

A RESOLUTION ADOPTING THE LOCAL REVIEW ORDER ADDRESSING FACTORS ONE, TWO, THREE AND FOUR AND ADDRESSING THE PERIODIC REVIEW OF THE COMPREHENSIVE LAND USE PLAN AND IMPLEMENTING MEASURES.

WHEREAS, Notices were published in the Gresham Outlook duly advertising the City Council hearings, and

WHEREAS, The City Council held public hearings to consider adoption of the proposed periodic review order as the City's official response to the DLCDC notice, and

WHEREAS, The Planning Commission held public hearings to discuss the changes to the City's Comprehensive Plan and implementing measures, and

NOW, THEREFORE BE IT RESOLVED THAT CITY ADOPT THE FOLLOWING PROPOSED LOCAL REVIEW ORDER:

I. INTRODUCTION

ORS 197.640 requires cities and counties to review their comprehensive plans and land use regulations periodically and make changes as necessary to keep plans and regulations up-to-date in compliance with the statewide planning goals, and coordinated with the plans and programs of state agencies. Local governments must adopt findings in the form of a local review order responding to four periodic review factors and enact necessary measures to bring their plans and regulations into compliance with the periodic review factors. This local review order provides findings and recommends amendments to the City of Troutdale's Plan and Development Ordinance and Standards in order to satisfy the periodic review requirements of ORS 197.640 and OAR 660, Division 19, "Periodic Review."

In addition, the "Plan Evaluation and Amendment" element of the Troutdale Comprehensive Plan calls for "periodic review and evaluation of the plan, the implementing measures, and the factual information upon which the plan is based."

II. BACKGROUND INFORMATION

1. The City of Troutdale's Plan and land use regulations were acknowledged to be in compliance with the Statewide Planning Goals in August 1983.
2. In 1985 and 1987, the Plan and regulations underwent extensive restructuring, streamlining and simplification. These were submitted to the DLCDC as amendments to the Plan and regulations and were deemed acceptable by the DLCDC as per Director's correspondence. These amendments also included Plan Map and Zoning Map changes as well as the rezoning of over 800 acres. The Plan documents now include an Inventory,

Plan, Development Ordinance, and Development Standards, and were adopted as follows:

Comprehensive Plan Inventory, Adopted 1983
Comprehensive Land Use Plan, amended October 1985
Development Ordinance Ordinance No. 491-0 adopted December 1986
Development Standards Ordinance No. 498-0 adopted July 1987

III. PERIODIC REVIEW FINDINGS AND CONCLUSIONS

1. The City of Troutdale commenced its periodic review in September 1987 when the Planning Division began putting together the City's periodic review work program. Upon completion and approval of the work program in mid November 1987, work on periodic review began soon after.
2. The approved Citizen Advisory Committee held numerous public meetings in 1987 and 1988 to review the Inventory, Plan, and regulation updates and amendments.
3. The Planning Commission held numerous public hearings to discuss the City's proposed amendments to the Plan, Inventory and associated ordinances.
4. The City Council held a public hearing on 12-13-88 to consider adoption of this proposed periodic review order as the City's official response to the DLCD notice.
5. The City Council has scheduled an initial public hearing on adoption of the local periodic review order and proposed plan and development regulations amendments for April 11, 1989.
6. There are four factors under OAR 660-19-055 which must be addressed in the local periodic review of the comprehensive plan and implementing measures. These apply to the City of Troutdale as follows:

FACTOR ONE

A. SUBSTANTIAL CHANGE IN CIRCUMSTANCES, UNANTICIPATED DEVELOPMENTS OR EVENTS.

Applicable Rule: OAR 660-19-055(3)(a): "Major developments or events which have occurred that the acknowledged plan did not assume or anticipate or major developments or events which have not occurred that the acknowledged plan did assume or anticipate. Local periodic review findings must describe any occurrences such as the construction of or decision not to build a large project like a major reservoir, a regional shopping center, a major energy or transportation facility; a significant change in the local government's natural resource or economic base; significant

unexpected population growth; significant consecutive decline in population growth rate; failure or inability to provide public facilities and services in accordance with the plan, etc."

