



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/26/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Troutdale Plan Amendment
DLCD File Number 003-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, June 05, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Rich Faith, City of Troutdale
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

(See reverse side for submittal requirements)

MAY 18 2009

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Troutdale Local File No.: 08-083
(If no number, use none)

Date of Adoption: May 12, 2009 Date Mailed: May 15, 2009
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: December 5, 2008

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Add an "Applicability" section to the Troutdale Development Code (TDC) that removes its application to areas of the City within the Columbia River Gorge National Scenic Area (NSA) in order to eliminate the dual land use review of the TDC and NSA regulations these lands are now subject to.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: x

DLCD File No.: 003-08 (17269) [15528]

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Multnomah County,
Metro

Local Contact: Rich Faith, Com. Dev. Dir. Area Code + Phone Number: 503-674-7261

Address: 104 SE Kibling Avenue

City: Troutdale Zip Code+4: 97060

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.

6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 796

AN ORDINANCE AMENDING CHAPTER 1 OF THE TROUTDALE DEVELOPMENT CODE ADDING AN APPLICABILITY SECTION PERTAINING TO THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA (TEXT AMENDMENT NO. 41)

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Owners of property within the City of Troutdale but also within the boundaries of the Columbia Gorge National Scenic Area (properties east of the Sandy River) are subject to land use review by Multnomah County for compliance with Scenic Area regulations and by the City for compliance with the Troutdale Development Code regulations. Dual land use review of proposed development of these properties results in additional time, cost and frustration for the land owner.
2. After evaluating various options for relieving these property owners of overlapping land use jurisdiction, the City Council decided that the best remedy for the situation is to waive applicability of the TDC within the National Scenic Area (NSA) thereby allowing the County to exercise sole jurisdiction there. However, because the County's flood management standards and water quality protection standards are independent of the NSA regulations and do not apply to lands within the City of Troutdale, it is necessary that these provisions of the TDC still be applied.
3. The amendment consists of adding an applicability section to Chapter 1 of the Troutdale Development Code to state that, except for Chapters 4.600, 5.600 and 5.800, the code does not apply to that part of the City of Troutdale lying within the boundaries of the NSA.
4. Public need is satisfied by this amendment because it is the best remedy for providing relief to those property owners facing dual land use review caused by overlapping land use jurisdiction.
5. The amendment will not adversely affect the health, safety and welfare of the community because the County's NSA land use regulations will still be applied to these lands. In addition, there will still be some chapters of the TDC relating to resource protection and hazard areas that will remain in effect.
6. The amendment does not conflict with any goals or policies from the Troutdale Comprehensive Plan.

7. Notice of the public hearing has been provided in accordance with applicable law. Additionally, notice of the public hearing was mailed to all affected property owners.

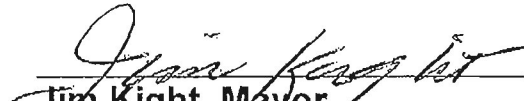
8. The Planning Commission conducted a public hearing on these amendments on February 18, 2009 and has recommended that the City Council adopt them.

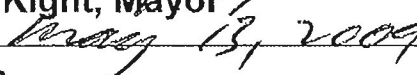
NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The Troutdale Development Code is hereby amended to add the following section:

1.016 Applicability. This code applies to all property within the incorporated limits of the City of Troutdale as well as to property outside the incorporated city limits but within the City's urban planning area that is subject to that Intergovernmental Agreement transferring land use planning responsibility from Multnomah County to the City of Troutdale, except for those incorporated properties located east of the ordinary high water line of the west bank of the Sandy River, which are within the boundaries of the Columbia River Gorge National Scenic Area (NSA). Property located within both the incorporated limits of the City and the National Scenic Area shall be subject only to the regulations of Chapters 4.600 (Flood Management Area), 5.600 (Erosion Control and Water Quality Standards) and 5.800 (Stormwater Management) of this code, but are also subject to land use review by the Multnomah County Planning Department.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**



Jim Kight, Mayor


Date



Debbie Stickney, City Recorder

Adopted: May 12, 2009




104 SE Kibling Avenue
Troutdale, Oregon 97060-2012

RETURN SERVICE REQUESTED



ATTY: PLAN AMENIO, SPEC.
D L C D
635 CAPITAL ST., NE, #15
SALEM, OR 97301-2540

 Printed on Recycled Paper

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