Troutdale Development Code

Originally Adopted by Ordinance No. 842 on April 11, 2017

As Amended by Ordinance No. 851 on December 18, 2018

Effective Date: January 17, 2019

City of Troutdale | Community Development Department

2200 SW 18th Way, Troutdale, OR 97060 | www.troutdale.info

Troutdale Development Code of 2017

Adopted by Ord. No. 842	Amended by Ord. No. 851	Effective Date
April 11, 2017	**December 18, 2018**	**January 17, 2019**

City Council
Casey Ryan, *Mayor*
David Ripma
Randy Lauer
Larry Morgan
Glenn White
Rich Allen
Zach Hudson

Planning Commission
Tanney Staffenson, *Chair*
Ryan Campbell
Marvin Woidyla
Frank Grande
Shirley Prickett
Jamie Kranz
Sandy Glanz

City of Troutdale Staff
Ray Young, *City Manager*

Planning Division
Chris Damgen, *Director*
Ryan Krueger CFM
Marlee Schuld
Breezy Poulin

Original Acknowledgements

Legal Review & Counsel
Ed Trompke, Dan Olsen, Shelby Rihala; *Jordan Ramis PC*

Compliance Review
Jennifer Donnelly, Amanda Punton; *Department of Land Conservation and Development*
Tim O'Brien, *Metro*

Additional Acknowledgements & Contributions
Citizens of Troutdale
Providers of Public Hearing Testimony
City of Troutdale Public Works Department
Former Troutdale City Councilors *(2013-2017)*
Former Troutdale Planning Commissioners *(2013-2017)*
Former City of Troutdale Planning and Public Works Staff *(2013-2017)*
Additional State, Regional, and Local Agencies/Entities
Rooney Barker, Transcriptionist & File Assembly *(2013-2017)*
Lane Waleske, City of Troutdale Webmaster *(2016-2017)*
Steven Sparks, Consultant *(2016)*
Steve Winstead, Consultant *(2013-2016)*
John Morgan, Consultant *(2013-2016)*

Heroes are not giant statues framed against a red sky.
They are people who say: "This is my community,
and it is my responsibility to make it better."

- Tom McCall, Governor of Oregon (1967-1975)

Amendment History

Original Version Ordinance No. 842	**Troutdale Development Code of 2017** Approved: April 11, 2017 | Effective: May 11, 2017 Comprehensive Text Amendment Repealed Ordinance No. 550 (Troutdale Development Code of 1990)
Amendment 75-01 Ordinance No. 844	**Various Amendments** Approved: September 26, 2017 | Effective: October 26, 2017 Amendments to Chapters 2, 3, 4, 5, 6, 7, 8, 9 Corrected omissions and errors from Original Version
Amendment 75-02 Ordinance No. 850	**Accessory Dwelling Units** Approved: October 9, 2018 | Effective: November 8, 2018 Amendments to Chapters 1, 3, 5, 6 Amended standards for accessory structures (5.010) and accessory dwelling units (5.900) due to state requirements from House Bill 1051
Amendment 75-03 Ordinance No. 851	**Flood Management** Approved: December 18, 2018 | Effective: January 17, 2019 Amendments to Chapters 1, 2, 4; Establishment of Chapter 14 Amended standards for flood management due to required compliance with federal and state standards and adoption of new regulatory maps

DIGITAL USERS:
Click on the chapter title to quickly navigate to the start of that chapter!

Table of Contents

CHAPTER 1 INTRODUCTORY PROVISIONS **PAGE**

1.010 Title 1-1

1.015 Purpose 1-1

1.016 Applicability 1-1

1.017 Scope and Compliance 1-1

1.018 Consistency with Plans and Laws 1-1

1.020 General Definitions 1-1

1.030 Airport Overlay Definitions 1-16

1.035 Historic Landmark Definitions 1-18

1.040 Vegetation Corridor and Slope District, and Water Quality and Flood Management Definitions 1-21

CHAPTER 2 PROCEDURES FOR DECISION-MAKING

2.000 Types of Procedures for Taking Public Action 2-1

2.010 Procedures for Processing Permits 2-1

2.015 Computation of Time 2-2

2.020 Coordination of Permit Procedure 2-2

2.025 Pre-Application Conference 2-2

2.030 Application Materials 2-2

2.035 Submission of Application 2-3

2.040 Referral and Review of Applications 2-4

2.045 Responsibility of Director for Hearings 2-4

2.050 Type I Procedure 2-4

2.055 Type II Procedure 2-5

2.060 Type III Procedure 2-5

2.065 Type IV Procedure 2-6

2.070 Legislative Enactments Not Restricted 2-6

2.075 Notice of Hearing 2-6

2.080 Content of Notice 2-7

2.085 Procedure for Mailed Notice 2-7

2.090 Procedure for Posted or Published Notice 2-8

2.095 Applicant's Documents and Evidence 2-8

2.100 Staff Report 2-8

2.105 Explanation at Commencement of Hearing 2-8

2.110 Request to Present Additional Evidence 2-9

2.115 Continuance of the Hearing 2-9

2.120 Leaving the Record Open 2-9

2.125 Applicant's Right to Submit Final Arguments 2-9

2.130 Reopening a Hearing 2-9

2.135 Failure to Receive Notice 2-9

2.140 Ex Parte Contacts 2-9

2.145 Challenges to Impartiality 2-10

2.150 Conflicts of Interest 2-10

2.155 Disqualification 2-10

2.160 Abstention or Disqualification 2-10

2.165 Rights of Disqualified Member of the Hearing Body 2-10

2.170 Burden and Nature of Proof 2-11

2.175 Order of Proceedings 2-11

2.180 Decision 2-12

2.185 Findings and Order 2-12

2.190 Record of Proceedings 2-12

2.195 Request for Review - Appeal of Decision 2-13

2.200 Raising Issues for Appeal 2-13

2.205 Appeal Requirements 2-13

2.210 De Novo Hearing 2-14

2.215 Reviewing Body Decision 2-14

2.220 Expiration of a Decision 2-15

2.225 Extension of a Decision 2-16

2.230 Modification of a Decision 2-17

CHAPTER 3 ZONING DISTRICTS

3.000 Zoning District Outline 3-1

3.005 Zoning District Map 3-2

3.010 R-20 Single-Family Residential 3-3

3.020 R-10 Single-Family Residential 3-6

3.030 R-7 Single-Family Residential 3-9

3.040 R-5 Single-Family Residential 3-12

3.050 R-4 Attached Residential 3-15

3.060 A-2 Apartment Residential 3-18

3.100 NC Neighborhood Commercial 3-23

3.110 CC Community Commercial 3-26

3.120 GC General Commercial..... 3-29

3.130 CBD Central Business District 3-32

3.140 MO/H Mixed Office/Housing..... 3-38

3.150 IP Industrial Park 3-41

3.160 LI Light Industrial..... 3-44

3.170 GI General Industrial 3-48

3.180 OS Open Space 3-52

CHAPTER 4 ZONING DISTRICT OVERLAYS

4.000 AR Aggregate Resource 4-1

4.100 ALF Airport Landing Field..... 4-4

4.200 HL Historic Landmark Protection 4-6

4.300 VECO Vegetation Corridor and Slope District 4-8

4.400 PD Planned Development..... 4-28

4.500 FLMA Flood Management Area *(Superseded)* 4-33

4.600 TC Town Center 4-34

CHAPTER 5 MISCELLANEOUS USES, STANDARDS, AND EXEMPTONS

5.010 Accessory Structures..... 5-1

5.020 Exceptions to Yard Requirements 5-2

5.030 Vertical Projections..... 5-2

5.040 Clear Vision Areas..... 5-2

5.050 Fences and Windscreens 5-5

5.060 Decks 5-6

5.070 Street Side Sales 5-6

5.080 Transportation Facilities 5-6

5.090 Shared Dwellings 5-7

5.100 Home Occupation in a Residential District 5-8

5.200 Mobile Food Vendors 5-9

5.300 Nonconforming Uses 5-10

5.400 Concept Development Plan and Specific Site Plan Requirements for Master Planned Mixed Use (MPMU) Designations 5-13

5.500 Bed and Breakfast Inn 5-20

5.600 Erosion Control and Water Quality Standards 5-22

5.700 Stormwater Management 5-23

5.800 MHP Manufactured Home Parks 5-24

5.900 Accessory Dwelling Units 5-29

5.1000 Public Improvements 5-30

5.1100 Manufactured Homes 5-31

CHAPTER 6 APPLICATIONS

6.000 Annexation 6-1

6.100 Comprehensive Plan Text Amendment 6-2

6.200 Comprehensive Plan Map Amendment 6-3

6.300 Conditional Use 6-4

6.400 Director's Interpretation 6-7

6.500 Historic Landmarks 6-8

6.600 Non-Conforming Expansions 6-13

6.700 Planned Unit Development 6-16

6.800 Public Transportation Facility 6-18

6.900 Site Development Review 6-19

6.1000 Temporary Structures 6-22

6.1100 Text Amendment 6-23

6.1200 Vacation 6-24

6.1300 Variance 6-25

6.1400 Zoning Map Amendment 6-27

CHAPTER 7 LAND DIVISION

7.010 Purpose 7-1

7.020 General Requirements 7-1

7.030 Procedures 7-1

7.040 Preliminary Plat Submittal Requirements 7-1

7.050 Preliminary Plat Approval Standards 7-4

7.060 Preliminary Plat Expiration Date 7-13

7.070 Effect of Preliminary Approval 7-13

7.080 Final Plat Application 7-14

7.090 Final Plat Approval 7-16

7.100 Changes to Approved Plat 7-16

7.110 Guarantee 7-17

7.120 Development Inspection Fee 7-17

7.130 Construction Drawing Requirements 7-18

7.140 Commencement of Construction 7-18

7.150 Certificate of Completion 7-18

7.160 Restriction on Issuance of Building Permits 7-19

7.170 Acceptance of Construction Improvements 7-19

7.180 Lot Line Adjustments 7-19

CHAPTER 8 SITE ORIENTATION AND DESIGN STANDARDS

8.010 Purpose 8-1

8.020 Applicability and Exemptions 8-1

8.030 Pedestrian Walkways 8-2

8.040 Transit Facility Design 8-3

8.045 Additional Transit Related Design Standards 8-3

8.200 Multiple-Family, Attached, Duplex,
and Triplex Dwelling Design Standards 8-6

CHAPTER 9 OFF-STREET PARKING AND LOADING

9.005 Off-Street Parking Required 9-1

9.010 Residential Off-Street Parking Space Requirements 9-1

9.015 Commercial Off-Street Parking Space Requirements 9-2

9.020 Institutional, Public, and Semi-Public Uses
Off-Street Parking Space Requirements 9-4

9.025 Industrial Off-Street Parking Space Requirements 9-4

9.030 Off-Street Parking within the Town Center Overlay District 9-5

9.035 Other Developments Not Listed 9-5

9.040 Reduction of Required Parking Spaces 9-5

9.045 Landscaping and Screening 9-6

9.050 Paving 9-6

9.055 Drainage 9-7

9.060 Lighting 9-7

9.065 Shared Use of Parking Facilities 9-7

9.070 Driveways 9-7

9.075 On-Site Circulation 9-8

9.080 Bicycle Parking Facilities 9-8

9.085 Setbacks 9-9

9.090 Truck Parking 9-10

9.095 Handicapped Parking Facilities 9-10

9.100 Carpool and Vanpool Parking 9-10

9.105 Off-Street Parking Restrictions 9-10

9.110 Design Requirements for Off-Street Parking 9-11

9.115 Loading Facilities 9-11

9.120 Off-Street Parking Plan 9-12

9.125 Off-Street Parking Construction 9-12

CHAPTER 10 SIGNS

10.005 Title 10-1

10.010 Purpose 10-1

10.015 Definitions 10-1

10.020 General Provisions 10-4

10.025 Sign Permit Exemptions 10-6

10.030 Prohibited Signs 10-7

10.035 Signs Within Residential Zones 10-7

10.040 Signs Within Commercial and Industrial Zones 10-8

10.045 Signage within the Central Business District (CBD) 10-10

10.050 Electronic Display Signs 10-12

10.055 Nonconforming and Abandoned Signs 10-12

10.060 Enforcement of Permanent Signs 10-14

10.065 Enforcement of Temporary Signs 10-14

CHAPTER 11 LANDSCAPING AND SCREENING

11.010 Minimum Basic Improvements 11-1

11.015 Garbage and Recycling Container Enclosures 11-3

11.020 Performance Bond or Security 11-3

11.030 Guarantee 11-4

CHAPTER 12 RESERVED

CHAPTER 13 RESERVED

CHAPTER 14 FLOOD MANAGEMENT

14.005 Purpose 14-1

14.010 Applicability 14-3

14.015 Severability 14-3

14.020 Administration and Interpretation of Flood Insurance Rate Map Boundaries and Flood Management Area Standards 14-4

14.025 Uses within the Floodplain but Outside the Floodway and Outside Wetlands 14-6

14.030 Uses within the Floodway or within Wetlands 14-8

14.035 Floodplain Development Permit 14-11

14.040 Development Standards 14-17

14.045 Floodways 14-29

14.050 Before Regulatory Floodway 14-30

14.055 Flood Management Area Variance Procedures 14-30

14.060 Prescribed Conditions for the Rehabilitation or Replacement of Pre-Existing Structures 14-33

CHAPTER 15 AMENDMENTS

15.005 Action under This Code 15-1

15.010 Hearing Notice 15-1

15.015 Arguments on Policy 15-1

15.020 Information at Planning Commission Hearing 15-1

15.025 Planning Commission Recommendation 15-2

15.030 City Council Action 15-2

15.035 Limitation on Reapplication 15-2

15.040 Effective Date of Text and Map Amendments 15-2

15.045 Updating the Comprehensive Land Use Plan Map and Zoning District Map 15-3

15.050 Notice of Amendments under Type IV Legislative Procedures 15-3

CHAPTER 16 RESERVED

CHAPTER 17 GENERAL PROVISIONS

17.010 Authorization of Similar Uses 17-1

17.020 Interpretation 17-1

17.030 Maintenance of Code Requirements 17-1

17.040 Effect on Other Public and Private Regulations and Restrictions 17-1

17.050 Bond or Cash Deposit 17-1

17.060 Noncompliance with Provisions under Obligation 17-1

17.070 Adjusting Bond or Deposit for Future Obligation 17-2

17.080 Fees and Deposits 17-3

17.090 Conflicting Regulations 17-3

17.100 Severability 17-3

17.110 Violations 17-3

17.120 Repeal of Ord. No. 550 17-3

APPENDIX A Design Standards for Central Business District A-1

APPENDIX B Supplemental Standards Along 257th Avenue B-1

Chapter 1 – Introductory Provisions

1.010 Title. This ordinance shall be known as the Troutdale Development Code (TDC), also referred to as the Code, of 2017.

1.015 Purpose. The purpose of this Code is to coordinate City regulations governing the development and use of land and to implement the Troutdale Comprehensive Land Use Plan. It is the policy of the City of Troutdale to accomplish this in a manner that allows Troutdale to develop as a community with its unique character, encourage development that conforms to that character and to assist all persons who propose such development.

1.016 Applicability.

A. This Code applies to all property within the incorporated limits of the City of Troutdale as well as to property outside the incorporated City limits but within the City's urban planning area that is subject to that Intergovernmental Agreement transferring land use planning responsibility from Multnomah County to the City of Troutdale, except for those incorporated properties located east of the ordinary high water line of the west bank of the Sandy River, which are within the boundaries of the Columbia River Gorge National Scenic Area (NSA).

B. Property located within both the incorporated limits of the City and the National Scenic Area shall be subject only to the regulations of Sections 4.500 (Flood Management Area), 5.600 (Erosion Control and Water Quality Standards) and 5.700 (Stormwater Management) of this Code, but are also subject to land use review by the Multnomah County Department of Community Services.

1.017 Scope and Compliance. A parcel of land may be used, developed by land division, or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy, or otherwise, only as permitted by this Code. The requirements of this Code apply to the person undertaking a development or the user of a development, and to the person's successors in interest.

1.018 Consistency with Plan and Laws. Actions initiated under this Code shall be consistent with the adopted Comprehensive Land Use Plan of the City of Troutdale and with applicable state and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.

1.020 General Definitions. As used in this Code, words used in the present tense include the future tense, while words in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary. All words used in the masculine gender include the feminine gender. The word "shall" is mandatory and the word "may" is permissive. The word "structure" includes the word "building". The words "land", "property", "site", "lot", "parcel" and "premise" are used interchangeably unless the context clearly indicates to the contrary. The words "proposal", "application", and "request" are used interchangeably unless the context clearly indicates to the contrary. The word "lot" includes

the word "parcel" unless the context clearly indicates to the contrary. Where words are not defined in this Code, the following sources shall be consulted: State statute, and any dictionary of common usage, all of which shall be interpreted by context. Interpretations of the Code are the responsibility of the Director.

.01 Abutting. Adjoining with any common boundary line(s).

.02 Access. The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property of use.

.03 Accessway. Paved pathways which provide direct and continuous pedestrian and/or bicycle passage through blocks. Accessways are designed to provide continuous pedestrian/bicycle routes by connecting a public street to another street or residential area, neighborhood activity center, industrial or commercial center, transit facility, park, school, open space, or trail system.

.04 Accessory Structure. A structure not utilized as a dwelling unit which is subordinate to the principal structure that is located on the same lot serving purposes clearly incidental to the principal structure. Accessory structures include detached garages, detached carports, storage sheds, gazebos, detached decks over twelve (12) inches in height, play structures, or other similar structures detached from the primary structure determined to be similar by the Director.

.05 Accessory Use. A non-residential use of a structure serving purposes incidental to the principal use.

.06 Adjacent. Adjacent means next to, adjoining, or separated by right of way; for example, an industrial district across the street or highway from a commercial district shall be considered as adjacent.

.07 Aggregate Resource. Any and all rock, sand, soil, or gravel product extracted for commercial, industrial, or construction use from natural deposits.

.08 Alley. A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

.09 Automobile Wrecking Yard. See Junk Yard.

.10 Bed & Breakfast. A structure designed for and occupied as a single-family dwelling, in which travelers are lodged for sleeping purposes and a meal provided, and for which compensation of any kind is paid. A Bed and Breakfast Facility is not a hotel, motel, boarding house or rooming house.

.11 Bikeway. Any street or path which in some manner is specifically designated for the use of bicycles, or for shared use by bicycles, and other transportation modes compatible with bicycle use. The term “bikeway” includes bike lane and bike path.

.12 Bike Lane. A portion of a street or shoulder designated for use by bicycles through the application of a paint stripe.

.13 Bike Path. A separate trail or path closed to motor vehicle use which is for the exclusive use of bicycles or the shared use of bicycles and pedestrians.

.14 Boarding, Lodging, or Rooming House. Any building, or portion thereof, containing not more than five (5) guestrooms for which rent is paid.

.15 Building, Height of. The height of a building is the vertical distance from grade plane to the average height of the highest roof surface. A grade plane is a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

.16 Bus Stop. A location on a bus route, typically marked by a sign, where buses stop for passengers.

.17 Caretaker Unit. A dwelling unit associated with a non-residential land use that is used to house no more than two (2) workers at a time who are primarily tasked with providing security and/or off-hour service to a facility.

.18 Carpool/Vanpool. A group of two (2) or more commuters who share the ride to and from work, school, or other destinations.

.19 Change of Use. Change in the primary type of use on a site.

.20 Child Care Facility. See Day Care Facility.

.21 City. The City of Troutdale, Oregon.

.22 City Manager. The appointed chief administrative officer of the City who is responsible for the administration of all City ordinances, and who may make final determinations on all administrative decisions made by the Director or designated official.

.23 Clear Vision Area. The area near intersections of roadways and ingress/egress points where a clear field of vision is necessary for public safety.

.24 Clinic. A building, or portion of a building, containing one or more offices for providing medical, dental, or psychiatric services not involving overnight housing of patients.

.25 Clustering. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

.26 Code. The Troutdale Development Code.

.27 Commercial Amusement. Uses that include commercial recreational uses such as pool halls, bowling alleys, theaters, arenas, and auditoriums.

.28 Community Service Use. A noncommercial use established primarily for the benefit and service of the population of the community or region in which it is located. Community service uses include, but are not limited to, schools, churches, community centers, fire stations, libraries, hospitals, fraternal lodges, cemeteries, and government-owned or government-operated structures or land used for public purposes.

.29 Corporate Headquarters. A complex of buildings whose purpose is to be the administrative center of a business enterprise. Corporate headquarters may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child care facilities.

.30 Day Care, Certified, or Group Day Care Home. A day care facility licensed or certified by the State of Oregon Department of Human Resources located in a building constructed as a single-family dwelling that is certified to care for no more than twelve (12) children or adults with disabilities.

.31 Day Care, Family Provider. A day care facility, licensed or certified by the State of Oregon or Multnomah County, providing care in the provider's home in the family living quarters.

.32 Day Care Center or Day Care Facility. Any facility providing full-time care to more than twelve (12) children in a structure other than a single-family residential dwelling.

.33 De novo. Considering the matter anew, the same as if it had not been heard before and as if no decision previously had been rendered.

.34 Development. Any manmade change to improved or unimproved real estate including, but not limited to, construction, installation or change of a building or structure; land division; storage on the land; tree cutting; drilling; and site alteration such as that due to land surface mining, dredging, grading, paving, excavating, or clearing.

.35 Development Permit. A permit issued for decks, accessory structures, and similar structures which requires zoning approval, but does not require a building permit.

.36 Diameter at breast height (DBH). The diameter of the trunk of a tree measured at fifty four (54) inches above natural grade.

.37 Director. The appointed City official who is responsible for the administration of community development and related ordinances.

.38 Distribution Center. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including shipment by boat, rail, air, or motor vehicle.

.39 Dwelling, Accessory. An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

.40 Dwelling, Apartment Building. See Dwelling, Multiple-Family.

.41 Dwelling, Apartment Unit. An individual dwelling unit intended for rent or lease within a multiple-family dwelling, or constructed above, below, behind, or beside another use, including mixed-use dwellings.

.42 Dwelling, Condominium. A type of residential development offering individual ownership of dwellings—units and common ownership of open spaces, structures and other facilities.

.43 Dwelling, Duplex. A building with two (2) dwelling units

.44 Dwelling, Multi-Family. A building with four (4) or more dwelling units.

.45 Dwelling, Shared. A dwelling unit in which five (5) or more bedrooms are rented or leased. Shared dwelling units include boarding houses, rooming houses, and the like. Shared dwellings are multi-family residential units.

.46 Dwelling, Single-Family (Attached). A dwelling unit attached to one (1) or more separately owned dwelling units by common vertical walls. This definition includes but is not limited to townhouses and row-houses.

.47 Dwelling, Single-Family (Detached). A detached dwelling unit, other than a mobile home or trailer house, that is not attached to any other dwelling and is surrounded by open space and yards.

.48 Dwelling, Triplex. A building with three (3) dwelling units.

.49 Dwelling Unit. Any building, or portion thereof, with independent living facilities, including provisions for sleeping, eating, cooking, and sanitation, for one or more persons.

.50 Dwelling, Zero Lot Line. A single-family detached dwelling that is located on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

.51 Eating and Drinking Establishment. An establishment where meals or drinks (either alcoholic or non-alcoholic) are prepared and served to the public for consumption. This use includes: Restaurants, Brew Pubs, Cafes, Delicatessens, Sandwich Shops, Taverns, Bars, or other establishments primarily engaged in serving alcoholic beverages.

.52 Family. An individual; two or more persons related by blood, marriage, domestic partnership, legal adoption, or guardianship; not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit; or two or more persons with disabilities, as defined in the Americans with Disabilities Act, Fair Housing Amendments Act of 1988 or state law, who need not be related by blood, marriage, domestic partnership, legal adoption, or guardianship living together in a dwelling unit.

.53 Fence. An accessory structure that serves as an enclosure, barrier or screen that is not part of a building.

.54 Fence, Sight-Obscuring. A fence that substantially screens an area or object by eighty percent (80%) of the view at a ninety (90) degree angle, excluding screens that are living plants.

.55 Flex-Space Building. A building constructed with large floorplates, having open spaces that can be partitioned off for specific tenants as needed.

.56 Floor Area. The area of all floors included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and exterior courts.

.57 Food Vendor (Mobile). Any trailer, vehicle, wagon, cart, stand, or other similar mobile or temporary device or structure which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, drive-through, curb, or walk-up service. A valid City business license is required. Food vendors (mobile) also means the site occupied by a mobile food vendor if a mobile food vendor occupies the site daily for more than three (3) consecutive days even if the mobile device or structure does not occupy the site twenty four (24) hours per day. Specific types of mobile food vendors are defined as follows:

a. Food Carts – in a location and operating for a limited duration. Includes both mobile cars, and also temporary stands with a maximum size of one hundred (100) square feet. Examples include a food stand erected for an event, such as a food stand put up and operated for the duration of an authorized community event. Customer access is walk up only.

b. Food Kiosks – located on a site in a long-term or permanent manner such as a drive-up coffee stand. These may be structures on trailers. There is no kitchen or indoor seating. Customer access can be walk-up or drive-up window.

c. Food Stands – in a location and operating for a limited duration. Examples include a hot dog stand that operates on a street corner during the lunch hour or a lemonade stand in a neighborhood. Maximum size is forty eight (48) square feet. Customer access is walk up only.

d. Food Trucks/Trailers – in which food is prepared and from which food is served.

Food Trucks and Trailers park generally in parking lots and may move from the business site daily, or may locate in the same site for several weeks at a time. Maximum size is two hundred (200) square feet. There is no indoor seating. Customer access can be walk-up or drive-up window.

.58 Frontage. The portion of a parcel of property abutting a public or private street, whether or not access to the property is accorded thereby and whether or not a building or structure faces the street.

.59 Fueling Station. A use selling fuel for vehicles. Fuels Include, but are not limited to: gasoline, diesel, compressed natural gas, and propane. Electric charging station is not included in this definition.

.60 Gallery. A retail business selling or displaying works of art as its primary business.

.61 Grade. The grade shall be as defined in the Uniform Building Code, as adopted by the City.

.62 Group Home. See Residential Facility and Residential Home.

.63 Heliport. A landing site for helicopters accessory to a use not located at the Portland-Troutdale Airport.

.64 Home Occupation. A lawful occupation carried on in a dwelling by a resident of the dwelling, where the occupation is secondary to the main use of the property as a residence.

.65 Hotel/Motel. A building, or group of buildings, containing six (6) or more guestrooms used for transient residential purposes which may include ancillary restaurant uses.

.66 Junk Yard. A lot for the dismantling or "wrecking" of motor vehicles, or for the storage or keeping, of junk, including scrap metals or other scrap materials.

.67 Kennel or Other Animal Boarding Place. Any premises where five (5) or more dogs over one (1) year of age are kept, for any purpose whatsoever, or any premises where dogs are bred, boarded, or offered for sale as a commercial business. "Other animal boarding place", as used in this Code, means and includes any premises where six (6) or more cats or other animals are bred, boarded, or offered for sale as a commercial business.

.68 Legislative Action. Any action which amends City policy including, but not limited to, changes to the Comprehensive Land Use Plan text, Development Code text, and other implementing ordinances, and map changes or amendments to the Comprehensive Land Use Plan Map, the Zoning District Map, or other City adopted maps which represent a change in City land use policy.

.69 Loading Space. An off-street space or berth used for the temporary parking of a vehicle

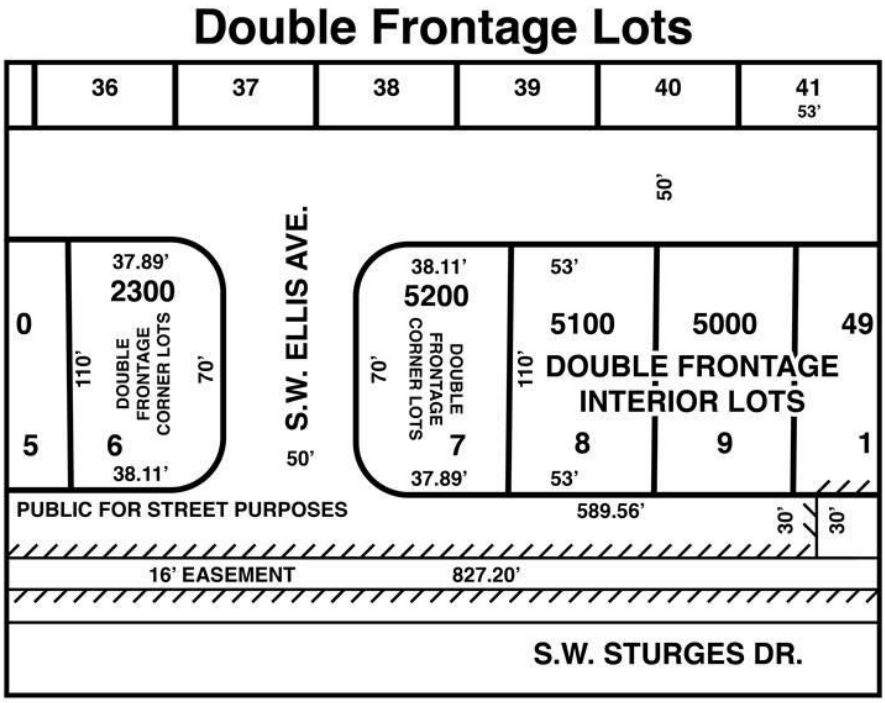
while loading or unloading persons, merchandise, or materials.

.70 Local food production use. Includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, honeybees, or their produce; raise dairy animals and sell dairy products; or engage in any other similar agricultural or horticultural use, animal husbandry, or combination thereof; for producing food to be consumed by people. Local food production uses include preparation or processing and storage of products raised on such land, but do not include construction or use of dwellings. Food does not include any substances regulated by the Controlled Substances Act enacted by the United States Congress.

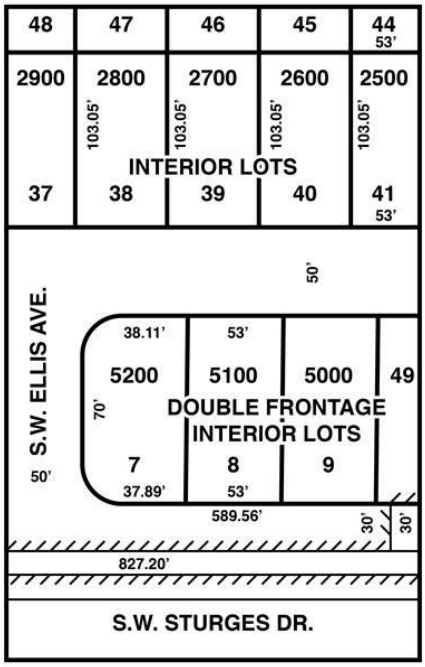
.71 Lot. A single unit of land that is created by a subdivision of land. In this Code the term "lot" may include "parcel" if the context warrants.

.72 Lot, Corner. A lot at least two (2) adjacent sides of which abut streets other than alleys provided the angle of intersection of the adjacent streets does not exceed one hundred thirty-five (135) degrees.

.73 Lot, Double Frontage. A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot; but a corner lot may also have double frontage. Frontage on a street and an alley does not constitute a double frontage lot.



.74 Lot, Interior. A lot other than a corner lot. An interior lot can be a double frontage lot.



