

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 990

Amending MCC Chapter 33, Land Use Code West Hills Rural Plan Area, to Make Technical Corrections

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

Multnomah County Ordains as follows:

Section 1. § 33.0005 is amended to read as follows:

33.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(B) (7) **Building Permit** – A permit required pursuant to ~~Multnomah County Code 33.0705~~, MCC Chapter 29, certifying compliance with all applicable building regulations.

Section 2. § 33.2025 is amended to read as follows:

33.2025 Review Uses

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2020 (D) or (E), 33.2025 (B), or 33.2030 (A) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to MCC 33.2045.

Section 3. § 33.2035 is amended to read as follows:

33.2035 Large Acreage Dwelling

A large acreage dwelling may be sited on a tract or tracts, subject to the following:

(A) The lot or lots in the tract(s) meet(s) the lot of record standards of MCC 33.2075 ~~(A) and (B)~~;

Section 4. § 33.2045 is amended to read as follows:

33.2045 Use Compatibility Standards

Specified uses of MCC ~~33.2030 (B) and (C)~~ 33.2025(C), (D) and (E) and MCC ~~33.2030 (B), (C) and (D)~~ may be allowed upon a finding that:

Section 5. § 33.2225 is amended to read as follows:

33.2225 Review Uses

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2220 (D) or (E), 33.2225 (B), or 33.2230 (A), (B) or (C) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to MCC 33.2245.

Section 6. § 33.2235 is amended to read as follows:

33.2235 Large Acreage Dwelling

A large acreage dwelling may be sited on a tract, subject to the following:

(A) The lot or lots in the tract meet(s) the lot of record standards of MCC 33.2275 ~~(A) and (B)~~;

Section 7. § 33.2240 is amended to read as follows:

33.2240 Template and Heritage Tract Dwellings

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC ~~33.2275 (A) and (B)~~ 33.2275 and have been lawfully created prior to January 25, 1990;

(B) A *heritage tract dwelling* may be sited, subject to the following:

(5) The dwelling meets the applicable standards of MCC ~~33.2505~~ 33.2305.

Section 8. § 33.2245 is amended to read as follows:

33.2245 Use Compatibility Standards

Specified uses of MCC 33.2225(C), (D) and (E) and MCC 33.2230 (D), (E), and (F) may be allowed upon a finding that:

Section 9. § 33.2425 is amended to read as follows:

33.2425 Review Uses

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2420 (D) or (E), 33.2425 (B), or 33.2430 (A) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to MCC 33.2445.

Section 10. § 33.2440 is amended to read as follows:

33.2440 Template Dwellings

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC 33.2475(A) ~~and (B)~~ and have been lawfully created prior to January 25, 1990;

Section 11. § 33.2445 is amended to read as follows:

33.2445 Use Compatibility Standards

Specified uses of MCC ~~2430 (B) and (C)~~ 33.2425(C), (D) and (E) and MCC 33.2430 (B), (C) and (D) may be allowed upon a finding that:

Section 12. § 33.4335 is amended to read as follows:

33.4335 Minimum Site Size

A Planned Development District shall be established only on a parcel of land found ~~by the Planning Commission~~ to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC 33.4300.

Section 13. § 33.4510 is amended to read as follows:

33.4510 Uses; SEC Permit Required

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 33.4320, 33.4515, shall be subject to an SEC permit.

Section 14. § 33.5725 is amended to read as follows:

33.5725 Procedure For Applying The PAM Subdistrict

(A) A PAM subdistrict shall be established by amendment of the Comprehensive Framework Plan and Zoning Map. The relevant factors for the establishment of the subdistrict are within the Oregon Administrative Rules Chapter 660, Division 16; Comprehensive Plan Policy 16-B; ~~MCC 33.0315 (A) (1) and (2);~~ and the applicable provisions of MCC Chapter 37.
~~33.0700 through 33.0790. The factors in MCC 33.0725(D) and (E) shall not apply.~~

Section 15. § 33.6305 is amended to read as follows:

33.6305 General Provisions

(A) Application for approval of a Conditional Use shall be ~~made in the manner provided in MCC 33.0700 through 33.0775~~ subject to the provisions for Type III decisions in MCC Chapter 37.

Section 16. § 33.6615 is amended to read as follows:

33.6615 Conditions and Restrictions

In addition to the conditions and restrictions which may be attached under the provisions of MCC ~~33.6310, 37.0660,~~ the approval authority:

Section 17. § 33.6715 is amended to read as follows:

33.6715 Criteria for Approval

The approval authority shall find that:

(A) The applicant demonstrates that the property shall be capable of being used as provided in the Comprehensive Plan and the underlying district after the fill operation.

(B) The applicant has shown that the following standards can or will be met by a specified date:

(10) Timeline.

Timelines for Large fill Conditional Use Permits shall ~~conform with the 2-year period pursuant to MCC 33.6305 (C), be for a two-year period~~ unless otherwise approved by the Approval Authority. The applicant may request a longer time period for completion as part of the initial application. If an approval has been issued, the applicant may request a longer time period for completion pursuant to MCC 33.0735 (E); the procedures for a Type III permit as described in MCC Chapter 37.

