BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1001

Adopting the West of Sandy River Rural Area Transportation and Land Use Plan and Wildlife Habitat and Stream Corridor ESEE Report as Part of the Multnomah County Comprehensive Framework Plan, Zoning Code Chapter 36 as Part of the Multnomah County Code of Ordinances Volume II: Land Use, and Zoning Map Amendments in Continuation of the County Rural Area Planning Program and the Reorganization Efforts of Ordinance Nos. 910 and 953 to Revise, Amend, Restate, Codify and Repeal Certain Existing Code Provisions, and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

a. Chapter 11.05 Planning Authority was adopted by Ordinance 133 on October 19, 1976 [and as subsequently amended].

b. Chapter 11.10 Comprehensive Plan was adopted by Ordinance 147 on September 6, 1977 [and as subsequently amended].

c. Chapter 11.12 Annexation Policy was adopted by Ordinance 163 on May 11, 1978 [and as subsequently amended].

d. Chapter 11.15 Zoning Regulations. Multnomah County first adopted zoning regulations on May 26, 1953, on an interim basis. A permanent ordinance was enacted for the North-Central portion of the County on April 19, 1955, and successive geographic areas were added until the entire unincorporated County had permanent zoning on December 11, 1958. (Interim regulations, adopted August 15, 1955, applied to those areas awaiting permanent zoning). On November 15, 1962, the permanent zoning ordinance was re-enacted for the entire unincorporated County as Ordinance No. 100. Ordinance No. 100 underwent several amendments over the years, the last of which was its codification as Chapter 11.15 of the Multnomah County Code on March 23, 1982 through Ordinance No. 300. Since that date, Chapter 11.15 has undergone amendments, in which various sections and subsections have been added, repealed, modified, or renumbered.

e. Chapter 11.45 Land Division was adopted by Ordinance 174 on September 19, 1978 [and as subsequently amended].

f. 1990 Code. The last periodic comprehensive review of code provisions related to zoning and land use occurred in 1990 (1990 Code). On February 2, 1990, Ordinances 641, 642 and 643 were adopted amending MCC Chapters 11.05, 11.45 and 11.15 respectively, to comply with the periodic review requirements of the Oregon Department of Land Conservation and Development.

g. Ordinance No. 910 adopted on June 25, 1998, enacted a revision of Multnomah County Codes and Ordinances that established a Volume I: General Code and set up the framework for a future Volume II: Land Use within a renumbered and reformatted Code of Ordinances. The extensive organization and numbering changes that were necessary to adapt the existing land use code chapters into a new Volume II prompted the initiation of a proposal to further reorganize
Volume II into a format that recognized and further implemented the Rural Plan Area Planning Program.

h. Ordinance No. 953 adopting Volume II: Land Use on November 30, 2000, in consideration of the Rural Area Planning Program, contains separate Zoning Ordinances for each of the recognized Rural Area Plans: Chapter 33 West Hills; Chapter 34 Sauvie Island / Multnomah Channel; Chapter 35 East of Sandy River; Chapter 38 Columbia River Gorge National Scenic Area; and provides for Chapter 36 West of Sandy River.

i. This ordinance adopts the new Chapter 36 West of Sandy River Rural Area Plan that replaces Chapter 11.15 for the West of Sandy River area in continuation of this Zoning Code reorganization effort.

j. For the remaining time that Multnomah County has jurisdictional planning responsibility for a few discrete unincorporated urban areas within the Urban Growth Boundary MCC 11.05 Planning Authority, 11.10 Comprehensive Plan, 11.12 Annexation Policy, 11.15 Zoning Ordinance and 11.45 Land Division (all 1990 Code) will continue to be applicable to those areas only.

The Multnomah County Board of Commissioners Ordains as Follows:

Section 1. The West of Sandy River Rural Area Transportation and Land Use Plan attached as Exhibit A., which contains the Transportation System Plan for the area and land use policies is adopted as a portion of the Multnomah County Comprehensive Framework Plan.

Section 2. The Wildlife Habitat and Stream Corridor ESEE Report attached as Exhibit B., which contains the inventory of wildlife resources in the plan area, the analysis of the potential impacts to those resources from development, and that supports the decision to limit conflicting uses, is adopted into the Multnomah County Comprehensive Framework Plan.

