



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 08/02/10)

Board Clerk Use Only

Meeting Date:	<u>3/3/11</u>
Agenda Item	<u>R-1</u>
Est. Start	<u>9:30 am</u>
Date	<u>2/8/11</u>

Agenda Title: Public Hearing and Second Reading of an Ordinance Amending MCC Chapters 33-36 Relating to Variances and Adjustments and Alternative Energy Systems; and Housekeeping Amendments to MCC Chapters 11.15, 11.45 and 33-38 to Update the Zoning Code

Requested Meeting:	<u>February 24, 2011</u>	Amount of Time:	<u>10 minutes</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use Planning</u>
Contact(s):	<u>Don Kienholz</u>		
Phone:	<u>503-988-3043</u>	Ext.:	<u>29270</u>
Presenter Name(s) & Title(s):	<u>Don Kienholz, Planner</u>		
I/O Address:	<u>455/1/116</u>		

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and approve the proposed amendments to the Multnomah County Zoning Code Chapters 11.15, 11.45, and 33 through 38. These amendments have been recommended to the Board for approval by the Planning Commission.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Land Use Planning (LUP) continuously updates its codes to be consistent with statutory requirements, improve process, and to clarify existing code language. The proposed amendments in Section I of the ordinance to the zoning code clarify when relief to certain dimensional standards may be sought through an Adjustment or Variance when the property contains environmental overlay zones. Current code contains ambiguous language that can be interpreted to mean no Adjustments or Variances are allowed if certain overlay districts are on a property, contrary to the environmental and Adjustment and Variance code intent.

Sections 2 through 10 amend the code to include limited Alternative Energy Production Systems as accessory to uses permitted in the zoning districts. The limited systems include solar, photovoltaic and wind turbine systems that are under an installed 12kw rating. The amendments allow such systems outright when accessory to a primary use in the zone. Currently, the County does not have any code language that specifically calls out such uses and so landowners do not have a clear path to approval. This amendment will correct that.

Sections 11 through 19 are housekeeping amendments to correct the definition of development, update provisions that require stream and flood related areas to be shown on final land division documents, and consolidate and simplify provisions for permit expiration and extensions in MCC Chapter 37. The changes to permit expiration and extension provisions in MCC Chapter 38 are limited to renumbering two sections to group these related rules together in the code.

3. Explain the fiscal impact (current year and ongoing).

No known fiscal impact.

4. Explain any legal and/or policy issues involved.

The proposed amendments update County code to provide clarity for applicants and home owners on when adjustments and variances may be applied. Additionally, the proposed Alternative Energy amendments support the Board's values and vision of encouraging and providing flexible options for private renewable alternative energy sources for home owners. Lastly, portions update language to ensure compliance with state statute on final plats and other housekeeping measures.

5. Explain any citizen and/or other government participation that has or will take place.

All items included in the amendments had both a public work session and public hearing held prior to adoption. These meetings provided the public with access to the proposed language and the deliberations of the Planning Commission as well as opportunities to participate and provide input to staff. As a result of the public process, the Planning Commission heard constructive public testimony on the accessory alternative energy production ordinance. Staff also worked with the Columbia River Gorge Commission to ensure consistency of the new amendments with the Management Plan.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date:

2/8/11