



MULTNOMAH COUNTY OREGON

DEPARTMENT OF MANAGEMENT AND BUSINESS SERVICES
LAND USE PLANNING DIVISION
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land.use.planning@co.multnomah.or.us

BOARD OF COUNTY COMMISSIONERS
DIANE LINN - CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY - DISTRICT 1 COMMISSIONER
SERENA CRUZ - DISTRICT 2 COMMISSIONER
LISA NAITO - DISTRICT 3 COMMISSIONER
LONNIE ROBERTS - DISTRICT 4 COMMISSIONER

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Land Use Planning Division
Kathy Busse, Director
Susan Muir, Principal Planner and staff contact

DATE: January 13, 2002

RE: *Multnomah County – Troutdale Compliance Project - Proposed adoption of Troutdale zoning code and comprehensive plan for urban areas in unincorporated Multnomah County to comply with the Metro Functional Plan.*

1. Recommendation / Action Requested:

Staff recommends the Board of Commissioners adopt the recommendations of the Planning Commission and City of Troutdale.

2. Background / Analysis:

The purpose of this project is to bring the urban areas of Multnomah County within Troutdale's Urban Services Boundary into compliance with the requirements of the Metro 2040 Functional Plan. Multnomah County and Troutdale are working together in this area of common interest. Long range future planning for County urban lands located within the City's Urban Services Boundary is one common interest area. All of the areas included in this project are urban lands located outside Troutdale's city limits, within the city's Urban Planning Area boundary, and inside the Urban Growth Boundary. Maps of the project areas are included in Exhibit A.

The County and the City have jointly adopted agreement on land use policy for these County urban lands. Part of this Urban Planning Area Agreement, adopted in June, 1998 calls for the City to provide urban planning services to the County to address Metro's Urban Growth Management Functional Plan. Since Multnomah County focuses its resources on rural planning, the County cannot cost-effectively

provide urban planning services. The County and the City have entered into an agreement to achieve Functional Plan compliance by applying Troutdale's codes to the County's unincorporated areas.

In order to address Metro's Functional Plan requirements for the project areas, the County Board will consider adopting the City code, Comprehensive Plans and zoning maps for the unincorporated areas. With the adoption of the City's current regulations, the County will achieve Functional Plan compliance.

With the Board's adoption of the City zoning code, County land use zones and regulations will transition to Troutdale's land use zones and regulations for these areas. Administration of planning services for these areas will transfer to the City of Troutdale at a later date. The details of this transfer of services will be addressed in a new intergovernmental agreement between the City and Multnomah County.

Annexation of these areas is not a part of this project.

3. Financial Impact

There has been no identified financial impact for Multnomah County as a result of this project. The geographic areas covered under this proposal have very minimal permit activity currently occurring.

4. Legal Issues

No legal issues have been identified as part of this project.

5. Controversial Issues

There has been very little controversy with this project. There could be some discussion about the timeline, which has been delayed while the resources of the Planning Division were focused on other projects. The City of Troutdale has consistently requested the County complete this project in order to make their annexation process easier.

6. Link to Current County Policies

Resolution A, passed in 1983, is the primary County policy behind contracting with cities to provide urban services in unincorporated areas. Entering into an agreement with the City of Troutdale to provide an urban level of planning and zoning administration is consistent with the stated purpose of Resolution A.

7. Citizen Participation

The City and County notified the affected property owners in the earlier phases of this project and a measure 56 notice went out for the hearing scheduled before the Board on January 24, 2002.

8. Other Government Participation

The Multnomah County Land Use Planning Division is working in conjunction with the City of Troutdale and Metro to complete this project and will continue to do so throughout the project.

ATTACHMENTS:

Exhibit A: Draft Ordinance

Exhibit B: Planning Commission Resolution C 3-99

Exhibit C: Resolution No.'s 1430 & 1427 adopted by the Troutdale City Council

Exhibit D: Troutdale Zoning Ordinance

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, And County Zoning Code Chapters To Adopt Troutdale's Zoning Code, Comprehensive Plan & Maps And Community Plans

(~~Struckthrough~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions be in compliance with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Troutdale (City) amended the urban services agreement to include an agreement that the City of Troutdale would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Troutdale.
- d. In 1998, the City and the County began a series of public meetings and developed a proposal to achieve compliance with the Functional Plan.
- e. On April 5, 1999, a public hearing was held before the Multnomah County Planning Commission on the proposal, and the Planning Commission forwarded a recommendation to the Board of County Commissioners for acceptance of the proposal.
- f. Direct mail notice, in compliance with ballot measure 56 was sent prior to the April 5, 1999 public hearing before the Multnomah County Planning Commission and before the January 24, 2002 public hearing before the Board of County Commissioners.
- g. On January 24, 2002, the Multnomah County Board of Commissioners conducted a public hearing on the first reading of this ordinance relating to City of Troutdale and County compliance with Metro's Functional Plan.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and Zoning Code Chapters are amended to include:

- A. City of Troutdale Zoning Code
- B. The Troutdale Comprehensive Plan
- C. The Troutdale Comprehensive Plan Maps
- D. The amended zoning maps attached

Section 2. MCC Chapter 11.10 is amended by the addition of the following subsection:

11.10.360 Replacement of portions of Community Plans with City of Troutdale Comprehensive Plans, Zoning Maps, and Codes.

(A) The County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

- (1) City of Troutdale Zoning Code
- (2) The Troutdale Comprehensive Plan
- (3) The Troutdale Comprehensive Plan Maps
- (4) The amended zoning maps attached.

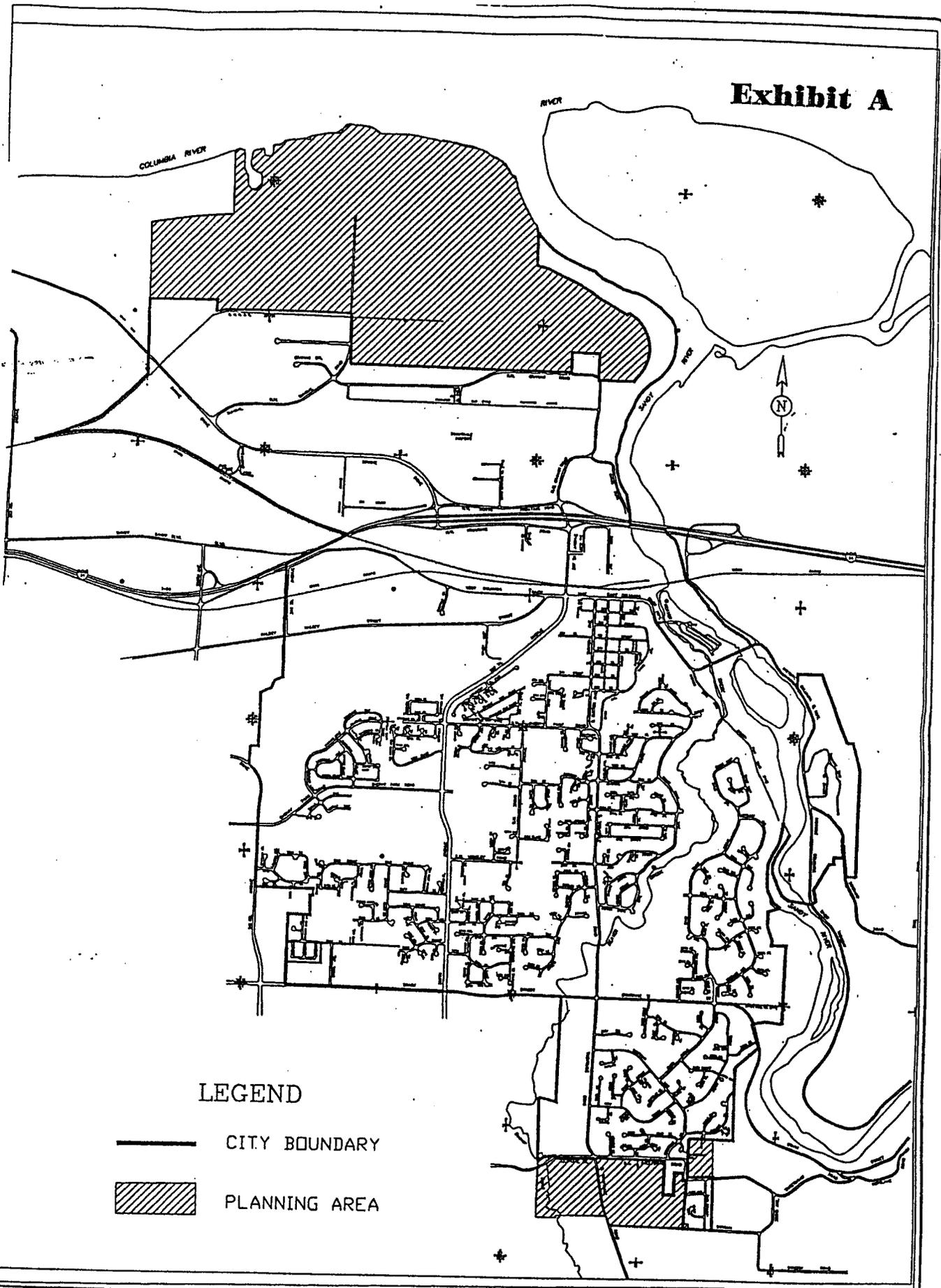
(B) Those portions of unincorporated Community Plans that lie within the City of Troutdale Urban Services Boundary are repealed and replaced by the respective City of Troutdale Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Troutdale Zoning Code and maps adopted by reference in those Ordinances.