Section 3. Chapter 36, West of Sandy River Rural Plan Area of the Multnomah County, Oregon Code of Ordinances, Volume II: Land Use attached as Exhibit C, is enacted as the general and permanent land use law of Multnomah County applicable to the geographic area of that rural area plan.

Section 4. The following Sectional Zoning Maps are amended to apply the SEC overlay zone in order to protect the significant riparian corridors and wildlife habitat as described in the ESEE Report, and as shown on Map 1 therein, and as shown on the Significant Environmental Concern Overlay Zone Map in Exhibit D: 543, 544 & 545, 586, 592, 597 & 598, 603 & 604, 610, 624 – 628, 630 – 634, 651, 667 – 674, 679, 683 – 686, 688 – 691, 692 – 699, 700 & 701, and 703 – 717.

Section 5. The following Sectional Zoning Maps are amended by replacing the RC designation with the designations of OR and OCI in the Orient community, and PH-RC in the Pleasant Home community as shown on the zoning map attached as Exhibit E: 628, and 703 – 709.

Section 6. Except as provided in Section 7, all prior ordinances and codes relating to land use in the West of Sandy River Rural Plan geographic area are repealed from the effective date of this ordinance, except as they are included and reenacted in whole or in part in this Code. This repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance. This repeal shall not affect any other ordinance of special nature or pertaining to subject not contained in or covered by the Code.
Section 7. Until repealed, replaced, or superceded by subsequent code chapter provisions adopted after this ordinance, the existing Multnomah County Land Use Ordinances, also known as 1990 Code Chapters 11.05 Planning Authority, 11.10 Comprehensive Plan, 11.12 Annexation Policy, 11.15 Zoning Ordinance, and 11.45 Land Division shall remain in effect except Chapter 37 shall apply for all properties within the unincorporated area of Multnomah County within the Urban Growth Boundary, for all Columbia River Islands within the planning jurisdiction of Multnomah County that are outside the Columbia River Gorge National Scenic Area.

Section 8. The Code shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations contained therein, and of the date of enactment. The Code also shall be presumptive evidence that it has been properly enacted, signed, attested and published, and that all public notices and hearings requirements have been met.

Section 9. Time extension for submittal of applications for Design Review, Hillside Development Permits, and Grading and Erosion Control Permits for certain Type II and III decisions. A time extension until January 1, 2004 shall be allowed for submitting applications for Design Review, Hillside Development Permits, and Erosion Control Permits under the applicable provisions of MCC 11.15 and MCC 29.300. Those applications shall be “follow-up applications” to developments already approved as Type II or III decisions in which application for the development was submitted prior to January 1, 2003 and the approval has not expired under the provisions of MCC 37.0690, 37.0700, or 37.0750.

Section 10. An emergency is declared in order to comply with the intergovernmental agreement with Metro to be in compliance with the 2040 Plan by December 31, 2002. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect on January 1, 2003.

FIRST READING: October 24, 2002
SECOND READING: October 31, 2002
THIRD READING: December 5, 2002
FOURTH READING AND ADOPTION: December 12, 2002

BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY FOR MULTNOMAH COUNTY, OREGON

By ________________________________
Sandra N. Duffy, Assistant County Attorney

Page 3 of 4 – Ordinance No. 1001 Adopting the West of Sandy River Rural Area Transportation and Land Use Plan
EXHIBIT LIST FOR ORDINANCE

Exhibit A. The West of Sandy River Rural Area Transportation and Land Use Plan and Transportation System Plan.

Exhibit B. The Wildlife Habitat and Stream Corridor ESEE Report.

Exhibit C. Chapter 36 on the Multnomah County Code of Ordinances.

Exhibit D. Significant Environmental Concern Overlay Zone Map.

Exhibit E. Orient and Pleasant Home Zone Map.

This information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda web site (http://www.co.multnomah.or.us/cc/index.html) under Adopted County Documents, Ordinance No. 1001, or may be purchased on CD-Rom from the Land Use and Transportation Program. Please contact the Board Clerk at 503.988-3277 or the Planning Program at 503.988.3043 for further information.