



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

12/20/2012

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 001-12

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: Thursday, January 03, 2013

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Rich Faith, City of Troutdale
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA/I



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
DEPT OF
S T
DEC 14 2012
LAND CONSERVATION
AND DEVELOPMENT
P

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Troutdale**

Local file number: **12-001**

Date of Adoption: **12/11/2012**

Date Mailed: **12/13/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

The permitted use section of the Central Business District (CBD) zone was amended to remove the prohibition of restaurants with drive through service. Prior to this change, restaurants have been allowed but restaurants with drive through were prohibited.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Rich Faith**

Phone: (503) 674-7261 Extension:

Address: **219 E. H. Columbia River Hwy**

Fax Number: **503-667-524**

City: **Troutdale**

Zip: **97068-**

E-mail Address:

rich.faith@troutdaleoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS [197.615](#) and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

TROUTDALE DEVELOPMENT CODE
TEXT AMENDMENT NO. 46
(Pertaining to 3.132G as shown)

3.130 CENTRAL BUSINESS DISTRICT CBD

3.131 Purpose. This district is intended to provide for retail, personal, professional, business and industrial services within the Town Center (TC). [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]

3.132 Permitted Uses. The following uses are permitted in the CBD:

- A. Apartment units in conjunction with commercial uses, provided that they are built above or below the street level floor.
- B. Attached, duplex, and triplex dwellings either on the same lot or separate lots.
- C. Multiple-family dwellings.
- D. Museums, theaters, galleries, or studios for art, dance, and photography.
- E. Parking garages or parking lots.
- F. Personal services including, but not limited to, medical or dental clinics, small animal veterinary clinics, pharmacies, professional offices, general business offices, savings and loan companies, or other financial institutions.
- G. Restaurants (~~excluding fast food with drive-through~~), taverns, or lounges.
- H. Retail stores with 15,000 square feet or less of gross floor area.
- I. Service, sales, and repair including, but not limited to, computers, electronics, business machines, bicycles, appliances, scientific or musical instruments, locksmiths, or gunsmiths.
- J. Water-oriented recreational facilities.
- K. Utility facilities, minor.
- L. Bed and breakfast inns (but not subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code). [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 731, ef. 6/26/03; Amended by Ord. 770, ef. 2/23/06]

ORDINANCE NO. 816

AN ORDINANCE AMENDING THE TROUTDALE DEVELOPMENT CODE SECTION 3.130, PERMITTED USES IN THE CENTRAL BUSINESS DISTRICT ZONE, TO ALLOW RESTAURANTS WITH DRIVE-THROUGH AS A PERMITTED USE (TEXT AMENDMENT NO. 46)

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Central Business District zone, commonly referred to as the CBD, applies to the core of the downtown and includes properties both east and west of 257th Ave. The CBD is intended to be a pedestrian-oriented, mixed-use, commercial/residential zone of small scale buildings. The zone currently permits "restaurants, excluding fast food with drive through", but lacking a definition of "fast food restaurants" in the code, as a practical matter any and all restaurants with drive through are prohibited in the CBD.
2. Over the years there have been a number of inquiries about opening coffee shops or coffee kiosks with a drive-thru window within the CBD, but none has been allowed because this type of business is considered to be a prohibited restaurant with drive-thru. The most recent inquiry about constructing a coffee shop with drive-thru on CBD-zoned property led to the question of why it is prohibited and whether this type of use should be reconsidered as a permitted use.
3. The amendment consists of deleting the parenthetical text that excludes "fast food with drive through" with the net effect that all types of restaurants would be permitted outright in the CBD.
4. Troutdale's Central Business District is in economic decline because of low traffic volumes, a lack of customers, a proliferation of vacant storefronts, and a generally poor overall business climate. Existing businesses are struggling to survive and many have closed their doors. There is a need to attract more customers into the CBD to support businesses and to make it a thriving town center.
5. Public need is best satisfied by this particular change. The public need satisfied by this amendment will be an increase in traffic to the CBD, increased customers for businesses there, and increased employment opportunities for Troutdale citizens.
6. Additional vehicular traffic that will result from drive-through restaurants in the CBD has the potential to increase traffic congestion; however, the economic benefits of more businesses, more jobs, and an increased tax base for the City outweigh this potential adverse impact. Improving the downtown business climate and increasing the economic prosperity of businesses there will positively affect the health, safety and welfare of the community.