Findings: The Troutdale Citizen Advisory Committee (CAC), City staff, Planning Commission and City Council, have reviewed the City's acknowledged plan, numerous documents, City records, and have conducted lengthy discussions in order to determine whether there were major anticipated developments or events since the plan was acknowledged. Development permits, economic trends data supplied by the Economic Development Department, 1987 PSU population estimates, plans for public utilities, and East County reports and studies have all been reviewed. As a result of this review, several major developments and events have been identified. These include the development and adoption of the downtown concept and implementation plans, a sooner than expected rezoning of 825 acres including the Multnomah County Farm property, and the approval of plans to build factory outlet facilities on the entire north side of the downtown area. In addition, the August 28, 1987 periodic review notice identified the following major developments and events: (1) the urban services agreements between Multnomah County and the cities of Portland and Gresham and subsequent large-scale annexations, (2) the Columbia River Gorge National Scenic area act and its potential impacts or effects on Troutdale as the "Gateway to the Columbia River Gorge", and (3) failed attempts to annex developable properties from within the City's planning area, especially as it relates to increased tax base and public facilities planning and improvements.

The Downtown Concept and Implementation plans have been described in the Economy section of the Inventory and addressed in the Economy element of the Comprehensive Plan through proposed amendments. The rezoning of over 800 acres has increased the commercial/industrial land inventory and provided for higher-density residential development. There are substantially more acres zoned R-7, R-5, R-4 and A-2 which will help the City to better meet the requirements of Goal 10 and the Metro Housing Rule. Proposed updates of the Goal 9 and 10 inventories and policies address these developments and/or events. Factory outlet facilities have been addressed in proposed updates/amendments to the plan and regulations. A proposed amendment to the Economy section of the Inventory considers factory outlet facilities and describes their feasibility. The DLCD suggestion to consider large scale annexations by Portland and Gresham subsequent to urban service agreements with Multnomah County is well taken. However, these annexations

occurred west of Gresham. Both the service agreements and the annexations have not had major impacts on Troutdale. Troutdale continues to serve those areas it wishes or has agreed to serve. These developments/events have, however, strengthened the position of the largest jurisdiction in East County (Gresham). Troutdale's policy to pursue its growth and development objectives within its regional and East County context, but with a degree of independence, still stands. Potential impacts/effects of the Columbia River Gorge National Scenic Area Act on Troutdale as the "Gateway" to the Gorge are addressed in proposed updates/amendments to the Economy sections of the Plan Inventory and policies. Annexation attempts with some success are addressed in proposed updates/amendments to the urbanization section of the Plan Inventory and policies.

Conclusions: There have been major developments/events, some anticipated, some not, by the acknowledged plan. These include completed/adopted downtown plans, rezoning of relatively substantial acreage, approved plans for factory outlets in downtown Troutdale, large-scale annexations and urban service agreements in East County, the Columbia River Gorge National Scenic Area Act, and Troutdale's attempts to annex certain areas within its planning area. All of these have been addressed either above or in proposed updates/amendments to the appropriate sections of the plan and/or regulations as indicated above.

B. CUMULATIVE EFFECTS OF PLAN AND LAND USE REGULATION AMENDMENTS AND IMPLEMENTATION ACTIONS.

Applicable Rule: OAR 660-19-055(3)(b): "Cumulative effects resulting from plan and land use regulation amendments and implementation actions on the acknowledged plan's factual base, map designations, and policies which relate to statewide goal requirements. For local governments responsible for plans inside urban growth boundaries, periodic review findings must: describe the cumulative effects of plan and land use regulation amendments and implementation actions on the overall urban land supply for the plan's chosen (usually 20 years) time frame; on the amount of vacant buildable land remaining for needed housing and economic development; on the provision of public facilities and services to meet development needs identified in the plan; on the protection of Willamette Greenway values and resources; on the amount of vacant, especially suited, water-dependent coastal shoreland areas; and on other specific statewide planning goal matters that the Director includes on the local government's periodic review notice."

Findings: In early 1986, the City began a process of restructuring, streamlining, and simplifying its plan and land use regulations. The Plan and regulations were found to be complex, fragmented, and difficult to interpret and use. The first step in the process was to prepare and adopt a new Citizen Involvement Program (CIP) and to organize a new Citizen Advisory Committee (CAC). The CIP was approved by the DLCD, and the CAC functioned well under this new program. All changes to the Plan and regulations were considered to be amendments, processed as such, and submitted to the DLCD as amendments. DLCD approval was eventually gained on all amendments and, by July 1987, the final plan document was adopted. The Plan and regulations now consist of the amended Comprehensive Plan and Plan Map, Development Ordinance and Zoning Districts Map, and Development Standards.