Section 3. In accordance with ORS 215.427(3), the changes resulting from Sections 1 and 2 of this ordinance shall not apply to any decision on an application that is submitted before the effective date of this ordinance and that is made complete prior to the effective date of this ordinance or within 180 days of the initial submission of the application.

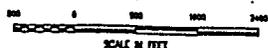
Section 4. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Exhibit A



LEGEND

-  CITY BOUNDARY
-  PLANNING AREA



SCALE IN FEET

RECTANGULAR GRID BASED ON OREGON STATE PLANNING COORDINATE SYSTEM

NOTES



DEPARTMENT OF PUBLIC WORKS
CITY OF TROUTDALE
URBAN PLANNING AREA
MULTNOMAH COUNTY, OREGON

E. NAME: USDP/PL
L.C. BLOCK: 782-4256

PLOT DATE: 12-01-67

BEFORE THE PLANNING COMMISSION

OF MULTNOMAH COUNTY, OREGON

In the matter of the adoption of amendments to the)
Multnomah County Zoning Ordinance) RESOLUTION
by the Multnomah County Board of Commissioners) C 3-99
regarding the application of Troutdale urban codes for)
those lands outside the City of Troutdale but within the)
Urban Growth Boundary)

The Multnomah County Planning Commission finds:

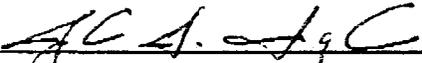
- a. The proposed ordinance:
 - Addresses the regional requirement that the County be in compliance with the Metro Urban Growth Management Functional Plan;
 - Conforms with 'Resolution A' passed by the Board of County on March 15, 1983 which states the intent of Multnomah County to provide rural services rather than urban services, including land use planning;
 - Recognizes that the County will save valuable resources by working with the City of Troutdale and their existing code to achieve compliance;
 - Is in conformance with a jointly adopted agreement on land use policy for these County urban lands, known as the 'Urban Planning Area Agreement' (effective June 11, 1998);
 - Multnomah County recognizes that annexation is not a part of this proposal; and
 - Is consistent with state rules.
- b. In March, 1999, the County mailed property owners legal notices notifying them of the project and opportunities for public testimony.
- c. On December 16, 1998 the Troutdale Planning Commission held a public hearing on the draft proposal and forwarded a recommendation to the Multnomah County Planning Commission.
- d. On April 5, 1999 the Multnomah County Planning Commission held a public hearing on the draft proposal;
- e. On April 5, 1999 the Planning Commission reviewed the attached documents and legal record for case file C 3-99.

It is hereby resolved:

That the Multnomah County Planning Commission hereby recommends that the Multnomah County Board of Commissioners adopt the following:

- **Exhibit A:** **Proposed land use zoning maps**
- **Exhibit B:** **City of Troutdale Development Code**
- **Exhibit C:** **City of Troutdale Comprehensive Plan and Comprehensive Plan**

APPROVED this 5th day of April, 1999.