7. The amendment does not conflict with the Citizen Involvement goals or policies of the Troutdale Comprehensive Plan. Numerous opportunities for citizen involvement have been provided. The Troutdale Citizens Advisory Committee discussed the proposal at its September and December 2011 public meetings and is recommending approval of the proposal. The Planning Commission first discussed the proposal in a work session on October 12, 2011 and decided to hold a public meeting on November 16, 2100 to further gauge public opinion. All property owners and business owners in the CBD were mailed notice of this meeting and invited to attend. A number of property owner/business owners testified in support of eliminating the exclusion of drive-thru restaurants in the CBD, which led the Planning Commission to initiate the proposed amendment.

8. The amendment does not conflict with the Land Use goals or policies of the Troutdale Comprehensive Plan. Although permitting auto oriented uses like drive-thru restaurants is not consistent with the long-term vision for the CBD as expressed in the 1998 Town Center Plan, the CBD design standards that apply to new development will mitigate any potential land use incompatibilities. These standards address a broad range of design features, such as building orientation, building facades, windows, architectural details, exterior colors, etc. Application of CBD design standards to drive-thru restaurants will result in a more pedestrian-oriented building that is compatible with other buildings in the CBD, which is consistent with the Town Center Plan.

9. The amendment does not conflict with the Economic Development goals or policies of the Troutdale Comprehensive Plan. The change will bring more customers into the CBD which, in turn, will improve the business climate, fill vacate commercial space with new businesses, create jobs and foster economic prosperity. The change should also help create repeat customers for downtown businesses. The amendment will promote overall economic development and growth.

10. A transportation impact analysis (TIA) dated September 28, 2012 was prepared by Group Mackenzie. The TIA concluded that the proposed zoning text amendment could result in up to 150 net additional vehicle trips in the PM peak hour within the CBD zone. The TIA found that this increase in vehicle trips will not significantly affect an existing or planned transportation facility through the 2035 planning period.

11. Because of Troutdale's location at the extreme eastern edge of the Portland metropolitan region, rapid transit and frequent bus service are lacking, making use of automobiles necessary for most people to access Troutdale's downtown.

12. The Planning Commission conducted a public hearing on this proposal on February 15, 2012 and has recommended that the City Council adopt the change.

13. Notice of the City Council public hearing has been provided in accordance with applicable law. Notice of the hearing was mailed to property owners and business owners in the CBD.

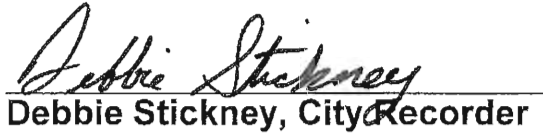
NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The Troutdale Development Code is hereby amended to read as shown in Attachment A.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**


Mayor Jim Kight


Date


Debbie Stickney, City Recorder

Adopted: December 11, 2012

TROUTDALE DEVELOPMENT CODE
TEXT AMENDMENT NO. 46

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- G. Restaurants, taverns, or lounges.
- H. Retail stores with 15,000 square feet or less of gross floor area.
- I. Service, sales, and repair including, but not limited to, computers, electronics, business machines, bicycles, appliances, scientific or musical instruments, locksmiths, or gunsmiths.
- J. Water-oriented recreational facilities.
- K. Utility facilities, minor.
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Community Development Department
2200 SW 18th Way
Troutdale, OR 97060



ATTN: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol St. NE, Ste. 150
Salem, OR 97301-2540

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