

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1071

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption and Implementation of the Division Green Street / Main Street Plan in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (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 (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 February 9, 2006, 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 1069.
- f. Since the adoption of Ordinance 1069, 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 5. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

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 land use code, plan and map amendments, attached as Exhibits 1 through 5, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance adopting and implementing the Division Green Street / Main Street Plan; Comprehensive Plan and Title 33. (PDX Ord. #179925)	3/17/06
2	Exhibit A – Division Green Street / Main Street Plan	11/ 2005
3	Exhibit B – Division Green Street / Main Street Plan Technical Appendix	7/2005
4	Exhibit C – Division Green Street / Main Street Plan Findings Report	11/2005
5	Exhibit D – Division Green Street / Main Street Plan Regulatory Impact Assessment	11/2005

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 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. 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: March 16, 2006



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

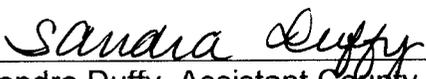
By _____
Sandra Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting and implementing the Division Green Street / Main Street Plan; Comprehensive Plan and Title 33. **(PDX Ord. #179925)**
2. Exhibit A – Division Green Street / Main Street Plan
3. Exhibit B – Division Green Street / Main Street Plan Technical Appendix
4. Exhibit C – Division Green Street / Main Street Plan Findings Report
5. Exhibit D – Division Green Street / Main Street Plan Regulatory Impact Assessment

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). 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.

179925

ORDINANCE No. As Amended

Adopt and implement the Division Green Street/Main Street Plan (Ordinance; amend Comprehensive Plan and Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

1. Portland's *Comprehensive Plan* was adopted on October 16, 1980, acknowledged for compliance with Statewide Planning Goals on May 3, 1981, and again on January 25, 2000, and updated as a result of periodic review in June 1988, January 1991, March 1991, September 1992, and May 1995.
2. Oregon Revised Statute (ORS) 197.628 requires cities and counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up-to-date and in compliance with Statewide Planning Goals and State laws. Portland is also required to coordinate its review and update of the *Comprehensive Plan* and land use regulations with State plans and programs.
3. Portland *Comprehensive Plan* Goal 10, Plan Review and Administration, states that the *Comprehensive Plan* will undergo periodic review to ensure that it remains an up-to-date and workable framework for land use development.
4. Portland *Comprehensive Plan* Policy 10.2, Comprehensive Plan Map Review, establishes a community and neighborhood planning process for the review and update of the Portland Comprehensive Plan Map.
5. Portland *Comprehensive Plan* Goal 3, Neighborhoods, calls for preserving and reinforcing the stability, diversity, residential quality, and economic vitality of the City's neighborhoods, while allowing for increased density.
6. Neighborhood and area plans serve as components of the *Comprehensive Plan* and are intended to promote patterns of land use, urban design, infrastructure facilities and services that encourage and contribute to the economic, social, and physical health, welfare, and safety of the neighborhood and the city.
7. The area plan is an advisory document for directing and managing change over time. The adopted goals, objectives, and implementation strategies of the *Division Green Street/Main Street Plan* will serve as an official guide to decision-making, public deliberation, and investments.
8. Information used for the formulation of the goals and policies of the *Division Green Street/Main Street Plan* was based on Portland land use, transportation, and urban design inventories, as well as transportation analyses, public comments from workshop and open house events, and other meetings, presentations and events.
9. The Bureau of Planning developed the *Division Green Street/Main Street Plan* with participation from interested neighborhood and business associations, property owners,

