



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: Feb. 2017)

Board Clerk Use Only

Meeting Date: 11/30/17
Agenda Item #: R.4
Est. Start Time: 10:10 am
Date Submitted: 11/21/17

Agenda Title: Ordinance Amending Ordinance Nos. 1239 and 1245 to suspend their January 1, 2018 effective dates pending acknowledgment of the City of Portland's 2035 Comprehensive Plan and Declaring an Emergency.

Requested Meeting November 30, 2017 **Time Needed:** 5 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

Michael Cerbone, Multnomah County Planning Director, and

Presenters: *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 by emergency.

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.

As part of the IGA, the County agreed to coordinate the effective dates of its amendments incorporating City land use policies and regulations with the effective dates of relevant code amendments adopted by the City. The City has scheduled a hearing on November 29, 2017 to delay the effective dates of two of its ordinances (City of Portland Ordinances 188177 and 187832), pending state approval of those ordinances. Because that state approval process is ongoing, and it is unclear when the process will be complete, this Ordinance amends the County's two companion ordinances to suspend the effective dates until the state approval process is complete. At that time, the Board will be asked to take action to align the effective dates of the ordinances with the effective dates used by the City.

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

There would be no fiscal impacts.

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

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

The following items were adopted by the two City ordinances: a new *2035 Comprehensive Plan*, a new plan map, a new list of significant projects, a new *Transportation System Plan*, an amended zoning map, and an amended zoning code. Because these items were adopted as part of a process called “periodic review,” each of the City’s two adopting ordinances specified a delayed effective date of January 1, 2018 to allow time for a required state review and approval process, known as “acknowledgment.” Pursuant to the IGA, the County adopted these same items by two ordinances, each with the coordinated effective date of January 1, 2018.

Currently, the state review process, which includes the opportunity for appeals, is ongoing. The earliest expected acknowledgement date is May 23, 2018, but the exact date is unknown and could be later.

ORS 197.175 requires that land use decisions and limited land use decisions made under an effective, but unacknowledged plan, or implementing measure make finding of compliance with the Statewide Planning Goals. Acknowledgement provides relief from this findings requirement.

Given the ongoing state review process, the City is planning on extending the effective dates of its ordinances from January 1, 2018 to May 23, 2018 to avoid the uncertainties and complications of making land use decisions under effective, but unacknowledged, plans and land use regulations. Because the exact date of acknowledgment is unknown, this Ordinance suspends the effective dates of the corresponding County ordinances while the review process is ongoing.

If the Board chooses not to adopt the proposed Ordinance, there would be a conflict on January 1, 2018 because new City plans and land use regulations would become effective within the Unincorporated Urban Pockets before they become effective within the City. 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 City and state notice requirements, as well as the terms of the IGA, the Clerk of the Portland City Council will publish notice of the public hearing on the corresponding Portland Ordinance scheduled for hearing on November 29, 2017.

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

Required Signature

**Elected
Official or
Department
Director:**

Kim Peoples /s/

Date:

November 21, 2017