

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 10-006 and PC 2011-1395

Recommend to the Board of County Commissioners the adoption of an ordinance amending MCC Chapters 33, 34, 35 and 36 by updating the Exclusive Farm Use zoning districts to reflect changes made in State Statute and State Administrative Rules together with related amendments.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code under MCC 34.0140, 35.0140, 36.0140 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. Under the State of Oregon Land Use Planning Program, regulation of land uses on farm land is based in State Statute and Administrative Rules, which Counties then administer. The State Legislature and the Land Conservation and Development Commission (LCDC) amended those statutes and rules to implement HB 3099(2009). LCDC further amended Administrative Rules to bring them into conformance with the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).
- c. The amendments related to HB 3099 in PC 10-006 are needed to make the respective Multnomah County zoning code chapters consistent with implementing state statutes and rules by removing certain uses as allowed in EFU zones, by amending other uses, and by adding schools to the uses subject to community service use provisions. The amendments also incorporate alternative expansion authority for nonconforming uses and revise the conditional use and community service use approval criteria to more closely incorporate farm compatibility standards in state statutes.
- d. The amendments in PC 2011-1395 needed to conform the Multnomah County zoning code to the RLUIPA provisions make all nonfarm uses in the EFU district that involve assembly of persons subject to the same standards. Standards in the state rule that limit design capacity of these uses within 3 miles of the Urban Growth Boundary are incorporated into a new section of the zone district.
- d. These amendments further limit some uses that either exist or are allowable in the EFU district, therefore mailed notice to individual property owners ("Ballot Measure 56" notice) is required. A conforming notice was mailed to all property owners in the EFU district on February 15, 2011. In addition, notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Program web site.
- e. The Planning Commission held public hearings on March 7, April 4, and June 6, 2011 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance, amending MCC Chapters 33, 34, 35 and 36 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 6th day of June, 2011.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair