

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 970

Amending the County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and Zoning Code Chapters to Adopt Portland's Recent Code and Comprehensive Plan Revisions In Compliance With Metro's Functional Plan, and Declaring an Emergency

(Struckthrough language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Board adopted Resolution A in 1983 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 amended the Urban Planning Area Agreement to include an agreement that the City of Portland 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. On October 11, 2001 by Ordinance 967, the Board amended the County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, And Zoning Code Chapters to adopt Portland's zoning code, comprehensive and community plans in compliance with Metro's Functional Plan.
- e. The Portland Planning Commission recommended the attached Zoning Code and Comprehensive Plan amendments to the City Council through public hearings on the dates as follows:
 1. Code Maintenance 2001: August 14, 2001
 2. Guilds Lake Industrial Sanctuary Plan: September 25, 2001
 3. Southwest Community Plan: July 7, 2001
 4. Zoning Code amendments relating to the transfer of administration from the County to the City for unincorporated urban areas within Portland's Urban Services Boundary: October 9, 2001
- f. It is impracticable to have the Multnomah County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within the unincorporated areas inside the Urban Growth Boundary for which urban planning and permitting services are being transferred to the City of Portland. 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 when legislative matters for these areas are brought before the Board for action.

- g. The Portland City Council adopted the attached Zoning Code and Comprehensive Plan amendments, set out in Section 1 below and attached as exhibits 1-5, through public hearings on the dates as follows:
 - 1. Code Maintenance 2001: October 26, 2001
 - 2. Guilds Lake Industrial Sanctuary Plan: November 21, 2001
 - 3. Southwest Community Plan: November 21, 2001
 - 4. Zoning Code amendments relating to the transfer of administration from the County to the City for unincorporated urban areas within Portland's Urban Services Boundary: November 28, 2001 (first reading)
 - 5. City Code Titles 17.38.060, 24.50 and 24.70
- h. City Code Titles 17.38.060, 24.50 and 24.70 are not a part of the Portland Zoning Code, and are not required to go through the legislative process required in MCC 37.0710 and are adopted by the Board through this ordinance.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and Zoning Code Chapters are amended to include:

- 1. Code Maintenance 2001
- 2. Guilds Lake Industrial Sanctuary Plan
- 3. Southwest Community Plan
- 4. Zoning Code amendments relating to the transfer of administration from the County to the City for unincorporated urban areas within Portland's Urban Services Boundary
- 5. City Code Titles 17.38.060, 24.50 and 24.70

Section 2. MCC Chapter 11.10, §11.10.350 is amended as follows:

11.10.350 Replacement of portions of Community Plans with City of Portland Comprehensive Plans, Zoning Maps, and Codes.

(A) As of January 1, 2002, the County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

(1) City of Portland Zoning Code, titles 10, 17.38.060, 24.50, 24.70, 32, 33 and 34, to include the 'Code Maintenance 2001' update effective September 7, 2001 and the additional 'Code Maintenance 2001' update as attached

(2) City of Portland Zoning Code amendments relating to the transfer of administration from the County to the City for unincorporated urban areas within Portland's Urban Services Boundary

(23) The Portland Comprehensive Plan

(4) The Portland Comprehensive Plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)

(45) The Outer SE and SW Community Plans

(6) The Guilds Lake Industrial Sanctuary Plan

(57) The proposed Metro Design Type Boundary Maps

(68) The proposed County-City Street Classification Conversion Chart

(79) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Portland Urban Services Boundary are repealed and replaced by the respective City of Portland Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Portland Zoning Code titles 10, 17.38.060, 24.50, 24.70, 32, 33 and 34 and maps adopted by reference in those Ordinances.

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

the 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 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 Multnomah County Board of County Commissioners acknowledge, authorize and agree that the City of 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 Multnomah County Board of County Commissioners shall consider the recommendations of the Portland Planning Commission when legislative matters for the County unincorporated areas are before the Board for action.

Section 6. These changes are adopted by emergency in order to be effective with the transfer of urban planning service to the City of Portland on January 1, 2002 and to make the County codes concurrent with City Codes in effect on that date.

Section 7. This ordinance is effective January 1, 2002.

FIRST READING: December 13, 2001

SECOND READING AND ADOPTION: December 20, 2001



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn

Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By Sandra N. Duffy
Sandra N. Duffy, Deputy County Attorney