board and the courts:

(1) Those persons entitled to notice under MCC .8220(C) who also make an appearance of record before the approval authority; or

(2) Other persons who demonstrate to the approval authority at its hearing, under the Rules of Procedure, that [the action may affect some substantial right of those persons] they could be aggrieved or have interests adversely affected by the decision.

(B) 'Appearance of Record' shall mean either:

(1) Testimony at the approval authority hearing by a party or the party's representative or counsel; or

(2) A written statement giving the name and address of the person making the appearance, and setting forth in detail the person's evidence and argument either for or against the application being reviewed, signed by the person or the person's counsel and filed with the Planning Director, at or prior to the hearing. The written statement must also contain facts showing in what manner the interests of the person would be adversely affected or in what manner the person would be aggrieved by a decision contrary to that person's position on an application.

(C) As used in this section, the term 'approval authority' has the meaning specified in MCC .0010.

ADOPTED this 17th day of December, 1985, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS  
OF MULTNOMAH COUNTY, OREGON

(SEAL)

By *Pauline Anderson*  
Presiding Officer

Authenticated by the County Executive on the 20th day  
of December, 1985.

*Dennis Buchanan*  
Dennis Buchanan  
County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By *Peter Kastig*  
Peter Kastig  
Assistant County Counsel

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