



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

3/19/2010

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Troutdale Plan Amendment  
DLCD File Number 003-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, April 01, 2010

This amendment was submitted to DLCD for review prior to adoption

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Rich Faith, City of Troutdale  
Gloria Gardiner, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative  
Bill Holmstrom, DLCD Transportation Planner  
Angela Lazarean, DLCD Urban Planner

<paa> YA

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

DEPT OF MAR 12 2010 LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF TROUTDALE Local File No.: 09-085 (If no number, use none)

Date of Adoption: March 10, 2010 (Must be filled in) Date Mailed: March 11, 2010 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: December 7, 2009

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment Land Use Regulation Amendment Zoning Map Amendment New Land Use Regulation Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." An ordinance vacating the southerly 60 feet of CP Park accessway and amending the Comprehensive Plan Map and Zoning Map designations of the vacated property from Open Space Plan Map to High Density Residential Plan map and from Open Space zoning to A-2 Apartment Residential to be consistent with map designations of an abutting property.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A." Same

Plan Map Changed from: Open Space (OS) to High Density Residential (HDR)

Zone Map Changed from: Open Space (OS) to Apartment Residential (A-2)

Location: between 2843 SW Faith Ct and 2846 SW Hope Ct Acres Involved: 0.02 acres / 840 sq. ft.

Specify Density: Previous: 0 New: 0

Applicable Statewide Planning Goals: Goal 2, Goal 8, Goal 12

Was an Exception Adopted? Yes: No: X

DLCD File No.: 003-09 (17992) [16044]

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: Metro

Local Contact: Rich Faith, Comm Dev Dir. Area Code + Phone Number: 503-674-7261

Address: 104 SE Kibling Ave.

City: Troutdale, OR Zip Code+4: 97060

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

## **ORDINANCE NO. 799**

### **AN ORDINANCE VACATING THE SOUTHERLY 60 FEET OF CP PARK ACCESSWAY AND AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS OF THE VACATED PROPERTY**

#### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. CP Park subdivision includes a Tract A that was dedicated to the public as a park. Tract A, including its accessway to adjacent property to the south, was subsequently deeded to the City by the developer of the subdivision.
2. The public accessway between CP Park and the commercial shopping center to its south has become a public nuisance because it is a favorite hangout for young people who engage in undesirable behavior there.
3. In response to public comment from nearby residents about the problems that this accessway creates for them, the City Council decided to close off the accessway in 2003.
4. Even though the accessway is closed off, it remains a nuisance to the abutting property owners in that adolescents and others continue to climb over or break through the fence in order to hang out and engage in mischievous behavior.
5. After repeated complaints from adjacent residents about the problems associated with this accessway, the City Council desires to vacate the access strip. In order to dispose of the property the City must convey it by deed or other legal instrument. The City wishes to convey it to an adjacent residential property owner so that the land can be incorporated into a fenced private yard that is maintained by the property owner.
6. In conjunction with vacating the access strip, the City Council also desires to amend the comprehensive plan map and zoning district map designations for the vacated strip to be consistent with the adjacent residential property.

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

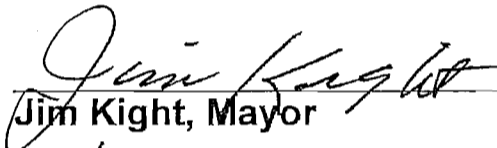
**Section 1.** The findings of fact contained in the Planning Commission's final order pertaining to this accessway vacation are incorporated by reference.

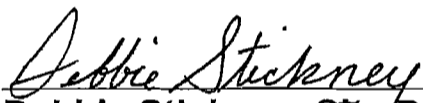
**Section 2.** The southerly 60 feet of Tract A of CP Park subdivision be vacated and said tract be conveyed by deed to the owners of adjoining Lot 1 of Faith

Park subdivision. The owners of Lot 1 shall be responsible for paying all associated recording fees.

**Section 3.** The Troutdale Comprehensive Plan map designation for the vacated property shall be amended from Open Space to High Density Residential and the Troutdale Zoning Map designation shall be amended from Open Space to Apartment Residential to be consistent with adjacent Lot 1 of Faith Park subdivision.

**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

  
\_\_\_\_\_  
Jim Kight, Mayor  
*March 10, 2010*  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Debbie Stickney, City Recorder

**Adopted: March 9, 2010**

Exhibit A



Current Plan Designation: Open Space

Current Zoning: Open Space

Proposed Plan Designation: High Density Residential

Proposed Zoning: Apartment Residential

PLANNING COMMISSION  
FINAL ORDER

FINDINGS AND RECOMMENDATION

**FILE:** 09-085

**TYPE IV HEARING:** Vacation and Map Amendments

**HEARING DATE:** January 20, 2010

**APPLICANT:** City of Troutdale

**LAND OWNER:** City of Troutdale

**PROJECT NAME:** CP Park Accessway Vacation and Plan and Zoning Map Amendments

**REQUEST:** Vacate the southerly 60 feet of CP Park accessway and amend the comprehensive plan map designation for the vacated property from Open Space to High Density Residential (HDR) and amend the zoning map designation from Open Space to Apartment Residential (A-2) to be consistent with that of the adjacent property to the east.

**LOCATION:** Located between 2843 SW Faith Ct. and 2846 SW Hope Ct. within C.P. Park Subdivision and north of Troutdale Commons retail center (Albertsons)

**SITE SIZE:** 840 square feet (14' x 60')

The Troutdale Planning Commission held a public hearing on January 20, 2010 to take public testimony and to formulate a recommendation to the City Council concerning vacation of a 14' x 60' strip (840 s.f.) of public park accessway and amending the Comprehensive Plan map designation and Zoning map designation for the vacated strip. Having provided the opportunity for the public to express their views on the proposal, the Planning Commission now makes and enters the following findings of fact together with its recommendation to the Council for action.

1. The subject property is part of CP Park that was both dedicated to the City on the plat

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recorded as CP Park and also deeded to the City by separate document. The subject property is a portion of the 14-foot wide accessway between residential lots that allows access between the park and abutting commercially zoned property to the south. The accessway has become a public nuisance because kids hang out there to engage in undesirable behavior.

2. Because of complaints from adjacent residents about undesirable activity occurring in the secluded accessway, in 2003 the City fenced off the southerly 60 feet of the path by installing a six-foot high chain link fence on both ends. Even though the pathway had been fenced off, neighbors continue to complain that kids are repeatedly breaking through or climbing over the fence to hang out and conduct undesirable activity within the closed off accessway.

3. On November 10, 2009 the Troutdale City Council voted unanimously to initiate this vacation so that the property can be conveyed to an adjacent property owner and included in the side yard area of the adjacent property to fully remove the opportunity for misuse of the pathway.

4. Once vacated, the property will no longer be dedicated for park purposes and the City can freely dispose of it. Assuming that the City will convey the vacated property to the adjacent property owner to the east, it makes sense to concurrently amend the comprehensive plan designation and zoning of the property to be consistent with that adjacent land.

5. The Troutdale Parks, Recreation and Greenways Plan shows this accessway as a connection between the park and land to the south; however, the Plan does not support continued use of the pathway and does not identify a recreational need for it. The Troutdale Transportation System Plan does not identify this pedestrian accessway as part of the City's transportation network or trail system. Consequently, the proposed vacation does not cause a conflict with the Comprehensive Land Use Plan.

6. In the six years that this pathway has been closed off, there have not been complaints about its closure nor have residents been demanding that the pathway be reopened. The public interest will not be prejudiced by the vacation.

7. Amending the Comprehensive Plan Map for the proposed 840 s.f. vacated access strip from Open Space to High Density Residential complies with applicable statewide land use planning goals and is consistent with the applicable goals and policies of the Comprehensive Land Use Plan.


8. The proposed map amendment is not intended to accommodate additional dwellings or to meet projected need for residential land. It is a housekeeping measure to avoid having split plan designations and zoning on a single piece of property.



9. This proposed map amendment is not being done to address projected need. It is strictly a housekeeping measure to have map consistency on the 840 s.f. of public open space that is being vacated.
10. The proposed HDR designation is the same as that of the adjacent land. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.
11. No change in use of the vacated property is anticipated, so additional public facilities and services will not be needed.
12. As a result of this vacation the adjacent parcels would be increased in size but not enough to enable them to be further divided or for additional dwellings to be constructed.
13. The proposed Apartment Residential (A-2) zoning is the only possible zoning classification for the proposed HDR plan designation of the subject property in order for there to be consistency between the Plan Map and the Zoning Map.
14. Given the small area that is the subject of this rezone, no new uses are expected to occur. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
15. Because no change of use will result from this zone amendment action, no additional public facilities, services or transportation network is needed.
16. The zone change to A-2 complements the park property vacation and will enhance livability and the value of the adjacent land because it removes the negative impacts associated with misuse of this public park area in the past.
17. The zone map amendment will not be detrimental to the general interest of the community.
18. Notice of the public hearing has been provided in accordance with applicable law.
19. Written testimony was submitted by Tom Kloster, Metro's Regional Transportation Planning Manager, opposing the vacation because he believes it would be contrary to adopted local and regional policies that support connectivity between residential neighborhoods and adjacent commercial centers.
20. Testimony from an adjacent property owner, Bill Ormund, favored the vacation and map changes. However, he expressed concern that if the vacated property is incorporated into the abutting residential lot and enclosed by a fence, the remnant concrete sidewalk within the park

will dead end at the new residential fence and will likely become another hang out area for kids. He would like to see this remnant sidewalk removed if the vacated property is permanently fenced off.

In view of the above findings of fact, the Planning Commission recommends that the Troutdale City Council approve vacating the 14' x 60' public accessway in CP park and amending the Comprehensive Land Use Plan Map from Open Space (OS) to High Density Residential (HDR) and amending the Zoning Map from Open Space (OS) to Apartment Residential (A-2) to be consistent with that of the adjacent property to the east.



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Tanney Staffenson  
Planning Commission Vice-Chair



104 SE Kidding Avenue  
Troutdale, Oregon 97060-2012

RETURN SERVICE

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