By 
John Ingle, Chair
Multnomah County Planning Commission
Multnomah County, Oregon

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RESOLUTION NO. 1430

A RESOLUTION RECOMMENDING TO MULTNOMAH COUNTY BOARD OF COMMISSIONERS SPECIFIC ZONING AND LAND USE DESIGNATIONS FOR LAND WITHIN THE NORTHERN PORTION OF TROUTDALE'S URBAN PLANNING AREA (UPA).

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Citizen Advisory Committee met on October 28, 1998 to review and discuss specific zoning and land use designations for each parcel of land within the UPA and forwarded a recommendation to the Planning Commission.
2. The Planning Commission held a public hearing on January 27, 1999, and has reviewed the CAC's recommended pre-annexation land use plan for lands within the UPA and has forwarded a recommendation to the City Council.
3. The City Council held a public hearing on February 23, 1999 and March 9, 1999 to provide opportunity for public comment.
4. The City Council is now satisfied that this matter has been adequately considered.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

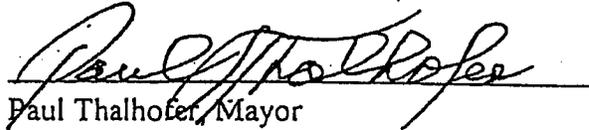
Section 1: The Council adopts the following findings of fact.

1. In 1978, the Department of Land Conservation and Development adopted the Compliance Acknowledgment rule which required each jurisdiction within an adopted Urban Growth Boundary (UGB) to set forth the means by which a plan for management of the unincorporated areas within the UGB will be implemented. As part of the compliance acknowledgment rule, UPA boundaries were established for the unincorporated areas within the Portland Metro Area UGB.
2. Troutdale's UPA includes those areas under Multnomah County's planning jurisdiction in which the City maintains a mutual planning interest and has planned for extension of services once annexed into the city limits.
3. The City of Troutdale has entered into an Urban Planning Area agreement with Multnomah County which designates Troutdale as the provider of land use planning services for all unincorporated areas within its designated UPA boundary. As part of this agreement, the City of Troutdale will be recommending to the Multnomah County Board of Commissioners specific zoning and land use designations for each parcel of land within the UPA.