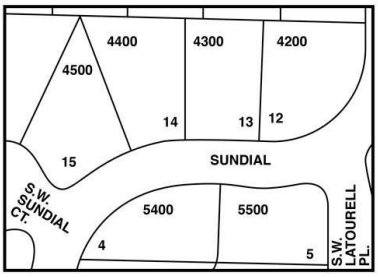
.75 Lot Area or Lot Size. The total square footage enclosed within the lot lines of a lot.

.76 Lot Coverage. The percentage of the total lot area covered by structures, including all projections except eaves, balconies, bay windows, or uncovered decks twelve (12) inches or less above grade.

.77 Lot Depth. The horizontal distance measured midway between the front and rear lot lines. In the case of a corner lot, the depth shall be the length of its longest side lot line.

.78 Lot Line Adjustment. The relocation of a recorded lot line which does not result in the creation of an additional lot, or reduce any lot below minimum sizes required by this Code.

.79 Lot Line, Front. For an interior lot, a line separating the lot from the street. Front lot lines on corner lots may face either street, except for corner lots that have continuously curved property lines along the streets. A continuously curved property line adjacent to two (2) or more streets of a corner lot shall be considered the front lot line. In this instance, such a corner lot has no rear property line, only front and side property lines.



CORNER LOTS WITH CONTINUOUSLY CURVED FRONT LOT LINES

.80 Lot Line, Rear. A lot line not abutting a street which is opposite and most distant from the front lot line.

.81 Lot Line, Side (Interior Lot). Any lot line which is not a front or rear lot line.

.82 Lot Line, Side (Corner Lot). A line other than the front lot line separating the lot from the street, or a line separating the lot from the abutting lot along the same frontage.

.83 Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

.84 Major Transit Stop. Transit centers, high capacity transit stations, major bus stops, inter-city bus passenger terminals, inter-city rail passenger terminals, and bike-transit facilities, as depicted in the Transit Master Plan of the Troutdale Transportation System Plan.

.85 Manufactured Home or Manufactured Dwelling. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation when connected to the required utilities. To qualify as a manufactured home, the structure shall have been manufactured after June 15, 1976 and must bear an insignia issued by a state or federal agency indicating that the structure complied with all applicable construction standards of the U.S. Department of Housing and Urban Development in effect at the time of construction. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

.86 Manufacturing, Primary. An establishment engaged in the initial processing or treatment of raw material or manufacturing of products that require additional processing, fabrication, or assembly for ultimate use by the consumer. These activities or processes may necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

.87 Manufacturing, Secondary. An establishment engaged in the manufacture of products predominantly from previously prepared materials; of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products; and incidental storage, sales, and distribution of such products, but excluding primary industrial processing. These products are for final use or consumption. This usually involves the processing, fabrication, or assembly of semi-finished products from a primary manufacturing industry.

.88 Marijuana Facilities. A marijuana producer, marijuana retailer, marijuana wholesaler, medical marijuana dispensary, or marijuana grow site as those terms are defined under ORS 475B.015 and ORS 475B.410, but not including a Marijuana Processor, as defined by this Code.

.89 Marijuana Processor. An establishment which processes, compounds, or converts marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts.

.90 Marina. A small harbor, boat basin, or moorage facility providing boat berthing, docking and mooring, and incidental services for recreational, commercial and/or charter fishing, or tour boats. Incidental services include, but are not limited to, restrooms; showers; minor boat and motor repair; mooring buoys; refueling facilities; boat hoists/lifts; boat launch ramp; small office for marina management; club house and/or meeting room; vending machines; small retail area for marine, fishing and other outdoor supplies and equipment; ice, packaged beverages, and foods; limited service restaurants; and temporary restaurants.

.91 Marine Industrial/Marine Service Facility. A structure or use which is commercial or industrial in nature and which needs to be located in or adjacent to water areas because the use requires water access. Such uses include, but are not limited to, ship, tug barge, and workboat moorage and storage; vessel repair facilities; aquaculture facilities; and fish processing facilities.

.92 Market Value. The value of a structure or property as determined by the Multnomah County Assessor, not including the assessed value. Market value may also be determined by a current appraisal as accepted by the Planning Director.

.93 Mixed-Use Development. The development of a tract of land, building, or structure with a variety of uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

.94 Mobile Food Vendor. See Food Vendor (Mobile)

.95 Mobile Home. See Manufactured Home.

.96 Multiple-Family Dwelling. See Dwelling, Multiple-Family.

.97 Net Area. The total area of a parcel of land less the following: proposed public streets; area constrained for development under the provisions of this Code; area within a community resource protection overlay district; or, where approved by the City Council, land area dedicated or conveyed to the City.

.98 Nonconforming Development. A development that was legally established prior to the adoption of this Code or in conformance with this Code in effect at the time of development, but which does not comply with the current regulations in this Code due to subsequent enactments or amendments to this Code.

.99 Nonconforming Lot. A lot or parcel that was legally established prior to the adoption of this Code or in conformance with this Code in effect at the time, but which does not comply with the current regulations in this Code due to subsequent enactments or amendments to this Code.

.100 Nonconforming Structure. A structure that was legally established prior to the adoption of this code or in conformance with this Code in effect at the time, but which does not comply with the current regulations in this Code due to subsequent enactments or amendments to this Code.

.101 Nonconforming Use. A use that was legally established prior to the adoption of this Code or in conformance with this Code in effect at the time, but does not comply with or is not permitted to exist due to subsequent enactments or amendments to this Code.

.102 Nursing Home. Housing with long-term physical or medical care for the physically handicapped, emotionally handicapped, or elderly population. Other terms used today include residential health care facility, extended care, intermediate care, and long-term care. However, independent living, assisted living, and congregate housing are considered unique from this use within this Code.

.103 Outdoor Business. A business, all or most of which is conducted, or items displayed, in an open space area including sidewalk sales, pushcart vendors, Saturday markets, and Christmas tree sales.

.104 Owner. The owner of record of real property as shown on the tax rolls of Multnomah County, or a person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the City and the owner, "owner" may also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violation of agreement, or the provisions of this title.

.105 Parcel. A single unit of land that is created by a partition or by deed if recognized as a parcel under state law. In this Code, the term "parcel" may include "lot" if the context warrants.

.106 Park. A forest, reservation, playground, beach, recreation center or any other area in the City, owned, operated, or maintained by the City and devoted to active or passive recreation.

.107 Partition. Dividing land to create not more than three (3) parcels of land within a calendar year, but does not include any action statutorily excluded from the definition of partition. See ORS Chapter 92.

.108 Pedestrian Walkway. An exterior hard-surfaced pathway intended for pedestrian use. Also referred to simply as a walkway.

.109 Permitted Land Use. A use allowed in a zone and subject to the restrictions applicable to that zone as provided in this Code.

.110 Personal Services Use. A business providing services involving touching the human body such as a barber shop or hair salon, masseuse, or nail-care salon.

.111 Principal Use. The primary purpose for which a lot, structure, or building is used.

.112 Professional Office. An office containing the activities such as those offered by a lawyer, architect, engineer, accountant, artist, teacher, real estate, or insurance sales.

.113 Processing. To subject to some special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource. Examples include petroleum refining, oil shale crushing, retorting and refining, ore smelting, coal crushing and cleaning, saw mill, alfalfa pellet mills, food canning or packing, creation of glass, ceramic or plastic materials, gravel crushing, cement manufacture, and concrete batch plants. Processing occurs in both primary and secondary manufacturing.

.114 Property Line Adjustment. The relocation or elimination of a common boundary line between two (2) or more lots or parcels.

.115 Quasi-Judicial Action. An action or decision which involves the application of adopted policy to a specific development application or amendment.

.116 Reclamation Plan. Shall have the meaning contained in ORS 517.750 and OAR 632-30-025 (Department of Geology and Mineral Industries).

.117 Residential Facility. A residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400.

.118 Residential Home. A residential treatment or training home as defined in ORS 443, a residential training facility registered under ORS 443 or an adult foster home licensed under ORS 443.705 – 443.845.

.119 Retail Use. A place of sale to the ultimate consumer for direct consumption and not for resale.

.120 Rowhouse. See Dwelling, Single Family Attached.

.121 School. A public, parochial, or private institution that provides educational instruction to students, including accredited colleges or universities. This definition does not include trade or business schools.

.122 Service Use. Uses that provide services to the general public such as dental and medical offices, real estate, insurance, administrative facilities, personal care, automotive service stations, copying shops, carpenter shops, cabinet shops, upholstering, plumbing shops, lumber yards, automotive repair, painting and incidental body and fender work, sign painting shops, tire shops, animal hospitals, and boarding kennels. Any marine service uses shall comply with requirements of the underlying zoning district and obtain state and federal approvals as required.

.123 Sign. Refer to Section 10.015 for all definitions for signs.

.124 Single-Family Dwelling or Single-Family Residence. See Dwelling, Single-Family Detached.

.125 Site and Design Review Committee. A committee chaired by the Director to review applicable development proposals for compliance to the provisions of this Code.

.126 Street Lighting. The total system of wiring, poles, arms, fixtures, and lamps, including all parts thereof that are necessary to light a street or pedestrian way.

.127 Street, Private. A thoroughfare or street providing a means of access to a property or properties which is not owned by the City or other public entity.

.128 Street, Public. A publicly owned thoroughfare or right-of-way acquired for use by the public which affords a principal means of access to abutting property.

.129 Studio. A location where an ancillary form is created or practiced, such as an artist, a musician, dramatic arts or dance studio. Also includes light fabrication or manufacturing of individual pieces of art including welding, riveting, and use of a kiln, glass furnace, or foundry when such heat producing facilities comply with all Building Code requirements and crucibles do not exceed one (1) gallon in size.

.130 Subdivision. To divide land to create four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land at the beginning of such year.

.131 Townhouse or Townhome. See Dwelling, Single Family Attached.

.132 Transit Facility. A facility intended to accommodate and assist transit users. Transit facilities include light rail transit stations, park and ride lots for transit riders, transit centers, transit shelters, bus turnout lanes, and transit stops.

.133 Transit Street. Any street identified as an existing or planned bus or light rail transit route.

.134 Triplex. See Dwelling, Triplex.

.135 Two-Family Dwelling. See Dwelling, Duplex.

.136 Utility Facility, Major. Administrative offices and operation centers, wet system pump stations, sewage treatment plants and lagoons, electric generation facilities (other than small scale accessory wind turbines or solar panels intended to generate electricity for onsite uses), sanitary landfills, pump stations, substations (transmission and distribution), water towers and reservoirs, public wells (aboveground), telephone switching equipment, communication receiver, transmission facilities, and ancillary equipment,

telecommunication towers and poles, and drinking water treatment facilities.

.137 Utility Facility, Minor. Street lights; underground lines and pipes; underground wells; transformers and regulator stations; closed system sanitary pump stations; and private, on-site facilities such as septic tanks, wells, and catch basins.

.138 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution.

.139 Water dependent development. Any use that is dependent on navigable waterway access and or use.

.140 Windscreens. A fence-like structure, not to exceed six (6) feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors.

.141 Yard. A required open space on a lot that is unoccupied and unobstructed except for permitted projecting building features and accessory buildings.

.142 Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

.143 Yard, Rear. An open space extending across the full width of the lot between the main building and the rear lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten-foot line parallel to the front lot line, measured from one side line to the other.

.144 Yard, Side. An open space between any building and the side lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

.145 Yard, Street Side. An open space adjacent to a street that is not a front yard, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

1.030 Airport Overlay Definitions.

.01 Airport. An area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes any buildings and facilities.

.02 Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and extends to a width of 1,250 feet for a utility runway having only visual approaches, 1,500 feet for a runway other than a utility runway having only visual approaches, 2,000 feet for a utility runway having a non-precision instrument approach, and 3,500 feet for a non-precision instrument runway other than utility having visibility minimums greater than three-fourths of a statute mile. The airport approach safety zone extends for a horizontal distance of 5,000 feet at a slope of 20 feet for each foot upward (20:1) for all utility and visual runways, and 10,000 feet at a slope of 34 feet for each one foot upward (34:1) for all non-precision instrument runways other than utility.

.03 Airport Hazard. Any structure, tree, or use of land which exceeds height limitations established by local, State and Federal regulations.

.04 Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the airport approach safety zone, transitional zone, horizontal surface, clear zone, and conical surface, and in which any object extending above these imaginary surfaces is an obstruction.

.05 Clear Zone. Extends from the primary surface to a point where the approach surface is fifty (50) feet above the runway end elevation.

.06 Conical Surface. Extends one foot upward for each twenty (20) feet outward (20:1) for four thousand (4,000) feet beginning at the edge of the horizontal surface five thousand (5,000) feet from the center of each end of the primary surface of each visual and utility runway or ten thousand (10,000) feet for all non-precision instrument runways other than utility at one hundred fifty (150) feet above the airport elevation), and upward extending to a height of three hundred fifty (350) feet above the airport elevation.

.07 Horizontal Surface. A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand (5,000) feet from the center of each end of the primary surface of each visual or utility runway and ten thousand (10,000) feet from the center of each end of the primary surface of all other runways, and connecting the adjacent arcs by lines tangent to those arcs.

.08 Noise Impact. Noise levels exceeding 55 Ldn.

.09 Place of Public Assembly. A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.

.10 Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. When the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is two hundred fifty (250) feet for utility runways having only visual approaches, five hundred (500) feet for utility runways having non-precision instrument approaches, and five hundred (500) feet for other than utility runways.

.11 Transitional Zones. Extend one foot upward for each seven (7) feet outward (7:1) beginning on each side of the primary surface, which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of one hundred fifty (150) feet above the airport elevation (horizontal surface).

.12 Utility Runway. A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

1.035 Historic Landmark Definitions.

.01 Alteration. To remove or add architectural features or otherwise change the physical appearance of any part or portion of the exterior of a historic landmark. A major alteration affects the visual qualities that convey the historical or architectural significance of a historic landmark. A minor alteration does not affect the visual qualities that convey the historical or architectural significance.

.02 Architectural Integrity. The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

.03 Certified Local Government. The Certified Local Government program is designed to promote historic preservation at the local level. The federal program (National Park Service) is administered by the Oregon State Historic Preservation Office (SHPO). Communities are certified after the local government has established its own historic preservation commission and program meeting federal and state standards. The Certified Local Government program offers communities financial and technical assistance in preserving historic resources.

.04 Demolish. To raze, destroy, dismantle, deface or, in any manner, cause partial or total ruin of a designated historic landmark, individually or within a historic district.

.05 Exterior. All outside features of a historic landmark, individually or within a historic district.

.06 Historic Landmark. A historic resource officially designated in accordance with the procedures of this Chapter. Historic landmarks are identified in the Troutdale Historic Resources Inventory Table A of Section 4.230 of this Code.

.07 Historic Landmarks Commission. The City of Troutdale Historic Landmarks Commission also referred to as the Landmarks Commission.

.08 Historic Resource. Buildings, structures, sites, objects, or districts, which are of historical, architectural, or cultural significance to the community or are of statewide significance.

.09 Building. A construction made for purposes of shelter or habitation, e.g. house, barn, store, theater, train station, garage, school, etc.

.10 Structure. A construction made for functions other than shelter or habitation, e. g. a bridge, windmill, dam, highway, boat, kiln, etc.

.11 Object. A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e. g. statue, fountain, milepost, monument, sign, etc.

.12 Site. The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g. battlefield, shipwreck, campsite, cemetery, landscape, natural feature, garden, food-gathering area, etc.

.13 District. A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e.g. downtown, residential neighborhood, military reservation, ranch complex, etc.

.14 Historic Resources of Statewide Significance. Buildings, structures, sites, objects, and districts which are listed in the National Register of Historic Places.

.15 Historic Resource Inventory. The City of Troutdale historic resource inventory is a list of historic resources that have historic, architectural or cultural significance, locally, regionally, or nationally. The historic resource inventory includes designated historic landmarks in Table A of Section 4.230 of this Chapter. The list of historic resources identified during Periodic Review in compliance with Comprehensive Land Use Plan Goal 5 policies for planning and archival purposes is kept in a City database compatible with the State Historic Preservation Office system and is available from the Planning Division.

.16 In-Kind Replacement. A process of rehabilitation utilized only where materials are extensively deteriorated or damaged, and cannot be repaired. Deteriorated materials or features are repaired with the same materials, style, and design. This process is based on physical evidence of essential form and detailing of historic materials or features.

.17 National Register of Historic Places. An official list of the Nation's historic places worthy of preservation. The National Park Service's National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. All historic resources within Oregon on the National Register of Historic Places are, by definition, Historic Resources of Statewide Significance. The program is administered through the State Historic Preservation Office (SHPO).

.18 New Construction. Any type of development or addition on a tax lot that has a designated historic landmark within the lot (e.g. garages, outbuilding, etc.).

.19 Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features, rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

.20 Rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

.21 Restoration. The process of accurately recovering the form and details of a property and its setting as they appeared at a particular historic period by means of the removal of later work or the replacement of missing earlier work.

.22 Secretary of the Interior's Standards. The Secretary of the Interior's Standards for the Treatment of Historic Properties, developed by the National Park Service, are intended to promote responsible preservation practices that help protect historic resources. The four (4) treatments are: Preservation, Rehabilitation, Restoration and Reconstruction. For the purpose of this Code, the treatment of Rehabilitation is used as the guidelines for the alterations to historic landmarks Section of this Code.

.23 State Historic Preservation Office (SHPO). The Oregon State Historic Preservation Office is within the Oregon Parks & Recreation Department: Heritage Programs. Under federal and state mandates, the SHPO manages programs that create opportunities for individuals, organizations, and local governments to become directly involved in the protection of significant historic and cultural resources.

.24 State Historic Preservation Office Statewide Inventory. A statewide inventory of Oregon's historic and archaeological properties maintained by the Oregon SHPO as mandated by the National Historic Preservation Act of 1966 and Amendments. The historic resource surveys that contribute to this inventory provide technical support to citizens, local governments, and federal and state agencies for identifying and protecting Oregon´s cultural heritage resources.

1.040 Vegetation Corridor and Slope District, Water Quality, and Flood Management Definitions.

.01 100-Year Flood. The flood that is equaled or exceeded once in one hundred (100) years on the average; equivalent to the one percent annual chance flood. Also called the Special Flood Hazard Area, Base Flood, and 100-year floodplain.

.02 Area of Shallow Flooding. Means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one to three (1 - 3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

.03 Area of Special Flood Hazard. Means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term ``special flood hazard area" is synonymous in meaning with the phrase ``area of special flood hazard".

.04 Bankfull Stage. As defined in the Oregon Administrative Rules pertaining to removal/fill permits, the stage or elevation at which water overflows the natural banks of a stream or other waters of the state and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrent flood elevation (storm level) may be used to approximate the bankfull stage. The bankfull stage is the starting point for measuring the width of a vegetation corridor from a protected water feature. In the absence of any data to establish the bankfull stage or two-year storm event, the starting point for measuring the vegetation corridor is determined by the following indicators:

a. Water marks on fixed objects (vegetation, rocks, buildings, etc.);

b. Drift lines (deposited waterborne twigs, litter, etc.); or

c. Waterborne sediment deposits on the soil surface or fixed objects (vegetation, rocks, buildings, etc.)

.05 Base Flood. A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

.06 Base Flood Elevation. The water surface elevation during the Base Flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the Flood Insurance Rate Map to the nearest foot and in the Flood Insurance Study to the nearest one-tenth (0.1) foot. Not every potential Special Flood Hazard Area within the Urban Growth Boundary has been mapped by the Federal Emergency Management Agency through the

Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps. The Floodplain Manager or designee is authorized through Section 14.020 to obtain the information necessary to determine the presence and extent of unmapped Special Flood Hazard Areas and the associated Base Flood Elevation as part of reviewing development proposals that affect the 100-year Floodplain. Such information shall be used by the City of Troutdale to supplement the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps.

.07 Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

.08 Below-Grade Crawl Space. Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four (4) feet at any point.

.09 Breakaway Wall. Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

.10 Conservation Easement. An easement applied to environmentally sensitive lands including, but not limited to, lands identified as hillsides, wetlands, floodplains, and floodways. The field verification shall be done by a licensed surveyor, engineer, hydrologist, or any other licensed specialist in the fields of engineering, hydrology, or botany. A conservation easement prohibits most forms of development and assures that native vegetation will be maintained or enhanced. Conservation easements usually affect privately owned land and are enforceable by the City. Trails and limited public facilities may be permitted under carefully controlled conditions within conservation easements.

.11 Construction, Start of. (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the

building.

.12 Critical Facility. A facility that is critical for the health and welfare of the population and is especially important to be located above the Base Flood Elevation following hazard events. The following is the list of Critical Facilities for the purposes of Chapter 14:

a. Hospitals and other medical facilities having surgery and emergency treatment areas;

b. Fire and police stations;

c. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures. These tanks or other structures do not include City water distribution facilities;

d. Emergency vehicle shelters and garages;

e. Structures and equipment in emergency-preparedness centers;

f. Standby power generating equipment for essential facilities;

g. Structures and equipment in government communication centers and other facilities required for emergency response; and

h. Other facilities as determined by the Floodplain Manager or designee.

Some types of facilities may be critical to a community, but require location within or partially within Special Flood Hazard Areas because of the nature of the facilities.

.13 Debris. Debris includes discarded manmade objects and may include tires, vehicles, litter, scrap metal, construction waste, lumber, plastic, or styrofoam. Debris does not include objects necessary to a use allowed by this Code, or ornamental and recreational structures. Debris does not include existing natural plant materials or natural plant materials which are left after flooding, downed or standing dead trees, or trees which have fallen into protected water features.

.14 Department of Environmental Quality (DEQ) Water Quality Standards. State of Oregon DEQ water quality standards are the numerical criteria or narrative condition needed in order to protect an identified beneficial use.

.15 Design Flood Elevation. The elevation of the 100-year storm as defined in the Federal Emergency Management Agency Flood Insurance Studies or, in areas without Federal Emergency Management Agency floodplains, the elevation of the 25-year storm or the edge of mapped flood-prone soils or similar methodologies.

.16 Developer. The owners of property, their agents or contractors, or their successors and assigns, who have undertaken or are proposing development which is regulated by Sections 4.300, 5.600, 5.700, and Chapter 14 of this Code.

.17 Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

.18 Digital Flood Insurance Rate Map. Depicts flood risk and federal flood zones and flood risk information. The Digital Flood Insurance Rate Map (DFIRM) presents the flood risk information in a format suitable for electronic mapping applications.

.19 Disturb. Any manmade changes to the existing physical status of the land which are made in connection with development.

.20 Elevated Building. Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

.21 Elevation Certificate. A form supplied by the Federal Emergency Management Agency (FEMA) and used to document the lowest floor elevation of a building.

.22 Emergency. Any manmade or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

.23 Engineer. A registered professional engineer licensed by the State of Oregon.

.24 Enhancement. The process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

.25 Erosion. Erosion is the detachment and movement of soil particles, rock fragments, or other material, organic or inorganic, resulting from actions of water, wind, human, or animal activity.

.26 Erosion Hazard Zone. The area adjacent to a stream or river that is at risk of bank erosion from stream flow or mass wasting, as designated on the communities FIRM.

.27 Erosion Prevention and Sediment Control Plans. Plan requirements are specified in the City of Troutdale's Construction Standards for Public Works Facilities.

.28 Erosion, Visible or Measurable. Visible or measurable erosion includes, but is not limited to:

a. Deposits of mud, dirt sediment, or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.

b. Evidence of concentrated flows of water over bare soils, turbid or sediment laden flows, or evidence of onsite erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on the site.

c. Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

.29 Excavation. Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated.

.30 Existing Building or Structure. A structure for which the Start of Construction commenced before February 1, 2019.

.31 Federal Emergency Management Agency (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.

.32 Fill. Any material such as, but not limited to, sand, soil, rock, gravel, clay, or mud that is placed on a site for the purposes of development or redevelopment.

.33 FIRM. See Flood Insurance Rate Map.

.34 Flood or Flooding. Means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high

water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

.35 Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

.36 Flood Insurance Study (FIS). Also known as the flood elevation study, means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

.37 Flood Management Area (FLMA). All lands contained within the 100-year floodplain and floodway as shown on the Flood Insurance Rate Map, and the area of inundation for the February 1996 flood. In addition, all lands which have documented evidence of flooding.

.38 Floodplain. As shown below in Figure 1 - Floodplain Cross Section, the area adjacent to a stream or river channel that is covered by water when the river or stream overflows its banks.

.39 Floodplain Development Permit. Federally required permit required prior to construction and other development in any Special Flood Hazard Area (100-yr. Floodplain). See Section 14.035 of this Code.

.40 Floodplain Functions. Hydrological and ecological functions including conveyance and temporary storage of floodwater, depositions of sediments outside of the channel, ground water recharge, filtering of pollutants, and reduction of floodwater velocity and erosive forces. Also included, but to a lesser extent in previously urbanized areas, are such functions as nutrient exchange, refuges, and feeding areas for fish.

.41 Floodplain, 100-Year. As shown below in Figure 1 - Floodplain Cross Section, land area adjacent to a river, stream, or other water body that is subject to a one percent or greater chance of flooding in any given year. It consists of land ranging from that which is subject to annual flooding to that which has a one percent (1%) or greater chance of flooding in any given year. The 100-year Floodplain consists of the Floodway and the Floodway Fringe. The 100-year Floodplain is mapped by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Maps (FIRMs) and is the area subject to Base Flood regulations. Not every potential Special Flood Hazard Area within the Urban Growth Boundary has been mapped by the Federal Emergency Management Agency through the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps. The Floodplain Manager or designee is authorized through Section 14.020 to obtain the information necessary to determine the presence and extent of unmapped Special Flood Hazard Areas as part of reviewing development proposals

that affect the 100-year Floodplain. Such information shall be used by the City of Troutdale to supplement the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps and these areas are also subject to Base Flood regulations. See Base Flood.

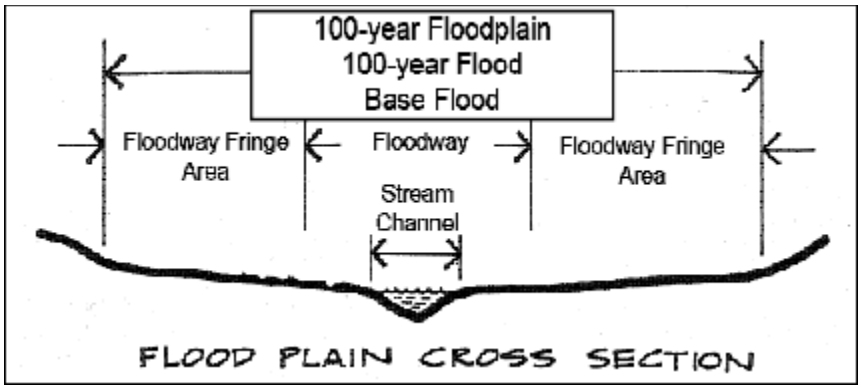


Figure 1 – Floodplain Cross Section

.42 Floodway (Regulatory Floodway). Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

.43 Flow-through Design. Typically a structure that does not displace surface floodwater or hinder or obstruct the movement of surface floodwater.

.44 High Hazard Zone. Lands within the furthest landward extent of the floodway and erosion hazard zone, as designated on the communities FIRM.

.45 Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for more information.

.46 Hydrodynamic Load. Force of water in motion.

.47 Hydrostatic Load. Force of water at rest.

.48 Invasive Non-native or Noxious Vegetation. Plant species that are listed as nuisance plants or prohibited plants on the most recent Portland Plant List as adopted by the City of Portland by ordinance because they are plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities.

.49 Joint Fill Permit/404 Removal/Fill Permit. A permit issued jointly by the Oregon Department of State Lands and U.S. Army Corps of Engineers to allow, with conditions and mitigation, the removal or fill of wetlands determined to be of either local or state significance by the Oregon Department of State Lands.

.50 Letter of Map Change (LOMC). An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:

a. Letter of Map Amendment (LOMA) - A revision based on technical data showing that a property was incorrectly included in a designated Special Flood Hazard Area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a Special Flood Hazard Area.

b. Letter of Map Revision (LOMR) - A revision based on technical data showing, usually due to manmade changes, alterations to Federal Flood Zones, flood elevations floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure has been elevated through the placement of fill above the Base Flood Elevation and is excluded from the Special Flood Hazard Area.

c. Conditional Letter of Map Revision (CLOMR) - A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

.51 Lowest Floor. Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of CFR Sec. 60.3.

.52 Manufactured Dwelling. Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle.”

.53 Manufactured Dwelling Park or Subdivision. Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

.54 Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other Datum, to which Base Flood Elevations shown on a community's FIRM are referenced.

.55 Mitigation. The reduction of adverse effects of a proposed project by considering, in this order:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

c. Rectifying the impact by repairing, rehabilitating, or restoring the effected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and

e. Compensating for the impact by replacing or providing comparable substitute water quality resource areas.

.56 Mulch. Application of plant residue, netting, or other suitable materials to the land surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

.57 NAVD 88. The North American Vertical Datum of 1988 (NAVD 88) is the vertical control datum established in 1991 by the minimum-constraint adjustment of the Canadian-Mexican-U.S. leveling observations. This is the data used on FIRMs and in flood insurance studies adopted in 2009.

.58 NGVD 29. "The National Geodetic Vertical Datum of 1929: The name, after May 10, 1973, of (the) Sea Level Datum of 1929." (Vertical control datum established for vertical control in the United States by the general adjustment of 1929.) This is the datum used on FIRMs and in flood insurance studies prior to 2009.

.59 National Flood Insurance Program (NFIP). A federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for state and community floodplain management regulations that reduce future flood damages.

.60 Native Vegetation or Native Plant. Vegetation listed as a native plant on the most recent Portland Plant List as adopted by the City of Portland by ordinance and any other vegetation native to the Portland metropolitan area provided that it is not listed as a nuisance plant or a prohibited plant on the Portland Plant List.

.61 National Wetland Inventory (NWI) Map. The City is mapped on the Camas and Washougal, Washington-Oregon wetland maps prepared by the U.S. Department of the Interior, Fish and Wildlife Service.

.62 New Construction. A structure for which the Start of Construction commenced after February 1, 2019, and includes subsequent Substantial Improvements to the structure.

.63 NPDES Permit. The National Pollutant Discharge Elimination System 1200-C Permit is a State of Oregon Department of Environmental Quality permit that covers federal stormwater regulations as they pertain to construction activities in Oregon. The permit is

administered by the City.

.64 ODFW Construction Standards. The Oregon Department of Fish and Wildlife construction guidelines for building roads, bridges, and culverts, or any transportation structure within a waterway.

.65 One Percent Annual Chance Flood. The flood that has a one percent (1%) chance of being equaled or exceeded on the average in any given year; equivalent to the 100-year flood.

.66 Open Space. Land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests, and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves, and parks.

.67 Perennial Streams. All primary and secondary perennial waterways mapped by the U.S. Geological Survey, having year-round flow.

.68 Practicable. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.

.69 Pre-FIRM Structures. Buildings that were built before the flood risk was known and identified on the community's FIRM.

.70 Protected Water Features, Primary. Includes:

a. Title 3 wetlands.

b. Rivers, streams (creeks or brooks) and drainages downstream from the point at which one hundred (100) acres or more are drained to that water feature (regardless of whether it carries year-round flow).

c. Streams carrying year-round flow.

d. Springs which feed streams and wetlands and have perennial (year-round) flow.

e. Natural lakes.

.71 Protected Water Features, Secondary. Includes intermittent streams and seeps downstream of the point at which fifty (50) acres are drained and upstream of the point at which one hundred (100) acres are drained to that water feature.

.72 Restoration. The process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

.73 Recreational Vehicle (RV). A vehicle which is:

a. Built on a single chassis;

b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

.74 Resource. A functioning natural system such as a wetland or stream.

.75 Riparian. Those areas associated with streams, lakes, and wetlands where vegetation communities are predominately influenced by their association with water.

.76 Routine Repair and Maintenance. Activities directed at preserving an existing allowed use or facility, or nonconforming use, without expanding the development footprint or site use.

.77 Sediment. Any material that is in suspension, is being transported, or has been moved from its site of origin by water, wind, or gravity as a result of erosion.

.78 Site. The lot, or contiguous lots, under the same ownership that are subject to a development permit or erosion control plan.

.79 Slope District. Slopes of twenty-five percent (25%) or greater throughout the City that have a minimum horizontal distance of fifty (50) feet. Engineered slopes associated with public streets or roads are not included.

.80 Special Flood Hazard Area (SFHA). The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM (Flood Hazard Boundary Map). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area" is synonymous in meaning with the phrase “area of special flood hazard".

.81 Statewide Planning Goal 5. Oregon’s statewide planning goal that addresses open space, scenic and historic areas, and natural resources. The purpose of the goal is to conserve open space and protect natural and scenic resources.

.82 Statewide Planning Goal 6. Oregon’s statewide planning goal that addresses air, water, and land resources quality to “maintain and improve the quality of the air, water, and land resources of the state” as implemented by the Land Conservation and Development

Commission (LCDC).

.83 Statewide Planning Goal 7. Oregon's statewide planning goal that addresses areas subject to natural disasters and hazards to "protect life and property from natural disasters and hazards" as implemented by the Land Conservation and Development Commission.

.84 Stockpile. Onsite storage of any soil, sand, gravel, clay, mud, debris, vegetation, refuse, or any other material, organic or inorganic, in a concentrated state.

.85 Stream. A body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet, or river, that flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.

.86 Stream Bank, Top of. See Bankfull Stage.

.87 Structure. Means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

a. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;

b. A manufactured dwelling; or

c. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, structure does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in Section 1.040.87(c), or a gas or liquid storage tank.

.88 Substantial Damage. Damage of any origin sustained by a structure located within the 100-year Floodplain, whereby the cost of restoring the structure to its prior condition would equal or exceed fifty percent (50%) of the structure's market value before the damage occurred.

.89 Substantial Improvement. Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds forty-nine percent (49%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified

by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,

b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

.90 Surface Water Management System. All natural and constructed facilities used to regulate the quantity and quality of surface water, including drainage easements, culverts, storm drains, catch basins, drainage ditches, natural drainageways, stream corridors, rivers, ponds, wetlands, and impoundments.

.91 Title 3. Title 3 is part of the Metro Urban Growth Management Functional Plan pertaining to water quality, flood management, and fish and wildlife conservation, and directly pertains to Statewide Planning Goals 5, Open Spaces, Scenic and Historic Areas, and Natural Resources; 6, Air, Water, and Land Resources Quality; and 7, Areas Subject to Natural Disasters and Hazards.

.92 Variance. Means a grant of relief by a community from the terms of a floodplain management regulation.

.93 Vegetation, Approved. Vegetation which typically does not require irrigation or fertilization because it is adapted to natural soil, water, and climatic conditions. The list of approved vegetation species is based on the most recent Portland Plant List as adopted by the City of Portland by ordinance, and is on file in the Community Development Department.

.94 Vegetation Corridor. The undisturbed area between a development and a protected water feature as designated in Sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this Code, or slopes of twenty-five percent (25%) or greater throughout the City, except engineered slopes associated with public streets or roads.

.95 Vegetation, Invasive, Non-Native, or Noxious. Plant species that have been introduced and due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities, or which are not listed on the most recent Portland Plant List as adopted by the City of Portland by ordinance.

.96 Vegetation, Native. Any vegetation native to the Portland Metropolitan Area or listed on the Portland Plant List as adopted by the City of Portland by ordinance.

.97 Water-dependent. A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

.98 Water Features. See Protected Water Features, primary and secondary.

.99 Water Quality Facility. A created or constructed structure or drainageway that is

designed, constructed, and maintained to collect, filter, retain, or detain surface water runoff during and after a storm event for the purpose of stormwater management and water quality improvement. The facility may take on characteristics of a wetland, but it does not become a resource.

.100 Watershed. A geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake, or wetland.

.101 Water Surface Elevation. The height, in relation to a specific datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

.102 Wetlands. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are those areas identified and delineated by qualified wetland specialists as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

a. Wetland determinations. The identification of an area as either wetland or non-wetland.

b. Wetlands, constructed. Wetlands developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and/or separated from naturally occurring or created wetlands.

c. Wetlands, created. Those wetlands developed in an area previously identified as a non-wetland to replace or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

d. Wetlands, Title 3. Wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Overlay District Map and other wetlands not mapped but determined significant by the Oregon Department of State Lands, consistent with the criteria in Title 3, Section 7.C. of the Metro Urban Growth Management Functional Plan. Title 3 wetlands include created wetlands approved and monitored by the Oregon Department of State Lands and U.S. Army Corps of Engineers. Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.

Chapter 2 – Procedures for Decision-Making

2.005 Types of Procedures for Taking Public Action. Three separate procedures are established for processing development applications and one procedure is established for public actions (legislative) which do not involve land use permits or require consideration of a plan amendment, land use regulation, or City policies. These are Types I-III and Type IV respectively (see Table below):

DECISION-MAKING PROCEDURE

Type I Procedure

- Ministerial permits and actions
- Clear and objective criteria
- No public notice or hearing required

Type II Procedure

- Some discretion based on Code criteria
- Public notice

Type III Procedure

- Complex or subjective decisions of predominantly discretionary approval criteria
- Public hearing

Type IV Procedure

- Legislative decisions
- Creation, revision, or large-scale implementation of public policy
- Public hearing

2.010 Procedures for Processing Permits.

A. An application shall be processed under a Type I, II, III, or IV procedure as they are described in Sections 2.050 to 2.065 of this Chapter. The differences between the procedures are generally associated with the different nature of the decisions as described in the table in Section 2.005 of this Chapter.

B. When an application and proposed development is submitted, the Director shall determine the type of procedure the Code specifies for its processing and the potentially affected agencies. When there is a question as to the appropriate type of procedure, or if the Director contemplates that persons being notified of the application can be expected to question the application's compliance with the Code, the application proposal shall be processed under the higher type procedure. An application shall be processed under the highest numbered procedure required for any part of the development proposal.

C. When an application will potentially have a significant effect on a County or State roadway/transportation facility, Multnomah County or ODOT shall be invited to participate in the pre-application conference, if one is held, and shall be notified when the application is complete so as to allow for coordinated review of the application.

2.015 Computation of Time. In computing any period of time prescribed or allowed by these rules, by the local rules of any court or by order of court, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or a legal holiday, including Sunday, in which event the period runs until the end of the next day which is not a Saturday or a legal holiday. If the period so computed relates to serving a public officer or filing a document at a public office, and if the last day falls on a day when that particular office is closed before the end of or for all of the normal work day, the last day shall be excluded in computing the period of time within which service is to be made or the document is to be filed, in which event the period runs until the close of office hours on the next day the office is open for business. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays and legal holidays, including Sundays, shall be excluded in the computation. As used in this rule, "legal holiday" means legal holiday as defined in ORS 187.010 and 187.020. This Section does not apply to any time limitation governed by ORS 174.120. (Source: Oregon Rules of Civil Procedure 2015)

2.020 Coordination of Permit Procedure. The Director shall be responsible for the coordination of the permit application and decision-making procedure, and shall issue any necessary permits to an applicant whose application and proposed development is in compliance with the provisions of this Code. Combined applications reviewing a single project are permitted but shall be reviewed as the highest Type level.

2.025 Pre-Application Conference. A pre-application conference shall be required for all Type III applications. For other applications, the applicant or authorized representative may request, or the Director may suggest, a pre-application conference. The conference shall be held within thirty (30) days of the request. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Code, provide for an exchange of information regarding applicable elements of the Comprehensive Land Use Plan and development requirements, arrange such technical and design assistance which will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Director, if requested by the applicant, shall provide the applicant with a written summary of the conference within ten (10) days of the conference. The summary should include confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the criteria and standards which may apply to the approval of the application. The summary shall be a best effort to identify all criteria.

2.030 Application Materials. A land use application shall consist of the materials specified in this Section, plus any other materials required on the application form.

A. A completed application form.

B. An explanation of intent, stating the nature of the proposed development, reasons for the request, and any other evidence showing compliance with applicable criteria of the Troutdale Development Code.

C. Proof that the property affected by the application is in the exclusive fee ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property.

D. County Tax lot numbers and legal description of the affected properties; a copy of the recorded deed with description and County Tax Lot numbers of the affected property.

E. Additional information required by other Sections of this Code because of the type of development proposal or the area involved.

F. Payment of all applicable application fees.

2.035 Submission of Application.

A. Application materials shall be submitted to the Director who shall have the date of submission indicated on the land use application form. Within thirty (30) days from the date of submission, the Director shall determine and shall notify the applicant in writing whether an application is complete. If the Director determines that the application is incomplete or otherwise does not conform to the provisions of this Code, the Director shall notify the applicant in writing of what information is missing, and shall allow the applicant to submit the missing information.

B. The application shall be deemed complete for the purpose of rendering a final action as required under ORS 227.178 upon receipt of:

1. All of the missing information;

2. Some of the missing information and written notice from the applicant that no other information will be provided; or

3. Written notice from the applicant that none of the missing information will be provided.

C. On the one hundred eighty-first (181st) day after first being submitted, the application shall be void if the applicant has been notified of the missing information as required under Subsection (A) of this Section and has not submitted:

1. All of the missing information;

2. Some of the missing information and written notice that no other information will be provided; or

3. Written notice that none of the missing information will be provided.

D. The application fee that was submitted with an application that has been determined to be void, shall be forfeited.

2.040 Referral and Review of Applications. Within five (5) days of deeming an application complete, the Director shall do the following:

A. Transmit one copy of the application, or appropriate parts of the application, to applicable City departments and referral agencies for review and comment, including those responsible for determination of compliance with state and federal requirements. If a notified department or referral agency does not comment within fourteen (14) days, it is presumed to have no comment.

B. Provide written notice to surrounding property owners as set forth in this Chapter.

2.045 Responsibility of Director for Hearings.

A. Schedule and assign the matter for review and hearing.

B. Conduct the correspondence of the hearing body.

C. Give notice as required by this Code.

D. Maintain a record, and enter into the record, relevant dates such as those of giving notice, hearings, postponement, and continuances, and a summary of action taken by the hearing body.

E. Prepare minutes to include the decision on the matter heard and reasons for the decision.

F. Reduce the decisions of the hearing body to writing within a reasonable time.

G. Mail a copy of the decision to the party requesting the same upon payment of a reasonable fee, if a fee has been established.

2.050 Type I Procedure.

A. Under the Type I procedure, an application shall be processed without a need for a public hearing or notification of other property owners.

B. Within thirty (30) days of the date of acknowledging an application complete as set forth in Section 2.035 of this Chapter, the Director shall approve, conditionally approve, or deny the request. The decision of the Director shall be based upon the application, evidence, comments from City departments and referral agencies, and approvals required by others. The Director shall notify the applicant, and if required, others entitled to notice of the decision. The notice shall indicate the date that the decision will take effect and describe the right of appeal.

C. The Director shall approve a development if he or she finds that applicable approvals by others have been granted and the proposed development, with or without conditions, otherwise conforms to the requirements of this Code.

D. The Director shall deny the development if required approvals are not obtained or the application otherwise fails to comply with Code requirements. The notice shall describe the reason for denial.

E. Appeal of a decision of the Director under the Type I procedure shall be de novo to the Planning Commission.

2.055 Type II Procedure.

A. Under the Type II procedure, an application shall be processed without a need for a public hearing; however, the Director shall provide written notice. The form of notice and persons to receive notice are as required by the relevant Sections of this Code. The notice shall invite persons to submit information relevant to the criteria and standards that are pertinent to the proposal within fifteen (15) days, giving reasons why the application should or should not be approved, or proposing modifications the person believes are necessary for approval according to the standards.

B. Within forty-five (45) days of the date of acknowledging an application complete as set forth in Section 2.035 of this Chapter, the Director shall review any information received under Subsection (A) of this Section. The Director may attach conditions of approval to assure compliance with applicable criteria and standards, to mitigate potential adverse impacts where such mitigation is consistent with established policy of the City, and to conform to confirm with applicable legal requirements. If the application is approved, the Director will issue any necessary permits when the applicant has complied with the conditions set forth in the final order and other requirements of this Code. Appeals of the Director's decision shall be de novo to the Planning Commission.

2.060 Type III Procedure.

A. Under the Type III procedure, an application is scheduled for public hearing before the Planning Commission which may approve, approve with conditions, or deny an application. The form of notice and persons to receive notice are as required by the relevant Sections of this Code. At the public hearing, the staff, applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved, or proposing modifications and the reasons the person believes the modifications are necessary for approval. The Planning Commission may attach conditions of approval to assure compliance with applicable criteria and standards, to mitigate potential adverse impacts where such mitigation is consistent with an established policy of the City, and to conform to applicable legal requirements. If the application is approved, the Director will issue any necessary permits when the applicant has complied with the conditions set forth in the final order and other requirements of this Code.

B. Appeals of a decision of the Planning Commission shall be to the City Council.

2.065 Type IV Procedure. The City Council is the decision-making body under this procedure after the Planning Commission has forwarded its recommendation to the Council. This procedure is for legislative actions.

A. Under the Type IV procedure, the Director shall first schedule a public hearing before the Planning Commission. Following action by the Planning Commission, the Director shall schedule a public hearing before the City Council. The form of notice and persons to receive notice are as required by the relevant Sections of this Code. At the public hearings the staff and interested persons may present testimony relevant to the proposal, give information on whether the proposal does or does not meet appropriate criteria and standards for approval, or they may give proposals for modifications they consider necessary for approval. If criteria are involved, the Planning Commission shall make a finding for each of the applicable criteria, including whether the proposal conforms to applicable Comprehensive Land Use Plan goals and policies. A written report and recommendation shall be submitted to the City Council. The decision of the City Council shall also address each of the applicable criteria.

B. The City Council shall conduct a public hearing. The Director shall set a date for the hearing. The form of notice and persons to receive notice are as required by the relevant Sections of this Code. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission, make final arguments why the matter should or should not be approved and, if approved, the nature of the provisions to be contained in the approving action.

2.070 Legislative Enactments Not Restricted. Nothing in this Chapter shall limit the authority of the City Council to make changes in zoning districts' boundaries or development regulations as part of some more extensive revision of the Comprehensive Land Use Plan or the implementing ordinances. Nothing in this Chapter shall relieve a use or development from compliance with other applicable laws.

2.075 Notice of Hearing. The following procedures shall govern the conduct of quasi- judicial land use hearings conducted before the hearing body on application for a land use decision, and shall be incorporated into the Comprehensive Land Use Plan and land use regulations. Notice of hearings governed by this Section shall be provided to the applicant and owners of record of property on the most recent property tax assessment roll where such property is located.

A. For property which is the subject of a Type II application process, notice shall be provided to all owners of property within two hundred fifty (250) feet of the project property.

B. For property which is the subject of a Type III or Type IV application process, notice shall be provided to all owners of property within five hundred (500) feet of the project property.

C. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries are within the notice area of the project.

D. Interested parties such as counties, state agencies, public utilities, etc., which may be affected by the specific development proposal, shall receive notice of the scheduled public hearing.

2.080 Contents of Notice. Quasi-judicial notice provided by the City shall:

A. Explain the nature of the application and the proposed use or uses which could be authorized.

B. List the applicable criteria from this Code and the Plan that apply to the application at issue.

C. Set forth the street address or other easily understood geographical reference to the subject property.

D. State the date, time, and location of the hearing.

E. State that failure of an issue to be raised in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the board based on that issue.

F. Be mailed at least:

1. Twenty (20) days before the evidentiary hearing; or

2. If two (2) or more evidentiary hearings are allowed, ten (10) days before the first evidentiary hearing.

G. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

H. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.

I. State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at a reasonable cost.

J. Include a general explanation of the requirements for submission of testimony and the procedures for conduct of hearings.

2.085 Procedure for Mailed Notice. Unless otherwise provided, addresses for a mailed notice shall be obtained from the County's real property tax records. Unless the address is on file with the

Director, a person whose name is not in the tax records at the time of filing of an application, or of initiating other action not based on an application, need not be furnished mailed notice. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice. In addition to receiving notice as required by the matter under consideration, the Director shall provide notice to others he or she has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.

2.090 Procedure for Posted or Published Notice.

A. Posted Notice – Posted notice shall be required of all applications requiring a hearing before the Planning Commission or City Council. This requirement shall not apply to appeals heard by these bodies. By submitting an application which requires the posting of notice, an applicant shall hereby allow the posting on the subject private property. Specific requirements shall be as follows:

1. The notice shall be posted in at least one (1) conspicuous place within the boundary of the parcel under consideration. If the property frontage exceeds five hundred (500) feet, one additional notice shall be posted on the property. Posting shall occur a minimum of ten (10) days prior to the hearing date.

2. The size, construction and features of the posted notice shall be determined by the Planning Director and installed by the City. At a minimum, the posting shall include information on the hearing location, date, and time; identify the applicable planning file; and include contact information.

B. Publication - If a published notice is required, it shall be published at least once in a newspaper of general circulation at least ten (10) days prior to the hearing date or as otherwise required by law.

2.095 Applicant's Documents and Evidence. All documents or evidence relied upon by the applicant shall be submitted to the local government and made available to the public.

2.100 Staff Report. Any staff report used at a quasi-judicial hearing shall be available at least seven (7) days prior to the hearing. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of ORS 227.178.

2.105 Explanation at Commencement of a Quasi-Judicial Hearing. At the commencement of a Quasi-Judicial Hearing, a statement shall be made to those in attendance that:

A. Lists the applicable criteria;

B. States that testimony and evidence must be directed toward the criteria described in Subsection (A) of this Section or other criteria in the Comprehensive Land Use Plan or

land use regulations which the persons believes to apply to the decision; and

C. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and the parties an opportunity to respond to the issue precludes an appeal on that issue.

2.110 Request to Present Additional Evidence. Prior to the conclusion of the initial quasi-judicial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing body shall grant such request by either continuing the public hearing or leaving the record open for additional written evidence or testimony.

2.115 Continuance of the Hearing. If the quasi-judicial hearing body grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven (7) days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.

2.120 Leaving the Record Open. If the quasi-judicial hearing body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the City for an opportunity to respond to new evidence submitted during the period the record is left open. If such a request is filed, the hearing body shall reopen the record.

2.125 Applicant's Right to Submit Final Arguments. Unless waived by the applicant, the City shall allow the applicant at least seven (7) days after the quasi-judicial record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.

2.130 Reopening a Hearing. When the quasi-judicial hearing body reopens the record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.

2.135 Failure to Receive Notice. The failure of the property owner to receive notice as provided in this Chapter shall not invalidate such proceedings if the local government can demonstrate, by affidavit, that such notice was given. The notice provisions of this Chapter shall not restrict the giving of notice by other means, including posting, newspaper publication, radio, and television.

2.140 Ex Parte Contacts. The general public has a right to have hearing body members free from ex parte contacts in quasi-judicial hearings. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal all ex parte contacts with regard to a matter that comes before the hearing body member at a quasi-judicial proceeding at the earliest possible time. If ex parte contacts have not impaired

the member's ability to make a fair and impartial decision based on the information presented during the quasi-judicial proceeding, the member shall so state and may participate in the hearing and decision. 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 ex parte contact places on the record the substance of any written or oral ex parte communications concerning the decision or action and makes a public announcement of the content of the communication and of the right of the parties to rebut the substance of the communication at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.

2.145 Challenges to Impartiality. A party to a quasi-judicial hearing, or a member of the hearing body, may challenge the qualifications of a member of the hearing body to participate in a quasi-judicial hearing or decision. A challenge shall identify the facts and basis for concluding that the member being challenged cannot make a fair and impartial decision due to bias, prejudgment, a direct and substantial personal interest in the outcome, or other similar circumstances.

2.150 Conflicts of Interest. No officer or employee of the City shall participate in a hearing or decision if the officer or employee has an actual conflict of interest as defined by state law, unless otherwise authorized by state law. An officer or employee of the City may participate in a land use hearing or decision if the officer or employee has a potential conflict of interest as defined by state law. Officers and employees shall disclose actual and potential conflicts of interest.

2.155 Disqualification. A member of a hearing body shall not participate in the discussion or decision on a matter in which any of the following have a direct or substantial financial interest: The member or member's spouse, brother, sister, child, parent, father-in-law or mother-in- law; any business in which the member is then -serving or has served within the previous two (2) years; or any business with which the member is negotiating for, or has an arrangement or understanding concerning prospective partnership or employment.

2.160 Abstention or Disqualification. Except for Type IV hearings conducted by the governing body, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

2.165 Rights of Disqualified Member of the Hearing Body.

A. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents his or her personal interest at a hearing may do so only by physically joining the audience and vacating the seat on the hearing body. The member shall make full disclosure of the member's status and position at the time of addressing the hearing body and shall not vote.

B. Except for Type IV legislative hearings conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the

deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

2.170 Burden and Nature of Proof. Except for legislative determinations, the burden of proof is upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the Comprehensive Land Use Plan and to provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration. Additionally, the following factors are deemed relevant and material, and shall be considered by the hearing body in reaching its decision on a proposal:

A. Mistakes in the original designation or provision.

B. Change of conditions within the vicinity in which the development is proposed.

2.175 Order of Proceedings. An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate:

A. Before receiving information on the issue, the following shall be determined:

1. Any objections on jurisdictional grounds shall be noted in the record and if there is an objection, the person presiding has the discretion to proceed or terminate.

2. Any abstentions or disqualifications shall be determined.

B. The person presiding at the hearing may take official notice of known information related to the issue, such as the following:

1. Provisions of the charter or state law, or of an ordinance, resolution, rule, or officially promulgated policy of the City.

2. Other public records and facts judicially noticeable by law.

C. Matters officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record; provided, however, that the hearing body may take notice of matters listed in Subsection (B) of this Section if stated for the record. Any matter given official notice may be rebutted.

D. The hearing body may view the property subject to the application. At the quasi-judicial public hearing, the members shall place the time, manner, and circumstances of such viewing in the record.

E. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a

question is approved, the presiding officer will direct the question to the person submitting testimony.

F. When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff, if opportunity for rebuttal is provided.

2.180 Decision. Following the hearing procedure, the hearing body shall approve or deny the application; or, if the hearing is in the nature of an appeal, affirm, reverse, or remand the decision that is on appeal. A decision on a permit or zone change shall be made within one hundred twenty (120) days of the date the application is deemed complete. If the hearing body and an applicant agree to an extension, processing of a matter under consideration may be extended. An applicant may request an extension beyond the one hundred twenty (120) day legal limit. An applicant whose application has not been acted upon within one hundred twenty (120) days after the application was initiated may seek a writ of mandamus.

2.185 Findings and Order. The quasi-judicial hearing body shall prepare findings of fact and an order which shall include:

A. A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards.

B. A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.

C. The reasons for a conclusion to approve or deny.

D. The decision to deny or approve the proposed change with or without conditions.

2.190 Record of Proceedings. The secretary to the hearing body shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically.

A. Testimony shall be transcribed if required for judicial review or if ordered by the hearing body.

B. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented, and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed.

C. The findings and order shall be included in the record.

D. A person shall have access to the record of the proceeding at reasonable times, places, and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

2.195 Request for Review - Appeal of Decision.

A. Type I or II Procedure. A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal and paying the applicable fee with the Director within ten (10) days of notice of the decision as provided in this Chapter.

B. Type III Procedure. A decision of the Planning Commission may be appealed to the City Council by an affected party by filing an appeal and paying the applicable fee within ten (10) days of notice of the decision as provided in this Chapter.

C. Type IV Procedure. A decision of the City Council may be appealed to the Land Use Board of Appeals, or to the legal authority governing land use regulations and issues, by an affected party by filing an appeal within twenty one (21) days of notice of the decision.

2.200 Raising Issues for Appeal. An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised before the close of the record at the final evidentiary hearing on the proposal. Such issues shall be raised with sufficient specificity to afford the final reviewing body and the parties an adequate opportunity to respond to each issue.

2.205 Appeal Requirements.

A. A notice of appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision.

2. A statement of the interest of the person seeking review and that the person was a party to the initial proceedings.

3. The specific grounds relied upon for review, including an explanation of the errors the person seeking review believes exist in the decision that is being appealed.

B. An appeal of a decision rendered under a Type I procedure without a public hearing shall be a de novo hearing before Planning Commission.

C. An appeal of a decision rendered under a Type II procedure shall be limited to a review of the record supplemented by oral arguments relevant to the record presented by parties to the prior deliberations.

D. An appeal of a decision rendered under a Type III or IV procedure shall automatically be conducted as a de novo review and subject to a de novo hearing.

2.210 De Novo Hearing.

A. The reviewing body may consider new evidence that is applicable to the criteria and standards and may consider all the testimony, evidence, and other material that is in the record.

B. For purposes of a de novo hearing, the record shall include:

1. A report prepared by the Director.

2. All prior staff reports, decisions, the application, and any exhibits, materials, reports, letters, memoranda, and stipulations submitted by any party that were received and considered by the decision-maker in reaching the decision under review.

3. The transcript of prior hearings, if previously prepared, or the tapes and minutes from the prior hearings.

C. At a de novo hearing, the applicant for the land use proposal or permit which is the subject of the appeal shall have the right of final rebuttal to any arguments, evidence, or testimony raised by an opposing party.

2.215 Reviewing Body Decision. Upon review, the reviewing body may by order affirm, reverse, or modify in whole or in part, a determination or requirement of the decision that is under review. When the reviewing body modifies or renders a decision that reverses a decision of the hearing body, the reviewing body, in its order, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the reviewing body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify it.

2.220 Expiration of a Decision.

A. Except as otherwise specifically provided in a specific decision or in this Code, a final decision on a Type I, II or III application made pursuant to this Code shall expire automatically on the following schedule unless the approval is enacted either through construction, establishment of use, or recordation of plat or survey within the specified time period.

1. No expiration date:

   a. Comprehensive Plan Text Amendment (6.100)
   b. Comprehensive Plan Map Amendment (6.200)
   c. Director's Interpretation (Section 6.400)
   d. Text Amendment (Section 6.1100)
   e. Vacation (Section 6.1200)
   f. Zoning Map Amendment (Section 6.1400)

2. Five (5) years from the effective date of decision where phasing of the development is proposed.

   a. Planned Unit Development (Section 6.700)
   b. Preliminary Subdivision (Section 7.030.B)

3. Two (2) years from the effective date of decision:

   a. Alteration to a Historic Landmark (Section 6.515.C.)
   b. Conditional Use (Section 6.300)
   c. Demolition or Relocation of a Historic Landmark (Section 6.515.D.)
   d. Expansion of a Non-Conforming Structure or Development (Section 6.615.C.)
   e. Expansion of a Non-Conforming Use - Major (Section 6.615.B.)
   f. Expansion of a Non-Conforming Use - Minor (Section 6.615.A.)
   g. Historic Landmark Designation (Section 6.515.A.)
   h. Planned Unit Development (Section 6.700), when there is no phasing to the development.
   i. Preliminary Partition (Section 7.030.A)
   j. Property Line Adjustment (Section 7.180)
   k. Removal of a Historic Landmark Designation (Section 6.515.B.)
   l. Site Development Review (Section 6.900)
   m. Variance (Section 6.1300)

4. One (1) year from the effective date of the decision:

   a. Temporary Structure (Section 6.1000)

5. One hundred eighty (180) days from the effective date of the decision:

   a. Floodplain Development (Section 14.035), if construction has not started.

6. Any final decision that is not listed herein shall expire within two (2) years from the effective date of the decision.

B. The effective date of the decision for Type I, Type II, or Type III applications shall be the date that the signed land use order is dated and mailed, unless appealed. If a Type I, Type II, or Type III application is appealed, the effective date of the decision shall be the date of the appellate decision making authority's signed land use order is dated and mailed. The effective date of decision for a Type IV application is thirty (30) days after the Mayor signs the ordinance, unless an emergency is declared in which case the ordinance is effective immediately upon signature of the Mayor.

C. A decision shall expire according to Section 2.220.A. unless one of the following occurs prior to the date of expiration:

1. An application for an extension is filed pursuant to Section 2.225; or

2. The development authorized by the decision has commenced as defined herein.

   a. The use of the subject property has changed as allowed by the approval; or

   b. In the case of development requiring construction, a construction permit has been issued and substantial construction pursuant thereto has taken place.

   c. The approval time begins from the effective date of a decision. Appeal of a decision to LUBA does not extend the time.

2.225 <u>Extension of a Decision.</u>

A. An application to extend the expiration date of a decision made pursuant to this Code may be filed only before the decision expires as provided in Section 2.220.

B. A land use decision may be extended no more than two (2) times.

C. Requests for extension of a decision shall be as follows:

1. The first request for extension shall follow the Type II process.

2. The second request for extension shall follow the Type III process.

D. Extension requests shall provide mailed public notice to those parties identified in Section 2.085. In addition, the notice shall be mailed to the parties of record contained in the initial land use decision and any prior extension of time decision.

E. In order to approve an extension of time application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. It is not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.
2. There has been no change in circumstances or the applicable regulations or statutes likely to necessitate modification of the decision or conditions of approval since the effective date of the decision for which the extension is sought.

3. The previously approved land use decision is not being modified in design, use, or conditions of approval.

2.230 Modification of a Decision.

A. An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type I, Type II or Type III procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.

B. An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.

C. An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the one hundred twenty (120) day requirement pursuant to ORS 227.178.

D. Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified.

E. An application for modification shall be subject to a Type I, Type II, or Type III procedure as determined by the Director.

F. The process type for an application to modify a decision shall be based upon the scope of the proposed modification. In all cases, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or

removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:

1. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.

2. The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.

3. The circumstances have changed to the extent that the condition is no longer needed or warranted.

4. A new or modified condition would better accomplish the purpose of the original condition.

Chapter 3 – Zoning Districts

All areas within the city limits of Troutdale are divided into the following zoning districts. The use of each tract of land within the corporate limits of the City of Troutdale shall be limited to those uses permitted within the applicable zoning district.

3.000 Zoning District Outline.

SYMBOL	*DISTRICT NAME*	*MINIMUM LOT SIZE*
LOW-DENSITY RESIDENTIAL		
R-20	Single-Family Residential	20,000 sq. ft. per dwelling
R-10	Single-Family Residential	10,000 sq. ft. per dwelling
R-7	Single-Family Residential	7,000 sq. ft. per dwelling
MEDIUM-DENSITY RESIDENTIAL		
R-5	Single-Family Residential	5,000 sq. ft. per dwelling
R-4	Attached Residential	4,000 sq. ft. per detached dwelling 3,500 sq. ft. per attached dwelling
HIGH-DENSITY RESIDENTIAL		
A-2	Apartment Residential	2,000 sq. ft. per dwelling unit
COMMERCIAL/INDUSTRIAL		
NC	Neighborhood Commercial	
CC	Community Commercial	
GC	General Commercial	
CBD	Central Business District	
MO/H	Mixed Office/Housing	
IP	Industrial Park	
LI	Light Industrial	
GI	General Industrial	
ZONING DISTRICT OVERLAYS		
AR	Aggregate Resource	
ALF	Airport Landing Field	
CR	Historic Landmark Protection	
VECO	Vegetation Corridor and Slope District	
PD	Planned Development	
FLMA	Flood Management Area	
TC	Town Center	

3.005 Zoning District Map.

A. The Zoning District Map and all amendments to the map shall remain on file in the City Recorder's office.

B. The boundaries of all districts are established as shown on the Zoning District Map.

C. Zoning district boundary lines are intended to follow property lines; lot lines; centerlines of streets, alleys, streams, or railroads; or the extension of such lines except where reference is made on the map to a street line, political boundary, or other designated line by dimensions shown on said map.

D. The exact location of zoning district boundary lines shall be interpreted by the Director or designated official.

E. Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall be subject to all regulations of the extended zoning district or districts.

3.010 SINGLE-FAMILY RESIDENTIAL R-20

3.011 Purpose. This district is intended primarily for single-family detached dwellings at the lowest development density provided for in this Code. Such density is considered appropriate in areas developed at this density level or lower, and where natural features such as slope, flood plain, soil condition, etc., make these areas difficult to serve or inefficient to develop at higher densities.

3.012 Permitted Uses. The following uses and their accessory uses are permitted in the R-20 district:

A. Single-family detached dwellings including manufactured homes on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes.

B. Accessory dwelling units in accordance with Section 5.900 of this Code.

C. Parks and playgrounds.

D. Livestock, poultry, small animals, greenhouses, and nurseries as accessory uses, provided no retail or wholesale business sales office is maintained on a lot of less than two (2) acres, and provided no poultry or livestock, other than household pets, shall be housed within one hundred (100) feet of any residence other than a dwelling on the same lot.

E. Utility facilities, minor.

F. Bed and breakfast inns in accordance with Section 5.500 of this Code.

G. Home Occupations in accordance with Section 5.100 of this Code.

H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.

I. Other uses similar in nature to those listed above.

3.013 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-20 district:

A. Community service uses.

B. Day care center or facility other than a child care home.

C. Shared dwellings, in accordance with Section 5.090 of this Code.

D. Accessory residential dwelling.

E. Utility facilities, major.

F. Other uses similar in nature to those listed above.

3.014 Lot Size, Dimensional, and Density Standards.

A. Lot Size, Width, Depth, and Frontage.

1. Minimum lot size: Twenty thousand (20,000) square feet per dwelling unit.

2. Minimum lot width: Seventy (70) feet, and seventy (70) feet at the front setback line.

3. Minimum lot depth: One hundred (100) feet.

4. Minimum lot frontage: Twenty (20) feet.

B. Setbacks.

1. Front yard setback: Minimum of thirty (30) feet.

2. Side yard and street side yard setback: Minimum of ten (10) feet.

3. Rear yard setback: Minimum of twenty-five (25) feet.

4. Projections into setbacks: See Chapter 5.020, Exceptions to Yard Requirements, of this Code.

5. Accessory structures in setback areas: See Chapter 5.010, Accessory Structures in Required Yards, of this Code.

C. Height Limitation. No structure shall exceed thirty-five (35) feet in height.

D. Minimum Density. Residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum and minimum dwelling units for a 50,000 sq. ft. parcel:

- Allowed density is 1 dwelling per 20,000 square feet.
- A 50,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.

3.015 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

D. Structures for human habitation shall have approved water and sanitary service as provided in this Code.

E. All single-family detached dwellings, including manufactured homes, shall utilize at least six of the following design features:

1. Dormers.

2. Recessed entries.

3. Cupolas.

4. Bay or bow windows.

5. Window shutters.

6. Offsets on building face or roof (minimum 12").

7. Gables.

8. Covered porch entry.

9. Pillars or posts.

10. Eaves (minimum 6").

11. Tile, shake, or architectural composition roofing.

12. Horizontal lap siding.

F. All manufactured housing shall comply with the standards of Section 5.1100.

3.020 SINGLE-FAMILY RESIDENTIAL R-10

3.021 Purpose. This district is intended primarily for dwellings in a low-density residential neighborhood environment.

3.022 Permitted Uses. The following uses and their accessory uses are permitted in the R-10 district:

A. Single-family detached, single family attached, and zero lot line dwellings including manufactured home on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes provided the base density is not exceeded.

B. Accessory dwelling units, in accordance with Section 5.900 of this Code.

C. Parks and playgrounds.

D. Utility facilities, minor.

E. Bed and breakfast inns in accordance with Section 5.500 of this Code.

F. Home Occupations in accordance with Section 5.100 of the Code.

G. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.

H. Other uses similar in nature to those listed above.

3.023 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-10 district:

A. Community service uses.

B. Golf courses (excluding miniature golf courses or driving ranges).

C. Duplex dwellings on the same lot at intersections of any two (2) streets of at least neighborhood collector status. Lot size must comply with R-10 requirements.

D. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.

E. Shared dwellings, in accordance with Section 5.090 of this Code.

F. Utility facilities, major.

G. Other uses similar in nature to those listed above.

3.024 Lot Size, Dimensional, and Density Standards.

A. Lot Size, Width, Depth, and Frontage.

1. Minimum lot size: Ten thousand (10,000) square feet.

2. Minimum lot width: Seventy (70) feet, and seventy (70) feet wide at the front setback line.

3. Minimum lot depth: One hundred (100) feet.

4. Minimum lot frontage: Twenty (20) feet.

B. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard and street side yard setback: Minimum of ten (10) feet, except for zero lot line dwellings.

3. Rear yard setback: Minimum of twenty (20) feet.

4. Projections into setbacks: See Chapter 5.020, Exceptions to Yard Requirements, of this Code.

5. Accessory structures in setback areas: See Chapter 5.010, Accessory Structures in Required Yards, of this Code.

C. Height Limitation. The maximum height of a structure shall be thirty-five (35) feet.

D. Minimum Density. Residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum/ minimum dwelling units for a 25,000 sq. ft. parcel:

- Allowed density is 1 dwelling per 10,000 square feet.
- A 25,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.]

3.025 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required

B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

D. All detached and zero lot line dwellings, duplex dwellings, and manufactured homes shall utilize at least six (6) of the following design features:

1. Dormers.

2. Recessed entries.

3. Cupolas.

4. Bay or bow windows.

5. Window shutters.

6. Offsets on building face or roof (minimum 12").

7. Gables.

8. Covered porch entry.

9. Pillars or posts.

10. Eaves (minimum 6").

11. Tile, shake, or architectural composition roofing.

12. Horizontal lap siding.

E. All manufactured housing shall comply with the standards of Section 5.1100.

3.030 SINGLE-FAMILY RESIDENTIAL R-7

3.031 Purpose. This district is intended primarily for dwellings in a low-density residential neighborhood environment.

3.032 Permitted Uses. The following uses and their accessory uses are permitted in the R-7 district:

A. Single-family detached, single family attached, and zero lot line dwellings including manufactured home on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.

B. Accessory dwelling units in accordance with Section 5.900 of this Code.

C. Parks and playgrounds.

D. Utility facilities, minor.

E. Bed and breakfast inns in accordance with Section 5.500 of this Code.

F. Home Occupations in accordance with Section 5.100 of this Code.

G. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.

H. Other uses similar in nature to those listed above.

3.033 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-7 district:

A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.

B. Golf courses (excluding miniature golf courses or driving ranges).

C. Shared dwellings, in accordance with Section 5.090 of this Code.

D. Community service uses.

E. Utility facilities, major.

F. Other uses similar in nature to those listed above.

3.034 Lot Size, Dimensional, and Density Standards.

A. Lot Size, Width, Depth, and Frontage.

1. Minimum lot size: seven thousand (7,000) square feet for detached and zero lot line dwellings and for each unit of a duplex dwelling on separate lots.

2. Minimum lot width: Sixty (60) feet, and sixty (60) feet wide at the front setback line.

3. Minimum lot depth: Eighty (80) feet.

4. Minimum lot frontage: Twenty (20) feet.

B. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard and street side yard setback: Minimum of seven and one half (7.5) feet and ten (10) feet on corner lots abutting a street.

3. Rear yard setback: Minimum of twenty (20) feet.

4. Projections into setbacks: See Chapter 5.020, Exceptions to Yard Requirements, of this Code.

5. Accessory structures in setback areas: See Chapter 5.010, Accessory Structures in Required Yards, of this Code.

C. Height Limitation. The maximum height of a structure shall be thirty-five (35) feet.

D. Minimum Density. Residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum/minimum dwelling units for a 17,500 sq. ft. parcel:

- Allowed density is 1 dwelling per 7,000 square feet.
- A 17,500 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.]

3.035 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required

B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

D. All detached and zero lot line dwellings, duplex dwellings, and manufactured homes on separate lots shall utilize at least six (6) of the following design features:

1. Dormers.

2. Recessed entries.

3. Cupolas.

4. Bay or bow windows.

5. Window shutters.

6. Offsets on building face or roof (minimum 12").

7. Gables.

8. Covered porch entry.

9. Pillars or posts.

10. Eaves (minimum 6").

11. Tile, shake, or architectural composition roofing.

12. Horizontal lap siding.

E. All manufactured housing shall comply with the standards of Section 5.1100.

3.040 MEDIUM DENSITY RESIDENTIAL R-5

3.041 Purpose. This district is intended primarily for dwellings in a medium-density residential neighborhood environment.

3.042 Permitted Uses. The following uses and their accessory uses are permitted in the R-5 district:

A. Single-family detached, attached, and zero lot line dwellings including manufactured homes and including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.

B. Accessory dwelling units, in accordance with Section 5.900 of this Code.

C. Manufactured home parks, in accordance with Section 5.800 of this Code.

D. Parks and playgrounds.

E. Utility facilities, minor.

F. Bed and breakfast inns in accordance with Section 5.500 of this Code.

G. Home occupations in accordance with Section 5.100 of this Code.

H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.

I. Other uses similar in nature to those listed above.

3.043 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-5 district:

A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses,

B. Golf courses (excluding miniature golf courses or driving ranges).

C. Shared dwellings, in accordance with Section 5.090 of this Code.

D. Community service uses.

E. Utility facilities, major.

F. Other uses similar in nature to those listed above.

3.044 Lot Size, Dimensional, and Density Standards.

A. Lot Size, Width, Depth, and Frontage.

1. Minimum lot size: five thousand (5,000) square feet per dwelling unit and non-residential uses.

2. Minimum lot width: fifty (50) feet and fifty (50) feet wide at front setback line for single-family detached and zero lot line dwellings, and non-residential uses. For duplex dwellings: forty (40) feet and forty (40) feet wide at front setback line.

3. Minimum lot depth: Seventy (70) feet.

4. Minimum lot frontage: Twenty (20) feet.

B. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard and street side yard setback: Minimum of five (5) feet and ten (10) feet on corner lots abutting a street. For duplex dwellings, common walls shall be located on the common property line with each dwelling situated on its own lot.

3. Rear yard setback: Minimum of fifteen (15) feet.

4. Projections into setbacks: See Chapter 5.020, Exceptions to Yard Requirements, of this Code.

5. Accessory structures in setback areas: See Chapter 5.010, Accessory Structures in Required Yards, of this Code.

C. Height Limitation. The maximum height of a structure shall be thirty-five (35) feet.

D. Minimum Density. Residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum/minimum dwelling units for a 12,500 sq. ft. parcel:

- Allowed density is 1 dwelling per 5,000 square feet.
- A 12,500 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.]

3.045 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required. Development on lots within the Town Center Overlay District must conform to the applicable standards of Chapter 4.600, Town Center, of this Code.

B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

D. All single-family detached and zero lot line dwellings, duplex dwellings, and manufactured homes on separate lots shall utilize at least six (6) of the following design features:

1. Dormers.

2. Recessed entries.

3. Cupolas.

4. Bay or bow windows.

5. Window shutters.

6. Offsets on building face or roof (minimum 12").

7. Gables.

8. Covered porch entry.

9. Pillars or posts.

10. Eaves (minimum 6").

11. Tile, shake, or architectural composition roofing.

12. Horizontal lap siding.

E. All manufactured housing shall comply with the standards of Section 5.1100.

3.050 ATTACHED RESIDENTIAL R-4

3.051 Purpose. This district is intended primarily for attached residential dwellings in a medium-density residential environment.

3.052 Permitted Uses. The following uses and their accessory uses are permitted in the R-4 district:

A. Detached and Attached dwellings, duplex, and triplex dwellings, including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.

B. Accessory dwelling units, in accordance with Section 5.900 of this Code.

C. Manufactured home parks, in accordance with Section 5.800 of this Code.

D. Parks and playgrounds.

E. Utility facilities, minor.

F. Bed and breakfast inns in accordance with Section 5.500 of this Code.

G. Home occupations in accordance with Section 5.100.

H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.

I. Other uses similar in nature to those listed above.

3.053 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-4 district:

A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.

B. Golf courses (excluding miniature golf courses or driving ranges).

C. Shared dwellings, in accordance with Section 5.090 of this Code.

D. Community service uses.

E. Utility facilities, major.

F. Other uses similar in nature to those listed above.

3.054 Lot Size, Dimensional, and Density Standards.

A. Lot Size, Width, Depth, and Frontage.

1. Minimum lot size: four thousand (4,000) square feet per detached dwelling unit and for non-residential uses.

2. Minimum lot size: three thousand five hundred (3,500) square feet per attached dwelling unit.

3. Minimum lot depth: Seventy (70) feet.

4. Minimum lot frontage: Twenty (20) feet.

B. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard and street side yard setback: Minimum of five (5) feet and ten (10) feet on corner lots abutting a street. Duplex, triplex, and attached dwellings on individual lots and zero lot line dwellings shall have a common wall located on a common property line.

3. Rear yard setback: Minimum of fifteen (15) feet.

4. Projections into setbacks: See Chapter 5.020, Exceptions to Yard Requirements, of this Code.

5. Accessory structures in setback areas: See Chapter 5.010, Accessory Structures in Required Yards, of this Code.

C. Height Limitation. The maximum height of a structure shall be thirty-five (35) feet.

D. Minimum Density. Residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum/minimum dwelling units for a 10,000 sq. ft. parcel:
- Allowed density is 1 dwelling per 4,000 square feet.
- A 10,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.]

3.055 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required. Development on lots within the Town Center Overlay District must conform to the applicable standards of Chapter 4.600, Town Center, of this Code.

B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.

C. Off-street parking spaces shall be provided in accordance with the requirements of Section 8.225, Off-Street Parking, Garages, and Carports, and Chapter 9, Off-Street Parking and Loading, of this Code.

D. All dwellings shall utilize at least six of the following design features:

1. Dormers.

2. Recessed entries.

3. Cupolas.

4. Bay or bow windows.

5. Window shutters.

6. Offsets on building face or roof (minimum 12").

7. Gables.

8. Covered porch entry.

9. Pillars or posts.

10. Eaves (minimum 6").

11. Tile, shake, or architectural composition roofing.

12. Horizontal lap siding.

E. All manufactured housing shall comply with the standards of Section 5.1100.

3.060 APARTMENT RESIDENTIAL A-2

3.061 Purpose. This district is intended primarily for apartment, condominium, and similar attached dwellings in a high-density residential environment.

3.062 Permitted Uses. The following uses and their accessory uses are permitted in the A-2 district:

A. Attached dwellings.

B. Parks and playgrounds.

C. Utility facilities, minor.

D. Bed and breakfast inns in accordance with Section 5.500 of this Code.

E. Home occupations in accordance with Section 5.100 of this Code.

F. Shared dwellings, in accordance with Section 5.090 of this Code.

G. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.

H. Other uses similar in nature to those listed above.

3.063 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the A-2 district:

A. Golf courses (excluding miniature golf courses or driving ranges).

B. Professional offices or clinics on arterial or collector streets.

C. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.

D. Boarding, lodging, or rooming houses not included within the definition of shared dwellings.

E. Community service uses.

F. Utility facilities, major.

G. Other uses similar in nature to those listed above.

3.064 Density, Lot Size, and Dimensional Standards.

A. Dimensional Standards.

1. Minimum lot size: Refer to the table in Subsection (B) of this Section for residential uses; fifty-four hundred (5,400) square feet for all other uses.

2. Minimum lot width:

a. Units on separate lots:

i. Thirty-five (35) feet at the front setback line of any interior lot used for single-family detached and zero lot-line dwellings, duplexes, and the end units of a triplex or attached dwelling.

ii. Twenty (20) feet for any interior unit of a triplex or attached dwelling.

iii. Forty (40) feet at the front setback line of a corner lot.

b. Multiple-unit, attached, duplex, and triplex dwellings, and non-residential uses on one lot:

i. Sixty (60) feet at the front setback line.

ii. Seventy (70) feet at the front setback line of a corner lot.

3. Minimum lot depth: Seventy (70) feet for single-family detached dwellings with a driveway from the public street or with access from an alley within a separate tract from the lot; ninety (90) feet for all other uses when there is approved street access; one hundred (100) feet for any use with access from an alley within an easement that is part of the lot.

4. Minimum lot frontage: Twenty (20) feet.

B. Maximum Density and Lot Size. Where the number of dwelling units erected on a lot is calculated in accordance with this Section, no greater number of units shall in any event be permitted at any time unless the lot is within the Town Center Overlay District, or except as may be approved under the Planned Development District.

DENSITY STANDARDS FOR MULTI-FAMILY		
Multiple-Unit Dwellings	Minimum Lot Area	Max. Lot Coverage
2-3	9,000 sq. ft. for each unit	45%
4-14	9,000 sq. ft. plus 2,500 sq. ft. for each unit over 3	45%
15-37	41,000 sq. ft. plus 2,000 sq. ft. for each unit over 15	50%
38-94	87,000 sq. ft. plus 1,500 sq. ft. for each unit over 38	50%
95-155	172,500 sq. ft. plus 1,000 sq. ft. for each unit over 95	55%
Over 155	1,500 sq. ft. per unit	55%

C. Minimum Density. Residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum/minimum dwelling units for a 7,500 sq. ft. parcel:

- Allowed density is 1 dwelling per 3,000 square feet.
- A 7,500 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.]

D. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard setback: Dwellings, and non-residential structures or uses:

   a. Adjoining the A-2 zoning district or a non-residential zoning district: Minimum of five feet.

   b. Adjoining a different residential zoning district:

      i. Single-story construction: One and one-half times the minimum side yard setback of the adjoining residential zoning district but not less than ten (10) feet.

      ii. Two-story construction: Two times the minimum required side yard setback of the adjoining residential district but not less than fifteen (15) feet.

iii. Three-story or greater construction: Three times the minimum required side yard setback of the adjoining residential district but not less than twenty (20) feet.

c. No side yard setback shall apply for the interior side property lines of attached dwelling on individual lots.

d. Ten (10) foot side yard setback shall apply for the exterior side property line for attached dwelling on individual lot.

3. Street side yard setback: Minimum of ten (10) feet unless the street side yard is used for the driveway, in which case the minimum setback shall be eighteen (18) feet to the garage.

4. Rear yard setback:

a. Dwellings and non-residential structures or uses adjoining the A-2 zoning district or a non-residential zoning district:

i. Without an alley: Minimum of fifteen (15) feet.

ii. With an alley that is platted either as an easement or a separate tract that is at least twenty (20) feet in width:

(a) Minimum of eighteen (18) feet from the nearest edge of the tract or easement to the garage door.

(b) Minimum of five (5) feet to any other wall of the garage and all other structures as measured from the nearest edge of the tract or easement.

b. Dwellings, and non-residential structures or uses adjoining a residential zoning district other than A-2:

i. Without an alley:

(a) Single story construction: The minimum rear yard setback of the adjoining residential zoning district.

(b) Two-story and greater construction: One and one-half times the minimum rear yard setback of the adjoining residential district but not less than twenty (20) feet.

ii. With an alley that is platted either as an easement or a separate tract that is at least twenty (20) feet in width, and the alley intervenes between the dwelling or structure and the other residential zoning

district: Minimum of twenty (20) feet to the nearest edge of the tract or easement, regardless of the number of stories.

5. Projections into setbacks: See Section 5.020, Exceptions to Yard Requirements, of this Code.

6. Accessory structures in setback areas: See Section 5.010, Accessory Structures, of this Code.

7. Distance between buildings: See Chapter 8.200, Multiple-Unit, Attached, Duplex, and Triplex Dwelling Design Standards, of this Code.

8. Off-street parking, garages, and carports for multiple-unit attached, duplex, and triplex dwellings: See Section 8.225, Off-Street Parking, Garages, and Carports, of this Code.

E. Height Limitation. The maximum height of a structure shall be thirty-five (35) feet.

3.065 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required. All development on lots within the Town Center Overlay District must conform to the applicable standards of Chapter 4.600, Town Center, of this Code.

B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.

C. Recreational facilities for multiple-unit or attached dwelling developments of six (6) units or more on one (1) lot shall be provided in accordance with the regulations of Section 8.235, Recreation Areas, of this Code.

D. Off-street parking spaces shall be provided in accordance with the requirements of Section 8.225, Off-Street Parking, Garages, and Carports, and Chapter 9, Off-Street Parking and Loading, of this Code.

3.100 NEIGHBORHOOD COMMERCIAL NC

3.101 Purpose. This district is intended for convenience retail and service establishments of limited scale to serve primarily the needs of nearby residents, rather than the City as a whole. It encourages physical and visual compatibility with adjacent residential development through appropriate use of landscaping, access, parking, signs, and architectural design.

3.103 Permitted Uses. The following uses and their accessory uses are permitted in the NC district, provided they are conducted wholly within a completely enclosed building, except off-street parking and loading:

A. Retail establishments not to exceed sixty thousand (60,000) square feet of gross floor area per building.

B. Service uses, not to exceed sixty thousand (60,000) square feet of gross floor area per building.

C. Office uses.

D. Eating and drinking establishments (excluding drive-through service).

E. Detached and attached dwellings including residential homes, residential facilities, and registered or certified family child care homes.

F. Utility facilities, minor.

G. Mobile Food Vendor operating a food stand or food cart in accordance with Section 5.200 of this Code.

H. Other uses similar in nature to those listed above, but not marijuana facilities or processors.

3.104 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the NC District:

A. Grocery stores and convenience stores without vehicle fueling stations.

B. Community service uses.

C. Utility facilities, major.

D. Other uses similar in nature to those listed above, but not marijuana facilities or processors.

3.105 Dimensional Standards.

A. Lot Size and Coverage.

1. Minimum lot size: No limitation.

2. Minimum street frontage: twenty (20) feet, except that for lots specifically created for the construction of individual duplex, triplex, or attached dwelling units, the minimum street frontage shall be sixteen (16) feet.

3. Maximum lot coverage: eighty (80) percent of net parcel area, not to exceed sixty thousand (60,000) square feet.

4. Maximum lot size: Three (3) acres.

B. Setbacks.

1. Front yard setback: None.

2. Side yard setback: None, except property abutting a residential zoning district shall have the same side yard setback as required in the abutting district.

3. Street side yard setback: None.

4. Rear yard setback: None, except property abutting a residential zoning district shall have the same rear yard setback as required in the abutting district, but in no case shall it be less than fifteen (15) feet.

5. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having right-of-way width less than the applicable City or County standard. The necessary right-of-way widths and the additional yard or setback requirements in such cases shall be determined based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

C. Height Limitation. The maximum height of a structure shall be thirty-five (35) feet.

D. General Density Requirements. The maximum residential density shall be one dwelling unit per two thousand (2,000) square feet of net land area.

E. Minimum Density. For new developments that are exclusively residential, residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number

of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum/minimum dwelling units for a 5,000 sq. ft. parcel:

- Allowed density is 1 dwelling per 2,000 square feet.
- A 5,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.]

3.106 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code. Residential uses shall also comply with the standards of Subsection 4.680(C)(2) and Section 4.690 of this Code.

D. Vehicle fueling stations are prohibited.

3.110 COMMUNITY COMMERCIAL CC

3.111 Purpose. This district is intended for the shopping needs of several neighborhoods in locations easily accessible to such neighborhoods.

3.113 Permitted Uses. The following uses and their accessory uses are permitted in the CC district:

A. Any use permitted in the Neighborhood Commercial (NC) district except for dwelling units, which are only allowed above the first floor of a commercial building.

B. Retail establishments, not to exceed sixty thousand (60,000) square feet of gross floor area per building.

C. Service uses, not to exceed sixty thousand (60,000) square feet of gross floor area per building.

D. Office uses.

E. Medical or dental clinics or laboratories.

F. Motels or hotels.

G. Eating and drinking establishments (including drive-through).

H. Utility facilities, minor.

I. Mobile Food Vendor operating a Food Stand, Food Cart, Food Trailer, or Food Kiosk in accordance with Section 5.200 of this Code.

J. Commercial amusements up to twenty thousand (20,000) square feet, except for theaters, arenas, and auditoriums.

K. Other uses similar in nature to those listed above with a Director's Interpretation in accordance with Section 6.400, but not marijuana facilities or processors.

3.114 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the CC district:

A. Retail buildings exceeding sixty thousand (60,000) square feet of gross floor area per building.

B. Automotive service stations where no repair work is conducted.

C. Motion picture theaters.

D. Secondhand stores with all merchandise displayed and stored completely within a building.

E. Community service uses.

F. Utility facilities, major.

G. Commercial amusements between twenty thousand one (20,001) and sixty thousand (60,000) square feet.

H. Other uses similar in nature to those listed above, but not marijuana facilities or processors.

3.115 Dimensional Standards.

A. Lot Area, Lot Width, and Lot Depth: No minimum requirement.

B. Street Frontage: Minimum twenty (20) feet.

C. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard setback: None, except property abutting a residential zoning district shall have the same side yard setback as required by the abutting district.

3. Street side yard setback: Minimum of ten (10) feet.

4. Rear yard setback: None, except property abutting a residential zoning district shall have the same rear yard setback as required by the abutting district, but in no case shall be less than fifteen (15) feet.

5. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having right-of-way width less than the applicable City or County standard. The necessary right-of-way widths and the additional yard or setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

D. Height Limitation. The maximum height of a structure shall be forty-five (45) feet.

3.116 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

3.120 GENERAL COMMERCIAL GC

3.121 Purpose. This district is intended for more intensive commercial uses in addition to those provided in the Neighborhood Commercial (NC) and Community Commercial (CC) districts.

3.122 Permitted Uses. The following uses and their accessory uses are permitted in the GC district:

A. Any use permitted in the NC or CC district except for dwellings. Retail buildings are not limited to sixty thousand (60,000) square feet of gross floor area.

B. Commercial amusements.

C. Printing, lithographing, or publishing.

D. Service uses that are completely enclosed building other than outside storage of merchandise, supplies, or outside work areas all of which must be screened from the public right-of-way and adjacent residential, apartment, and NC districts.

E. Accessory uses customarily incidental to any of the above uses when located on the same lot, provided that such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or similar causes.

F. Utility facilities, minor.

G. Mobile Food Vendor operating a Food Stand, Food Cart, Food Trailer, or Food Kiosk in accordance with Section 5.200 of this Code.

H. Other uses similar in nature to those listed above, but not marijuana facilities/processors.

3.123 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the GC district:

A. Wholesale distribution outlets, including warehousing.

B. Off-street parking, and storage of truck tractors and/or semi-trailers.

C. Heliport landings.

D. Outdoor stadiums and race tracks.

E. Automobile and trailer sales areas.

F. Community service uses.

G. Utility facilities, major.

H. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

I. Other uses similar in nature to those listed above, but not marijuana processors.

3.124 Dimensional Standards.

A. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard setback: None, except property abutting a residential zoning district shall have the same side yard setback as required by the abutting district.

3. Street side yard setback: Five (5) feet on a through street or a corner lot abutting a street.

4. Rear yard setback: None, except property abutting a residential zoning district shall have the same rear yard setback as required by the abutting district, but in no case shall be less than fifteen (15) feet.

5. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths, and the additional yard or setback requirements in such cases, shall be determined based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

6. Minimum street frontage: Fifty (50) feet.

B. Height Limitation. The maximum height of a structure shall be forty-five (45) feet.

3.125 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

3.130 CENTRAL BUSINESS DISTRICT CBD

3.131 Purpose. This district is intended to provide for retail, personal, professional, business and industrial services within the Town Center (TC).

3.132 Permitted Uses. The following uses are permitted in the CBD:

A. Dwelling units, including mixed use commercial and residential development.

B. Museums, theaters, galleries, or studios for art, dance, and photography.

C. Parking garages or parking lots.

D. Service uses.

E. Eating and drinking establishments.

F. Retail establishments with fifteen thousand (15,000) square feet or less of gross floor area.

G. Office uses.

H. Water-oriented recreational facilities.

I. Utility facilities, minor.

J. Bed and breakfast inns (but not subject to the provisions of Section 5.500 of this Code).

K. Hotels and motels

L. Mobile Food Vendor operating a Food Stand, Food Cart, Food Trailer, or Food Kiosk in accordance with Section 5.200 of this Code.

M. Other uses similar in nature to those listed above, but not marijuana facilities or processors.

3.133 Conditional Uses. The following uses are permitted as conditional uses in the CBD:

A. Assembly or limited manufacturing uses.

B. Community service uses, except that a government building that serves exclusively as an office building shall be considered the same as professional offices and general business offices.

C. Nursing homes, day care facilities, assisted living facilities and similar uses.
D. Grocery stores and convenience stores without fueling stations.

E. Retail stores with more than fifteen thousand (15,000) square feet of gross floor area.

F. Utility facilities, major.

G. Other uses similar in nature to those listed above, but not marijuana facilities or processors.

3.134 Dimensional Standards.

A. Lot Area, Lot Width, and Lot Depth.

1. Non-residential and mixed use: No minimum requirement.

2. Residential uses:

a. Minimum lot area shall be based on the minimum lot width and minimum lot depth standards. Where there is no minimum lot width or minimum lot depth required, there shall be no minimum lot area requirement.

b. Residential uses shall have the following dimensional standards:

i. Minimum lot width: Sixteen (16) feet.

ii. Minimum lot depth:

(a) Seventy (70) feet for residential units with a driveway from the public street or with access from an alley within a separate tract from the lot.

(b) Ninety (90) feet for residential units with access from an alley within an easement that is part of the lot.

(c) There is no minimum lot depth for lots within the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Avenue from 257th Avenue to the SE Sandy Street right-of-way.

B. Street Frontage: Minimum of sixteen (16) feet.

C. Setbacks:

1. Non-residential and mixed uses: No setbacks are required from a public street right-of-way or if abutting another commercial or industrial zoning district. If

abutting a residential zoning district, the minimum setback along the abutting property line shall be twenty (20) feet.

2. Residential uses:

a. Front yard setback:

i. Without alley access:

(a) Minimum of twenty (20) feet to the garage door of residential units with a driveway from the public street.

(b) Minimum of fifteen (15) feet to the front façade of a residential unit.

(c) Minimum of ten (10) feet to the front porch of a residential unit.

ii. With alley access:

(a) Minimum of ten (10) feet to the front façade of the residential unit.

(b) Minimum of five (5) feet to the front porch of the residential unit.

b. Side yard setback:

i. Adjoining a non-residential or A-2 zoning district: Minimum of five (5) feet.

ii. Adjoining a residential zoning district other than A-2:

(a) Single-story construction: Minimum of five (5) feet from an adjoining side yard and a minimum of fifteen (15) feet from an adjoining rear yard.

(b) Two-story or greater construction: Minimum of seven and one half (7-1/2) feet from an adjoining side yard and a minimum of fifteen (15) feet from an adjoining rear yard.

(c) The minimum side yard setback from an adjoining rear yard may be reduced as provided in Section 3.137 of this Chapter.

iii. No side yard setback for interior side property lines of duplexes, triplexes, and attached dwellings on individual lots.

c. Street side yard setback: None required unless the street side yard is used

for a driveway, in which case the minimum setback shall be eighteen (18) feet to the garage.

d. Rear yard setback:

i. Adjoining a non-residential zoning district:

(a) Without an alley: Minimum of ten (10) feet.

(b) With an alley that is platted either as an easement or as a separate tract that is at least twenty (20) feet in width: Minimum of five (5) feet from the nearest edge of the alley.

ii. Adjoining a residential district:

(a) Without an alley:

(i) Single-story construction: Minimum of fifteen (15) feet.

(ii) Two-story and greater construction: Minimum of twenty (20) feet.

(iii) The minimum rear yard setback may be reduced as provided in Section 3.137 of this Chapter.

(b) With an alley that is platted either as an easement or a separate tract that is at least twenty (20) feet in width: Minimum of five (5) feet to the nearest edge of the alley, regardless of the number of stories.

D. Residential Density.

1. Maximum residential density when the dwellings are all on one (1) lot shall be one (1) dwelling unit per one thousand five hundred (1,500) square feet of net land area, otherwise the maximum density shall be determined on the basis of the minimum lot area standards as established in Subsection (A)(2) of this Section.

2. For the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Avenue from 257th Avenue to the SE Sandy Street right-of-way, the maximum residential density when the dwellings are all on one (1) lot shall be one (1) dwelling unit per 1,000 square feet of net land area. There is no maximum residential density for units on individual lots within this area.

3. For exclusively residential developments, residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling

units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum and minimum dwelling units for a 5,000 sq. ft. parcel:

- Allowed density is 1 dwelling per 1,500 square feet.
- A 5,000 square foot parcel yields 3.3 dwelling units; round down to 3 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x3 which yields 2.4 dwelling units; rounded down to 2 dwelling unit for minimum number of units.]

4. Apartment units built in conjunction with a commercial use are not subject to the above maximum and minimum density standards.

E. Height Limitation. The maximum height of a structure shall be thirty-five (35) feet.

3.136 Additional Requirements.

A. Access and Circulation. Adequate provisions for access and internal circulation of vehicles shall be provided for all uses allowed in the CBD in accordance with the requirements of this Code.

B. External Storage of Merchandise. The external storage of merchandise and/or materials, directly or indirectly related to a business, is hereby prohibited within the CBD.

C. Outdoor Displays of Merchandise. Outdoor displays of merchandise are permitted during business hours only and shall not exceed ten percent (10%) of the total retail sales area.

D. Off-Street Parking and Loading.

1. No off-street parking and loading shall be required for non-residential uses.

2. A minimum of two (2) parking spaces per unit is required for residential uses, except that dwelling units in conjunction with commercial uses are required to have a minimum of one (1) parking space per dwelling unit.

3. When parking is provided, the parking shall conform to the standards of Chapter 9, Off-Street Parking and Loading, of this Code. When conflicts exist between this Section and Chapter 9, Off-Street Parking and Loading, of this Code, this Section shall apply.

E. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required. The Design Standards for Central Business District, listed in Appendix A of this Code, shall also apply to the CBD.

F. Town Center Overlay District. The applicable provisions of Chapter 4.600, Town Center, of this Code shall apply to the CBD.

3.137 Reduced Setback Allowed. The minimum side yard setback for residential uses adjoining a rear yard in a residential zoning district other than A-2, and the minimum rear yard setback (without an alley) adjoining a residential district, may be reduced by as much as five (5) feet based on the following:

A. A maximum building height ceiling shall first be determined for the subject property. The maximum building height ceiling is the plane established at the maximum building height as measured at the highest point along the shared property line of the adjoining parcel from which the setback is being measured.

B. For each one-foot reduction in the minimum setback, the building height ceiling shall be reduced by two (2) feet. Thus, a building that is set back the maximum five (5) feet closer to the common property line has a building height ceiling that is ten (10) feet lower than the maximum.

C. The height of the building may not exceed the maximum building height, nor may it project above the reduced ceiling height.

[Example: A three-story building may be set back as close as fifteen (15) feet to the rear property line if the building does not exceed the maximum thirty-five (35) foot building height and it does not project above the reduced (ten-foot lower) maximum building height ceiling.

3.140 MIXED OFFICE/HOUSING DISTRICT MO/H

3.141 Purpose. This district is intended to provide a compatible mix of office, employment, and housing opportunities in close proximity to the Troutdale Central Business District. The MO/H district is intended to promote a compact development form consistent with the Troutdale Town Center Plan.

3.142 Permitted Uses. The following uses and their accessory uses are permitted in the MO/H district provided they are conducted wholly within a completely enclosed building, except off-street parking and loading:

A. Professional offices.

B. Medical or dental clinics or laboratories.

C. Personal service uses with a maximum gross floor area of two thousand (2,000) square feet and provided in conjunction with residential development. The maximum square footage shall be considered a use limitation.

D. Galleries or studios for art, dance, etc.

E. Day care facilities.

F. Dwelling Units.

G. Mixed use commercial and residential development.

H. Nursing homes day care facilities, assisted living facilities and similar uses.

I. Shared dwellings, in accordance with Section 5.090 of this Code.

J. Parks and playgrounds.

K. Utility facilities, minor.

L. Mobile Food Vendor operating a Food Stand, Food Cart, Food Trailer, or Food Kiosk in accordance with Section 5.200.

M. Other uses similar in nature to those listed above, but not marijuana facilities or processors.

3.143 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the MO/H district:

A. Personal service uses with a gross floor area greater than two thousand (2,000) square feet or not provided in conjunction with residential development.

B. Retail uses and restaurants with a maximum gross floor area of fifteen thousand (15,000) square feet, except that retail uses and restaurants located within a building that existed prior to March 10, 1950 shall be subject to a maximum gross floor area of forty thousand (40,000) square feet. The maximum square footage shall be considered a use limitation.

C. Community service uses.

D. Utility facilities, major.

E. Other uses similar in nature to those listed above, but not marijuana facilities or processors.

3.144 Dimensional and Density Standards.

A. Lot Area, Lot Width, and Lot Depth.

1. Non-residential uses and apartment units in conjunction with a commercial use: No minimum requirement.

2. Exclusively residential uses: Same as the CBD zoning district.

B. Street Frontage: Minimum of twenty (20) feet, except that for lots specifically created for the construction of individual duplex, triplex, or attached dwelling units, the minimum street frontage shall be sixteen (16) feet.

C. Setbacks. Same as the CBD zoning district.

D. Height Limitation. The maximum height of a structure shall be thirty-five (35) feet.

E. Building Size. No building shall have a footprint greater than twenty thousand (20,000) square feet, unless the building was in existence prior to March 10, 1950.

F. Maximum and Minimum Density. Maximum and minimum residential density for exclusively residential uses shall be the same as the CBD density standard.

G. Attached dwellings approved in a mixed use with commercial use are not subject to the maximum and minimum density standards.

3.145 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. Landscaping Requirements. In addition to the standards of Chapter 11,

1. If residential use is provided: Minimum of fifteen percent (15%) of the site area.

2. If no residential use is provided: Minimum of five percent (5%) of the site area.

C. No off-street parking spaces are required except for residential development. A minimum of two (2) spaces are required for each residential unit, except that attached dwellings in conjunction with commercial uses are required to have a minimum of one (1) parking space per apartment unit. Off-street parking shall conform to the off-street parking standards of Chapter 9, Off-Street Parking and Loading, of this Code. When conflicts exist between this Section and Chapter 9, Off-Street Parking and Loading, of this Code, this Section shall apply.

D. Development shall conform to the TC district design standards. Where a conflict occurs between the standards of the TC district and this district or Chapter 8, the more restrictive shall apply.

3.150 INDUSTRIAL PARK IP

3.151 Purpose. This district is intended for a mix of employee-intensive industries, offices, services, and retail commercial uses, which have no off-site impacts in terms of noise, odor, glare, light, vibration, smoke, dust, or other types of off-site impacts. It provides for combining parking, landscaping, and other design features which physically and visually link structures and uses within one (1) development. Offices, services, and retail commercial uses are permitted in compliance with the Troutdale Development Code.

3.152 Permitted Uses. The following uses and their accessory uses are permitted in an IP district, provided they are conducted wholly within a completely enclosed building, except off-street parking and loading, and public park uses:

A. Professional offices.

B. Research, experimental, or testing laboratories.

C. Assembly of electrical appliances, electronic instruments and devices, computer components and peripherals, and personal communication service devices.

D. Trade or commercial schools, whose primary purpose is to provide training to meet industrial needs.

E. Business parks provided the businesses within the park are permitted or conditional uses allowed within the IP district.

F. Eating and drinking establishment, subject to the following requirements:

1. The use is located within a building which houses another permitted use.

2. No drive-through window is permitted.

3. Inside seating area shall not exceed fifty percent (50%) of the use's gross floor area or one hundred fifty (150) square feet, whichever is the lesser.

G. Utility facilities, minor.

H. Public parks, parkways, trails, and related facilities.

I. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.

J. Other uses similar in nature to those listed above, but not marijuana facilities or processors.

3.153 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in an IP district, provided they are conducted wholly within a completely enclosed building, except off-street parking and loading, and major utility facilities:

A. Hotels/motels or convention facilities.

B. Eating and drinking establishments with or without drive-through window service.

C. Retail, wholesale, and discount sales and services.

D. Financial Institutions.

E. Medical and dental clinics.

F. Convenience stores, not to exceed thirty-five hundred (3,500) square feet in size.

G. Assembly or limited manufacturing uses.

H. Community service uses.

I. Utility facilities, major.

J. Child care facilities and similar facilities in conjunction with a permitted use or an approved conditional use.

K. Other uses similar in nature to those listed above.

3.154 Dimensional Standards.

A. Lot Size and Coverage.

1. Minimum lot width: One hundred fifty (150) feet.

2. Maximum lot coverage: Sixty percent (60%) of the site.

B. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard setback: Minimum of fifteen (15) feet.

3. Street side yard setback: On a corner lot, the side yard shall be a minimum of fifteen (15) feet on the side abutting a street.

4. Rear yard setback: Minimum of ten (10) feet.

5. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths, and the additional yard or setback requirements in such cases, shall be determined based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

C. Height Limitation. The maximum height of a structure shall be thirty-five (35) feet.

D. Lot Area. There shall be no minimum lot size in the Industrial Park zone.

3.155 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

D. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; banks; restaurants; and retail, wholesale, and discount sales and service shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.

3.160 LIGHT INDUSTRIAL LI

3.161 Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with little outdoor storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as bright yard lights, continuous noise or objectionable odors. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with appropriate buffering.

3.162 Permitted Uses. The following uses and their accessory uses are permitted in the LI district:

A. Secondary manufacturing, except any use having the primary function of storing, utilizing, or manufacturing toxic or hazardous materials as defined by the Department of Environmental Quality.

B. Processing facilities, except any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar, or yeast. This limitation shall not apply to the processing or manufacturing of beer, wine, bread, jam, and similar items.

C. Distribution centers.

D. Airport and related uses as defined by the Airport Planning Rule (OAR 660-013-0100), including airport supportive commercial and industrial uses such as maintenance facilities, hangars, aircraft tie-downs, passenger parking, and flight schools.

E. Warehouses.

F. Utility facilities, minor.

G. Research and development companies, experimental or testing laboratories.

H. Trade or commercial schools whose primary purpose is to provide training to meet industrial needs.

I. Public parks, parkways, trails, and related facilities.

J. One caretaker residence in conjunction with an existing industrial use.

K. Corporate headquarters.

L. Professional offices.

M. Medical and dental clinics.

N. Product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use, provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.

O. Wineries, breweries, and distilleries.

P. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.

Q. Other uses similar in nature to those listed above.

3.163 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within a LI district:

A. Heliports accessory to permitted or approved conditional uses.

B. Retail, wholesale, and discount sales and services, including restaurants, banks, dry-cleaners, and similar establishments, with or without drive-up or drive-through window service, subject to the provisions of Subsection 3.165(E) of this Chapter.

C. Community service uses.

D. Utility facilities, major.

E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.

F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.

G. Motels or hotels, including banquet rooms, conference, or convention centers.

H. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.

I. Child care facilities and similar facilities.

J. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

K. Other uses similar in nature to those listed above.

3.164 Dimensional Standards.

A. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard setback: Minimum of ten (10) feet.

3. Rear yard setback: None.

4. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.

5. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

B. Height Limitation. The maximum height for any structure shall be forty-five (45) feet unless otherwise limited by the Federal Aviation Administration.

C. Lot Area. There shall be no minimum lot size in the Light Industrial Zone.

3.165 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

D. Development is subject to compliance with any applicable overlay zoning district standards.

E. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; and retail, wholesale, and discount sales and services shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple

businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.

3.170 GENERAL INDUSTRIAL GI

3.171 Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.

3.172 Permitted Uses. The following uses and their accessory uses are permitted in the GI district:

A. Any permitted use within the LI zoning district.

B. Primary manufacturing.

C. Use of toxic or hazardous materials in the manufacturing process, and temporary storage of toxic or hazardous material by-products.

D. Freight and trucking firms.

E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.

F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.

G. Utility facilities, major and minor, except for the following which require conditional use approval: sanitary landfills, recycling centers, and transfer stations, sewage treatment plants and lagoons, and telecommunication towers or poles.

H. Marinas.

I. Marine Industrial/Marine Service Facilities.

J. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.

K. One caretaker residence in conjunction with an existing industrial use.

L. Other uses similar in nature to those listed above.

3.173 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within the GI district:

A. Child care facilities and similar facilities.

B. Community service uses.

C. Concrete or asphalt manufacturing plants.

D. Sanitary landfills, recycling centers, and transfer stations.

E. Sewage treatment plants and lagoons.

F. Telecommunication towers and poles.

G. Junk yards.

H. Residential dwelling/hangar mixed uses when the hangars are served by a taxiway with direct access to the Troutdale Airport Runway. The use shall be subject to the following requirements:

1. Approval from the Port of Portland.

2. Approval from the Federal Aviation Administration.

3. No separate accessory structures are allowed.

I. Heliports accessory to permitted or approved conditional uses.

J. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.

K. Commercial uses, not to exceed forty thousand (40,000) square feet of floor area.

L. Processing facilities whose principal use involves the rendering of fats, the slaughtering of fish or meat, or the fermentation of foods such as sauerkraut, vinegar, and yeast.

M. The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations.

N. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

O. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means

a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.

P. Other uses similar in nature to those listed above.

3.174 Dimensional Standards.

A. Setbacks.

1. Front: Twenty (20) feet.

2. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.

3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential or apartment district shall be required.

4. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

B. Height Limitation. None, unless otherwise limited by the Federal Aviation Administration.

C. Lot Area. Division of lots or parcels are permitted as follows:

1. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.

2. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.

3. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has

already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Chapter.

4. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to right-of-ways for the following purposes:

   a. To provide public facilities and services;

   b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

   c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or

   d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

3.175 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

D. Commercial uses within industrial flex-space buildings are subject to the following standards:

   1. No one commercial use shall exceed five thousand (5,000) square feet of gross leasable area and the cumulative area of all such uses shall not exceed twenty thousand (20,000) square feet of the gross leasable area of a single flex-space building or of multiple buildings that are part of the same development project.

   2. Drive-thru and drive-up service windows are not permitted.

E. Development is subject to compliance with any applicable overlay zoning district standards.

3.180 OPEN SPACE OS

3.181 Purpose. The district is intended to provide and preserve open space areas.

3.182 Applicability. In addition to other areas which may be so zoned by the City, this district shall apply to publicly owned parklands.

3.183 Permitted Uses. The following uses and their accessory uses are permitted in the OS district:

A. Parks or playgrounds.

B. Picnic grounds.

C. Wildlife and nature preserves.

D. Nature trails and/or bikeways.

E. Utility facilities, minor.

F. Other uses similar in nature to those listed above.

3.184 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the OS district:

A. Boat ramps.

B. Swimming facilities.

C. Community gardens.

D. Ball fields.

E. Tennis courts.

F. Community service uses.

G. Utility facilities, major.

H. Other uses similar in nature to those listed above.

3.185 Development Criteria. Development criteria shall include, but are not limited to, the following:

A. OS district uses shall be compatible with adjacent land uses.

B. Picnic grounds and parking facilities shall be equipped with trash receptacles.

C. OS districts shall be maintained by the City if publicly owned; by the owner(s) if privately owned.

D. A conditional use located within a permitted use shall be compatible with that permitted use.

Chapter 4 – Zoning District Overlays

4.000 AGGREGATE RESOURCE AR

4.010 Purpose. The purpose of this district is to promote the public health, safety, and general welfare, all in accordance with applicable state statutes, administrative rules, the statewide planning goals and the City's Comprehensive Land Use Plan. The regulation of uses within this district is designed to:

A. Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market.

B. Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;

C. Recognize the potential for future changes in the character of the area in which the extraction site may be located, and allow for periodic modification of restrictions which may be placed upon the extraction operations in recognition of these changes; and

D. Recognize mineral and aggregate extraction as a temporary use dependent to a large degree upon market conditions and resource size, and that reclamation and the potential for future use of the land for other activities must also be considered.

4.012 Permitted Uses. No building, structure, or land shall be used, and no building or structure shall be hereafter erected, altered, or enlarged in this district, except for the following uses:

A. Any use permitted in the underlying district.

B. Extraction of mineral or aggregate resource including the storage, stockpiling, distribution, and sale thereof.

C. Installation and operation of plants, or apparatus for rock crushing and cement treatment of minerals excavated at the site, including screening, blending, washing, loading, and conveying of materials.

D. Mining and processing of geothermal resources.

E. Structures and facilities for the repair, maintenance, and storage of equipment or supplies, office spaces, or guards, as are reasonably necessary for the conduct of the proposed use.

4.013 Approval Criteria. An applicant may seek approval of an Aggregate Resource Overlay Zone pursuant to the Type III process. The applicant shall demonstrate that the following standards are met:

A. An economic deposit of the mineral resource proposed to be extracted exists.

B. Adverse impacts on the surrounding areas with regard to each of the following have been, or can be mitigated:

1. Access and traffic.

2. Screening, landscaping, lighting, and visual appearance.

3. Air, water, and noise pollution.

4. Insurance and liability.

5. Excavation depths, lateral support, and slopes.

6. Blasting and other vibration causing actions;

7. Safety and security.

8. Phasing program.

9. Reclamation, so as to permit development of the site in accordance with the underlying zone.

C. The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement.

D. Setbacks for the proposed operations are appropriate for the nature of the use and the area where the use is to be conducted.

E. Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies regulating mineral extraction. If local land use approval is required to obtain such approval, the applicant must demonstrate that such approval is feasible and likely and the land use approval may be conditioned on issuance of all required approvals or permits. No extraction shall occur until all required permits are obtained.

4.014 Additional Requirements.

A. Setbacks. The minimum setback shall be the setbacks required in the underlying district unless the approval authority determines that greater setbacks are necessary to protect the health, safety, and general welfare.

B. Water Pollution Control. Contamination or impairment of the groundwater table, streams, rivers, or tributary bodies thereto shall not be permitted as a result of the extraction or processing activities. All operations and related activities shall be subject to the

applicable laws, rules, and regulations of the Department of Environmental Quality.

C. Air Pollution Control. Control of air, dust, odors, and other pollutants shall be subject to the laws, rules, and regulations of the Department of Environmental Quality.

D. Excavation. Excavation made to a water-producing depth creating lakes and ponds shall be deep enough or otherwise designed to prevent stagnation and development of an insect breeding area or back-filled with a material that will not impair the groundwater quality.

E. Control of Operation Time. Operation times shall be limited from 7:00 a.m. to 6:00 p.m., except for such activities as office operations, machinery repair, and equipment upkeep. However, in time of public or private emergency, as determined by the City Council, the operating time limits may be waived.

F. Access Roads. All access to the site shall be by route approved by the approval authority.

G. Screening. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views, where possible, within five (5) months after extraction activities commence. Views to be screened include, but are not limited to, garbage and trash collection stations, truck loading areas, stockpiles, and washing and loading equipment.

H. Off-Street Parking. Off-street parking and loading shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

I. Design Review. Design review is required for all proposed land uses within this district.

J. Underlying District. Unless expressly provided otherwise in this Section 4.000, other restrictions and limitations shall be as required in the underlying district.

4.015 Compliance with State Requirements. Notwithstanding Sections 4.012 - 4.014, applications to add an aggregate site to the City's inventory of Goal 5 significant aggregate sites, and authorization to mine such a site will be reviewed using the standards and process described in OAR 660-23-0180 (1) (2)(3) and (5)(7) and (8).

4.100 AIRPORT LANDING FIELD ALF

4.110 Purpose. In order to carry out the provisions of this overlay district, there are hereby created and established certain zones which include all of the land lying beneath the airport imaginary surfaces as they apply to the Portland-Troutdale Airport. Such zones are shown on the current Airport Approach and Clear Zone Map. Further, this overlay district is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety, and welfare of the people of the City of Troutdale and Multnomah County.

4.111 Compliance. In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay district. In the event of any conflict between any provisions of this overlay district and the primary zoning district, the more restrictive provision shall apply.

4.112 Permitted Uses within the Airport Approach Safety Zone.

A. Farm uses, excluding the raising and feeding of animals which would be adversely affected by aircraft passing overhead.

B. Landscape nurseries, cemeteries, or recreation areas which do not include buildings or structures.

C. Roadways, parking areas, and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these areas by a minimum of fifteen (15) feet.

D. Pipelines.

E. Underground utility wires.

4.113 Conditional Uses. The following uses are permitted as conditional uses within the airport approach safety zone:

A. A structure or building accessory to a permitted use.

B. Single-family dwellings, mobile homes, duplexes, and multiple-family dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the Deed and Mortgage Records of Multnomah County a Hold Harmless Agreement and Navigation and Hazard Easement, and submits them to the airport sponsor and City.

C. Commercial and industrial uses, when authorized in the primary zoning district, provided the use does not result in the following:

1. Creation of electrical interference with navigational signals or radio

communication between the airport and aircraft.

2. Difficulty for pilots to distinguish between airport lights or others.

3. Impairment of visibility.

4. Creation of bird strike hazards.

5. Endangerment or interference with the landing, taking off, or maneuvering of aircraft intending to use the airport.

6. Attraction of a large number of people.

D. Buildings and uses of a public works, public service, or public utility nature.

4.114 Additional Requirements and Limitations.

A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the airport imaginary surfaces as defined in Section 1.030, Airport Overlay Definitions, of this Code.

B. No place of public assembly shall be permitted in the airport approach safety zone.

C. No structure or building shall be allowed within the clear zone.

D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

E. No glare-producing materials shall be used on the exterior of any structure located within the airport approach safety zone.

F. New development shall demonstrate compliance with applicable provisions of the Troutdale Airport Wildlife Hazard Management Plan.

G. Additional Submission Requirements - Conditional Uses.

1. Map showing property boundary lines as they relate to the airport imaginary surfaces.

2. Map showing location and height of all existing and proposed buildings, structures, utility lines, and roads.

3. Statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operating of the landing facility.

4.200 HISTORIC LANDMARK PROTECTION HL

4.210 Purpose. The purpose of this Section is to provide procedures to identify, designate, and preserve historic resources including buildings, structures, sites, objects, or districts, which are of historical, architectural, or cultural significance to the community, and to provide appropriate means for their protection and preservation consistent with state preservation laws. The City and the Historic Landmarks Commission shall support the enforcement of all state laws relating to historic preservation.

4.220 Applicability. The historic landmark protection standards of this Chapter apply to designated historic landmarks listed in the table of Section 4.230 of this Chapter and to historic resources listed on the National Register of Historic Places whether or not that resource is designated a historic landmark by the City. No provision of this Chapter shall be construed to prevent the ordinary repair or maintenance of a historic landmark or historic resource on the National Register of Historic Places when such action does not involve a change in design, materials, or appearance. No provision in this Chapter shall be construed to prevent the alteration, demolition, or relocation of a historic landmark or historic resource listed on the National Register of Historic Places when the Building Official certifies that such action is required for the public safety. At his or her discretion, the Building Official may find that a historic landmark or historic resource on the National Register of Historic Places does not meet current building Code but is not dangerous as defined by that Code.

4.230 Troutdale Historic Resource Inventory. The Troutdale historic resource inventory is kept in a City database compatible with the State Historic Preservation Office system. Additions to the historic resource inventory may be made by City staff and the Historic Landmarks Commission at any time. The historic resources listed in the following table are designated historic landmarks:

#	*Historic Resource*	*Street Address*	*Date Built*	*Notes*
1.	Harlow House	726 E. Historic CRH	1900	On the NRHP
2.	Troutdale Methodist Episcopal Church	302 SE Harlow St.	1895	On the NRHP
3.	Alfred Baker Copper Beech Tree	Stark & Troutdale Rd.	c. 1883	
4.	Althaus House (2nd) & Black Walnut Trees	4220 S. Troutdale Rd.	1929	
5.	Douglass Pioneer Cemetery	Hensley & Troutdale Rd.	c. 1880	
6.	Mountain View Pioneer Cemetery	N of SE Stark, E. of 257th Ave & W. of Beaver Creek	c. 1863	
7.	Oregon White Oak Tree	3645 SE Harlow Court	n.d.	
8.	Troutdale Railroad Depot	473 E. Historic CRH	1907	
9.	Strebin House[1]	2720 S Troutdale Road	1951	Mid-Century
10.	Cedar Place[2] (Emil Olsen House)	2611 S Troutdale Road	1907	American Four-Square
11.	McGinnis House[3]	324 SE Kibling Ave.	1903	Craftsman Bungalow

CRH = Columbia River Highway
NRHP – National Register of Historic Places

[1] added by action of the HLC on April 30, 2014
[2] added by action of the HLC on April 30, 2014
[3] added by action of the HLC on April 30, 2014

4.300 VEGETATION CORRIDOR AND SLOPE DISTRICT VECO

4.310 Purpose. The purpose of these standards is to promote the public health, safety, and general welfare. Provisions under this Chapter are designed to:

A. Restrict or prohibit uses, activities, or development which is damage-prone or damage-inducing to the land or water quality.

B. Require uses vulnerable to landslides, including public facilities which serve such uses, to be protected at the time of initial construction.

C. Maintain land and water quality by minimizing erosion and sedimentation, and by restricting or prohibiting development, excavation, and vegetation removal on vegetation corridors and slopes associated with primary and secondary protected water features, and on slopes of twenty-five percent (25%) or greater not directly associated with a protected water feature.

D. To comply with the provisions of Title 3 of the Metro Urban Growth Management Functional Plan and Statewide Planning Goal 6, Air, Water, and Land Resources Quality, and Statewide Planning Goal 7, Areas Subject to Natural Disasters and Hazards.

E. Substantially comply with the provisions of Title 13 of the Metro Urban Growth Management Functional Plan to protect regionally significant fish and wildlife habitat in compliance with Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, as it pertains to natural resources.

4.311 Applicability. These standards apply to all development in the Vegetation Corridor and Slope District as defined in Section 1.040, Vegetation Corridor and Slope District, and Water Quality and Flood Management Definitions, of this Code and to the Metro Title 13 Habitat Conservation Areas of all City-owned and Metro-owned parks and greenspaces as shown on the Metro Title 13 Habitat Conservation Area map. The vegetation corridor, inclusive of the wetland areas identified on the U.S. Department of the Interior, Fish and Wildlife Service National Wetland Inventory 1988 (NWI), are generally mapped on the Metro Title 3 map. Metro's Title 3 and Title 13 maps are used as reference only. Not all wetlands recognized by the Oregon Division of State Lands are mapped on either the NWI or Title 3 map.

A. Specific determination of the vegetation corridor and slope district shall be made at the time of a development proposal. The final boundary shall be based on a topographical and slope analysis provided by a professional licensed surveyor in the State of Oregon, and a wetland delineation, if applicable, submitted by a qualified wetland specialist. The Oregon Division of State Lands must approve delineations of wetlands under their jurisdiction. The City will keep a record of all surveys and wetland delineations as revisions to the local copy of the Title 3 map. The survey will be used instead of the Title 3 map to determine the vegetation corridor width. The City will submit this information to Metro for future updates of the Title 3 map.

1. The vegetation corridor is the minimum buffer width to be established between development and a protected water feature as defined in Section 1.040, Vegetation Corridor and Slope District, and Water Quality and Flood Management Definitions, of this Code. The vegetation corridor width is determined by following the methods established in Sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this Chapter.

2. The slope district consists of slopes of twenty-five percent (25%) or greater that have a horizontal distance of fifty (50) feet or greater in any area of the City.

3. Exceptions:

   a. Engineered slopes associated with public streets.

   b. Development of lots within subdivisions platted with conservation easements and/or buffers specified on that plat that are less than those specified in Section 4.316, Width of Vegetation Corridor, of this Chapter. Development on the lot within said subdivision shall still be subject to all other applicable development standards of this Code.

B. Properties within the vegetation corridor and slope district may also be within Chapter 4.500, Flood Management Area, of this Code, and subject to the development standards therein.

C. Warning and Disclaimer of Liability. The degree of landslide protection required by this Chapter is considered reasonable for regulatory purposes and is based on common engineering and scientific practices. Landslides may occur notwithstanding compliance with these standards and may occur in areas outside the vegetation corridors and on slopes less than twenty-five percent (25%). This Chapter does not imply that compliance with these standards will assure that property will be free from significant mass movement or landslide damage. This Chapter shall not create City liability for damage resulting from reliance on the provisions of this Chapter or any administrative decision lawfully made thereunder.

4.312 <u>Uses within the Vegetation Corridor and Slope District.</u>

A. Permitted Uses within the Vegetation Corridor and Slope District.

1. Low-impact outdoor recreation facilities, including but not limited to: multi-use paths, accessways, trails, picnic areas, or interpretive and educational displays and overlooks that include benches and outdoor furniture as designated by the Troutdale Parks Plan, or as approved with a land use application, and in compliance with Subsection 4.315(D)(1) or 4.315(D)(2) of this Chapter, as applicable.

2. Removal of refuse and unauthorized fill.

3. Removal of nuisance or invasive plant species, or planting of approved vegetation species on the Metro Native Plant List subject to the approval of a removal/revegetation plan prepared by a licensed landscape architect, landscape designer, botanist, or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation in compliance with Chapter 5.600, Erosion Control and Water Quality Standards, of this Code. The Metro Native Plant List will be kept on file at the Community Development Department.

4. Removal of trees in compliance with Subsection 4.315(A)(3) of this Chapter.

5. Expansion of existing streets and public utility facilities or construction of new streets and public utility facilities necessary to support permitted development outside the vegetation corridor and on slopes less than twenty-five percent (25%) in compliance with Subsection 4.315(C) of this Chapter.

6. Routine repair and maintenance of existing structures (conforming and nonconforming uses), streets, driveways, utilities, accessory uses, and other existing development on the site (including landscaped yards, decks, patios, boat ramps, etc.) if the development existed prior to the effective date of these standards.

7. Any permitted use in the underlying zoning district developed in compliance with Section 4.315, Development Standards, of this Chapter. For City-owned or Metro-owned parks and greenspaces, any use consistent with an adopted master plan for that park or greenspace and developed in compliance with Section 4.315, of this Code.

8. Construction of stormwater quality facilities in compliance with the standards of Section 5.700, of this Code.

9. Engineered retaining walls, or similar manmade walls are allowed to protect existing structures upon a determination from a licensed engineer that earth movement threatens the structural integrity of the building. Engineered retaining walls are not allowed to create land for new construction, or to prevent the earth movement of property that is not developed.

10. Rehabilitation or replacement of a structure that is damaged or destroyed to any extent, whether it is partially or fully within the vegetation corridor and slope district, in compliance with Subsection 4.315(E) of this Chapter. Any structure or use deliberately removed or demolished may not be rehabilitated or replaced except as provided for in Subsection 4.315(A) of this Chapter.

11. Any development that must implement a Federal Aviation Administration (FAA)

compliant wildlife hazard management plan on property owned by the Port of Portland or within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, and removal of trees that interfere with the landing or takeoff flight path of aircraft at the Troutdale Airport or otherwise interferes with the safe operation of the airport as determined by the Port of Portland. The removal of trees that interfere with the operation of the Troutdale Airport is only subject to implementation of either an on-site or off-site mitigation plan in accordance with the standards of TDC 4.315A(3)(c).

12. Development identified in an approved District Plan, including, but not limited to development within the Troutdale Riverfront Renewal Area, in compliance with Metro Code Section 3.07.1330.b.4(a).

B. Prohibited uses within the vegetation corridor and slope district, unless specifically permitted under Subsection (A) of this Section.

1. Manmade structures.

2. Vegetation removal, except as allowed in Subsection (A)(3) of this Section.

3. Private utility and road construction, including development of individual sewage disposal systems including, but not limited to, septic tanks.

4. Excavation.

5. No new partitions, subdivisions, or property line adjustments within the industrial, commercial, or residential zoning districts shall be approved on land that is exclusively within the vegetation corridor and slope district, or that results in creating a new lot exclusively within the district unless the new lot is approved and accepted for public ownership.

6. Outside storage of hazardous materials as defined by the Department of Environmental Quality.

7. Expansion of nonconforming uses.

C. Exempt Development. The following uses and activities are exempt from the requirements of this Chapter:

1. Water dependent development.

2. The following activities conducted by the Sandy Drainage Improvement Company (SDIC) or its successor or designee: Routine operations, repair, maintenance, reconfiguration, rehabilitation, or replacement of existing drainage and flood control facilities, and existing related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways,

utilities, accessory uses (such as off-load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch clearing, including tree removal and tree cutting, within the hydraulic cross-section in existing stormwater conveyance drainageways, or other water quality and flood storage projects applicable to existing facilities and required to be undertaken pursuant to ORS Chapters 547 or 554, or Titles 33 or 44 of the Code of Federal Regulations, shall be exempt from these standards, provided that:

a. These activities are conducted by the Sandy Drainage Improvement Company (SDIC) or its successor or designee;

b. The activities are consistent with all other applicable local, state, and federal laws and regulations;

c. The activities do not encroach closer to a surface stream or river, wetland, or other body of open water than existing operations and development;

d. Disturbed areas are replanted with vegetation and no bare soils remain after project completion. The planting of native vegetation and removal of invasive non-native or noxious vegetation is encouraged; invasive non-native or noxious vegetation shall not be planted; and

e. The SDIC or its successor submits an annual report to all local permitting agencies in which the district operates describing the projects the district completed in the previous year and how those projects complied with all applicable federal and state laws and requirements.

3. Operation, maintenance, and repair of manmade water control facilities such as irrigation and drainage ditches, constructed ponds or lakes, wastewater facilities, and stormwater pretreatment facilities.

4.313 Approval Procedures. Permits are required for all uses within this district:

A. Administrative Review. A Type I site development application shall be obtained for uses listed in Subsection 4.312(A) of this Chapter not requiring a building, plumbing, electrical, or right-of-way permit.

B. Type II Procedure. A single-family dwelling within the vegetation corridor and slope district shall be reviewed under the Type II procedure and comply with the following:

1. That development standards are met as prescribed under Section 4.315, Development Standards, of this Chapter and provisions are made for vegetation corridors as provided for in Sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected

Water Features, of this Chapter.

2. That adequate protection is utilized to minimize landslide and erosion hazards, consistent with Chapters 5.600, Erosion Control and Water Quality Standards, and 5.700, Stormwater Management, of this Code, and that the reports as required in Section 4.314, Submission Requirements, of this Chapter have been certified by a licensed engineer.

C. Type II Procedure. The Site and Design Review Committee or Director shall review plans for any permitted use in the underlying zoning district requiring a building permit, plumbing, electrical, or right-of-way permit, other than a single-family dwelling, under the Type II site and design review land use application.

D. Type III Procedure. A variance from the standards of this Chapter shall be a Type III procedure. The Planning Commission shall review variances to this Chapter pursuant to Section 6.1300, Type III Variance, of this Code. An affirmative finding must be made, with or without conditions, for each variance criteria.

4.314 Submission Requirements. An application for a development approval shall include the following information:

A. Site Development Application. A site development application, for the purpose of implementing this Chapter, shall consist of a grading and erosion control plan and a water quality plan. The applicant shall be responsible for submitting such information with a land use application.

1. Grading and erosion control plan. The grading and erosion control plan for the development shall comply with the City's *Construction Standards for Public Works Facilities*, appropriate standards of the Sandy Drainage Improvement Company, this Chapter, and Chapter 5.600, Erosion Control and Water Quality Standards, of this Code. The grading plan shall include information on terrain (two foot contours), drainage, direction of drainage flow, location of surface and subsurface devices, retaining walls, water wells, dams, sediment basins, storage reservoirs, gas pipeline easements, or other in-ground utilities, either public or private, which may be affected by the proposed grading operations.

a. A current topographical survey shall be prepared for the entire site. The contours shall be at two (2) foot intervals.

b. At least three (3) slope measurements along the affected water feature shall be made, at no more than one hundred (100) foot increments.

c. The contour maps identifying slope percentages shall be prepared and certified by a licensed professional. The mapping shall depict the width of the vegetation corridor as established in Sections 4.316, Width of Vegetation

Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this Chapter. The vegetation corridor width will vary from site to site.

d. The grading plan shall also include a construction phase erosion control plan and a schedule of operations, and shall be prepared by a professional engineer registered in Oregon.

2. Water quality plan. The applicant's engineer shall provide a water quality plan, consistent with the provisions of Chapter 5.600, Erosion Control and Water Quality Standards, of this Code and with the State of Oregon Department of Environmental Quality's National Pollutant Discharge Elimination System (NPDES) program.

B. A hydrology, geology, and soils report of the site in accordance with the following:

1. Prepared by a qualified, licensed professional such as a geotechnical engineer, and certified by the same.

2. Includes information on the hydrological activities of the site, the effect of hydrologic conditions on the proposed development, and any hydrological or erosion hazards.

3. Quantifies the current stormwater volume and rate that leaves the site and shows direction of flow within the site and toward adjoining properties.

4. Includes recommendations for the engineering and location of onsite detention facilities to meet the standards of Chapter 5.700, Stormwater Management, of this Code.

5. Depicts all stormwater facilities (swales, detention or retention ponds) existing or proposed, and shows the finished contours and elevations, including all cut and fill slopes and proposed drainage channels.

6. Describes how the site is suitable for the proposed use, and why there is no practicable alternative to the site.

7. Includes geological characteristics of the site and identifies any geological hazard that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility.

8. Includes information on the nature, distribution, and strength of existing soils and an assessment of grading procedures required to impose the minimum disturbance to the existing topography and native vegetation.

C. Vegetation Report. This report shall consist of a survey of existing vegetative cover, whether it is native or introduced. Measures for enhancement or revegetation with approved plant species will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. The revegetation plan shall be prepared by a licensed landscape architect, landscape designer, botanist, or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation, in compliance with Chapter 5.600, Erosion Control and Water Quality Standards, of this Code.

4.315 Development Standards. Permitted uses in the vegetation corridor and slope district are to be developed in compliance with the following development standards unless there is an approved District Plan in accordance with Metro Code Section 3.07.1330.b.4(a) for the site. A District Plan shall be prepared and approved prior to, or in conjunction with, the preparation and approval of a master plan for the eventual development of the specific site. The approval criteria for the District Plan are those of Metro Code Section 3.07.1330.b.3.

A. New Development.

1. The applicant shall demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the vegetation corridor and slope than the one proposed.

2. If no such reasonably practicable alternative design or method of development exists, new structures and development shall be limited in scale, as specified in this Section, so that the impacts on the vegetation corridor and slope district are the least necessary and the plans shall include restoration, replacement, or rehabilitation of the vegetation corridor and/or slope associated with the site:

a. Notwithstanding the provisions of Chapter 6.1300, Type II Variance, of this Code, a maximum of thirty percent (30%) of the total area of the vegetation corridor and slope district on the lot may be used for the development, inclusive of any walkways, driveways, patios, decks, accessory buildings, and similar impervious features.

b. Notwithstanding the provisions of Chapter 6.1300, Type II Variance, of this Code, where necessary to avoid construction within the vegetation corridor and slope district, the following provisions are available for lots of record affected by the vegetation corridor and slope district:

i. Setbacks may be reduced up to fifty percent (50%) from the underlying zoning district setback dimension where necessary to avoid construction on slopes of twenty-five percent (25%) or greater or within the required vegetation corridor, and otherwise meet the standards of this Chapter.

ii. The maximum allowed height within the A-2 zoning district may be

increased to forty-five (45) feet for apartment construction.

iii. In order to retain the density allowed within the underlying residential zoning district, the minimum lot area may be reduced up to three thousand (3,000) square feet in area if:

a) No buildable lot created is within the vegetation corridor and slope district.

b) That portion of the original lot remaining within the vegetation corridor and slope district is platted as a separate lot and preserved as open space.

c) Covenants, conditions, and restrictions are recorded for the maintenance of the open space lot created exclusively within the vegetation corridor and slope district as provided in this Section.

iv. If more than fifty percent (50%) of the lot being developed, partitioned or subdivided is affected by the Vegetation Corridor and Slope District, then the minimum density standard of this Code does not apply.

3. The applicant shall provide mitigation to ensure that impacts to the functions and values of the vegetation corridor and integrity of the slope will be mitigated or restored to the extent practicable.

a. The existing tree canopy and understory comprised of native plants shall be retained wherever possible outside of the building envelope. A tree preservation and maintenance plan is required to be submitted with the land use application as part of the landscaping plan, or in the case of a single-family dwelling, with the building permit. Only those trees approved for removal by the approval authority may be removed.

b. Any disturbed portions of the site shall be restored and enhanced by removing non-native plants and noxious weeds, and restoring the vegetation corridor with native plant species listed on the Metro Native Plant List. Only native grass varieties will be permitted.

c. A mitigation and restoration plan shall be submitted with the land use application and shall be implemented prior to issuance of a Certificate of Occupancy, a Certificate of Completion for a subdivision, or the final building inspection, as applicable.

i. Required plants and plant densities. An applicant must meet Mitigation Option 1, 2 or 3.

Option 1. Number and type of trees and shrubs that must be planted to qualify as mitigation.

TREE REPLACEMENT MITIGATION OPTION 1	
Size of Tree Removed	Number of Trees and Shrubs to Plant
6 to 12" DBH	1 tree and 1 shrub
13 to 18" DBH	2 trees and 3 shrubs
19 to 24" DBH	3 trees and 6 shrubs
25 to 30" DBH	4 trees and 9 shrubs
Over 30" DBH	5 trees and 15 shrubs

Option 2. The mitigation is calculated based on the size of the area disturbed within the Vegetation Corridor and Slope District. Native trees and shrubs are required to be planted at a rate of one (1) tree and five (5) shrubs for every one hundred (100) square feet of disturbance area. All fractions are rounded to the nearest whole number. Bare ground must be planted or seeded with native grasses or herbs.

Option 3. Discretionary Review. This mitigation plan varies the required number and size of trees and shrubs under Option 1 or Option 2.

(A) An applicant shall submit the following:

(1) A calculation of the number of trees and shrubs that would be required under Option 1 or Option 2.

(2) The number and size of trees and shrubs that the applicant proposes to plant.

(3) An explanation of why the proposed number and size of trees and shrubs to be planted will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results than the number and size required under Option 1 or Option 2. Such explanation shall be prepared and signed by a qualified, licensed natural resource professional or a licensed landscape architect and shall include discussion of site preparation including soil additives and removal of invasive and noxious vegetation, plant diversity, plant spacing, planting season and immediate post planting care including mulching, irrigation, wildlife protection and weed control.

(4) A monitoring and reporting plan for the mitigation site.

(B) Approval Criteria for Option 3. A request to vary the number and size of trees and shrubs to be planted may be approved if the applicant demonstrates that the proposed planting will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results than the number and size required under Option 1 or Option 2.

ii. On-site mitigation area. All vegetation planted on the applicant's site must be within the Vegetation Corridor and Slope District or in an area contiguous to the Vegetation Corridor and Slope District; provided, however, that if the vegetation is planted outside of the Vegetation Corridor and Slope District of the site, then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant.

iii. Off-site mitigation area. Some or all of the vegetation may be planted off-site subject to the following requirements.

a) The off-site property must lie within the City limits of Troutdale or the Troutdale Urban Planning Area, except for mitigation as a result of development on property owned by the Port of Portland within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, in which case the Port may be permitted to mitigate in the U.S. Forest Service Sandy River Delta Recreation Area, provided that the Port can demonstrate that it is not practicable for the mitigation to occur within the City limits of Troutdale or the Troutdale Urban Planning Area and has entered into a written agreement with the U.S. Forest Service which permits such plantings.

b) The applicant shall submit a map and accompanying narrative that details the following:

(i) The number of trees and shrubs that can be planted on-site;

(ii) The on-site location where those trees and shrubs can be planted;

(iii) An explanation of why it is not practicable for mitigation to occur on-site;

(iv) The proposed location for off-site mitigation; and

(v) Documentation that the applicant can carry out and ensure the success of the mitigation, including documentation that the applicant possesses legal authority to conduct and

maintain the mitigation, and, if the mitigation is not within the Vegetation Corridor and Slope District, documentation that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.

iv. Mitigation Planting Standards.

a) All trees, shrubs, groundcovers, and grasses shall be from the Metro Native Plant List.

b) Conifers shall be replaced with conifers.

c) Plant size. Replacement trees must be at least one-half inch in caliper, measured at six (6) inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one (1) gallon size. Shrubs must be in at least a one (1) gallon container or the equivalent in ball and burlap and must be at least twelve (12) inches in height.

d) Plant spacing. Trees shall be planted between eight (8) and twelve (12) feet on center and shrubs shall be planted between four (4) and five (5) feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between eight (8) and ten (10) feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

e) Plant diversity. Shrubs must consist of at least two (2) different species. If ten (10) trees or more are planted, then no more than fifty percent (50%) of the trees may be of the same genus.

f) Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.

g) Tree and shrub survival. A minimum of eighty percent (80%) of the trees and shrubs planted must remain alive on the fifth anniversary of the date that the mitigation planting is completed. Plants that die within five (5) years of the date of planting must be replaced in kind and of sufficient quantity to meet this minimum eighty percent (80%) coverage standard.

h) Monitoring and reporting. Monitoring of the mitigation plantings is the ongoing responsibility of the property owner. Monitoring

shall continue during the first five (5) years of the date of planting. Monitoring shall consist of the submission of color photographs of the mitigation plantings immediately following completion of the initial planting and then annually between September 1st and 21st for the next five (5) years. Photographs shall be dated and a north arrow included on the photographs. The photographs shall be submitted to the Community Development Department with a cover letter that includes the name and contact information for the current property owner, the land use file number, and the address of the property.

i) To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:

(i) Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.

(ii) Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

(iii) Irrigation. Water new plantings one (1) inch per week between June 15th to October 15th, for three (3) years following planting.

(iv) Weed control. Remove or control non-native or noxious vegetation throughout maintenance period.

(v) Mulching. Mulch new plantings a minimum of three (3) inches in depth and eighteen (18) inches in diameter to retain moisture and discourage weed growth.

d. The portion of the vegetation corridor and slope district that is not disturbed with the use shall be conserved and maintained as open space. This may occur through private ownership; private conditions, covenants, and restrictions; conservation easements enforceable by the City, other public or private nonprofit agency, or where approved by the City Council; dedication to the City; or donation to other appropriate public or private nonprofit agency.

4. The use satisfies all applicable standards of Chapters 4.500, Flood Management Area; 5.600, Erosion Control and Water Quality Standards; and 5.700, Stormwater Management, of this Code.

5. All excavation over three feet in depth shall require submission of an engineering

report addressing the hydrology, geology, and soils of the site as specified in this Chapter. The siting, engineering, erosion control, water quality, and enhancement or revegetation of the site shall comply with the standards of this Chapter. The applicant's engineering plans shall certify that runoff from the site will not increase above pre-development quantity and rate, and that visible and measurable erosion is prevented.

B. Addition or alteration of development in the vegetation corridor and on slopes of twenty-five percent (25%) and greater may be allowed provided that it meets the standards of Subsections (A)(1) – (3) of this Section, as applicable, and the following:

1. The addition or alteration is allowed in the underlying zoning district.

2. The addition or alteration does not encroach closer to the protected water feature than the existing structures, roadways, driveways, or accessory uses and development.

3. The addition or alteration satisfies the other applicable standards of this Chapter, and Chapters 5.600, Erosion Control and Water Quality Standards, and 5.700, Stormwater Management, of this Code.

C. 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 standards of Subsections (A)(1) – (3) of this Section, as applicable, and the following:

1. The application shall declare a need for a public street or public utility crossing of the vegetation corridor and slope district.

2. All grading and improvement plans for such public street, including necessary accessory engineered slopes and utility extensions underneath the street, shall be submitted with the application.

3. The location of the public street or public utilities is proper in relation to adjacent uses, the development of the community, and to the various elements and objectives of the Comprehensive Land Use Plan and the Transportation System Plan.

4. The public street or public utility will not be materially detrimental to the character of the neighborhood, nor will it endanger the public health, safety, and general welfare.

5. It has been demonstrated that the public street will improve and enhance traffic circulation in a manner advantageous to the public convenience and welfare.

6. The establishment of the proposed public street will not impede the normal and orderly development and improvement of surrounding property for permitted uses.

7. Adequate drainage devices, landscaping, and other necessary appurtenances will be provided to City standards.

8. Alternative designs for street access have been evaluated and examined, and have been determined to be infeasible.

D. Approval Standards for Walkways and Bike Paths and other Low-Impact Outdoor Recreation Facilities.

1. Within the VECO of any property other than City-owned or Metro-owned parks and greenspaces.

   a. A gravel walkway or bike path shall not be constructed closer than ten (10) feet from the boundary of the protected water feature. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of ten percent (10%) of the trail may be within thirty (30) feet of the protected water feature.

   b. A paved walkway or bike path shall not be constructed closer than ten (10) feet from the boundary of the protected water feature. For any paved walkway or bike path, the width of the vegetation corridor must be increased by a distance equal to the width of the path. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of ten percent (10%) of the trail may be within thirty (30) feet of the protected water feature.

   c. A walkway or bike path shall not exceed ten (10) feet in width.

2. Within the VECO or within mapped Habitat Conservation Areas of City-owned or Metro-owned parks and greenspaces:

   a. Shall contain less than five hundred (500) square feet of new impervious surface or such other area as may be proposed to obtain federal funding or to comply with AASHTO standards; and,

   b. Trails for pedestrians or bicycles shall be constructed using non-hazardous, pervious materials, with a maximum width of not to exceed (1) the width necessary for federal funding, if utilized, (which is currently ten [10] feet) for regionally significant or federally funded trails, and two (2) on other trails, the greater of the width recommended under applicable AASHTO standards for the expected type and volume of use, or four (4) feet.

E. Prescribed Conditions for the Rehabilitation or Replacement of Pre-Existing Structures.

1. The structure was in existence prior to November 24, 2000.

2. The use is allowed in the underlying zoning district at the time the application is made to rehabilitate or replace the structure.

3. The rehabilitation or replacement is rebuilt on the same footprint of the original structure.

4. The rehabilitation or replacement satisfies the applicable standards of Chapters 4.500, Flood Management Area; 5.600, Erosion Control and Water Quality Management; and 5.700, Stormwater Management, of this Code, and other applicable federal, state, or county standards.

5. A site development application is submitted in accordance with Section 4.314, Submission Requirements, of this Chapter.

4.316 Width of Vegetation Corridor.

Protected Water Feature	***Slope Adjacent to Protected Water Feature*** [1]	***Starting Point for Measurements from Water Feature***	***Minimum Width of Vegetation Corridor*** [2&3]
Primary Protected Water Features	<25%	Edge of bankfull stage or two-year storm level. Delineated edge of Title 3 wetland.	50 feet
Primary Protected Water Features	≥25% for less than 150 feet [3]	Edge of bankfull stage or two-year storm level. Delineated edge of Title 3 wetland.	Distance from starting point of measurement to top of ravine (break in ≥25% slope) [4], plus 50 feet [5]
Primary Protected Water Features	≥25% for 150 feet or more [3]	Edge of bankfull stage or two-year storm level. Delineated edge of Title 3 wetland.	200 feet [4]
Secondary Protected Water Features	<25%	Edge of bankfull stage or two-year storm level.	15 feet
Secondary Protected Water Features	≥25% [3]	Edge of bankfull stage or two-year storm level.	50 feet

1 *At least three slope measurements, evenly spaced along the frontage adjacent to the protected water feature, shall be made, at no more than 100-foot increments.*

2 *These minimum setbacks may be affected by other overlay standards.*

3 *Vegetation corridors in excess of 50 feet for primary protected water features, or in excess of 15 feet for secondary protected water features, apply on steep slopes only in the uphill direction from the protected water feature.*

4 *Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the slope that is ≥25% (see Figures 4 and 5 in Section 4.317 of this Chapter). If a slope of ≥25% continues beyond 200 feet, the development standards of this Chapter continue to apply until the break in slope.*

5 *A maximum reduction of 25 feet may be permitted in the width of vegetation corridor beyond the break in slope if a geotechnical report demonstrates that the slope is stable. To establish the width of the vegetation corridor, measure in 25-foot increments from the minimum setback away from the water feature until the slope is less than 25% (top or ravine).*

4.317 Method for Determining Vegetation Corridors Next to Primary Protected Water Features.

Figure 1. How to measure slopes. Measure 50 feet horizontally (L1) from the bankfull stage and determine the slope (H1/L1 is the difference in elevation divided by the difference in horizontal distance multiplied by 100).

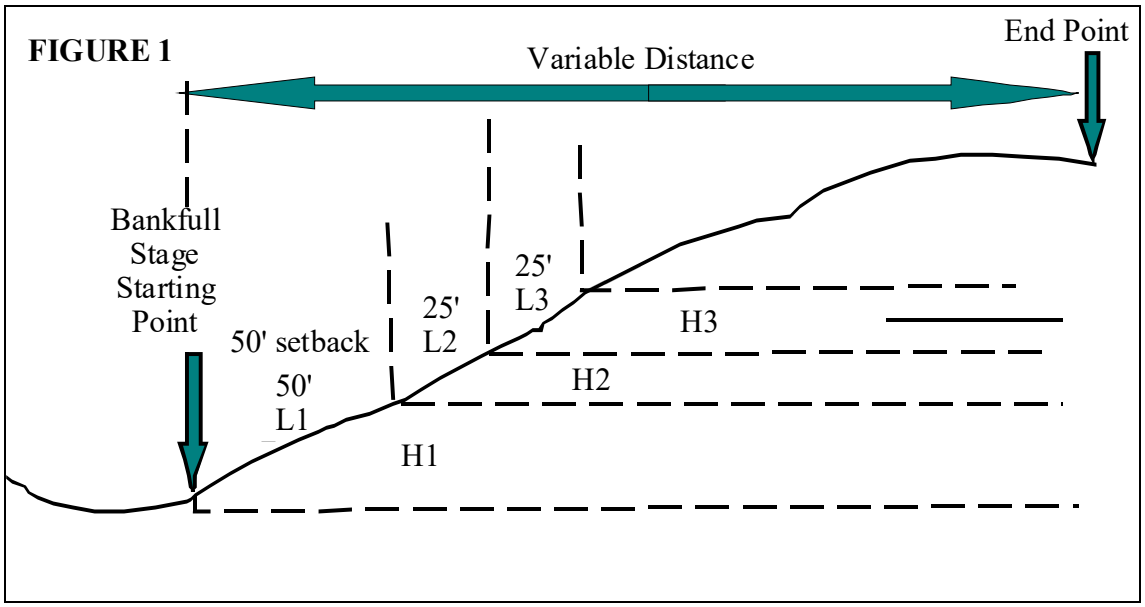


Figure 2. If the slope in this 50-foot area is less than 25%, the corridor width is 50 feet from the bankfull stage.

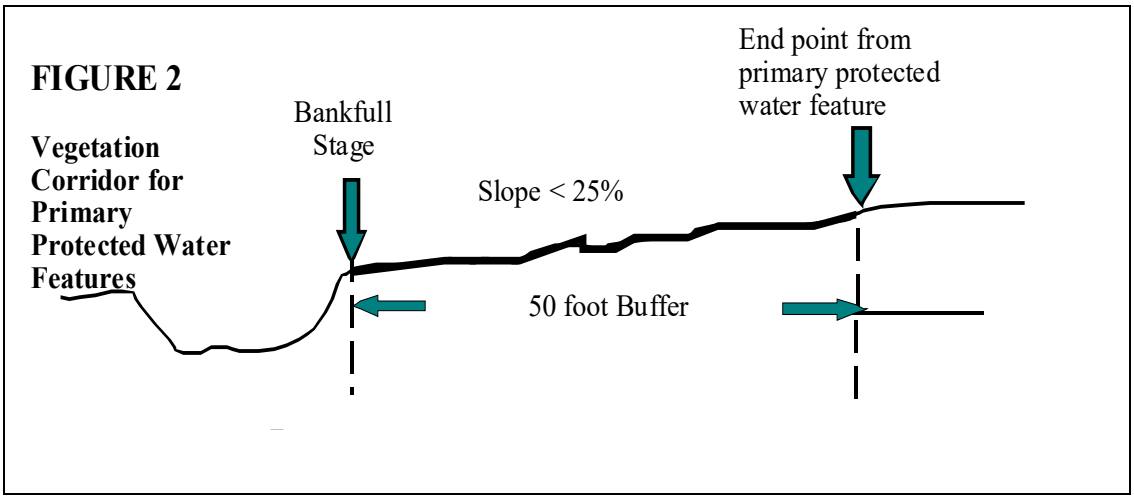


Figure 3. If the slope adjacent to the protected water feature is 25% or greater for less than 150 feet, measure horizontally in increments of 25 feet until the slope is less than 25% (H2/L2 <25%) and add 50 feet. This is a variable end point. The vegetation corridor may be 50-, 75-, 100-, 125-, or 150-feet in width.

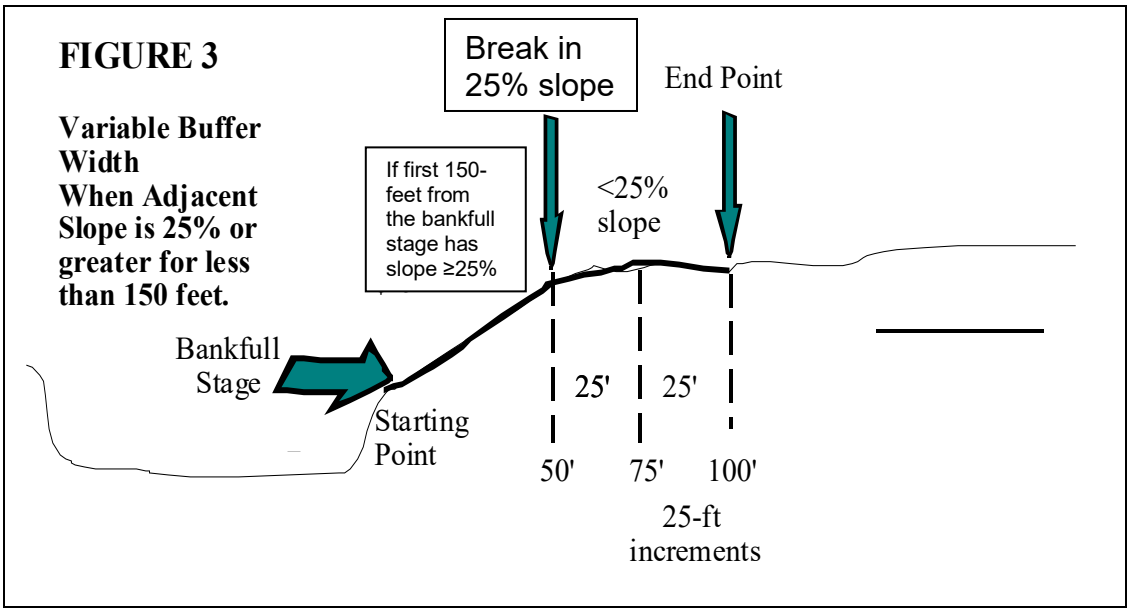


Figure 4. If the slope is greater than 25% in this incremental 25-foot area for more than 150 feet, continue measuring the slope every 25 feet (H/L) until you find a slope less than 25%. When you find a slope less than 25%, the vegetation corridor equals the distance from the bankfull stage to the end point of the last surveyed 25-foot increment with a slope greater than 25% plus an additional 50 feet up to a distance of 200 feet from the top of the bank. If the slope continues beyond 200 feet, refer to Figure 5.

