

**MULTNOMAH COUNTY**

LAND USE AND TRANSPORTATION PROGRAM  
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**MEMORANDUM**

November 16, 2011

To: Multnomah County Planning Commission

From: Chuck Beasley, Senior Planner

Subject: Hearing to Amend Resolution PC 2011-1400

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Staff has placed this hearing on the Planning Commission agenda because not all of the recommended zoning code text amendments were included Ordinance No. 1187 heard by the Board on November 10 and 17, 2011. Approval of the proposed amendment will result in consistency between the text amendments recommended by the Planning Commission to the Board, and the adopted ordinance text. It will also provide a record of how the change occurred. Staff recommends that the Commission adopt the attached Resolution to effect this change.

On the advice of the County Attorney's office, we did not proceed with this recommendation because of a conflict with this amendment. The amendment would limit the application of the access section below to the creation of "new" lots and parcels. However, the property line adjustment (PLA) provisions reference this access section (see e.g., MCC 33.2860 (B)(1)(b)); yet, property reconfigured through PLA does not constitute a "new" lot or parcel. Thus, the proposed insertion of the term "new" would render the reference to this access section in PLA provisions meaningless because an access section applicable only to "new" lots or parcels could never apply to a PLA reconfiguration.

Amendment of the PC resolution is appropriate because the land use code sets forth a legislative scheme whereby PC recommendations must be brought before the Board. Therefore, the existing PC resolution must be amended in order to terminate the existing obligation to bring before the Board the proposed insertion of "new" into MCC 34.2885 (and analogous provisions).

The proposed change is to strike "new" and make no other changes as indicated below:

CFU-2: MCC 33.2273 ACCESS [The same changes are proposed for § 33.2073, § 33.2473, § 33.2885, § 33.3185, § 34.2690, 34.2885, § 34.3185, § 34.3385, § 35.2690, § 35.2073, § 35.2273, 35.2885, § 35.3185, § 35.3385, § 36.2073, § 36.2690, § 36.2885, § 36.3185, § 36.3385, § 36.3485, § 36.3585.]

All new lots and parcels in this district shall abut a public street; or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a, except as provided for Lots of Record atdescribed in MCC 33.2275(C).

Below is the zoning code text referenced as MCC 33.2860(B)(1)(b) above:

**§ 33.2860 Lots of Exception and Property Line Adjustments**

\* \* \*

**(B) Property Line Adjustment**

Pursuant to the applicable provisions in MCC 33.7790, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.2885 are met after the relocation of the common property line; and

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BEFORE THE PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON

**AMENDED RESOLUTION NO. PC 2011-1400**

Recommend, as amended, to the Board of Commissioners the adoption of an ordinance amending MCC Chapters 33 through 38 and Chapter 11.15 relating to Significant Environmental Concern for wildlife habitat, Code Compliance and Applications, Access, and requirements for campgrounds.

**The Planning Commission Finds:**

- a. The Planning Commission adopted Resolution No. PC 2011-1400 on September 12, 2011. As part of that resolution, the Planning Commission recommended amendment of MCC 34.2885, and any analogous or related provisions in the Code as applicable, to insert the term “new.”
- b. Having now been apprised by County planning staff of an unintended conflict that would arise from insertion of the term “new” as described above, the Planning Commission desires to terminate its recommendation of that amendment.
- c. Termination of the prior recommendation described above is necessary because procedures set forth in the Code would otherwise require that the prior recommendation be brought before the Multnomah County Board of Commissioners.
- d. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required (“Ballot Measure 56 notice”). Notice of the Planning Commission hearing was published in the Oregonian newspaper and on the Land Use Planning Program internet pages. The Planning Commission held a public hearing on December 5, 2011 where all interested persons were given an opportunity to appear and be heard.

**The Planning Commission Resolves:**

1. Resolution No. PC 2011-1400 adopted on September 12, 2011, is amended to terminate the recommendation of amending MCC 34.2885, and any analogous or related provisions in the Code as applicable, to insert the term “new.”
2. Resolution No. PC 2011-1400 adopted on September 12, 2011, continues in effect, except as amended herein.

ADOPTED this 5th day of December, 2011.

PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON

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John Ingle, Chair