If completion of a large fill project extends beyond 2-years pursuant to MCC 33.6305 (C); two years, the applicant shall submit an engineering report prepared and signed by a licensed engineer at least once per year by October 31, or as otherwise specified by the Approval Authority. The engineering report shall describe at a minimum the following:

Section 18. § 33.7020 is amended to read as follows:

33.7020 Application of Regulations

Except those exempted by MCC 33.7015, the provisions of MCC 33.7000 through ~~33.7065~~ 33.7060 shall apply to all conditional and community service uses in any district.

Section 19. § 33.7040 is amended to read as follows:

33.7040 Final Design Review Plan

~~Following receipt by the applicant of the summary findings and conclusions under MCC 33.7035, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a~~ A final design review plan, which shall contain the following, drawn to scale:

(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 33.7030 (D) and (E), as appropriate;

(B) Architectural drawings, indicating floor plans, sections, and elevations; and

(C) Proposed minor exceptions from yard, parking, and sign ~~requirements~~ requirements; and

(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 33.7010 through ~~33.7025~~ 33.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Section 20. § 33.7060 is amended to read as follows:

33.7060 Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements

(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

- (1) Dimensional standards for yards as required in the primary district;
- (2) Dimensional standards for off-street parking as required under MCC 33.4100 to 33.4125; 33.4170 to 33.4175;

Section 21. § 33.7205 is amended to read as follows:

33.7205 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster

(B) Any decision on restoration or replacement of a nonconforming use due to fire, other casualty or natural disaster ~~shall~~ shall be processed as a Type II permit as described in MCC Chapter 37.

- (1) ~~Provide notice as required by MCC 33.0715,~~
- (2) ~~Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 33.0720 files a Notice of Appeal with the Planning Director pursuant to MCC 33.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 22. § 33.7210 is amended to read as follows:

33.7210 Alteration, Expansion or Replacement of Nonconforming Uses

(D) Any decision on alteration, expansion or replacement of a nonconforming use ~~shall~~ shall be processed as a Type II permit as described in MCC Chapter 37.

- (1) ~~Provide notice as required by MCC 33.0715,~~
- (2) ~~Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 33.0720 files a Notice of Appeal with the Planning Director, pursuant to MCC 33.0785 (B) and (C).). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 23. § 33.7215 is amended to read as follows:

33.7215 Verification of Nonconforming Use Status

(E) Any decision on verification of nonconforming use status ~~shall~~shall be processed as a Type II permit as described in MCC Chapter 37.

(1) ~~Provide notice as required by MCC 33.0715,~~

(2) ~~Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 33.0720 files a Notice of Appeal with the Department, pursuant to MCC 33.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 24. § 33.7410 is amended to read as follows:

33.7410 Conformance

No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits, ~~as required by MCC 33.0500,~~ must be approved prior to erection of the sign.

Section 25. § 33.7705 is amended to read as follows:

33.7705 Definitions

As used in this Chapter, unless the context requires otherwise:

(J) *Partition land* means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by ~~MCC Chapter 33;~~the base zone; or

Section 26. § 33.7865 is amended to read as follows:

33.7865 Tentative Plan Approval Time Limits; Staged Development

~~The time limits for approval of tentative plans and staged development proposals~~Tentative plan approval expiration and extension shall be in accordance with MCC ~~33.7870 through 33.7880~~37.0690 through 37.0700.

Section 27. § 33.7870 is repealed in its entirety:

~~33.7870 Time Limit~~

~~The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within one year following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.~~

Section 28. § 33.7875 is repealed in its entirety:

~~33.7875 Staged Development for Subdivision~~

~~When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting the various stages in periods of time in excess of one year, but in no case shall the total time period for platting of all stages be greater than five years without re-filing the tentative plan. Each stage so platted and developed shall conform to all applicable requirements of this Chapter.~~

Section 29. § 33.7880 is repealed in its entirety:

~~33.7880 Re-Approval After Expiration~~

~~After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and considered as a new application.~~

Section 30. § 33.7900 is amended to read as follows:

33.7900 Acreage Tracts

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or any other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

Section 31. § 33.7920 is amended to read as follows:

33.7920 Temporary Turnarounds

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots. ~~However, in the case of a subdivision to be recorded and developed in stages under MCC 33.7875, a temporary turnaround shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate improvement agreement under MCC 33.8010 may be required by the Planning Director to assure that a temporary turnaround will be provided should the subsequent stage not proceed according to the approved schedule.~~

FIRST READING:

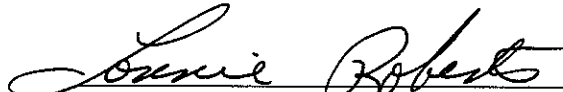
September 19, 2002

SECOND READING AND ADOPTION:

September 26, 2002

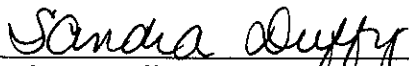


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Lonnie Roberts, Vice-Chair

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