

Memorandum

December 21, 2015

To: Community Advisory Committee
From: Kevin Cook, Multnomah County Planner
Re: Parking Lot Items 23 and 28

OVERVIEW

23	Appropriateness of the conditional uses (all uses) now allowed in Rural Residential and MUA-20 zones.
28	There should be a general policy requiring a CUP approval criterion about conformance with the goals of the Climate Action Plan. Where would it go in the Plan?

23. APPROPRIATENESS OF USES IN THE ZONING CODE:

This concern was raised in September during a CAC discussion of particular uses mentioned in the introductory narrative to the Rural Residential land use category. During the discussion it was suggested that various allowed, review, or conditional uses listed in the Zoning Code may no longer align with current state rules and statutes and that an audit of listed uses in the code should occur as part of the Comprehensive Plan update.

Staff has discussed the issue and decided that such an audit would be appropriate as part of the Zoning Code reorganization process, which is a separate process from the Comprehensive Plan update. As part of the Zoning Code update, staff will compare listed uses against state law in consultation with Dept. of Land Conservation and Development staff and will propose code amendments as appropriate, which will in turn be considered by the Planning Commission.

28. CONDITIONAL USE APPROVALS AND THE CLIMATE ACTION PLAN:

A few members on the Transportation and Public Facilities subcommittee indicated interest in a policy that would direct Zoning Code amendments to require Conditional Uses to demonstrate conformance with the goals of the City/County Climate Action Plan (CAP). Staff raised concerns about the appropriateness of such a vague policy and reminded the subcommittee that applicable goals of the CAP are appropriately addressed under specific topic areas such as transportation, land use, and natural hazards.

The subcommittee did not reach consensus on the issue and opted to forward the question to the full CAC.

Staff's position is that such a policy is not appropriate for the following reasons:

1. As proposed, the policy would be too general and could be used to deny any CUP application.
2. Goals in the Climate Action Plan relevant to County land use are in fact addressed in existing and proposed Comp Plan policies dealing with natural hazards, transportation, land use and so on. The final Comp Plan document will include narrative discussing how the Comp Plan supports the CAP.
3. County Attorney's office indicates that such a policy applied to a land use application could be struck down as "void for vagueness," a constitutional due process violation.