1. During this period of time, certain elements of the Plan Inventory (factual base) were also undergoing a separate review and update in preparation for periodic review. The Inventory was prepared in the late 1970s, with spotty updates in the early 1980s. The updated and restructured Inventory, as proposed by the CAC and elected and appointed City officials, was prepared by two consulting firms and City staff, and is submitted as a completely rewritten document. In particular, it now includes an inventory of community resource sites and structures, a revised residential vacant buildable lands inventory reflecting the extensive rezoning done in 1986, and an economic development section utilizing state and regional trends information with an updated existing commercial/industrial and vacant buildable lands inventories. This document is submitted along with the other plan documents as the proposed updated Comprehensive Plan Inventory for Troutdale. Amendments to the Plan Map and Zoning Districts Map and development regulations are also submitted with this periodic review order, as a result of identified needed improvements by the CAC, consultants who reviewed and critiqued the regulations, City staff, and elected and appointed officials.
2. In addition to rezoning actions, the City has annexed 637 acres from within its urban planning area in 1987. The City is proposing to apply industrial zoning to these properties. The two actions have increased the acreage of industrially zoned acres substantially. Commercial acreage has also increased. As a result, the supply of commercial/industrial and residential land is ample to meet development needs. Since acknowledgement

(August 1983 1982 to June 1988) the City issued 174 building permits for single family residences and 9 permits for new duplexes. Seventeen permits have been issued for new commercial and industrial construction. These include the Troutdale Plaza and a Minit Mart complex at Troutdale Road and Stark Street, a medical clinic in the area of 257th and Stark Street, an eye clinic on Stark Street, a Plaid Pantry in the downtown area, a major truck stop on the south side of I-84, a food distribution warehouse and a truck service facility in the area of the Portland-Troutdale Airport. In addition, plans have been approved for factory outlet facilities in the downtown area. Despite these developments, the supply of vacant buildable lands remains ample. A Metro survey has shown that there is an oversupply of industrial land in East County. Economic Development Services, a consulting firm, has determined that the supply of commercial land in Troutdale is more than adequate to meet development demand for the foreseeable future (EDS has prepared an East County economic study and a Troutdale downtown development study; see the Economy section of the Plan Inventory).

3. Although development has increased demand on the City's public facilities, the City's capacity to meet expected demand is more than adequate. Road improvements have been and will be made to accommodate additional traffic in the areas of these developments. The following road improvement projects were recently completed: Stark Street reconstruction, Buxton Road reconstruction, Third Street reconstruction, Dunbar Road realignment and construction, and 257th Avenue construction. The completion of 257th Avenue provides a major north/south arterial to facilitate traffic flow within and through Troutdale. Development pressures along this arterial are likely to increase. In addition, Columbia Highway is scheduled for reconstruction in the future. The City's sewer plant has a treatment capacity of 1.6 million gallons per day, and is currently operating at 60-70% of its overall capacity. Water supply capacity is estimated to be about twice the present demand (see Public Facilities and Services section of the Inventory). The City's public facilities are, as a whole, in good shape. New developments since acknowledgment have not diminished the City's ability to service future development needs.
4. Troutdale is not located near the Willamette River Greenway or the coast. Therefore, the requirements of OAR 660-19-055(3)(b) relating to those

particular areas are not applicable to this analysis. The DLCD notice did not identify any other goal issues which need to be considered.

Conclusion: Where there are cumulative effects on the Plan's factual base, map designations, policies related to goal requirements, and land use regulations have been addressed as outlined above. All proposed revisions or updates are submitted with this proposed order.

C. DECISION TO DELAY OR NOT CARRY OUT PLAN POLICIES
APPLICABLE RULE: OAR 660-19-055(3)(C)

Findings: The DLCD notice has not identified any plan policies which have not been carried out. The City's CAC, staff, and elected and appointed officials have not identified unfulfilled plan policies either.

Conclusion: No unfulfilled plan policies have been identified by DLCD or the City. Therefore, no action is required in connection with this subfactor.

D. AVAILABILITY OF NEW INVENTORY INFORMATION.
APPLICABLE RULE: OAR 660-19-055(3)(D)

"Incorporation into the plan of new inventory material which relates to a statewide goal made available to the jurisdiction after acknowledgment. Local periodic review findings must list what applicable published state or federal reports have been made available to the jurisdiction after acknowledgment containing new material, for example, on groundwater availability, air quality, big game habitat, census information, soil surveys, natural hazards, etc. and describe what steps, including any amendments to the plan's factual base, policies, map designations and land use regulations, have been taken in response to this information."

Findings: Updated inventory information from several state agencies was mentioned in the DLCD periodic review notice to the City. No other relevant inventory information is known to be available. The City has obtained and reviewed all listed inventories and finds that this information applies to the plan as follows:

ODOT

Statewide Comprehensive Outdoor Recreation Plan (SCORP): The City used pertinent statistical information from SCORP in updating the Plan's recreational resource inventory (proposed text is submitted with this periodic review order as part of the Plan Inventory).

State Parks Inventory Updates: There are no state parks located within Troutdale's city boundary or planning area nor are any planned. However, there are State parks east of the City which have been mentioned in the City's inventory.