- business persons, and citizens with cooperation from other City bureaus and agencies, Metro, and Multnomah County.
10. Public involvement and outreach activities included neighborhood walks, community workshops, and consultation with citizen and technical advisory groups. Staff also attended numerous neighborhood, business, and industrial association meetings.
 11. A Community Working Group, composed of neighborhood, business, industrial, and advocacy groups, community members and business owners, was created to collaborate on the creation of the *Division Green Street/Main Street Plan*. The group's role was to consider the diverse interests of the community and represent a range of perspectives on planning issues.
 12. A technical advisory group (TAG) composed of representatives from public service providers, city agencies, and other governments and organizations participated in the creation and review of components and drafts of the *Division Green Street/Main Street Plan* throughout its formulation.
 13. *Division Green Street/Main Street Plan* provisions implement or are consistent with the Statewide Planning Goals, the Oregon Transportation Planning Rule, the Region 2040 Plan, the Metro Urban Growth Management Functional Plan, and the Portland Comprehensive Plan, as explained in the *Recommended Division Green Street/Main Street Plan: Findings Report* attached as Exhibit C and incorporated as part of this ordinance. These rules, policies, plans, provide a basis for integrating new residential activities into the study area.
 14. The Notice of Proposed Action and copies of the *Division Green Street/Main Street Plan* were mailed to the Oregon Department of Land Conservation and Development as required by ORS 197.610 on August 4, 2005.
 15. Written notice of the September 27, 2005, Portland Planning Commission public hearing on the *Proposed Division Green Street/Main Street Plan* was mailed to 288 interested parties on August 22, 2005. Measure 56 notification of the September 27, 2005, Portland Planning Commission public hearing on the *Proposed Division Green Street/Main Street Plan* was mailed to all property owners affected by changes to the base zone or allowed uses of property on August 17, September 15, and October 14, 2005.
 16. On September 27, 2005, the Portland Planning Commission held a public hearing on the *Proposed Division Green Street/Main Street Plan*. The Planning Commission discussed the Plan at public meetings on November 8, 2005, and recommended that City Council adopt the *Recommended Division Green Street/Main Street Plan*.
 17. Written notice of the December 7, 2005 City Council public hearing on the *Recommended Division Green Street/Main Street Plan* was mailed to all properties in the study area, the legislative mailing list, the Planning Commission, and other interested individuals on November 16, 2005.
 18. The Goals, Objectives, and Implementation Strategies of the *Division Green Street/Main Street Plan* will serve as an official guide to public and private decision-making and investment in the plan area.

19. It is in the public interest that the recommendations contained in the *Division Green Street/Main Street Plan* be adopted to direct change in the study area. These recommendations are consistent with Statewide Planning Goals, Metro's Functional Plan and the City's Comprehensive Plan for the reasons stated in the findings in Exhibit C.

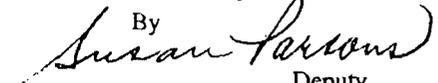
NOW, THEREFORE, the Council directs:

- a. The Planning Commission *Recommended Division Green Street/Main Street Plan*, dated November 2005, and contained in the attached Exhibit A, is hereby adopted.
- b. Portland's *Comprehensive Plan* is amended, as shown in Exhibit A.
- c. The Portland *Comprehensive Plan* Map and the Zoning Map of the City of Portland are amended, as shown in Exhibit A.
- d. *Title 33, Planning and Zoning* of the Code of the City of Portland, Oregon, is amended as shown in Exhibit A.
- e. The commentary in Exhibit A is adopted as legislative intent and as further findings.
- f. Ordinance 177028 is amended to change the Street Design classification for SE Division between SE 19th and SE 33rd from Community Corridor to Community Main Street.
- g. Exhibit B, *Division Green Street/Main Street Plan: Technical Appendix*, dated July 2005, which contains background material for the *Division Green Street/Main Street Plan*, is adopted.
- h. Exhibit C, *Division Green Street/Main Street Plan: Findings Report*, dated November 2005, which contains findings on applicable statewide planning goals, the transportation planning rule, the Metro functional plans, and Portland *Comprehensive Plan*, is adopted as findings of fact.
- i. Exhibit D, *Division Green Street/Main Street Plan: Regulatory Impact Assessment*, November 2005, is adopted.

Passed by the Council, FEB 15 2006

Mayor Tom Potter
J. Sugnet
November 23, 2005

GARY BLACKMER
Auditor of the City of Portland

By

Deputy