1 4. The applicable policies of Troutdale's Comprehensive Land Use Plan, pertinent sections of
2 the Metro Urban Growth Management Functional Plan, and other applicable regulations
3 served as guidelines in determining the most appropriate land uses within Troutdale's UPA.
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5 Section 2: Based upon these findings, the City of Troutdale recommends to the Multnomah County
6 Board of Commissioners specific zoning and land use designations for land within the northern
7 portion of Troutdale's UPA contained in Attachment A.
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10 YEA: 7
11 NAYS: 0
12 ABSTAINED: 0
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16 Paul Thalhofer, Mayor
17 Dated: 3-11-99
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21 Debbie Stickney, Acting City Recorder
22 Adopted: 3-9-99
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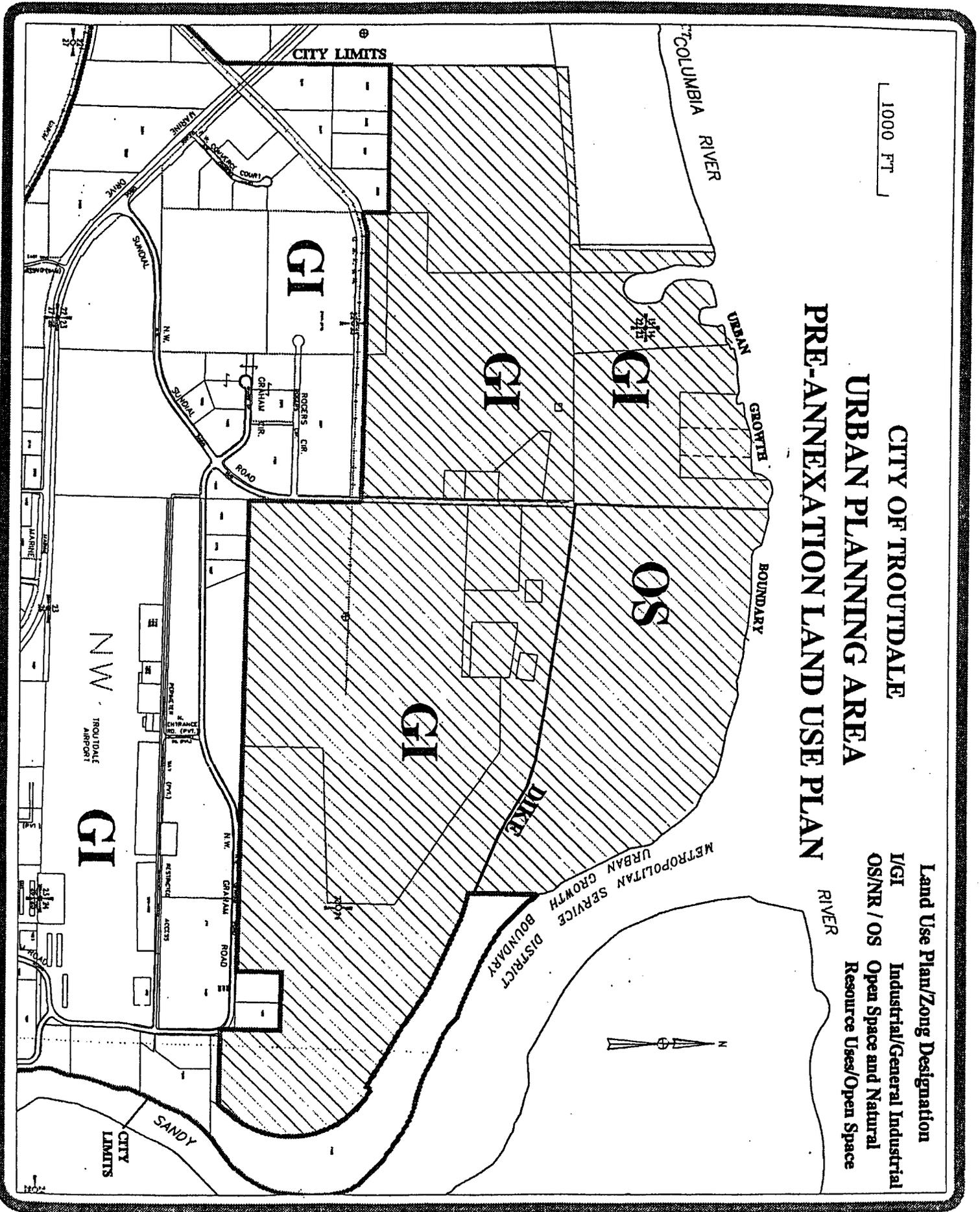
CITY OF TROUTDALE URBAN PLANNING AREA PRE-ANNEXATION LAND USE PLAN

1000 FT.

Land Use Plan/Zoning Designation

I/GI Industrial/General Industrial

OS/NR / OS Open Space and Natural Resource Uses/Open Space



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RESOLUTION NO. 1427

A RESOLUTION RECOMMENDING TO MULTNOMAH COUNTY BOARD OF COMMISSIONERS SPECIFIC ZONING AND LAND USE DESIGNATIONS FOR LAND WITHIN THE SOUTHERN PORTION OF TROUTDALE'S URBAN PLANNING AREA (UPA).

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Citizen Advisory Committee met on October 28, 1998 to review and discuss specific zoning and land use designations for each parcel of land within the UPA and forwarded a recommendation to the Planning Commission.
2. The Planning Commission held a public hearing on January 27, 1999, and reviewed the CAC's recommended pre-annexation land use plan for lands within the UPA and has forwarded a recommendation to the City Council.
3. The City Council held a public hearing on February 23, 1999 to provide opportunity for public comment.
4. The City Council is now satisfied that this matter has been adequately considered;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

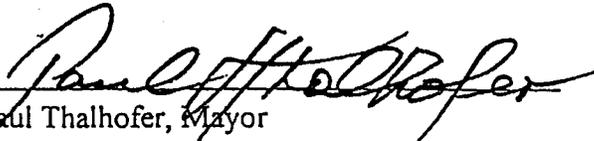
Section 1: The Council adopts the following findings of fact.

