

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1141

Amending County Land Use Code, Plans and Maps to Adopt Troutdale's Recent Land Use Code, Plan and Map Revisions Related to an Applicability Section Pertaining to the Columbia River Gorge National Scenic Area in Compliance with Metro's Functional Plan, and Declaring an Emergency

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. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Troutdale Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600003407) (IGA).
- e. The Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and maps in compliance with Metro's Functional Plan by Ordinance 1122 (09/25/2008).
- f. Since the adoption of Ordinance 1122, the City's Planning Commission recommended the land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibit 1. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps, and land use code chapters are amended to include the City land use code, plan, guideline and map amendments, attached as Exhibit 1 and effective on the same date as the respective Troutdale ordinance:

Exhibit No.	Ordinance	Effective Date
1	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 (City Ord. 796)].	06/12/2009

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

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable 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.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Troutdale Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Troutdale Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: June 18, 2009




BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

EXHIBIT LIST FOR ORDINANCE

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 (City Ord. 796)].

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-ROM from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

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

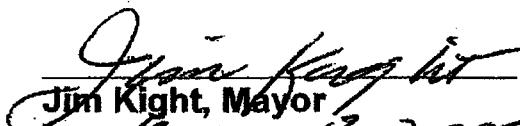
Section 1. The Troutdale Development Code is hereby amended to add the following section:

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
May 13, 2009
Date


Debbie Stickney, City Recorder

Adopted: May 12, 2009