Airport Inventory Updates: The Portland-Troutdale Airport is within the City boundary and has been inventoried as part of the Goal 12 Inventory. No information which conflicts with the Comprehensive Plan is included in the Oregon Aviation System Plan.

Highway Inventory Updates: The City's inventory of streets, highways and planned improvements is consistent with the State's and the Six-Year Highway Improvement Program.

DEQ

The 1985 Atlas of Oregon Lakes: The City has no lakes within its boundary or planning area.

Annual Air Quality Reports: Updated information from the 1986 Oregon Air Quality annual Report published by DEQ has been incorporated into the Goal 6 section of the proposed inventory revisions. No significant deterioration in air quality has occurred in the airshed. No amendments to the plan policies or implementing measure are necessary based on this information.

Semi-annual Water Quality Assessment Reports: DEQ provided the City with a 1980 Water Quality in Oregon report. No significant change in water quality is indicated in this report. No plan amendments are, therefore necessary.

Hazardous and Solid Waste Disposal Sites: No such sites are located in Troutdale.

1980 Major Water Table Aquifers with Sensitive areas: Review of this information indicates that the City overlies an area of groundwater that is a potentially sensitive area. The City's Plan Inventory includes pertinent information on this resource in the Goal 6 section of the Plan Inventory. No further action is required of the City at this time.

EDD

State and national trends information was reviewed and utilized in updating and rewriting the Economy section of the Plan Inventory and policies (see Economy section of the Plan and the Inventory).

PSU-CPRC

The latest (1987) Portland State University Center for Population Research and Census population estimates for the City have been incorporated in the proposed updated Plan Inventory (see Housing and Economy). Since these estimates are lower than those projected in the City's plan, the City's population projections have been revised downward (see Housing and Economy). The City has also made buildout projections (see Housing).

U.S. F & WL

The City's review of this resource has indicated that there are no known significant wetlands in Troutdale.

Conclusion: The updates noted above have been included in the proposed plan updates enclosed with this order. This subfactor will be complied with when these updates are adopted.

E. OTHER ISSUES INVOLVING A SUBSTANTIAL CHANGE IN CIRCUMSTANCES APPLICABLE RULE: OAR 660-19-055(4)

"Nothing in subsection (3)(a)-(d) of this rule is meant to limit or prevent any person from raising other issues or objections involving the 'substantial change in circumstances' factor set forth in subsection (2)(a) of this rule as long as such concerns are submitted consistent with the requirements of OAR 660-19-065."

Findings: The periodic review notice listed new and revised statutes and changes in federal regulations governing the National Flood Insurance Program (NFIP) as applying to the City of Troutdale under subfactor one-E. The DLCD notice indicated that these are substantial changes in circumstances that the City must address. The following findings are in response to these requirements.

National Flood Insurance Program (NFIP)

The City has reviewed the new FEMA information and the recent changes in federal regulations governing the National Flood Insurance Program and revised the Inventory/Map and regulations accordingly (see Goal 7 Inventory/Map and Section 3.240 of the Development Ordinance).

New and Revised Statutes

ORS 197.295-313: Needed Housing

ORS 197.303 states that "needed housing" also means:
"(a) Housing that includes, but is not limited to,

attached and detached single-family housing and multiple-family housing for both owner and renter occupancy and manufactured homes; and (b) Government assisted housing." Jurisdictions must also meet the definition of needed housing contained in OAR 660-08-005.

The City has analyzed income levels and housing needs and addressed these requirements in response to Factor Two-Goal 10 rule.

ORS 197.732-Goal Exceptions

Upon examination of these revisions, the City found them to be not applicable to Troutdale.

ORS 197.752: Land Available for Urban Development

This regulation requires that (1) "lands within urban growth boundaries shall be available for urban development concurrent with the provision of key urban facilities and services in accordance with locally adopted development standards"; and (2) "notwithstanding ORS 197.752(1) lands not needed for urban uses during the planning period may be designated for agriculture, forestry or other non-urban uses."

All land within the City's boundary is within the Metro area UGB and is designated for urban use. (2) therefore does not apply to the City of Troutdale. The City is committed to provide urban facilities and services to those lands within its boundary and eventually to all lands within the planning area.

ORS 227.175: Application Fees, Consolidated Procedures, etc.

ORS 227.175(1) requires that a City "shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service."

The City has a permit fee schedule which meets this requirement. A copy is enclosed.

ORS 227.175(2) requires that a city establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project and subject to the 120-day time limitation as set out in ORS 227.178.

The City's review procedures presently utilize a consolidated application process which allows application for permits at one time and processed concurrently (Development Ordinance S2.010-2060).