

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.

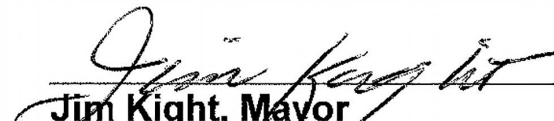
8. The Planning Commission conducted a public hearing on these amendments on February 18, 2009 and has recommended that the City Council adopt them.

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