



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: Feb. 2017)

Board Clerk Use Only

Meeting Date: 4/13/17
Agenda Item #: R.2
Est. Start Time: 10:25 am approx
Date Submitted: 3/31/17

Agenda Title: First Reading and Public Hearing of Ordinance Adopting City of Portland Zoning Code and Comprehensive Plan Elements.

Requested Meeting: April 13, 2017 **Time Needed:** 15 Minutes

Department: Community Services **Division:** Land Use Planning

Contact(s): Michael Cerbone, Planning Director

Phone: 503-988-0218 **Ext.** 80218 **Email:** michael.cerbone@multco.us

Presenters: Michael Cerbone, Multnomah County Planning Director, and Eric Engstrom, City of Portland Principal Planner

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and adopt the proposed Ordinance.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer(s) this action affects and how it impacts the results.

Pursuant to an intergovernmental agreement executed in 2002 (the "IGA"), the City of Portland, Oregon (City), provides, with certain exceptions, land use planning services for those areas of unincorporated Multnomah County located within the City's Urban Services Boundary (the "Unincorporated Urban Areas").

Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County land use policies and regulations to apply applicable City land use policies and regulations, and all subsequent amendments thereto, to the Unincorporated Urban Areas.

Through Ordinance No. 187832 (June 15, 2016), the Portland City Council adopted its 2035 Comprehensive Plan, including the associated Comprehensive Plan Map, as well as amendments to its Transportation System Plan. These legislative actions by the City fell within the scope of the IGA, and through Ordinance No. 1239 (December 8, 2016) the Multnomah County Board adopted these same legislative actions. The most direct impact to the Unincorporated Urban Areas was the re-designation of approximately 140 residential lots to a lower residential density due to, and consistent with, site and infrastructure constraints.

Subsequently, through Ordinance 188177 (December 21, 2016), the Portland City Council updated its Zoning Map and Zoning Code to conform its land use regulations to the 2035 Comprehensive Plan and City Plan Map, including re-zoning the approximately 140 residential lots in the Unincorporated Urban Areas referenced above to a lower residential density. This redesignation is due to, and consistent with, the site and infrastructure constraints associated with these lots and is necessary to conform the City Zone Map to the City Plan Map. City Ordinance No. 188177 also amended City Ordinance No. 187832 by depicting major public trails on the City Plan Map, by making minor and technical amendments to City Comprehensive Plan policy, and by adding additional provisions to the City Transportation System Plan.

3. Explain the fiscal impact (current year and ongoing).

Incorporation of the City's Zoning Map, Zoning Code, and amended 2035 Comprehensive Plan, City Plan Map, and Transportation System Plan into the County zoning code and comprehensive plan has no fiscal impact on the County. The City will incur the cost of preparing and mailing notice of the Board's hearing on this matter and recoups its IGA-related planning services costs through collection of application fees.

4. Explain any legal and/or policy issues involved.

Notice requirements have been satisfied as described in Section 5 below.

Because the City's amended zoning map and code were adopted as a periodic review task rather than as a post-acknowledgement plan amendment, the City's adopting ordinance specified a delayed effective date of January 1, 2018, to provide for review by the Oregon Land Conservation and Development Commission.

Through the IGA, the City and County agreed to coordinate the effective dates of legislative acts; accordingly, the effective date proposed for this ordinance is the relevant effective date specified in City Ordinance No. 188177, January 1, 2018.

Under the IGA, if the Board chooses not to adopt the proposed Ordinance, it would create a conflict on January 1, 2018 between the 2035 Comprehensive Plan Map and existing regulations that allow different or more intense development than allowed by the Plan Map. In such an event, the City may terminate the IGA and the County would resume responsibility for land use planning in the Unincorporated Urban Areas.

5. Explain any citizen and/or other government participation that has or will take place.

Pursuant to State and City notice requirements, as well as the terms of the IGA, the City provided public notice of its pending action on City Ordinance No. 188177 to all affected property owners, including all property owners within the Unincorporated Urban Areas, and provided such property owners an opportunity to be heard at several public hearings culminating with hearings before the City's Planning Commission and the City Council.

The City's Planning Commission considered and recommend the legislative actions proposed in City Ordinance No. 188177 in accordance with the City Planning Commission's public legislative process.

The City Council considered and took the legislative actions set forth in City Ordinance No. 188177 in accordance with the City Council's public legislative process.

In addition, the City has notified the property owners within the Unincorporated Urban

Areas of this hearing before the Board. Further, the Board Clerk has published notice of this public hearing of this ordinance in accordance with state and county notice requirements.

Required Signature

**Elected
Official or
Department
Director:** Karyne Kieta /s/ **Date:** March 31, 2017