



**BEFORE THE PLANNING COMMISSION
of the
CITY OF TROUTDALE
FINAL ORDER**

**FINDINGS OF FACT and RECOMMENDATION for
AMENDMENTS to the TROUTDALE DEVELOPMENT CODE
(TEXT AMENDMENT 42) and TROUTDALE MUNICIPAL CODE
for Compliance with Metro Title 13 "Nature In Neighborhoods"**

PROCEDURE: IV Legislative Procedure

FILE NUMBER: 09-021

HEARING DATE: May 20, 2009

STAFF REPORT DATE: May 13, 2009

STAFF CONTACT: Elizabeth A. McCallum, Senior Planner

APPLICANT: City of Troutdale

PROJECT NAME: Troutdale Development Code Text Amendment #42--Metro Title 13 "Nature in Neighborhoods"

REQUEST: Text amendments to the Troutdale Development Code and Troutdale Municipal Code to comply with Title 13 of the Metro Urban Growth Management Plan--Nature in Neighborhoods--and housekeeping amendments related to Title 13 and Metro Title 3--Water Quality and Flood Management

ATTACHMENT 1: Proposed Text Amendment Number 42

FINDINGS OF FACT:

The Troutdale Planning Commission hereby finds the following in this matter.

1. These text amendments are initiated to comply with Title 13 of the Metro Urban Growth Management Plan, Nature in Neighborhoods. The public need was identified in Metro Title 13 as: a need to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from stream headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland

wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

2. These text amendments include housekeeping amendments that are necessary to coordinate other standards with the amendments that are specific to Metro Title 13.
3. The proposed amendments to the Troutdale Municipal Code Chapter 13 text are evaluated with this action.
4. The previously adopted Metro Title 3 map will be the reference map for applying these standards.
5. A work session was held by the City Council on March 4, 2008 with the Planning Commission and Citizens Advisory Committee to introduce Title 13 Nature in the Neighborhoods.
6. The Troutdale Citizens Advisory Committee (CAC) met November 5, 2008, December 3, 2008 and April 1, 2009 to discuss amendments for compliance with Metro Title 13. At its April 1, 2009 meeting, the CAC unanimously recommended forwarding these text amendments to the Planning Commission for its consideration.
7. Oregon Department of Land Conservation and Development was notified of the proposed text amendments on April 3, 2009.
8. Written notification of the Planning Commission Text Amendment 42 was mailed to affected property owners on May 6, 2009.
9. A notice of the May 20, 2009, Planning Commission hearing in this matter was published in the Gresham *Outlook* on May 9, 2009.
10. The proposed amendments do not amend the Comprehensive Land Use Plan text.
11. These text amendments do not adversely affect the health, safety, and welfare of the community.
12. Minor revisions to the proposed amendments recommended by the CAC were determined necessary by the Planning Commission. Those revisions pertain to these sections of the Troutdale Development Code:
 - a. TDC 4.317 “Method for Determining Vegetation Corridors Next to Primary Protected Water Features,” introductory paragraph only. The change to the amendment would read as follows:

4.317 Method for Determining Vegetation Corridors Next to Primary Protected Water Features. **Beginning at the bankfull stage of the primary protected water feature, measure 50 feet horizontally away from the water (Inland).**

- b. TDC 4.315(F), introductory paragraph only. The change to the amendment would read as follows:

~~CF.~~ **Expansion or Construction of public utilities and public streets not included in the review of the tentative plat shall be processed as a Type II site and design review land use application and shall be subject to the following approval criteria, provided that it meets the *in addition to the other* standards of *this* subsections (A)(1) – (3) of this section, as applicable, and the following *chapter, including mitigation as required in TDC 4.315B(3) through (6), and compliance with TDC 4.315C, and TDC 4.315D:***

13. The proposed amendments to the Troutdale Development Code do not conflict with the applicable Comprehensive Land Use Plan policies of Goal 5 Pertaining to Natural Resources, Goal 6 Air, Water, and Land Resources Quality and Goal 7 Areas Subject to Natural Disasters and Hazards.
- a. Goal 5 Policy 1. The vegetation corridor buffer is the tool used to conserve open space between protected water features and development. These text amendments pertain to areas generally mapped on Metro’s Title 3 “Water Quality and Floodplain Management” map, wetlands mapped on the US Fish and Wildlife Service wetland inventory map as well as unmapped areas that meet the definition of vegetation corridor and slope district, wetlands, the 100-year floodplain as mapped by FEMA and 1996 floodplain as mapped by Metro.
- b. Goal 5 Policy 2. Vegetation corridor buffers, erosion control and stormwater management development standards reduce potential pollution of domestic groundwater and surface water resources.
- c. Goal 5 Policy 3. Existing Development Code standards pertaining to the Vegetation Corridor and Slope District and the Flood Management Area, Erosion Control and Water Quality Standards and Stormwater Management standards, address the storage and disposal of hazardous substances. New standards were not required.
- d. Goal 5 Policy 4. Existing stormwater management standards in TDC 4.300 Vegetation Corridor and Slope District and TDC 5.800 Stormwater management, satisfy this policy. The proposed text amendments allow the use of vegetated swales for stormwater quality within the vegetation corridor.

- e. Goal 5 Policy 5. Where the management of drainageways does not conflict with flood control, a vegetation corridor buffers adjacent to drainageways will be maintained as specified in the existing text of TDC 4.300 and as amended. These buffers provide wildlife habitat characteristics including food, water, cover, breeding, nesting, resting and wintering areas.
- f. Goal 5 Policy 7. The existing standards and proposed amendments include measurable methods that are to be used to mitigate for loss of the vegetation corridor buffer when development cannot avoid use of the vegetation corridor buffer. The standards include limitations on how much of the buffer can be used and provide for a variance procedure.
- g. Goal 5 Policy 8. The amendments include amendments to existing “density transfer” standards that are intended to “encourage the creation of new developments ... in a manner compatible with existing and future urban development” while protecting fish and wildlife habitat.
- h. Goal 5 Policy 9. The City has worked closely with Metro in drafting the proposed amendments. The State Department of Land Conservation and Development was notified of the proposed amendments on April 3, 2009, in accordance with state procedures and the City identified the following state and federal agencies, local governments or special districts to be affected by the proposed amendments: Multnomah County, Metro, Port of Portland, Department of State Lands, The Sandy Drainage Improvement Company, Oregon Department of Fish and Wildlife, National Marines Fisheries Services, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service.
- i. Goal 6 Policy 5. The amendments to the standards maintain environmental quality by guiding future development and land use activities. Prohibit activities that will significantly deteriorate the existing high quality of the air, water, and land resources.
- j. Goal 6 Policy 6. The amendments to the standards adhere to federal and state standards relating to air and water quality.
- k. Goal 7 Policy 2. The amendments to the standards require that development occur in a manner that respects and retains natural vegetation in areas with sensitive features such as streams, creeks, and other bodies of water and steep slopes.
- l. Goal 7 Policy 4. The standards require mitigating measures where development occurs on slopes of 25% or greater, which is consistent with this policy.

