

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1110

Amending County Land Use Code, Plans and Maps to Adopt Troutdale's Recent Land Use Code, Plan and Map Revisions 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 1085 (11/09/2006).
- f. Since the adoption of Ordinance 1085, 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 Chapters 1,2,6 & 7 of the Troutdale Development Code pertaining to partition definitions, procedures for decision making, conditional use permits, and land division procedures. [Text Amendment No. 38 (City Ord. 791)].	2/22/2008

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: February 21, 2008



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

- (1) Ordinance Amending Chapters 1,2,6 & 7 of the Troutdale Development Code pertaining to partition definitions, procedures for decision making, conditional use permits, and land division procedures.
[Text Amendment No. 38 (City Ord. 791)].

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. 791

AN ORDINANCE AMENDING CHAPTERS 1, 2, 6, AND 7, OF THE TROUTDALE DEVELOPMENT CODE PERTAINING TO PARTITION DEFINITIONS, PROCEDURES FOR DECISION MAKING, CONDITIONAL USE PERMITS, AND LAND DIVISION PROCEDURES (TEXT AMENDMENT NO. 38)

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. These proposed TDC amendments generally pertain to the following:
 - Definitions Related to Partitions
 - Procedures for Decision Making
 - Conditional Uses
 - Land Division
2. Because of citizen complaints about lack of notice to surrounding property owners when certain development applications were being processed and under review, the Troutdale City Council asked staff to examine our notification procedures and to determine what changes could be made to the Code to assure better notification in the future.
3. The Citizens Advisory Committee reviewed these proposed amendments over the course of four meetings between January and September 2007. The Committee discussed different options for addressing the Council's wishes and ultimately decided that rather than eliminate Type I land use actions, which require no public notification, the best solution would be to make Type I partition plats a Type II land use procedure and that any lot line adjustment involving a lot line that also serves as a zoning boundary be treated as a rezone subject to the Type IV land use procedure.
4. The Planning Commission held a public hearing on the proposal on November 28, 2007 and has recommended that the City Council adopt the proposed amendments
5. Amendments to Chapter 1, Definitions, and to Chapter 7, Land Division, are specifically intended to provide notification to surrounding property owners for certain land use actions that do not now require it.
6. Amendments to Chapter 2, Procedures for Decision Making, are needed housekeeping revisions to bring our land use procedures into conformance with state law and also to clarify the processes for the various types of land use applications.
7. Amendments to Chapter 6 provide greater flexibility in handling revisions to approved conditional uses than is currently allowed under the code.

8. Public need is satisfied because these amendments ensure more opportunities for surrounding property owners to be notified of potential development and to comment on these potential developments; they bring the code up to date with statutory provisions as well as more accurately reflecting the way land use applications are actually handled; and, they provide greater flexibility in granting extensions and modifications to approved conditional uses.

9. The amendments will not adversely affect the health, safety and welfare of the community because increased public notice of proposed partition plats could result in additional information from neighbors about potential impacts on the public health, safety and welfare that in the end could be mitigated to avoid any adverse effects.

10. The amendments do not conflict with any goals or policies from the Troutdale Comprehensive Plan; nor do they cause the TDC to be in noncompliance with the Metro Urban Growth Management Functional Plan.

9. Notice of the public hearings has been provided in accordance with applicable law.

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

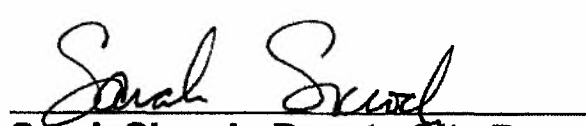
Section 1. The Troutdale Development Code is hereby amended to read as shown in Attachment A.

YEAS: 6

NAYS: 0

ABSTAINED: 0


Paul Thalhofer, Mayor


Date January 23, 2008

Sarah Skroch, Deputy City Recorder

Adopted: January 22, 2008