

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 04-004

Recommend to the Board of County Commissioners the adoption of an ordinance amending MCC Chapter 37 by adding a provision that allows the Planning Director to appeal Hearings Officer decisions to the Board of County Commissioners and making technical corrections.

The Planning Commission Finds:

a. The Planning Commission is authorized by Multnomah County Code Chapter subsection 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.

b. Periodic review and enactment of amendments of the Zoning Code is needed for technical errors as they are found.

c. Under the procedures in MCC Chapter 37, a Hearings Officer decision may only be appealed to the State of Oregon Land Use Board of Appeals (LUBA). A particular provision in Chapter 37 allows Multnomah County Policy makers to file an appeal of a Hearings Officer decision with LUBA. However, in 2003 LUBA ruled that there were significant problems with this procedure. The proposed Code changes address the issues raised by LUBA by allowing the Planning Director to appeal a Hearings Officer decision directly to the Board of County Commissioners. During the review by the Board all policy differences with the Hearings Officer decision are then able to be worked out prior to and outside the State appeal system.

d. It was determined that no regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice). Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Programs web site.

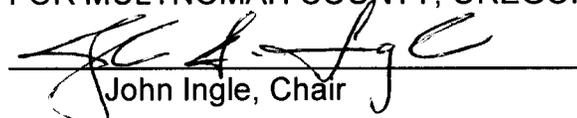
e. The Planning Commission held public hearings on October 4 and November 1, 2004 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapter 37 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 1st day of November, 2004.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair