

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

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 DLCD notice, and

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

WHEREAS, The City has adopted Ordinances No. 538-0, 539-0, and 540-0 on March 13, 1990 pursuant to Periodic Review and has processed such ordinances as Plan Amendments, and

WHEREAS, The City has adopted Ordinances No. 542-0 and 543-0 on April 10, 1990 pursuant to Periodic Review and has processed such ordinances as Plan Amendments, and

WHEREAS, The City has adopted Ordinances No. 547-0, 548-0, 549-0, 550-0, and 558-0 pursuant to Periodic Review and effective upon adoption of this Final Review Order.

NOW, THEREFORE BE IT RESOLVED THAT CITY ADOPT THE FOLLOWING PROPOSED FINAL 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. Between 1986 and 1990, the Comprehensive Plan elements underwent extensive restructuring, streamlining and simplification. In 1988 and 1989 these documents were submitted to DLCD as amendments to the plan. All regulations were deemed acceptable by DLCD as per Director's correspondence. Between 1988 and August of 1990, the City modified and updated the various elements of the Comprehensive Plan as follows:

Ordinance	Action	Status
538-0	Amended the Development Ordinance allowing manufactured dwelling parks in R-4 and R-5 single-family zones	Approved 3/13/90 Effective 4/13/90
539-0	Amended Development Standards Established standards for manufactured dwelling parks	Approved 3/13/90 Effective 4/13/90
540-0	Amended the Zoning and Plan Maps for commercial lands	Approved 3/13/90 Effective 4/13/90
542-0	Amended the Zoning and Plan Maps for residential lands	Approved 3/13/90 Effective 4/13/90
543-0	Adopted a revised Public Facilities Plan	Approved 4/10/90 Effective 5/10/90
547-0	Adopted a revised Comprehensive Plan Text	Approved 6/26/90 Effective upon adoption of Final Review Order
548-0	Amending the Plan Map for lands pertaining to the RMU designation	Approved 6/26/90 Effective upon adoption of Final Review Order
549-0	Amending the Zoning District Map for lands pertaining to the RMU Plan designation	Approved 6/26/90 Effective upon adoption of Final Review Order
<u>550</u> -0	Adopting the 1990 Troutdale Development Code	Approved 8/14/90 Effective upon adoption of Final Review Order
<u>558</u> -0	Adopting a revised Comprehensive Land Use Plan Inventory	Approved 9/25/90 Effective upon adoption of Final Review Order

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, 1988, 1989 and 1990 to review the Inventory, Plan, Plan Map, Zoning District Map, and the Development Code.
3. The Planning Commission held numerous public hearings to discuss the City's proposed amendments to the Comprehensive Land Use Plan documents.
4. The City Council held a public hearing on 9/25/90 to consider adoption of this proposed Final Review Order as the City's official response to the DLCD notice.
5. 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, METRO Regional Facts and Forecasts, 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, the Mt. Hood Parkway, improved economic conditions, substantial industrial development in north Troutdale 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. The rezoning of over 800 acres has increased the commercial and industrial land inventory and provided for higher-density residential development. There are substantially more acres zoned R-5, R-4 and A-2 which help the City to better meet the requirements of Goal 10 and the Metro Housing Rule. Updates of the Goal 9 and 10 inventories and policies address these developments and/or events. Factory outlet facilities have been addressed in the Plan and regulations. 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 has agreed to serve. 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 the Economy section of the Plan Inventory and policies. Annexation attempts with some success are addressed in 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 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 which were considered to be amendments, were processed as such. Other changes addressed as an integral part of the periodic review are incorporated into this process and become effective upon adoption of this Final Review Order. The Plan and regulations now consist of the Comprehensive Plan text, the Land Use Plan Map, Development Code, the Zoning District Map, the Plan Inventory and the Public Facilities Plan.

1. During this period of time, certain elements of the Plan Inventory (factual base) were undergoing a 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 1990, and an economic development section utilizing state and regional trends information with an updated commercial and 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 Final 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 annexed 637 acres from within its urban planning area in 1987. The City has applied industrial zoning to these properties. These 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

acknowledgment (August 1983) (1982 to July 1990) the City has issued 403 building permits for single family residences and 18 permits for new duplexes. Permits have been issued for new commercial and industrial construction, including the Troutdale Plaza, a Minit Mart complex at Troutdale Road and Stark Street, two medical clinics on 257th Avenue, an eye clinic on Stark Street, a Plaid Pantry in the downtown area, two truck stops on the south side of I-84, a food distribution warehouse, a truck service facility in the area of the Portland-Troutdale Airport and several manufacturing facilities in north Troutdale. 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 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 excellent condition. 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 DLCDD 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 Final 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. Other relevant inventory information known to be available includes Metro's Regional Forecast (1989) and Regional Fact Book (1990). 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.

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 were 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 were 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 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).

METRO

The Metro Regional Forecast and Regional Factbook provided recent statistical information concerning population, age characteristics, employment characteristics, and income. This information has been incorporated under the Housing and Economy sections of the Plan Inventory.

U.S. F & WL

The City's review of this resource has indicated that there are several site specific wetlands in Troutdale.

Conclusion: The updates noted above have included in the Plan Inventory enclosed with this order.

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 DLCDC 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 the Development Code).

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 Code). ORS 227.175(3)-(6) requires at least one public hearing; approval based on compliance with the Comprehensive Plan; provisions for notice to the applicant and other interested parties; notice to mobile home park tenants at least 20 but no more than 40 days before a hearing on a proposed zone change for the mobile home park they reside within; and approval or denial of an application for a permit without a hearing if notice and appeal provision are provided to those persons who would have had a right to notice if a hearing had been scheduled or who are adversely affected by the decision.

The Development Code requires hearings, notice, and approval based on compliance with the Comprehensive Plan for all legislative and quasi-judicial land use actions in conformance with ORS 227.175. The Development Code includes a requirement to provide for notice to mobile home tenants as required by ORS 227.175.

ORS 227.178 - Final Action on Permit or Zone Change Application within 120 Days

ORS 227.178(1) requires a city to take final action on a permit or zone change application, including all appeals, within 120 days of completion of the application. ORS 227.178(4) allows the applicant to request an extension beyond the 120-day limit.

The Development Code provides that action on an application be made within 90 days. Although this time limit is less than the legal limit, the Development Code permits an applicant to request an extension beyond the 120-day time limit.

ORS 227.178(2) specified procedures for dealing with incomplete applications.

The Development Code specifies procedures for dealing with incomplete applications in compliance with (2) of ORS 227.178.

ORS 227.178(3) Requires the City to review an application against the standards and criteria effective at the time the application was submitted providing that the initial application was complete or completion was accomplished in a timely manner.

The Development Code specifies compliance with the Plan, laws and regulations which "may now or hereafter provide."

ORS 227.178(5) applies the 120-day limit only to decisions wholly within the control of the City.

The Development Code specifies this limitation.

ORS 227.178(6) exempts those plan and land use regulations amendments that must be submitted to the DLCD Director and ORS 197.610(1) from the 120-day time limit.

The Development Code complies with (6) of ORS 227.178.

ORS 227.178(7) provides for an applicant whose application has not been acted on finally within 120 days after the application was initiated to seek a writ of mandamus to compel issuance of the permit or zone change or a determination that approval would violate the City's plan or land use regulations.

The Development Code complies with (7) of ORS 227.178.

ORS 227.180 - Review Of Action On Permit Application

ORS 227.180 (i)(a)(A) establishes that the period for filing an appeal of a decision shall not be less than seven days after the governing body mails or delivers the decision of a hearings officer.

The Development Code provides for filing an appeal within 10 days of notice of the decision.

ORS 227.180(1)(a)(B) and (C) require that a hearing on the appeal be held and that the record of the hearings officer's action be considered, and ORS 227.180(1)(6) notwithstanding (1)(a), a city council may establish that a hearings officer's decision is the final decision of the city.

The City utilizes a Planning Commission and does not have a hearings officer. The Development Code specifies a hearing and provides a procedure for review. This code also specifies record keeping procedures and consideration of the record. The Planning Commission action is considered final unless appealed.

ORS 227.180(1)(c) requires that fees for filing an appeal shall be no more than the average cost of such appeals or the actual cost of the appeal, excluding the cost of preparation of a written transcript. (1)(c) also requires that fees for preparation of written transcripts not exceed the actual cost of preparing the transcript, up to \$500, plus one-half of the actual cost over \$500.

In response to ORS 227.175(1), it was indicated that the City's permit fee schedule is based on average cost and not to exceed actual cost if it can be determined. A copy is enclosed.

ORS 227.180(2) allows an aggrieved party in a proceeding for a zone change or discretionary permit to appeal the decision to LUBA.

Nothing in the City's land use regulations does or can prevent or keep an aggrieved party from appealing such a decision to LUBA.

ORS 227.180(3) states that ex parte contacts with a member of the decision making body shall not invalidate a final decision or action of the decision making body, provided that the member receiving the contact places the substance of the content of the ex parte communication in the record of the hearing and makes a public announcement of the content of the communication and of the right of parties to rebut the content at the first hearing where action will be considered or taken.

The Development Code provides for abstention or disqualification. However, an amendment to this section has been proposed to ensure full compliance with ORS 227.180(3).

ORS 443.530 through ORS 443.550 - Residential Care Facilities.

This requires that a residential care facility for five or less physically or mentally handicapped persons and care providers be considered a residential use of property for zoning purposes.

The City's Development Code defines such a residence or home in accordance with the statutory definition and states that it shall be considered a residential use to be allowed in any zoning district where residential uses are permitted.

CONCLUSION:

Adoption of the proposed Development Code as amended assures Troutdale's compliance with the statutory requirements contained in the DLCD notice and thereby satisfy this section of Factor One.

GENERAL CONCLUSION:

The City of Troutdale has considered substantial changes in circumstances which have had an impact on the plan and land use regulations. The City has assessed the impacts of those changes in the preceding discussions and has amended the plan and regulations as necessary to address the changed circumstances.

FACTOR TWO

A. NEW OR AMENDED GOALS OR RULES ADOPTED SINCE THE DATE OF ACKNOWLEDGMENT

Findings: The following new and amended goals and rules have been adopted prior to and since acknowledgment:

<u>Goals</u>	<u>Effective Date</u>
Goal 2 Land Use Planning Amendments (Exceptions)	12/30/83

<u>Rules</u>
Goal 2 Land Use Planning Rule

OAR 660-04-000 through 035 (Amendments)	12/30/83
OAR 660-04-000(1), 010, 022 (Amendments)	2/10/84
OAR 660-04-010(1)(f), 022(5)-(9) (Amendments)	3/21/84
OAR 660-04--022(4)(d) (Amendments)	8/8/85
OAR 660-04-028 (Amendments)	11/15/85
OAR 660-04-018 (Amendments)	3/21/86

The City does not propose any new or amended goal exceptions at this time. No changes to the City's Plan or regulations were therefore, required.

B. GOAL 5 - OPEN SPACES/NATURAL RESOURCES RULE OAR660, DIVISION 16

OAR 660-16(6/29/81) requiring: (1) a detailed inventory of the quality, quantity, and location of a variety of site-specific resources; (2) a determination of potential conflicting uses of the resources site or surrounding areas; (3) an analysis of the environmental, social, economic, and energy consequences of allowing or limiting conflicting uses; and (4) development of a program to achieve the goal by prohibiting, limiting, or allowing conflicting uses. This program may involve development of plan policies, land use regulations, etc.

The Goal 5 Administrative Rule was adopted by LCDC on June 6, 1981, more than two years prior to the City's Plan acknowledgment. The City has updated the open space inventory to better inventory and evaluate cultural resources. The City's Plan includes policies requiring protection of Goal 5 resources and the Development Code provides for the protection and preservation of these resources. In the case of community resources, the Development Code has been amended to improve its clarity and make it more specific. The Inventory and Development Code are enclosed.

C. GOAL 9 - COMMERCIAL AND ECONOMIC DEVELOPMENT RULE - OAR 660, DIVISION 9

OAR 660-09 requires the update of economic elements of plans for areas within urban growth boundaries unless the existing plan meets the rule requirements. Plans must be updated based on new economic trend information to: (1) forecast needs for industrial and commercial land in several broad "site categories," (e.g. light industrial, heavy industrial, commercial office, commercial retail, etc.), (2) inventory sites currently designated for industrial or commercial use; and (3) project community decisions about desired development. Based on this information, policies must be adopted stating the community's economic development objectives. Communities must designate land to meet forecasted needs. Communities which seek industries with special site requirements must protect appropriate sites for such uses.

The City has reviewed and utilized new economic trend information in revising and updating the City's Plan Inventory, forecasting needs for commercial/industrial land, inventorying sites currently designated for industrial/commercial use, and projecting community decisions about desired development. The revised commercial/industrial inventory element, along with new plan policies, is enclosed.

D. GOAL 10 - HOUSING RULE - OAR 660, DIVISION 8

Adopted on July 21, 1982, OAR 660-08 establishes parameters for required inventory of buildable lands; requires local housing needs projections to address housing costs and household incomes and that projections be considered in a regional context; requires clear and objective standards, special conditions, and procedures for the approval of housing; establishes substantive standards for taking an exception to ORS 1197.303(3); and requires jurisdictions that restrict housing tenure to conduct a housing tenure needs analysis.

This rule was adopted thirteen months prior to the City's Plan acknowledgment. The Plan and regulations were acknowledged as being in compliance with OAR 660-08. The City's Plan and regulations were amended in 1986-87 and were approved as continuing to be in compliance by the DLCD as per Director's correspondence. Since the Inventory (including buildable residential lands) was not updated at that time, the updated Inventory is enclosed.

The City has not taken an exception and does not restrict housing tenure. Therefore, the City does not need to address ORS 197.303(3) or to conduct a housing tenure needs analysis.

E. GOAL 10 - METROPOLITAN HOUSING RULE - OAR 660 DIVISION 7

Adopted December 11, 1981, and revised February 2, 1987, OAR 660-07 establishes parameters for required inventory of buildable lands; requires clear and objective standards, special conditions and procedures for the approval of housing; establishes minimum residential density requirements and attached/detached housing mix standards; requires regional coordination; and requires evaluation at periodic review.

The City reviewed this rule and prepared an updated buildable lands inventory and regulations to insure continued compliance with the rules's requirements for clear and objective approval standards, and housing mix and density. The Plan Inventory - Housing section, calculations show that the City has provided for an above-standard mix of attached/detached housing and a density exceeding the 8-units per acre requirement.

F. GOAL 11 - PUBLIC FACILITIES RULE - OAR 660, DIVISION 11

OAR 660-11 defines the scope of the Public Facilities Plan and established procedures and standards for developing a Public Facilities Plan. It applies to cities and special districts within an urban growth boundary with a population greater than 2,500.

The City has adopted a new updated Public Facilities Plan enclosed with this order.

CONCLUSION - FACTOR TWO:

The City of Troutdale has amended the plan and regulations and implementing measures where necessary or called for in addressing the requirements of OAR 660-04, OAR 660-16, OAR 660-09, OAR 660-8, OAR 660-7, and OAR 660-11. By adopting these amendments to the Plan and implementing measures, the City complies with the requirements of Factor Two.

FACTOR THREE

A. NEW AND AMENDED STATE AGENCY PLANS OR PROGRAMS ADOPTED SINCE THE DATE OF ACKNOWLEDGMENT (OAR 660-19-055(2)(C))

The applicable rule above calls for complying with mandated state agency programs related to land use which were not in effect when the City's Plan was acknowledged. The City's Local Review Order must address whether or not the Plan and Land Use Regulations are consistent with each listed program. If the Plan or Regulations are not consistent, amendments need to be made to attain consistency.

Findings: The DLCD notice of August 28, 1987, listed the following state agency programs which apply to the City of Troutdale's local review. The City agrees with the DLCD determination that the listed programs potentially meet the standards contained in ORS 197.640(3)(c) and OAR 660-19-0655(2)(c): (1) They are mandated by state statutes or federal law; (2) they are consistent with the goals; and (3) they have objectives that cannot be achieved in a manner consistent with the Comprehensive Plan or Land Use Regulations.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

Requirement: "Local governments must maintain an up-to-date inventory of major air, water, solid and hazardous waste and noise pollution sources and sites."

Response: The City's inventory of air, water and land resources quality was updated. The City has no solid or hazardous waste disposal sites. Air quality in the City continues to exceed daily standards as per DEQ. The following industries are regulated by the volatile organic

compounds (VOC) rules: Reynolds Aluminum, Norwest Publishing, McCormick and Baxter, Myers Container and Camas Paper Mill.

The Goal 6 Inventory was mailed to DEQ in February 1988 for comment. After several contacts and discussions with Maggie Conley, Lydia Taylor and other members of the DEQ staff, Lydia Taylor indicated on May 10, 1988, that the Inventory appeared to be adequate.

Requirement: "Local governments which lack policies requiring compliance with state and federal air, water, solid waste, hazardous waste, and noise regulations must adopt such policies."

Response: The City's Plan includes policies which comply with this requirement.

Requirement: "Local governments with land use regulations relating to air, water, solid waste, and noise pollution which conflict with those of DEQ must amend them to be consistent."

Response: The City has no land use regulations which conflict with those of DEQ. This conclusion is based on an examination of the City's Land Use Regulations. Moreover, DEQ's review of the City's Plan and Regulations in the spring of 1988 produced no negative comments or discoveries of inconsistency.

DEPARTMENT OF TRANSPORTATION

Aeronautics Division: Imaginary surfaces for public use airports: ORS 492.510-710, 492.800-820, OAR 738-70-000.

Requirement: "Public use airports must be protected from obstacles affecting aviation safety, such as radio and television transmission towers, power lines, silos, and high-rise buildings. Each public use airport must have an adopted imaginary surfaces map and implementing ordinance that are compatible with federal aviation regulations, part 77. This includes height restrictions and limits on density and uses in the vicinity of airports."

Response: Discussions with the Aeronautics Division have led to the conclusion that the City's Landing Field Overlay District is inadequate to comply with these requirements. The City made revisions to the Development Code incorporating improvements suggested by the Aeronautics Division in a model "Airport Overlay Zone". Thomas Highland of the Aeronautics Division stated on May 16, 1988, that this model "Airport Overlay Zone" is adequate to meet the requirements.

Requirement: "Local governments receiving federal money for public airports must have adopted federally approved

airport layout plans. Other existing local airport plans must be coordinated with other elements of the local Comprehensive Plan" (ORS 491.050).

Response: The Port of Portland has developed a Master Plan for the Portland-Troutdale Airport, which was coordinated with the City's Land Use Plan. The City added a policy to the Plan (Transportation) as follows: "The City will coordinate planning and development activities in the area of the Portland-Troutdale Airport with the Port of Portland and the Oregon Aeronautics Division."

PARKS DIVISION

Requirement: "Local governments must maintain an up-to-date inventory of state parks and assure that local plans are consistent and coordinated with State Parks Master Plans" (ORS 390-180, OAR 736-18-000).

Response: The City has updated its inventory of parks and has coordinated this update with the Parks Division. Upon review, the Parks Division has found it to be consistent with State Park Master Plans (as per Marguerite Nabeta - telephone conversation May 16, 1988).

HIGHWAY DIVISION

Requirement: "Local governments must amend Goal 11 elements to inventory proposed highway improvements and adopt a policy to coordinate with ODOT in implementing its Highway Improvement Program" (ORS 184.618).

Response: The Plan Inventory recognizes ODOT's Highway Improvement Program, and the plan includes a policy calling for cooperation with ODOT in the delivery of transportation services. In addition the City has added a policy to the Plan as follows: "The City will coordinate with ODOT in implementing its Highway Improvement Program."

CONCLUSION - FACTOR THREE

The City of Troutdale's Plan and Land Use Regulations are in compliance with the requirements of Factor Three as listed in the DLCD notice.

FACTOR FOUR

- A. ADDITIONAL PLANNING TASKS REQUIRED AT THE TIME OF ACKNOWLEDGMENT OR AGREED TO IN RECEIPT OF STATE GRANT FUNDS (OAR 660-19-055(2)(D))

This administrative rule calls for performing "additional planning that:

- (1) Was required in the Comprehensive Plan or land use regulations at the time of initial acknowledgment or that was agreed to by the City or county in the receipt of state grant funds for review and update; and

- (2) Is necessary to make the Comprehensive Plan or land use regulations comply with the goals."

Findings: LCDC's August 1983 acknowledgment of the City's Plan included an update requirement "to determine uses on the County Farm property and to assure that the City's housing mix and density requirements are met."

The DLCD Periodic Review notice calls for performing these planning tasks "as part of the periodic review process or else the review order must explain why the requirement no longer applies."

Response: The County Farm property was rezoned in 1986 as part of the rezoning of lands previously zoned SR and A-1-B within the City. In 1990 the City substantially modified the zoning of parts of the County Farm as a part of the periodic review. These new zoning changes recognize substantial changes in circumstances which were not addressed when the land uses were designated on this property in 1986. Identified substantial changes addressed by this plan amendment include: the proposed Mt. Hood Parkway, improved economic conditions and the sale and pending restoration of the Edgefield Manor.