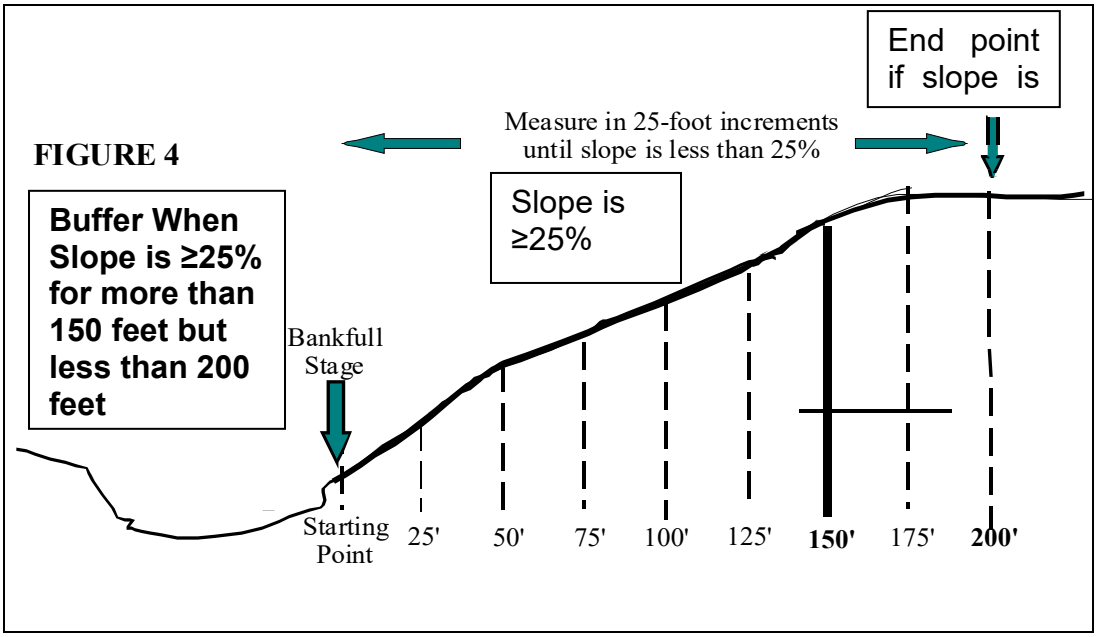
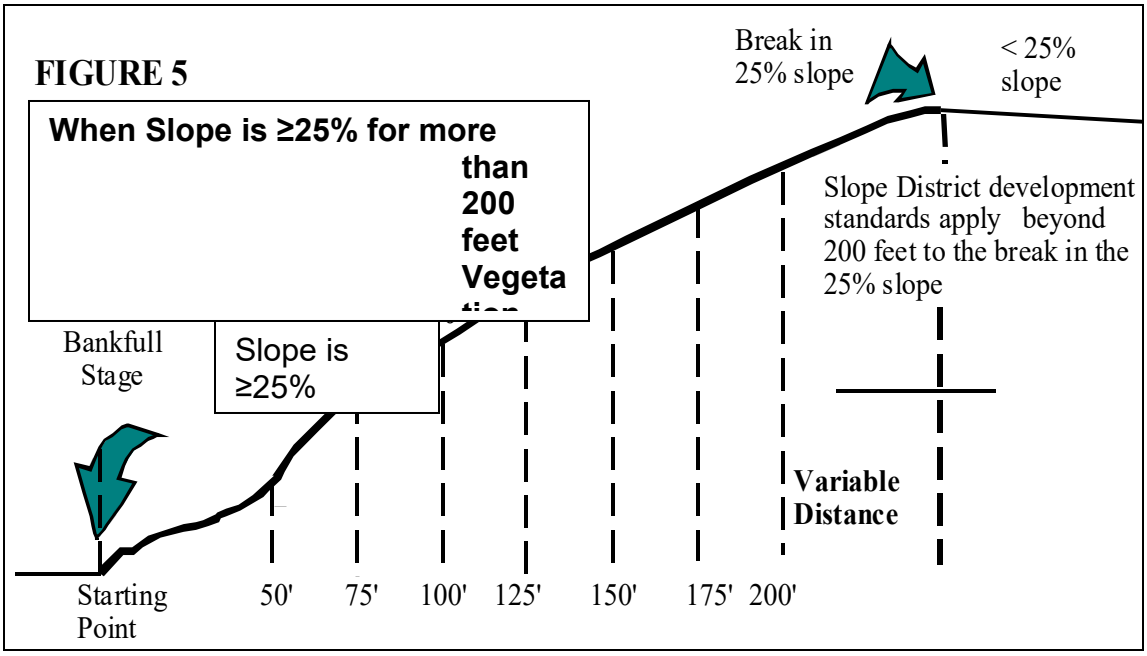


Figure 5. When you reach 200 feet from the top of the bank and the slope continues to be ≥ 25% beyond the 200 feet, continue measuring until the break in the ≥25% slope. No additional setback will be required beyond the break in slope.



Advantages:

1. Provides protection for slopes of twenty-five percent (25%) and greater, yet corridor widths can be varied to fit a number of different situations. Development on slopes in excess of twenty-five percent (25%) beyond the vegetation corridor as determined by the table in Section 4.316, Width of Vegetation Corridor, of this Chapter and the proceeding methods, are still protected under the provisions of this Chapter pursuant to Section 4.311, Applicability, of this Chapter.

2. Provides flexibility. The end point will be unique for each property based upon an actual topographical survey.

4.318 Delineation of Habitat Conservation Areas. Habitat Conservation Areas (HCAs) are generally shown on the Metro Title 13 maps. For purposes of development within the HCAs on City-owned and Metro-owned parks and greenspaces, delineation of on-the-ground HCA boundaries shall be done by a professional and verified by the City of Troutdale using the best available information.

4.400 PLANNED DEVELOPMENT PD

4.410 Purpose. The purpose of this district is to provide more flexibility in the development of land; encourage variety and creativity in the development pattern of the community; conserve natural land features; facilitate aesthetic and efficient use of open space; create public and private open space; encourage the application of new techniques and technology to community development which contribute to superior living or development patterns; use land efficiently in order to reduce the costs of housing, maintenance, street systems, and utility networks; promote energy conservation and crime prevention; and relate development to the natural environment and its users.

4.411 Permitted Uses.

A. For Residential Districts.

1. Uses permitted in the underlying district.

2. Housing concepts may include, but are not limited to, single-family residences, duplexes, rowhouses, townhouses, cluster units, multiple-family dwellings, or mobile homes.

3. Related commercial uses as part of the development.

4. Related community service uses designed to serve the development.

5. Accessory buildings and uses.

B. For Commercial and Industrial Districts.

1. Uses permitted in the underlying district.

2. Community service uses.

3. Accessory buildings and uses.

4.412 Areas of Application. Commercial, Industrial, and Residential. Planned Development approval may be sought for uses allowed in the underlying zone. Creation of lots or parcels shall be governed by Chapter 7, Land Divisions, except as expressly provided for herein.

4.413 Dimensional Standards.

A. Lot Width, Depth, and Frontage Requirements. Minimum lot size, width, depth, and frontage requirements for lots in a Planned Development may be less than the minimums specified in the underlying district if in accordance with the approved general plan and program, and the density standards of this Chapter.

B. Minimum Site Size. A Planned Development shall be established on a parcel of land that is suitable for the proposed development, and shall not be established on less than two (2) acres of contiguous land

4.414 General Requirements.

A. Peripheral Setbacks. Peripheral yards of a Planned Development site shall be at least as deep as those required by the yard regulations of the adjoining district, unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.

B. Open Space.

1. Open space in a Planned Development means the land area to be used for scenic, landscaping, or open recreational purposes within the development. It shall not include street right-of-ways, driveways, or open parking areas.

2. Adequate open space shall be provided for the recreational and leisure use of the individuals occupying the Planned Development, and designed to enhance the development.

3. To the maximum extent practicable, natural features of the land shall be preserved and landscaping provided.

4. In order to assure that open space will be permanent, dedication of development rights to the City may be required.

5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.

6. The Planning Commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan, the City may, at its option, cause such maintenance to be done and assess the costs to the affected property owners.

C. Residential Density.

1. In a residential Planned Development, the density permitted is the same as that of cumulative number of dwellings permitted by the underlying district or districts, except for the A-2 zoning district, which shall be based on the density per dwelling unit established in Goal 2 of the Comprehensive Land Use Plan for the High Density Residential Planning area.

a. Density shall be allowed consistent with the general plan and program

throughout the Planned Development area without regard to zoning district boundaries.

b. In a mixed-use Planned Development, the number of allowable units is based on net residential area. The net residential area for a Planned Development shall be calculated by taking the total area of the development less streets, commercial, industrial, community service, and other non-residential uses; area constrained for development under the provisions of this Code; and any existing residential uses that are being retained as part of the Planned Development. Recreational trails, open space, etc., shall be included in the net residential area, unless these open spaces are preserved and protected through conditions, covenants, and restrictions; conservation easements; or where approved by the City Council, dedication, or conveyance to the City. The number of dwelling units permitted in a Planned Development shall be calculated by dividing the net residential area by the minimum lot size required in the underlying residential district or districts, except for the A-2 zoning district which shall be a minimum of two thousand (2,000) square feet per dwelling unit.

c. Outside of the Town Center Overlay District in a commercial or industrial zoning district, when limited residential use is determined to be appropriate by the Planning Commission, there is no minimum or maximum density, but density will be allowed consistent with an approved development plan.

2. Greenways, streams, and steep topography areas will be counted as contributing to the net area only to the extent that it can be shown, through a Planning Commission review, that a typical development could be accommodated on the site with realistic street configuration, grades, and standard lot sizes. The number of dwellings yielded from such a tentative subdivision review process shall be used as a base in determining the overall density for the site.

3. An increase of up to twenty five percent (25%) in the number of dwelling units beyond the maximum density of the underlying zone or zones may be permitted upon a finding by the Planning Commission that such increased density will contribute to:

a. Satisfaction of the need for additional urban area housing of the type proposed;

b. The provision of housing which is convenient to commercial, employment, and community services and opportunities;

c. The creation of a land use pattern which is complementary to the community and its identity, and to the community design process;

d. The conservation of energy;

e. The efficient use of transportation facilities; and

f. The effective use of land and available utilities and facilities.

D. Staging.

1. The applicant may elect to develop the site in successive stages in a manner indicated in the development plan. Unless otherwise provided in the Planned Development approval, each such stage shall be substantially complete within itself. Unless otherwise provided in the Planned Development approval, each stage is subject to the time limits provided for in Chapter 7 for preliminary and final subdivision plats.

2. The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

4.417 Planned Development Process. Planned Development shall be reviewed in the same two (2) stage process as provided for a Type III subdivision, regardless of whether a land division is proposed.

4.419 Preliminary Plan.

A. Submission Requirements. The preliminary plan shall consist of twenty (20) copies of all plans, maps, and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description.

B. Submission Materials. The tentative plan need not be a finished drawing, but it should present all relevant graphic data, drawn on a sheet 18"x24" in size, and at a scale of 1"=100'. The information shall include, but is not limited to, the following:

1. Proposed land uses and residential densities.

2. Building types and locations.

3. Means of access, circulation, and parking.

4. Parks, playgrounds, paths, and open spaces.

5. Land division plan if the land is to be divided.

6. Applicant's statement of the goals and objectives of the planned development.

7. Tables showing overall density of any proposed residential development with density of dwelling types and intensity of any commercial, industrial, or other employment-related uses.

8. Applicant's statement of how the proposed Planned Development complies with the applicable Troutdale Development Code requirements.

9. That the proposal incorporate a commitment to provide a legal instrument or instruments acceptable to the City setting forth a plan for the permanent care and maintenance of common space, including streets and greenways, recreational areas, and all community-owned facilities.

10. General timetable of development.

4.421 Final Plan. Final plan approval shall be a Type I process to confirm that it is consistent with the approved preliminary plan. The final plan may be approved notwithstanding minor changes such as minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks, public open spaces, or other features of the preliminary plan based on final engineering, design or similar final detail work but shall not increase the residential densities, change zone boundaries or the perimeter boundary of the PD, change any use or change the location of amount of land devoted to a use specified in the preliminary plan. Changes other than permitted minor changes shall require a new application.

A. All public site dedications, development rights to open spaces, or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.

B. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Division prior to the issuance of any building permit.

4.423 Application of Development Standards; Conflict of Planned Development Standards and Zoning District Standards. In cases of conflict between standards of the underlying district and the Planned Development, the standards of the Planned Development shall apply.

4.500 FLOOD MANAGEMENT AREA FLMA

4.500 Repeal. Ordinance 851 repealed this Section in its entirety and relocated the Flood Management Area standards previously contained in this Section to Chapter 14 of this Code.

4.600 TOWN CENTER TC

4.605 Applicability. The regulations and standards of this overlay district apply to land within the boundaries of the Town Center Planning as established in the Town Center Plan except they shall not apply to those properties designated Low-Density Residential/Open Space in the Plan.

4.610 Purpose and Intent. The purpose of this district is to encourage the downtown Troutdale area to grow as a diverse and viable town center. The Troutdale Town Center is envisioned as the district that provides shopping, employment, cultural, and recreational opportunities that serve the Troutdale area. In addition, the district allows for continued housing opportunities close to commercial activities. The intent of specific design standards for buildings, streetscapes, and parking within the TC district is to achieve development that is consistent with the design concepts outlined in the Town Center Plan. These design concepts include, but are not limited to, attractive pedestrian-oriented streets, providing a complementary mix of commercial and residential development, a connected network of streets and accessways to reduce automobile dependency, and avoiding walled streets.

4.620 Permitted and Conditional Uses. Permitted and conditional uses are the same as those listed in the underlying zoning districts with the following exceptions:

A. Single-Family Residential (R-5).

1. Eliminated permitted uses: Manufactured home parks.

2. Additional conditional uses: Attached dwellings when each unit is situated on a separate lot of record.

B. Attached Residential (R-4).

1. Eliminated permitted uses: Manufactured home parks.

2. Additional conditional uses: Manufactured homes.

C. Apartment Residential (A-2).

1. Additional permitted uses: Single-family detached and zero lot line dwellings, except that manufactured homes require a conditional use permit.

2. Additional conditional uses: Museums, theaters, galleries, or studios for art, dance, and photography.

3. Eliminated conditional uses: Single-family detached and zero lot line dwellings, except for manufactured homes; attached, duplex, and triplex dwellings when the dwellings are on separate lots.

D. Community Commercial (CC).

1. Additional permitted uses: Dwellings other than manufactured homes, provided the residential use is located above or behind a permitted commercial use, whether within the same building as the commercial use or in a separate building.

2. Eliminated permitted uses: Grocery stores.

3. Additional conditional uses: Grocery stores and convenience stores without gasoline pumps.

4. Eliminated conditional uses: Automotive service stations where no repair work is conducted.

E. General Commercial (GC).

1. Additional permitted uses:

a. Dwellings other than manufactured homes, provided the residential use is located above or behind a permitted commercial use, whether within the same building as the commercial use or in a separate building;

b. Local food production uses on lots or parcels one (1) acre in size or larger, provided no poultry or livestock, other than household pets, shall be housed within one hundred (100) feet of any residence other than a residence on the same lot and shall not occupy an area greater than ten thousand (10,000) square feet or ten percent (10%) of the total property whichever is larger; and

c. Public parking lots.

2. Eliminated permitted uses: Automotive repairs, including painting and incidental body and fender work; automotive service stations; lumber yards (retail sales only); and tire shops.

3. Eliminated conditional uses: Automobile and trailer sales area, heliport landings, off-street parking and storage of truck tractors and/or semi-trailers, outdoor stadiums and racetracks, wholesale distribution outlets, including warehousing and marijuana facilities.

4.630 Town Center Residential Densities.

A. General Density Requirements. The residential density of the underlying zone shall apply except that the Central Business District (CBD) density standards shall apply in the CC and GC zoning districts and shall apply in the A-2 zoning district for duplex, triplex, and attached residential developments.

B. Minimum Density. Residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.

[Example: Computing maximum and minimum dwelling units for a five thousand (5,000) square foot parcel:

- Allowed density is 1 dwelling per 2,000 square feet.
- A 5,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.

4.640 Dimensional Standards. Dimensional standards shall be the same as those listed in the underlying zone except as follows:

A. Apartment Residential (A-2).

1. The CBD standards for lot width, lot depth, lot area, and setbacks shall apply for duplex, triplex, and attached residential development.

2. Minimum street frontage: twenty (20) feet, except that for lots specifically created for the construction of individual duplex, triplex, or attached dwelling units, the minimum street frontage shall be sixteen (16) feet.

3. No front yard setback.

B. Community Commercial (CC).

1. The CBD standards for lot width, lot depth, and lot area shall apply for residential development.

2. No front yard or street side yard setback is required.

C. General Commercial (GC).

1. The CBD standards for lot width, lot depth, and lot area shall apply for residential development.

2. Minimum street frontage: twenty (20) feet.

3. No front yard or street side yard setback is required.

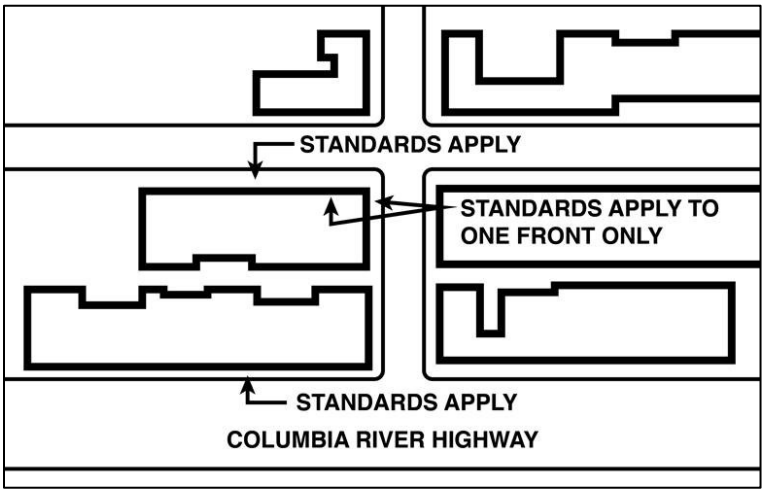
D. Attached Residential (R-4) and Single-Family Residential (R-5).

1. Front yard setback for residential units: Minimum of fifteen (15) feet to the front façade; minimum of ten (10) feet to the front porch; minimum of twenty (20) feet to the garage door with a driveway from the public street.

2. Minimum street frontage: twenty (20) feet, except that for lots specifically created for the construction of individual duplex, triplex, or attached dwelling units, the minimum street frontage shall be sixteen (16) feet.

4.650 Commercial Design Review. A Type II Site and design review shall be required for all commercial uses within the TC district. Site and design review shall be conducted in accordance with Chapter 8, Site Orientation and Design Standards, of this Code.

A. CBD Design Standards. The Design Standards for CBD, listed in Appendix A of this Code shall apply to the CBD zoning district with the following exception: If a design standard refers to the relationship of a site or building to Historic Columbia River Highway, but the subject property does not abut Historic Columbia River Highway, then the standard shall be applied to at least one (1) street frontage that can be used by pedestrians.

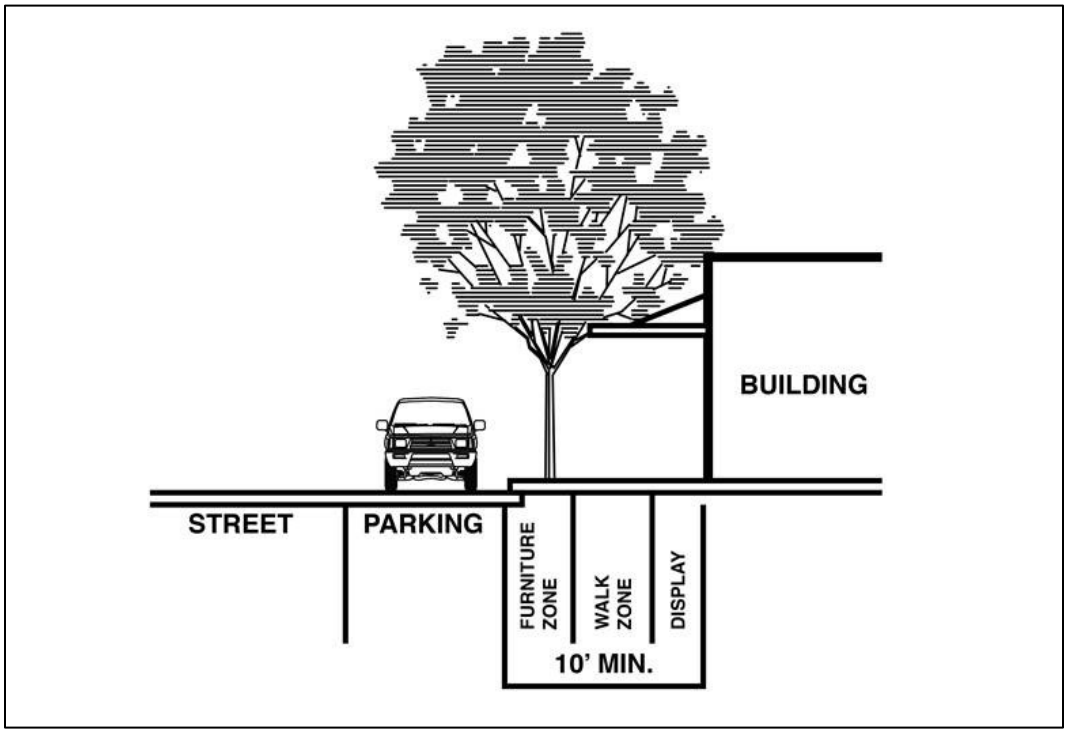


B. Development adjacent to SW Halsey Street shall install decorative streetlights within the Halsey Street right-of-way as part of any half-street improvements required of the development.

C. Outlet Mall/Former Treatment Plant Site. New commercial development on the former sewage treatment plant site shall meet the following design standards:

1. The drive or street through the outlet mall site to the former sewage treatment plant site shall be a public street.

2. Sidewalks at least five feet in width shall be provided on both sides of the street.

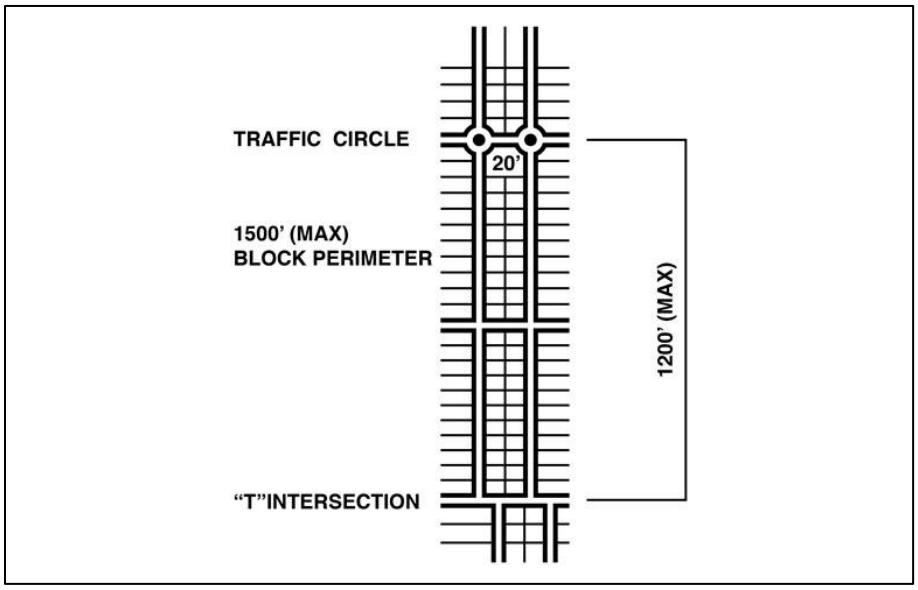


4.660 Residential Design Review. All residential development other than detached single-family, zero lot line, and duplex dwellings on separate lots shall be subject to site and design review and design standards specified in Chapter 8.200 of this Code.

4.670 Reserved.

4.680 Street Design and Streetscapes. The following design standards shall apply within the Town Center district:

A. Blocks and Access. The perimeter of blocks shall not exceed fifteen hundred (1,500) feet. Blocks along arterial and collector streets shall be designed to allow streets to intersect in a manner that allows the side yards of development to abut the arterial or collector street. In general, development should not be designed with rear yards abutting arterials and collectors.



B. Street Termination. Unless impractical due to efficiency of street layout and design, topography, or other site constraints of the property being developed, new street sections shall be no longer than twelve hundred (1,200) feet without providing a jog, a deflected view, traffic island, or a point of termination, such as a "T" intersection.

C. Streetscapes. To encourage pedestrian-oriented streetscapes, the following standards shall apply:

1. Fences and walls greater than three and one half (3½) feet in height shall be prohibited in front yards. If fences or walls greater than three and one-half (3½) feet in height are provided along street side yards or rear yards abutting streets, the fence shall be buffered from the public right-of-way by a landscaped strip no less than five (5) feet wide.

2. Garages.

   a. For single-family detached and zero lot line dwellings on lots of three thousand (3,000) square feet or greater in area or thirty (30) feet or wider at the front setback line, and for duplex, triplex, or attached dwellings on separate lots greater than three thousand (3,000) square feet in area or thirty (30) feet or wider at the front setback line, garages shall be subordinate to the main dwelling by being set back a minimum of five (5) feet behind the front door of the residence or by compliance with the following standards:

      i. The garage door width is fifty percent (50%) or less of the width of the street facing elevation and does not extend beyond the front door; or

      ii. The garage door is behind or even with the front door and the dwelling has a roofed front porch, which is at least 1/3 as wide as the front elevation and at least five (5) feet deep. The porch may encroach within the required front yard setback a maximum of five (5) feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and

      iii. The street facing wall of the dwelling contains at least one (1) window on the ground floor that allows visibility of the street.

   b. Garages on lots less than three thousand (3,000) square feet in area, or on lots less than thirty (30) feet wide at the front setback line, or on lots having a slope of twenty percent (20%) or greater at the street access shall be setback a minimum of five (5) feet behind the front door or shall comply with the following standards:

      i. The garage door does not extend beyond the front door; and

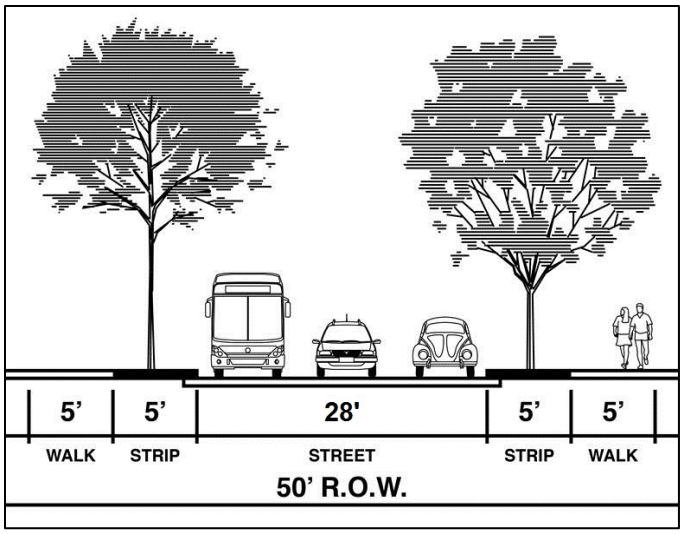
      ii. The dwelling has a roofed front porch. The porch may encroach within the required front yard setback a maximum of five (5) feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and

      iii. There is at least one (1) window on any floor that faces the street and allows visibility of the street.

   c. For all other residential uses, garages shall comply with the standards of Section 8.225, Off-Street Parking, Garages, and Carports, of this Code.

3. Street trees are required along public streets in accordance with the City's Tree Ordinance, Troutdale Municipal Code, Chapter 13.10.

4. Local residential streets shall have a pavement width of twenty-eight (28) feet, with sidewalks set back and separated from the street by a planting strip of five (5) feet in width. The street shall provide on-street parking on both sides of the street.



5. Development adjacent to SW Halsey Street shall install decorative streetlights within the Halsey Street right-of-way as part of any half-street improvements required of the development.

D. Alleys. Alleys shall be a minimum of twenty (20) feet in width and shall be encouraged as a means of providing vehicle access to development.

4.690 Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of the underlying zoning district and with Section 8.225, Off-Street Parking, Garages, and Carports, and Chapter 9, Off-Street Parking and Loading, of this Code as applicable. Except for residential units on individual lots, no use shall be permitted to exceed the required minimum amount of off-street parking by more than ten percent (10%); however, each use shall be allowed at least one (1) parking space in excess of the minimum amount required. When the underlying zoning district requires no off-street parking spaces, no use shall be permitted to exceed the minimum number of parking spaces as indicated for that use within Chapter 9, Off-Street Parking and Loading, of this Code by more than ten percent (10%). In computing the maximum number of off-street parking spaces allowed, if the ten percent (10%) figure contains a fraction, then the number shall be rounded up to the next higher whole number.

4.695 Authority to Adjust Standards.

A. Because of the diverse topography and parcel configurations within the TC district, it is neither practical nor feasible to uniformly apply these design standards to all development projects. The Director shall use reasonable discretion in determining whether the standards in Sections 4.650-4.680 of this Chapter are practical for individual

developments. The Director is authorized to grant administrative adjustments to these design standards upon making the following written findings:

1. The adjustment is justified due to unique site conditions.

2. The proposal will be consistent with the desired character of the area.

3. Any impacts from the adjustment are mitigated to the extent practical.

B. When, in the Director's opinion, an adjustment to a design standard is not justified, the request shall be handled as a variance in accordance with the procedures of Chapter 6.1300, Variance, of this Code. The Directors decision to adjust specific standards is a Type II decision under Section 2.055, Type II Procedure, of this Code.

Chapter 5 – Miscellaneous Uses, Standards, and Exceptions

5.010 Accessory Structures. Accessory structures are defined in Section 1.020 of this Code and include frame-covered accessory structures. The provisions of this Section apply only to accessory structures affiliated with residential uses. Accessory dwelling units are regulated in Section 5.900 of this Code.

For purposes of these regulations, portable swimming pools less than twenty-four (24) inches in depth are not considered accessory structures and are not subject to the provisions of this Section. Solariums, greenhouses, garages, or other enclosed areas which are attached to the residential structure shall not be considered accessory and shall be subject to the regulatory requirements of the underlying zoning district.

A. Building Permit – When Required. A building permit shall be required as provided in Title 15, Building Code, of the Troutdale Municipal Code.

B. Regulatory Requirements. No accessory structure, regardless of whether the structure requires a building permit, shall be erected or maintained, and no existing residential accessory structure shall be altered, converted, enlarged, moved, or maintained unless the structure complies with the following:

1. Cargo shipping containers are not permitted as accessory structures.

2 No accessory structure shall be located:
   a. Within the front yard setback or between the street and the front building plane of the dwelling;
   b. Less than three (3) feet from the rear property line;
   c. Less than three (3) feet from the side property line;

3. No accessory structure shall exceed:
   a. One thousand (1,000) square feet in floor area for any single accessory structure.
   b. Twenty-five percent (25%) of the gross lot area, or fifty percent (50%) of the area of the required rear yard for all accessory structures cumulatively.
   c. Twenty (20) feet in height.
   d. Ten (10) feet in height or two hundred (200) square feet in size if located within a side or rear yard setback.

4. Private Vehicle Storage on Corner Lot. Notwithstanding any other provision of this Section, residential accessory structures for private vehicle storage on a corner lot that have an entrance from the street side yard shall have a minimum street side yard setback of eighteen (18) feet. Vehicle access from the side street must be approved by the Public Works Director and constructed to City standards.

5. Height shall be measured in accordance with Section 1.020.15. Setbacks shall be measured from projecting features, including but not limited to eaves and gutters.

5.020 Exceptions to Yard Requirements.

A. Established Building Lines. If a previous building line has been established, the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required setback. Corner lots shall not be included in the averaging.

B. Projecting Building Features. Except for accessory structures, the following may project into required yards, as listed below:

1. Architectural appendages including, but not limited to, bay windows, planters, awnings, eaves, decks less than twenty-four (24) inches high or other similar features may project into required front and rear yard setbacks no more than five (5) feet, and into side yard setbacks no more than two and one-half (2½ feet). Architectural appendages may project no more than eighteen (18) inches into inactive easements alongside and rear property lines, provided required building setbacks approved. In no case shall any architectural appendage encroach on an active easement of record. An active easement is an easement containing one or more public utilities. An inactive easement contains no public utilities within it.

