

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1159

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Code Revision to Strengthen Invasive Plant Management in Compliance with Metro's Functional Plan

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 March 4, 2010 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 1157.
- f. Since the adoption of Ordinance 1157, 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 *Invasive Plant Policy Review and Regulatory Improvement Project report* and code amendments set out in Section 1 below and attached as Exhibits 1 & 2. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.
- i. This matter was noticed on the April 1, 2010, Board Meeting Agenda.
- j. City Code Title 29 is not part of the Portland Zoning Code and is not required to go through the legislative process required in MCC 37.0710 and is adopted by the Board through this ordinance.
- k. The City Council has authorized the *Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants* between the City of Portland and Multnomah County as shown in Appendix F of Planning Commission Recommended Report to City Council.

Multnomah County Ordains as follows:

Section 1. The County code is amended to include the City code amendments, attached as Exhibits 1-3, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Date
1	Ordinance to strengthen invasive plant management (PDX Ord. #183534) (effective July 1, 2010, except Section 33.430.140.L and Section 33.465.150.G that are effective July 1, 2011)	2/10/2010
2	<i>Invasive Plant Policy Review and Regulatory Improvement Project: Planning Commission Recommended Report to City Council (Recommended Report)</i>	1/15/20109

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

(3) 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)

(5) The Outer SE and SW Community Plans

(6) The Guilds Lake Industrial Sanctuary Plan

(7) The proposed Metro Design Type Boundary Maps

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

(9) 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.

(D) As of July 1, 2010, the Multnomah County Code is amended to include City of Portland Code Title 29, Property Maintenance Regulations.

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. The County Chair is authorized and directed to sign the *Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants* in a form substantially as set forth in Appendix F of the Recommended Report (Exhibit 2).

FIRST READING: _____ April 1, 2010

SECOND READING AND ADOPTION: _____ April 8, 2010

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

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

EXHIBIT LIST FOR ORDINANCE

1. Ordinance to strengthen invasive plant management (**PDX Ord. #183534**) (effective July 1, 2010, except Section 33.430.140.L and Section 33.465.150.G that are effective July 1, 2011)
2. *Invasive Plant Policy Review and Regulatory Improvement Project: Planning Commission Recommended Report to City Council (January 15, 2010)*

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.