1. In 1978, the Department of Land Conservation and Development adopted the Compliance Acknowledgment rule which required each jurisdiction within an adopted Urban Growth Boundary (UGB) to set forth the means by which a plan for management of the unincorporated areas within the UGB will be implemented. As part of the compliance acknowledgment rule, UPA boundaries were established for the unincorporated areas within the Portland Metro Area UGB.
2. Troutdale's UPA includes those areas under Multnomah County's planning jurisdiction in which the City maintains a mutual planning interest and has planned for extension of services once annexed into the city limits.
3. The City of Troutdale has entered into an Urban Planning Area agreement with Multnomah County which designates Troutdale as the provider of land use planning services for all unincorporated areas within its designated UPA boundary. As part of this agreement, the City of Troutdale will be recommending to the Multnomah County Board of Commissioners specific zoning and land use designations for each parcel of land within the UPA.

1 4. The applicable policies of Troutdale's Comprehensive Land Use Plan, pertinent sections of
2 the Metro Urban Growth Management Functional Plan, and other applicable regulations
3 served as guidelines in determining the most appropriate land uses within Troutdale's UPA.
4

5 Section 2: Based upon these findings, the City of Troutdale recommends to the Multnomah County
6 Board of Commissioners specific zoning and land use designations for land within the southern
7 portion of Troutdale's UPA contained in Attachment A.
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10 YEA: 6
11 NAYS: 0
12 ABSTAINED: 0
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15 Paul Thalhofer, Mayor
16 Dated: 2-25-99
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20 _____
21 Debbie Stickney, Acting City Recorder
22 Adopted: 2-23-99
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3.180 OPEN SPACE

OS

3.181 Purpose. The purpose of an OS district is to provide and preserve open space areas.

3.182 Applicability. In addition to other areas which may be so zoned by the City, this district shall apply to publicly owned park lands.

3.183 Permitted Uses. The following uses and their accessory uses are permitted in an OS district:

- A. Park or playground.
- B. Picnic grounds.
- C. Wildlife and nature preserves.
- D. Nature trail and/or bikeway.
- E. Other uses similar in nature to those listed above.

3.184 Conditional Uses. The following uses and their accessory uses are permitted in an OS district:

- A. Boat Ramp.
- B. Swimming facility.
- C. Community garden.
- D. Ball field.
- E. Tennis court.
- F. Cemetery.
- G. Other uses similar in nature to those listed above.

3.185 Development Criteria. Development criteria shall include, but are not limited to, the following:

- A. Open space uses shall be compatible with adjacent land uses;
- B. Picnic grounds and parking facilities shall be equipped with trash receptacles;
- C. Open space districts shall be maintained by the City if publicly owned; by the owner(s) if privately owned.

3.170 GENERAL INDUSTRIAL

GI

3.171 Purpose. This industrial district is intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor storage of materials and products. These industries are likely to create minor air and water pollution, as well as nuisance factors such as noise and odor and the generation of truck, shipping or rail traffic.

3.172 Uses Permitted in the GI Zone.

- A. Any manufacturing, distribution, fabricating, processing or storage use.
- B. Airport and related uses, including airport supportive commercial and industrial uses such as maintenance facilities, hangers, aircraft tie-down, passenger parking, and flight schools.
- C. Freight and trucking firms.
- D. One caretaker's residence; all other residential uses are prohibited.
- E. Administrative offices accessory to permitted industrial uses; all other office uses are prohibited.
- F. Vehicle repair shops.
- G. Public parks, parkways, trails and related facilities.
- H. Utility facilities, major and minor, except for sanitary landfills and transfer stations, sewage treatment plants and lagoons, and telecommunication towers or poles.
- I. Product sales, service and/or display accessory to any manufacturing, fabricating or processing use provided the sales, service and/or display area does not exceed 15 percent of the gross floor area.
- J. Other uses similar in nature to those listed above.

3.173 Conditional Uses. The following uses and their accessory uses are permitted within the GI district as conditional uses:

- A. Child care facilities, kindergartens, and similar facilities in conjunction with a permitted use or an approved conditional use.
- B. Community service uses.
- C. Concrete or asphalt manufacturing plants.

- D. Recycling centers.
- E. Sanitary landfills and transfer stations.
- F. Sewage treatment plants and lagoons.
- G. Telecommunication towers and poles.
- H. Automobile wrecking yards.
- I. Residential dwelling/hanger mixed use when the hanger is served by a taxiway with direct access to the Troutdale Airport Runway. The use shall be subject to the following requirements:
 - 1. Approval from the Port of Portland;
 - 2. Approval from FAA;
 - 3. No separate accessory structures are allowed.
- J. Other uses similar in nature to those listed above.

