

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1031

Amending MCC § 38.0560 for the Columbia River Gorge National Scenic Area with Respect to Issuing Permits and Allowing Issuance of a Permit When Necessary to Protect Public Safety

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

The Multnomah County Board of Commissioners Finds:

- a. The Board of Commissioners supports the objective that properties comply with County land use requirements, and recognizes this as the premise behind the current language in §38.0560 of the Multnomah County Code requiring properties be in “full compliance” before an application for a permit is approved.
- b. While effective, this full compliance requirement has limitations in terms of the range of County actions that require compliance, its application to work within easements, and its lack of flexibility to allow landowners to obtain permits in response to legitimate public safety issues or work with the County to sequence permits to achieve compliance.
- c. The amendments in this ordinance resolve this problem by (1) clarifying that allowed uses, which do not require a land use decision or building permit, are not subject to the full compliance requirement; (2) allowing sequencing of permits or other approvals as part of a voluntary compliance agreement; (3) providing the County the ability to issue permits on non-compliant properties for public facilities within valid easements and; (4) allowing issuance of permits for public safety purposes even if the property is not in full compliance with the County code.
- d. The Multnomah County Comprehensive Framework Plan supports these changes, identifying protection of the public health, safety, and welfare as a goal of the County Land Use Planning Program that is achieved in part by assuring that the residents of Multnomah County are provided with a safe and healthy living environment and that public facilities and support facilities are provided in a timely, safe, and efficient manner. The Management Plan for the National Scenic Area is silent on this issue; therefore it is appropriate to rely upon the County Comprehensive Framework Plan for policy guidance.
- e. The Planning Commission is authorized by Multnomah County Code subsections 38.0530(D) and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission held a public hearing on the amendments contained in this Ordinance where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was published in the Oregonian newspaper and copies mailed to the Gorge Commission, Forest Service, Indian tribal governments, the State Historic Preservation Office, and Cultural Advisory Committee. At that hearing the Planning Commission adopted a resolution recommending these amendments be made by the Board of Commissioners.

Multnomah County Ordains as follows:

Section 1. § 38.0560 is amended to read as follows:

§38.0560 Code Compliance And Applications.

Except as provided in subsection (A), The County shall not make a land use decision, or issue a building permit approving any application for a permit or other approval development, including land divisions and property line adjustments including building permit applications, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County. A permit or other approval, including building permit applications, may be authorized if it results in the parcel coming into full compliance with all applicable provisions of the Multnomah County Code.

(A) A permit or other approval, including building permit applications, may be authorized if:

(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

(2) It is necessary to protect public safety; or

(3) It is for work related to and within a valid easement over, on or under an affected property.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

FIRST READING:

April 29, 2004

SECOND READING AND ADOPTION:

May 6, 2004



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Christopher D. Crean*
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