

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1320

Amending Multnomah County's Zoning Map and Zoning Code to Incorporate Amendments to the City of Portland's Zoning Map and Planning and Zoning Code Implementing the City's Floodplain Resilience Plan.

The Multnomah County Board of Commissioners Finds:

- a. Pursuant to an intergovernmental agreement executed in 2002 (the "IGA"), the City of Portland, Oregon ("City"), provides Multnomah County, with certain exceptions, land use planning services for those areas of unincorporated Multnomah County located within the City's Urban Services Boundary (the "Unincorporated Urban Areas").
- b. Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County zoning maps, land use policies and regulations as they relate to the Unincorporated Urban Areas to incorporate applicable zoning maps, City land use policies and regulations, and all subsequent amendments thereto.
- c. On October 11, 2023, Portland City Council voted to adopt City Ordinance No.191477, set to take effect in part on March 1, 2024 (City Directives A, B, C and E) and in part on October 1, 2024 (City Directives D and F). The Ordinance adopts the City Floodplain Resilience Plan which intends to reduce the impacts of future flooding and prevent the degradation of floodplain habitat for endangered and threatened fish species, bring City regulations into compliance with federal regulations, and advance City climate resiliency goals.
- d. City Ordinance No.191477 includes different proposals depending on the location within the City's jurisdiction. Amendments applicable to the Unincorporated Urban Areas are summarized below.

(Willamette River South Reach - Riverdale/Dunthorpe)

- The Ordinance updates the boundaries of the existing riparian buffer area and River Environmental overlay zone to include the areas identified in the Modeled 1996 Willamette River Flood Extent and FEMA 100-year Floodplain.
- The Ordinance removes the River Environmental overlay zone from developed floodplains greater than 100 feet from the top of bank and or landward of the riparian buffer area.

(Johnson Creek Floodplain)

- The Ordinance updates City Title 33.430, Environmental Zones, to limit (in some cases) when a tree can be removed through an exemption and establishes a requirement that at least three trees are planted whenever a tree is removed in the floodplain. These changes only apply to properties currently located in the Environmental Conservation or Environmental Protection overlay zone and no overlays zones were expanded in this area as a part of this project.
- e. The City has requested that the County amend the County's Zoning Map and Zoning Code to incorporate the changes implemented in City Ordinance No.191477.
- f. Pursuant to State and City notice requirements, as well as the terms of the IGA, the City provided public notice of City Ordinance No.191477. The City provided an opportunity for the public to be heard at public hearings, culminating with hearings before the City's Planning and Sustainability Commission and the City Council.
- g. City Ordinance No.191477 is attached as Exhibit 1. All supporting legislative documentation to City Ordinance No.191477 is adopted by reference as legislative findings in support of this County Ordinance. The full legislative record for City Ordinance No.191477 is maintained by the City of Portland and can be provided upon request by the City, pursuant to any relevant laws or procedures related to public record requests in effect at the time of request. At the time this County Ordinance was adopted, a digital copy of the legislative record was made available to the general public by the City of Portland at the following online address:

<https://efiles.portlandoregon.gov/Record/14762263>

Multnomah County Ordains as Follows:

Section 1. Multnomah County's Zoning Map and Zoning Code is amended to incorporate the amendments in City of Portland Ordinance No.191477 attached hereto as Exhibit 1 and, as necessary, Multnomah County incorporates by reference any related amendments and supporting documentation within the legislative record associated with City of Portland Ordinance No.191477.

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 dates of this Ordinance and that is made complete prior to the applicable effective dates 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 dates 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 Legislative Hearing Process requirements of MCC 39.1210. The Board acknowledges, authorizes and agrees that the Portland Planning and Sustainability Commission will act instead of the Multnomah County Planning Commission for the Unincorporated Urban Areas by employing the City's own legislative procedures, including providing notice to, and facilitating participation from, property owners within Unincorporated Urban Areas. The Board will consider the recommendations of the Portland Planning and Sustainability Commission and City Council when legislative land use matters for the Unincorporated Urban Areas come before the Board for action.

Section 5. Ordinance No.191477 described in Section 1 of this Ordinance will take effect within the Unincorporated Urban Areas on March 1, 2024.

FIRST READING: December 14, 2023

SECOND READING AND ADOPTION: January 4, 2024

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Jessica Vega Pederson

Jessica Vega Pederson, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *D. N. Blankfeld*
David N. Blankfeld, Senior Assistant County Attorney

SUBMITTED BY: Margi Bradway, Director, Department of Community Services.