3.174 Dimensional Standards.

- A. Setbacks.
 - 1. Front, Side and Rear Yard Setbacks: None unless the property abuts a parcel of land in a more restrictive manufacturing district, or a commercial district, in which case the requirements of the abutting property shall apply.
 - 2. Additional Setback Requirements: If any use in this district abuts or faces any residential zoning district a setback of fifty (50) feet on the side abutting or facing the residential or apartment district shall be required.
 - 3. Setbacks for Insufficient Right-of-Way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Plan and applicable ordinances and standards.
- B. Height Restrictions. The maximum height for any structure shall be forty-five (45) feet.

3.175 Additional Requirements.

- A. Design Review and landscaping is required for all uses in the GI district.

- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.020 SINGLE-FAMILY RESIDENTIAL.

R-10

3.021 Purpose. This district is intended primarily for single-family dwellings in a low-density residential neighborhood environment.

3.022 Permitted Uses. The following uses and their accessory uses are permitted in the R-10 district:

- A. Single-Family dwellings (detached).
- B. Single-Family dwelling (zero lot line or attached) when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
- C. Manufactured dwelling
- D. Residential Home (ORS 197.660 [2]; ORS 443.400-443.825).
- E. Parks and Playgrounds.
- F. Utility Facilities, minor.
- G. Bed and breakfast inns subject to the provisions of Chapter 5.500.
- H. Other uses similar in nature to those listed above.

3.023 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-10 district:

- A. Community Service Uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Two-family dwellings (duplex) at intersections of any two streets of at least neighborhood collector status and with frontage on one street. Lot size must comply with R-10 requirements.
- D. Nursing homes and homes for the aged.
- E. Utility Facilities, major.
- F. Other uses similar in nature to those listed above.

3.024 Lot Size And Dimensional Standards.

- A. Lot Size, Width, Depth and Frontage:
 - 1. Minimum Lot Size: Ten thousand (10,000) square feet.

2. Minimum Average Lot Width: Seventy (70) feet and seventy (70) feet wide at the building line.
3. Minimum Average Lot Depth: One hundred (100) feet.
4. Minimum Lot Frontage: Twenty (20) feet.

B. **Setbacks:**

1. Front Yard Setback: Minimum of twenty (20) feet.
2. Side Yard and Street Side Yard Setback: Minimum of ten (10) feet.
3. Rear Yard Setback: Minimum of twenty (20) feet.
4. Projections into Setbacks: See Chapter 5.020.
5. Accessory Buildings in Setback Areas: See Chapter 5.010.

- C. Height Limitations. The maximum height of a structure shall be thirty-five (35) feet.

3.025 Additional Requirements.

- A. Design Review and landscaping required for all uses except single-family residential uses.
- B. All lots in this district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.
- D. All single family dwellings, including manufactured dwellings, shall utilize at least two of the following design features:
 1. dormers
 2. recessed entries
 3. cupolas
 4. bay or bow windows
 5. window shutters
 6. off-sets on building face or roof (minimum 12"0
 7. gables
 8. covered porch entry
 9. pillars or posts
 10. eaves (minimum 6")

11. tile or shake roof
12. horizontal lap siding

F. Manufactured dwellings shall comply with the following standards:

1. Be multi-sectional and enclose a space of not less than 1,000 square feet.
2. Foundations for manufactured homes shall comply with current OAR regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight inches nor more than twelve inches above grade.

If the manufactured home is placed on a basement, the twelve (12) inch limitation shall not apply.

3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three feet in height for each twelve feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the state code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage constructed of like materials where such is consistent with the predominant construction of immediately surrounding dwellings.
7. The towing tongue, axles, wheels and traveling lights shall be removed from the manufactured home when installed or within thirty (30) days of delivery to site.
8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts or a structure designated CR, community resource, by the City of Troutdale.

9. The manufactured home shall be connected to the City's public water supply and public sewer.
10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home or remove the foundation, manufactured home accessory structures and other structures on the property and disconnect sewer, water and other utilities within thirty days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work.