On April 12, 1990 the Multnomah County Board of Commissioners approved a resolution concerning the proposed sale of the County Farm property. In this resolution, the Board expressed a desire for the property to be used in the best public interest to include a mixture of land uses. The Board recognized Troutdale's authority to regulate land uses and expressed a desire to maximize the monetary value of the property consistent with public purposes. The land uses now allowed by the Plan Map and Zoning District Map satisfies the desires expressed by the Board of Commissioners.

The City has also included an analysis of housing mix and density within the Plan Inventory - Housing Section. This analysis indicates that Troutdale is in compliance with the Metropolitan Housing Rule and Goal 10-Housing.

Conclusion - County Farm: Determination of land uses on the County Farm was accomplished prior to Periodic Review with the approval of the DLCD. As a result of these land use determinations, compliance with the Metro Housing Rule mix and density requirements and with Goal 10-Housing was enhanced. The City, therefore, has complied with this requirement as part of Factor Four.

B. NONMANDATORY PROGRAMS

The following state agencies have submitted summaries of nonmandatory programs which, though not required to be considered by local jurisdictions during Periodic Review, are strongly recommended to be considered:

OREGON DEPARTMENT OF ENERGY (ODOE)

The Department of Energy recommends that cities update or develop a comprehensive plan element on energy conservation using the latest available information from ODOE or other sources. It also recommends that the plan include policies to (1) periodically assess the types and amount of local energy use; (2) practice energy management in city buildings and facilities; (3) encourage local citizens and businesses to conserve energy and use renewable resources; and (4) incorporate energy conservation into urban design and transportation planning.

Response: The City has updated the City's plan element on energy conservation using the latest available information. This updated inventory information was mailed to Mike Byers of the DOE whose comments have been utilized in refining this element. According to Mr. Byers, "the proposed Periodic Review update of this section and the Plan policies looks fine" (letter to George Samaan dated March 30, 1988).

The City has also adopted solar access regulations developed as a regional project. Troutdale worked closely with the members of a regional consortium in developing these regulations over a period of two years. As a result, at least two Plan policies were revised. Other proposed policy revisions in this section address the DOE recommendations above. Plan policies were revised and modified as follows:

1. The City will periodically assess the types and amounts of local energy use;
2. The City will practice energy management in City buildings and facilities;
3. The City will encourage local citizens and businesses to conserve energy and use renewable resources;
4. The City will encourage and facilitate energy conservation into urban design and transportation planning;
5. The City has adopted solar access protection and utilization provisions and will encourage and facilitate energy conservation through the Development Code and Standards;
6. The City shall ensure the efficient provision of facilities and services; and
7. The City will promote and facilitate the retro-fitting of homes and commercial/industrial facilities for energy conservation.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

DEQ recommends that local governments recognize in their plans state and federal funding limitations for sewer and water projects; that local governments tie populations to infrastructure requirements; that land uses be regulated near sensitive aquifers; that certain nonpoint sources of water pollution not regulated by DEQ be controlled; that plans be amended to address plan improvement items noted in DLCD staff reports; and that local governments with populations greater than 4,000 review their land use regulations to ensure that recycling facilities are permitted with clear and objective standards.

Response: Plan policies recognize federal funding limitations for sewer and water projects and commit the City to cooperate with federal, state and regional agencies in the provision of these services. Plan policies also address the relationship of infrastructure requirements to population growth.

The Plan and regulations call for and provide for regulating land uses near sensitive water sources and nonpoint sources of water pollution.

Plan improvement items noted in DLCD staff reports have been addressed in this Final Review Order, and the City's land use regulations permit recycling facilities under clear and objective standards.

OREGON DEPARTMENT OF TRANSPORTATION (ODOT).

Aeronautics Division: ODOT recommends that local jurisdictions with airports amend land use regulations to discourage incompatible sensitive uses near airports.

Response: The Development Code regulates land uses in the area of the Portland-Troutdale Airport to discourage or prohibit incompatible uses.

HIGHWAY DIVISION

ODOT recommends that aggregate/mineral resources be protected so that highway facilities can be well maintained; that street functional classification maps be maintained; that access management and agency coordination be encouraged; that the statewide nature of the state highway system be preserved by not unnecessarily delaying ODOT from carrying out emergency maintenance and operations functions; that the need for bikeways, footpaths and public transit be recognized in the Plan; and that good local transportation planning be coordinated with other elements of local plans.

Response: Plan policies call for cooperation and coordination with federal, state, regional, county and adjoining cities, affected agencies and districts, in the area of transportation and emergency services. Plan