

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. \_\_\_\_**

Amending County Land Use Code to Apply Portland Regulations Relating to Tree Preservation, Bulk Fossil Fuel Terminal Restrictions, and an Inclusionary Housing Program to the Unincorporated Urban Areas and Declaring an Emergency.

**The Multnomah County Board of Commissioners Finds:**

- a. Pursuant to an intergovernmental agreement executed in 2002 (the “IGA”) (County Contract #4600002792), 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”).
- b. Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County land use regulations to apply applicable City land use regulations, and all subsequent amendments thereto, to the Unincorporated Urban Areas.
- c. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within the Unincorporated Urban Areas. The Board exempts these areas from the requirements of MCC 37.0710, and instead considers the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by the IGA.
- d. On December 22, 2016, the Board amended County land use codes, plans and maps to adopt the City’s land use codes, plans and map amendments by an ordinance relating to mass shelters and housing zoning code amendments.
- e. Since the adoption of that ordinance, the City Council adopted the regulations set out in Section 1 below and attached as Exhibits 1 through 9. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.
- f. The City notified affected County property owners as required by the IGA.

**Multnomah County Ordains as follows:**

**Section 1.** The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City amendments, attached as Exhibits 1 through 9:

<b>Exhibit No.</b>	<b>Description</b>	<b>Portland Effective Date</b>
1	Ordinance strengthen regulations for tree preservation in development situations ( <b>PDX Ord. #187675</b> )	05/13/16
2	Exhibit A - Chapter 11.50 Trees in Development Situations ( <b>PDX Ord. #187675</b> )	
3	Exhibit B – Amendments to Title 11, Trees, Tree Preservation in Development Situations – Bureau of Planning and Sustainability ( <b>PDX Ord. #187675</b> )	
4	Exhibit C - Amendments to Title 11, Trees, Tree Preservation in Development Situations - Urban Forestry Commission ( <b>PDX Ord. #187675</b> )	
5	Exhibit D – Commissioner Fritz/Saltzman Proposal: Amendments to Title 11, Trees, Chapter 11.50, Trees in Development Situations – Bureau of Development Services ( <b>PDX Ord. #187675</b> )	
6	Ordinance to restrict bulk fossil fuel terminals ( <b>PDX Ord. 188142</b> )	01/14/17
7	Exhibit A – Fossil Fuel Terminal Zoning Amendments as adopted ( <b>PDX Ord. 188142</b> )	
8	Ordinance to provide affordable housing through an Inclusionary Housing program ( <b>PDX Ord. 188162</b> )	02/01/17
9	Exhibit A – Inclusionary Housing Zoning Code Project Report as adopted ( <b>PDX Ord. 188162</b> )	

**Section 2.** In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

**Section 3.** In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

**Section 4.** Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah County Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

**Section 5.** Under section 5.50 of the Charter of Multnomah County, an emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect at the times listed below to best ensure consistency with the City code, plan and map amendments:

The amendments in Ordinance 187675 shall be effective immediately.

The amendments in Ordinance 188142 shall be effective immediately.

The amendments in Ordinance 188162 shall be effective on and after February 1, 2017.

FIRST READING AND ADOPTION: January 19, 2017

BOARD OF COUNTY COMMISSIONERS,  
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:

JENNY M MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Katherine Thomas, Assistant County Attorney

SUBMITTED BY:  
Kim E. Peoples, Director, Department of Community Services

### EXHIBIT LIST FOR ORDINANCE

1	Ordinance strengthen regulations for tree preservation in development situations ( <b>PDX Ord. #187675</b> )	05/13/16
2	Exhibit A - Chapter 11.50 Trees in Development Situations ( <b>PDX Ord. #187675</b> )	05/13/16
3	Exhibit B – Amendments to Title 11, Trees, Tree Preservation in Development Situations – Bureau of Planning and Sustainability ( <b>PDX Ord. #187675</b> )	01/20/16
4	Exhibit C - Amendments to Title 11, Trees, Tree Preservation in Development Situations - Urban Forestry Commission ( <b>PDX Ord. #187675</b> )	01/29/16
5	Exhibit D – Commissioner Fritz/Saltzman Proposal: Amendments to Title 11, Trees, Chapter 11.50, Trees in Development Situations – Bureau of Development Services ( <b>PDX Ord. #187675</b> )	02/18/16
6	Ordinance to restrict bulk fossil fuel terminals ( <b>PDX Ord. 188142</b> )	01/14/17
7	Exhibit A – Fossil Fuel Terminal Zoning Amendments as adopted ( <b>PDX Ord. 188142</b> )	12/14/16
8	Ordinance to provide affordable housing through an Inclusionary Housing program ( <b>PDX Ord. 188162</b> )	02/01/17
9	Exhibit A – Inclusionary Housing Zoning Code Project Report as adopted ( <b>PDX Ord. 188162</b> )	12/21/16

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (<https://multco.us/board>). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.