

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Approving Second Amendment to Intergovernmental Agreement with Portland to Transfer Land Use Planning Responsibilities and Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Code Revision related to Airport Futures City Land Use Plan and Citywide Tree Policy Review and Regulatory Improvement Project in Compliance with Metro's Functional Plan and Declaring an Emergency

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

- a. In 1983, the Board of County Commissioners (Board) adopted Resolution A which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. 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 unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider 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 intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On April 07, 2011, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1177.
- f. Since the adoption of Ordinance 1177, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.
- h. The City Council adopted the land use code, plan and map amendments 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.
- i. City and County agree that it is appropriate to further amend the IGA to address the administration of tree-related regulations that require a development permit, along with other listed regulations such as stormwater review and erosion control.

**Multnomah County Ordains as follows:**

**Section 1.** The Second Amendment to Intergovernmental Agreement to Transfer Land Use Planning Responsibilities between the City of Portland and Multnomah County, a true copy of which is included as part of Exhibit No. 3, listed in Section 2; (more specifically identified as "Exhibit

A" to PDX Ord. #184523) is approved, and the Chair is authorized to execute the said Second Amendment.

**Section 2.** The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 9, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Date
1	Ordinance to adopt and implement the Airport Futures City Land Use Plan and authorize implementing Intergovernmental Agreements related to airport planning. ( <b>PDX Ord. #184521</b> )	04/13/2011
2	Airport Futures City Land Use Plan Summary Report	04/2011
3	Ordinance to amend the Intergovernmental Agreement with Multnomah County to transfer land use planning responsibilities to address the administration of the tree-related regulations that require a development permit. ( <b>PDX Ord. #184523</b> )	04/13/2011
4	Citywide Tree Policy Review and Regulatory Improvement Project Recommended Draft Report to City Council Volume 1.	12/2010
5	Citywide Tree Policy Review and Regulatory Improvement Project Appendices to the Recommended Draft Report to City Council Volume 2.	12/2010
6	Ordinance to amend and consolidate existing tree regulations into new Code Title 11, Trees. ( <b>PDX Ord. #184522</b> )	04/13/2011
7	Citywide Tree Policy Review and Regulatory Improvement Project Draft Title 11, Trees; Amendments to Other City Titles; Multnomah County IGA 2 <sup>nd</sup> Amendment Volume 3.	12/2010
8	Ordinance to encourage integration of quality tree preservation and tree planting in early site design, land divisions, and certain land use reviews; improve consistency and effectiveness of tree regulations in specified overlay zones and plan districts; update definitions and amend the Ladd's Addition Conservation District Guidelines to clarify that planting trees on the Nuisance Plants List is prohibited on City property and City rights-of-ways. ( <b>PDX Ord. #184524</b> )	04/13/2011
9	Citywide Tree Policy Review and Regulatory Improvement Project Amendments to Title 33, Planning and Zoning, and Ladd's Addition Conservation District Guidelines Volume 4.	12/2010

**Section 3.** 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 4.** 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 5.** 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 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 6.** 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 concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: May 12, 2011

BOARD OF COUNTY COMMISSIONERS,  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

REVIEWED:

HENRY H LAZENBY JR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:  
M. Cecilia Johnson, Director, Department of Community Services

**EXHIBIT LIST FOR ORDINANCE**

1. Ordinance to adopt and implement the Airport Futures City Land Use Plan and authorize implementing Intergovernmental Agreements related to airport planning. **(PDX Ord. #184521)**
2. Airport Futures City Land Use Plan Summary Report
3. Ordinance to amend the Intergovernmental Agreement with Multnomah County to transfer land use planning responsibilities to address the administration of the tree-related regulations that require a development permit. **(PDX Ord. #184523)**
4. Citywide Tree Policy Review and Regulatory Improvement Project Recommended Draft Report to City Council Volume 1
5. Citywide Tree Policy Review and Regulatory Improvement Project Appendices to the Recommended Draft Report to City Council Volume 2
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9. Citywide Tree Policy Review and Regulatory Improvement Project Amendments to Title 33, Planning and Zoning, and Ladd's Addition Conservation District Guidelines Volume 4