2. Unroofed landings and stairs may project into required front and rear yard setbacks no more than five (5) feet.

3. Open fire escapes may project into required front and rear yard setbacks no more than five (5) feet and into side yard setbacks no more than two and one-half (2½) feet.

4. Chimneys shall not project more than two and one-half (2½) feet into any required yard.

5. Windscreens shall not extend more than eight (8) feet into a required front yard setback area.

5.030 Vertical Projections. Except as provided in the Airport Landing Field (ALF) district, height limitations shall not apply to projections extending vertically from buildings other than accessory structures, including but not limited to penthouses, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; roof structures used for elevators, fire or parapet walls; skylights; windmills; towers; steeples; flagpoles; chimneys; smokestacks; radio and television antennae; telecommunication towers or poles or water tanks. No projection above the height limitation shall be allowed for the purpose of providing additional floor space. No vertical projection shall be located less than twenty (20) feet from any property line.

5.040 Clear Vision Areas.

A. A clear vision area shall be maintained as provided below.

B. The clear vision area is a triangle that is measured according to the following:

1. A clear vision area at intersections of local streets with local streets shall consist of a triangular area, two (2) sides of which are the curb lines extended in a straight line to a point of intersection and so measured as defined and illustrated in Figure 5.040(A), and the third side of which is a line joining the non-intersecting ends of the other two sides. Where no curb exists, the edge of street pavement shall be used in lieu of the curb line.

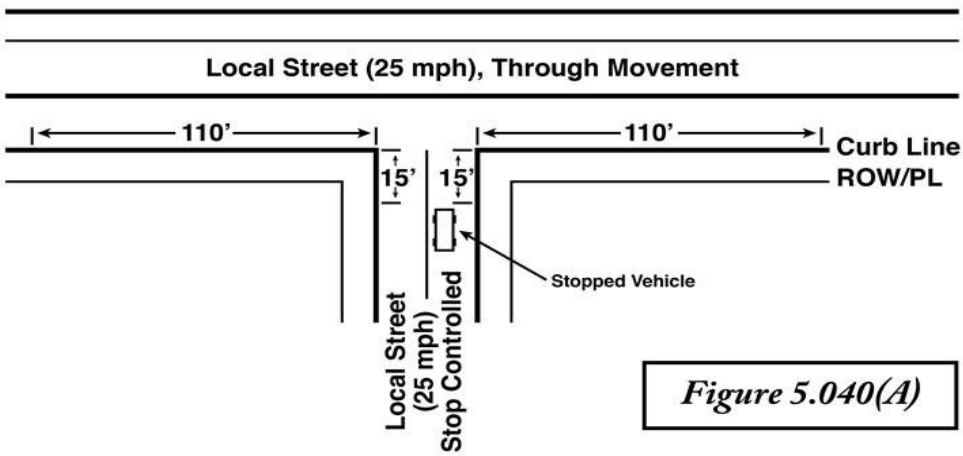
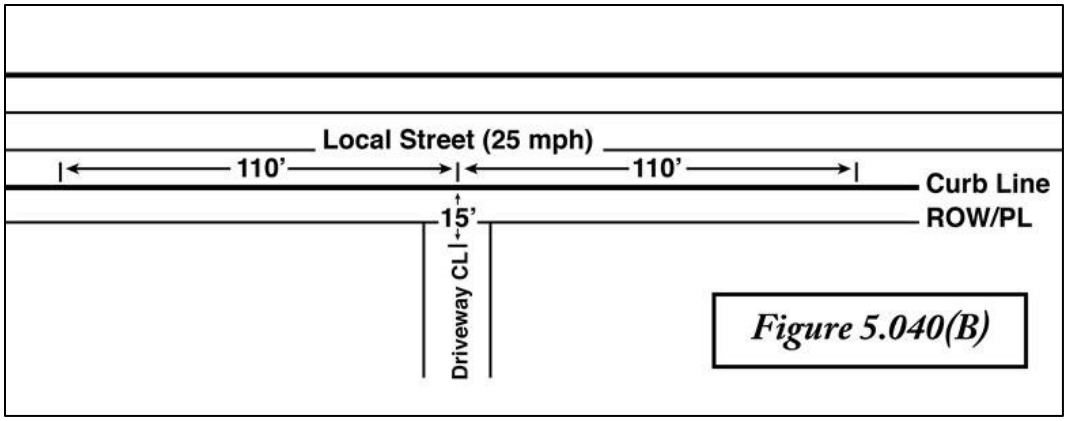


Figure 5.040(A)

2. Driveways and alleys intersecting with local public streets shall have and maintain a clear vision triangle with its base measured along the face of curb parallel to the public way for one hundred ten (110) feet in both directions from the center of the driveway, and the other sides extending toward the apex of the triangle in the center of the driveway fifteen (15) feet from the street curb line (see Figure 5.040(B)). Where no curb exists, the edge of street pavement shall be used in lieu of the curb line.



3. The clear vision area for local streets, alleys, and driveways intersecting with a county or state road shall comply with jurisdictional standards.

4. Alternatively, a clear vision triangle may be established by a site- specific analysis conducted by an Oregon Design Professional in accordance with the standards set forth in the most current edition of "A Policy on Geometric Design of Highways and Streets" published by the American Association of State Highway and Transportation Officials.

C. Except as provided below, within clear vision areas, no vehicle, fence, wall, hedge, or other planting or structure (temporary or permanent) shall be parked, erected, planted, placed, located, or maintained above three (3) feet in height measured from the top of the curb or, where no curb exists, from the established street centerline grade of the intersecting streets and from the driveway centerline at a driveway intersection, except for occasional tree trunks, mail boxes, street sign posts, or utility poles, so as to impede visibility within the clear vision area.

D. The foregoing provisions shall not apply to the following:

1. A public utility pole, signal pole, light pole, or other utility appurtenances.

2. Trees, provided that the tree is trimmed (to the trunk) to a line at least eight (8) feet above the level of the intersection.

3. Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross-view.

4. A supporting member or appurtenance to a permanent building lawfully existing on the date this document becomes effective.

5. An official warning sign or signal.

6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.

7. A sign mounted ten (10) feet or more above the ground with supports that do not obstruct the clear vision area.

8. A signalized intersection.

9. Lots for which no setback is required.

F. Lawful structures or vegetation in existence prior to December 9, 1986 may continue as lawful nonconforming uses as specified in Chapter 5.300, Nonconforming Uses, of this Code.

G. Any obstruction maintained in violation of this Section shall be abated pursuant to Chapter 17, General Provisions, of this Code.

5.050 Fences, Walls and Windscreens.

A. Fences and retaining walls on lots zoned residential shall comply with the following:

1. The clear vision standards of Section 5.040 of this Code.

2. Not exceed four (4) feet in height if located in a required front yard setback, except the height limit shall be six (6) feet for a dwelling that existed prior to June 9, 1987 and which fronts a major arterial.

3. Not exceed seven (7) feet in height if located in a required side or rear yard setback area.

4. Fences and retaining walls shall be constructed of wood, brick, masonry cement, chain link, plastic, wrought iron or similar residential-type materials. The use of barbed wire, electric fences, sheet metal or other non-residential materials is prohibited.

B. Fences, retaining walls on lots zoned commercial or industrial shall comply with the following:

1. The clear vision standards of Section 5.040 of this Code.

2. Not exceed three and one-half (3½) feet in height if located in a required front yard setback,

3. Not exceed six (6) feet in height if located in a required side or rear yard setback area.

C. Fences, walls and windscreens shall be measured from the ground on which the fence, wall or windscreen is located to the top of the fence or retaining wall, or any the combination thereof.

D. Any recreational court may be enclosed by a wire fence not exceeding twelve (12) feet in height, provided that no part of the court fence is within twenty (20) feet of any street.

E. A swimming pool, hot tub, or other manmade outside body of water, which has a depth greater than twenty-four (24) inches shall be enclosed with a fence not less than four (4) feet, and not more than six (6) feet in height. The fence shall not have any openings, holes, or gaps larger than three (3) inches square, except for doors or gates. The fence gates shall be equipped with a self-closing, self- latching device. A dwelling unit and/or accessory building may form part of the enclosure.

F. Barbed wire fencing is permitted for agricultural, community service, commercial, or industrial uses when the wire is employed on the top of any other type of fencing, is a minimum of six (6) feet above the finished ground surface, and does not extend over a public way. The total height shall not exceed eight (8) feet.

G. No electrically charged or sharp pointed fencing (other than barbed wire fencing as provided above) shall be constructed or maintained within the City limits.

H. Windscreens. A windscreen may be constructed on the north or east side of a residential building only. The screen shall not exceed six (6) feet in height nor extend more than eight (8) feet into a required front yard setback area.

5.060 Decks. Detached decks over twelve (12) inches in height are deemed accessory structures. Decks of twenty-four (24) inches or more in height attached to a structure require a building permit.

5.070 Street Side Sales. Street side sales of products including, but not limited to, flowers, fruits, vegetables, firewood, arts and crafts, seafood, fireworks, and Christmas trees are permitted within commercial or industrial zoning districts, or on sites with a community service use, subject to the following provisions:

A. All activity related to street side sales, including signage, must be within the boundaries of the property, and is not permitted on any public right-of- way, including sidewalks.

B. Signage shall be limited to one (1) sign per street frontage of the property on which the street side sales is located. Signs shall not exceed twenty–four (24) square feet in size.

C. Street side sales shall not exceed sixty (60) days in any calendar year. Any structure (including any mobile unit) from which the street side sales is conducted, shall be removed from the property on cessation of sales.

D. A business license must be obtained, and must include written permission of the property owner.

E. Automobile drive-up window service is not permitted.

5.080 Transportation Facilities. Public transportation facilities constructed or approved by the City shall be permitted outright in all zoning districts. Transportation facilities shall include construction, operation, and maintenance of travel lanes, bike lanes and facilities, curbs, gutters, drainage facilities, sidewalks, bus stops, landscaping, lighting, signage, signalization and related improvements located within rights- of-ways controlled by a public agency, consistent with the Troutdale Transportation System Plan. When the transportation facilities to be constructed are located entirely within public right-of-way, no land use review is required unless construction occurs within the flood hazard area or the Vegetation Corridor Overlay District. Transportation facilities which are located outside of an existing right-of-way are subject to land use review pursuant to Section 6.800 of this Code.

5.090 Shared Dwellings. Shared Dwelling units as defined in Section 1.020.45 of this Code are intended to be a flexible housing arrangement that typically have less impact on surrounding properties than typical housing arrangements that provide a similar number of units. As a result, consideration is given in the following standards to provide flexibility:

A. The maximum number of units allowed in a shared housing facility shall be fifty percent (50%) above the standard density of the underlying zoning district.

B. Social and recreational space shall be provided at a minimum of fifteen (15) square feet per occupant, based on one person per bedroom.

C. General storage area spaces at a minimum of ten (10) square feet within each unit, not including regular kitchen, bedroom, and linen storage.

D. Laundry facilities shall be provided either in each unit or in an accessible space within the shared housing facility.

5.100 HOME OCCUPATION IN A RESIDENTIAL DISTRICT

5.110 Purpose. The purpose of this Section is to provide for occupations in residential districts in a manner that will ensure they are utilized only as uses incidental to the primary residential use of the premises upon which they are located. Home occupations must obtain a City business license as provided in Chapter 5.04 of the Troutdale Municipal Code.

5.120 General Requirements for Home Occupations.

A. There shall be no additional signage other than that permitted in a residential zone.

B. No home occupation shall emit or produce noise, smoke, dust, odor, glare, traffic, vibration, or other impacts greater than that of a typical residential dwelling.

C. Use and storage of hazardous materials in conjunction with a home occupation must be approved by the local fire and emergency service agency.

5.130 Operational Standards for Home Occupations. Home occupations shall be operated entirely within a dwelling or accessory structure by a resident of the dwelling unit as a clearly secondary and incidental use of such property. The home occupation shall comply with all of the following conditions:

A. No employees or any persons other than residents of the dwelling shall engage in a home occupation therein.

B. Customer and client contact shall be primarily by telephone, mail, or in their homes and places of business, or by appointment at the premises of the home occupation. No retail sale of merchandise shall be made on the premises.

C. No more than twenty-five percent (25%) of the gross floor area of the residence shall be used for the home occupation. If a home occupation is conducted within an accessory structure, the home occupation shall not exceed the gross floor area of the residence.

D. Must comply with all other City, County, and State requirements.

E. No additional signage other than that permitted in the zone.

5.140 Revocation/Expiration. Home occupations are renewed annually in conjunction with business licenses. Business licenses for home occupations may be revoked at any time for noncompliance with the provisions of this Code.

5.200 MOBILE FOOD VENDORS

5.210 Purpose and Intent. These provisions are to provide a framework for the operation of food vendors as defined in TDC 1.020.54. The intent is to allow such uses in appropriate locations and with reasonable regulations designed to minimize negative impacts on surrounding areas.

5.220 Standards for Location and Development. Mobile Food Vendors (Food Vendors, (Mobile), as defined in Section 1.020, and when possessing the required and valid City business license, are allowed in accordance with the following use and operational standards:

Location Standard	***Food Stand***	***Food Cart***	***Food Trailer***	***Food Kiosks***
Permitted in Residential Zones	Yes	No	No	No
Permitted in Commercial Zones	Yes	Yes	Yes	Yes
Permitted in Industrial Zones	Yes	Yes	Yes	Yes
Development Standard	***Food Stand***	***Food Cart***	***Food Trailer***	***Food Kiosks***
Permitted in landscape area	Yes	Yes	No	No
Permitted on paved areas	Yes	Yes	Yes	Yes
Permitted on gravel areas[1]	Yes	Yes	Yes	Yes
Permitted in parking lot aisles, driveways, or fire lanes	No	No	No	No
Permitted on undeveloped lots	Yes	Yes	Yes	No
Drive through allowed[2]	No	No	Yes	Yes
Utility connection allowed[3]	No	Yes	Yes	Yes
Utility connection required[3]	No	No	No	Yes
Required to meet design standards of zone	No	No	No	Yes
Parking required	No	No	Yes[4]	Yes[4]
Limited daily duration[5]	Yes	Yes	Yes	No
Limited number of days[6]	No	No	Yes	No
Site Development review required	No	No	No, except Yes if a drive-thru proposed	Yes

[1] *Parking on gravel surfaces limited to a maximum of ninety (90) days in any three hundred sixty five (365) day period*

[2] *Subject to approval through Site Development review process*

[3] *No discharge of liquids onto the ground or into the storm water system allowed*

[4] *See parking standards*

[5] *Business operations for a food stand or food cart shall only be conducted between seven a.m. (7:00) and seven p.m. (7:00) except the hours can be extended earlier or later by the Planning Director upon finding the extended hours will not create negative impacts on surround properties due to noise, light, traffic, and/or similar factors*

[6] *Ninety (90) days in any one hundred eighty (180) day period*

5.300 NONCONFORMING USES

5.305 Purpose and Intent. Within the zoning districts established by this Code, or amendments that may later be adopted, there may exist lots, uses, structures, or other developments of the land which were lawful before this Code was adopted or amended, but because of the application of this Code, they no longer conform to the provisions and standards of the district in which they are located or of this Code in general. This Chapter provides for the regulation of these legal nonconforming lots, uses, structures, and developments and specifies those circumstances, conditions, and procedures under which such nonconformities shall be permitted to continue and expand. It is the intent of this Chapter to permit legal nonconforming lots, uses, structures, or developments to continue until they are removed by economic forces or otherwise. Legal nonconforming lots, uses, structures, or developments may also be expanded or reconstructed as provided in this Code.

5.310 Reconstruction of a Damaged Residential Nonconforming Use. A residential nonconforming use, or a structure containing a residential nonconforming use, that has been damaged by any cause may be reconstructed provided a building permit to reconstruct the structure is obtained within one (1) year of the destruction and further the reconstruction is completed within one (1) year of commencing construction. Notwithstanding the requirements of construction in the Flood Management Area, Section 1.040 and Section 4.500. If reconstruction does not occur within these timeframes, the nonconforming use shall be considered terminated and shall not be reestablished.

5.315 Reconstruction or Destruction of a Non-Residential Nonconforming Use.

A. A non-residential nonconforming use or a structure containing a non- residential nonconforming use that has been damaged by any cause to an extent the reconstruction costs are less than seventy-five percent (75%) of the real market value may be reconstructed provided a building permit to reconstruct the structure is obtained within one (1) year of the destruction and further the reconstruction is completed within one (1) year of commencing construction. Notwithstanding the requirements of construction in a flood plain, Section 1.040 and Section 4.500. If reconstruction does not occur within these timeframes, the nonconforming use shall be considered terminated and shall not be reestablished.

B. When a non-residential nonconforming use, or a structure containing a non-residential nonconforming use, is damaged by any cause to an extent the reconstruction costs would equal or exceed seventy-five percent (75%) of the real market value as indicated by the records of the County Assessor, the nonconforming use or structure containing the nonconforming use shall be considered terminated and shall not be reestablished. Reconstruction costs shall be based on the cost to restore the use or structure to meet current building Code and development Code standards, not simply the cost to restore the use or structure to the condition it existed in prior to it being destroyed.

5.320 Discontinuance of a Nonconforming Use. When a nonconforming use or any part thereof is discontinued for a period of at least twelve (12) months, the nonconforming use or part

thereof shall be considered terminated and further use of the property upon which the use or part thereof was located shall conform to the regulations of the zoning district in which it is located. Discontinuance of the use shall be determined by information such as termination of any lease or contract under which the nonconforming use has occupied the site; discontinuation of water or electric services; expiration of business license; absence of any outwardly visible activity associated with the nonconforming use; demolition or removal of a structure in which the nonconforming use is located; or similar indications that the use or occupancy has ceased. When a nonconforming use is superseded by a permitted use, the nonconforming use shall not be resumed.

5.325 Expansion of a Nonconforming Structure or Development. A structure conforming as to use but nonconforming as to height, setback, or similar dimensional standards, or development of property conforming as to use, but nonconforming as to parking, landscaping, architectural features, or similar standards, may be expanded provided the expansion does not increase the degree of nonconformity. A land use permit not otherwise required by this Code is not required to expand a nonconforming structure or development if the expansion does not increase the degree of nonconformity.

5.330 Reconstruction of a Damaged Nonconforming Structure or Development. A structure conforming as to use but nonconforming as to height, setback, or similar dimensional standards, or a development of property conforming as to use, but nonconforming as to parking, landscaping, architectural features, or similar standards, that has been damaged by any cause may be reconstructed if the reconstruction costs are less than seventy-five percent (75%) of the real market value as indicated by the records of the County Assessor, except if the non-conforming structure is a residential structure it may be reconstructed regardless of the reconstruction costs. Reconstruction costs shall be based on the cost to restore the structure or development to meet current Building Code and development Code standards, not simply the cost to reconstruct the structure or development to the condition it existed in prior to it being damaged. Reconstruction shall begin within twelve (12) months of the date the damage was done and shall be completed within twelve (12) months of the date the reconstruction began. Notwithstanding the requirements of construction in the Flood Management Area, Section 1.040 and Section 4.500. If reconstruction does not occur within these timeframes, the nonconforming structure or development shall be considered terminated and shall not be reestablished.

5.335 Destruction of a Nonconforming Structure or Development. When a structure conforming as to use but nonconforming as to height, setback, or similar dimensional standards, or a development of property conforming as to use, but nonconforming as to parking, landscaping, architectural features, or similar standards, is damaged by any cause to an extent the reconstruction costs would equal or exceed seventy-five percent (75%) of the real market value as indicated by the records of the County Assessor, the nonconforming structure or development shall be considered terminated and shall not be reestablished without conforming to the regulations of this Code, except if the non-conforming structure is a residential structure it may be reconstructed regardless of the reconstruction costs. Nonconforming structures or development within the Vegetation Corridor and Slope District or within the Flood

Management Area are subject to the provisions of those Chapters in this Code that regulate Vegetation Corridors, Slope Districts, and Flood Management Areas.

5.340 Repairs and Maintenance. Normal repairs and maintenance activities including, but not limited to, replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed on any nonconforming structure or portion of a nonconforming structure, or on any structure or portion thereof that contains a nonconforming use.

5.345 Sale of Nonconforming Use or Structure. The ownership of property classified as nonconforming may be transferred without affecting the right to continue such nonconformity.

5.350 Nonconforming Lot. If a lot, or the aggregate of contiguous lots or parcels of land held in a single ownership, has an area or dimension which does not meet size requirements, the lot or aggregate holdings may be developed subject to all other requirements. If there is an area deficiency, residential use shall be limited to a single-family dwelling.

5.400 CONCEPT DEVELOPMENT PLAN AND SPECIFIC SITE PLAN REQUIREMENTS FOR MASTER PLAN/MIXED USE (MPMU) DESIGNATIONS

5.410 Concept Development Plan. A proponent for any development in a Master Plan/Mixed Use (MPMU) designated area shall submit an application with applicable fees to the Planning Commission for approval in principle. The concept development plan shall include all areas designated as MPMU owned by the applicant. The application shall include copies of all plans, maps, and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description. Approval of the concept development plan shall be processed as a Type IV land use decision. A specific site plan may be submitted for approval as a joint concept development plan/specific site plan through a Type IV process when:

A. It does not involve a shifting of any zoning district boundaries.

B. The application meets the more stringent requirements of the specific site plan approval.

5.420 Procedures.

A. The Citizen Advisory Committee (CAC) shall meet to review the concept development plan. The CAC will provide comments pertaining to the proposed development, compatibility with adjacent land uses, and compliance with the City's Comprehensive Land Use Plan. These comments shall be forwarded to the Planning Commission for consideration at a public hearing.

B. The Planning Commission shall review the concept development plan at a regular meeting and may recommend approval, approval with modifications, or denial of the application. Such recommendation shall be based upon the Comprehensive Land Use Plan, this Code, other regulations, and the suitability of the proposed development in relation to the character of the area.

C. The City Council shall consider the concept development plan at a public hearing and take action based upon the recommendation of the Planning Commission.

D. Approval of the concept development plan shall be limited to the tentative acceptability of the land uses proposed and their interrelationships, and shall not be construed to endorse precise location of uses nor engineering feasibility.

E. Concept development plan expiration date. Within two years following the effective date of approval of a tentative plan, the specific site plan and program shall be submitted pursuant to Section 2.050, Submission of Application, of this Code, and shall incorporate any modification or condition required by approval of the concept development plan. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to six (6) months upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the concept development plan, and after finding that no other development approval would be affected.

5.430 Submission Materials. The concept development plan need not be a finished drawing, but it should present all relevant graphic data, (generally) drawn on a sheet 18"x24" in size, and at a scale of 1"=100'. The information shall include, but is not limited to, the following:

A. Proposed land uses and residential densities.

B. Building types and locations.

C. Means of access, circulation, and parking.

D. Parks, playgrounds, paths, and open spaces.

E. Site analysis diagram.

F. Land division plan if the land is to be divided.

G. Proposed ownership pattern.

H. An applicant's statement addressing the following issues:

1. Statement of the goals and objectives of the proposed development.

2. Operation and maintenance proposal, i.e., homeowners association, co-op, or other similar organization.

3. Tables showing overall density of any proposed residential development with density of dwelling types and intensity of any commercial, industrial, or other employment-related uses.

4. Applicant's statement of how the proposed development complies with the applicable Comprehensive Land Use Plan policies.

5. Applicant's demonstration of substantial contractual interest in the land.

6. That adequate financing can be demonstrated to be available to the applicant to assure substantial completion of the proposal.

7. That the proposal incorporate a commitment to provide a legal instrument or instruments acceptable to the City, setting forth a plan for the permanent care and maintenance of common space, including streets, greenways, recreational areas, and all community-owned facilities.

8. General timetable of development, including proposed phasing lines and areas to be submitted for specific site plan approved.

5.440 General Requirements.

A. Compatibility with Neighborhood. The concept development plan shall present an organized arrangement of buildings, facilities, open spaces, and improvements such as recreation facilities, landscaping, and fencing to insure compatibility with the Comprehensive Land Use Plan and the area in which it is to be located.

B. Open Space.

1. Open space in an MPMU designated area means the land area to be used for scenic, landscaping, or open recreational purposes within the development. It shall not include street right-of-ways, driveways, or open parking areas.

2. Open space shall be provided for the recreational and leisure use of the residents of the development. These areas shall be designed to enhance the present and future value of the development.

3. To the maximum extent possible, natural features of the land shall be preserved and landscaping provided.

4. In order to assure that open space will be permanent, dedication of development rights to the City for other than open space use may be required.

C. Residential Density.

1. In a residential zoning district of an MPMU designated area, the number of allowable units is based on net residential area. The net residential area shall be calculated by taking the total area of the development less streets, commercial, industrial, community service, and other non-residential uses. Recreational trails, streets, open space, etc., shall be included in the net residential area. The number of dwelling units permitted shall be calculated by dividing the net residential area by the minimum lot size required in the underlying residential district or districts.

2. Greenways, streams, and steep topography areas will be counted as contributing to the density only to the extent that it can be shown, through a Planning Commission review, that a typical development could be accommodated on the site with realistic street configurations, grades, and standard lot sizes. The number of dwellings yielded from such a tentative subdivision review process shall be used as a base in determining the overall density for the site.

3. An increase of up to twenty percent (20%) in the number of dwelling units may be permitted upon a finding by the Planning Commission that such increased density will contribute to:

a. Satisfaction of the need for additional urban area housing of the type proposed;

b. The provision of housing which is convenient to commercial, employment, and community services and opportunities;

c. The creation of a land use pattern which is complementary to the community and its identity, and to the community design process;

d. The conservation of energy;
e. The efficient use of transportation facilities;

f. The effective use of land, and available utilities and facilities; and

g. The addition of design features and amenities including neo- traditional plan elements.

5.450 Specific Site Plan Approved. Upon approval of an overall concept development plan, specific site plans may be submitted for approval. Phases or portions of the overall MPMU designated area may be approved for development as long as they conform to the approved concept development plan for the property. An application shall be filed with appropriate fees and twenty (20) copies of all plans, maps, and diagrams indicating in sufficient detail the specific development proposed. Approval of specific site plans for development shall be processed as a Type III land use decision.

5.460 Specific Site Plan Submission Requirements. Specific site plans shall be specific to building locations, land uses, land divisions, and street locations. It should be drawn on a sheet 18"x24" in size, and at a scale no smaller than 1"=100'. An application for specific site plan approval shall address the following when applicable:

A. The specific site plan shall be in conformance with the approved concept development plan for the property.

B. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.

C. Location, width, and names of all existing or platted streets or other public ways, railroad, and utility right-of-ways, parks, or other public open spaces and land uses within five hundred (500) feet of the boundaries of the development.

D. Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.

E. Proposed sewers or other disposal facilities, water mains, and other underground utilities.

F. A tentative subdivision plan if the property is proposed to be divided.

G. A land use plan indicating the uses planned for the development.

H. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, schools sites, public buildings, or other uses dedicated or reserved to the public, if any.

I. Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.

J. A traffic flow map showing the circulation pattern within, and adjacent to, the proposed development.

K. Location and dimensions of pedestrian walkways, malls, trails, or easements.

L. Location, arrangement, number, and dimensions of automobile garages and parking spaces, width of aisles, bays, and angle of parking, if any.

M. Location, arrangement, and dimensions of truck loading and unloading spaces, and docks, if any.

N. Tentative architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance, and number of dwelling units, if applicable. (Not applicable to single-family uses.)

O. A tentative tree planting and landscaping plan, including areas of groundcover and approximate finished grades, slopes, banks, and ditches. All existing trees over six inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.

P. The approximate location, height, and materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included.

Q. The stages, if any, of the development construction. Such stages shall be clearly marked on the specific site plan.

R. Narrative statement of the goals and objectives of the proposed development.

S. A completed market analysis, if required by the Planning Commission.

T. Evidence of resources available to develop the project.

U. Tables showing the total number of acres, the distribution of area by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools, and open spaces as shown on the proposed development plan.

V. Tables showing the overall density of the proposed residential development, and showing density by dwelling types and any proposals for the limitation of density.

W. Drafts of appropriate restrictive covenants, and drafts of documents providing for the maintenance of any common open space, required dedications or reservations of public open spaces, and any dedications of development rights.

5.470 Approval of Specific Site Plan and Program. The Planning Commission may approve a specific site plan, with or without modifications, after conducting a public hearing.

5.480 Expiration. If substantial construction or development, as determined by the Director, has not taken place within four years from the date of approval of a specific site plan, the Planning Commission shall review the specific site plan at a public hearing to determine whether or not its continuation, in whole or in part, is in the public interest, and if found not to be, shall rescind the approval of the specific site plan.

5.485 Construction Plans. Following approval of a specific site plan by the Planning Commission, the applicant shall prepare a final plan which shall be submitted to the Planning Division to check for compliance with the approved specific site plan.

A. If the final plan is found to be in compliance, it shall be so certified by the Planning Division. The final plat with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the final plan, shall be recorded at Multnomah County Deed Records.

B. Land division regulations shall be met if the property is to be divided or streets are to be dedicated.

C. All public site dedications, development rights to open spaces, or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.

D. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Division prior to the issuance of any building permit.

5.490 Changes and Modifications.

A. Major Changes. Major changes in a specific site plan after adoption shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.

B. Minor Changes. Minor changes in the specific site plan may be approved by the Director, provided that such changes:

1. Do not increase the residential densities.
2. Do not change boundaries.
3. Do not change any use.
4. Do not change the location or amount of land devoted to specific land uses.

C. Such changes may include minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks, public open spaces, or other features of the plan.

5.495 Application of Development Standards. In cases of conflict between standards of the underlying district and the approved site plan, the standards of the approved specific site plan shall apply.

5.500 BED AND BREAKFAST INN

5.510 Purpose. The purpose of this Section is to provide standards for the establishment of a bed and breakfast inn. This Section is intended to enable homeowners to open their homes to the traveling public by providing rooms for rent on a daily basis to overnight guests.

5.520 Review Procedures. Bed and breakfast inns shall be processed through a Type II site and design review procedure.

5.530 Standards for Bed and Breakfast. Bed and breakfast inns are not subject to the home occupation operational standards provided in Section 5.130, Operational Standards – Businesses, of this Chapter but shall comply with the following standards:

A. Bed and breakfast inns shall comply with the requirements of the underlying zone and overlay zone, if applicable.

B. Bed and breakfast inns must be an accessory use to the primary single- family residence.

C. Bed and breakfast inns shall be owner-occupied and shall maintain the characteristics of a single-family dwelling. No separate structures shall be allowed.

D. Bed and breakfast inns shall be operated so as not to give the appearance of being a business.

E. Bed and breakfast inns may have a maximum of two (2) non-resident employees.

F. A maximum of four bedrooms shall be used as part of the bed and breakfast accommodations. Only rooms designed as bedrooms shall be used as guestrooms. The number of guestrooms shall not be increased through any exterior additions or modifications to the structure.

G. The duration of each guest's stay at the bed and breakfast inn shall not exceed fifteen (15) consecutive days.

H. In addition to the provisions of Chapter 9, Off-Street Parking and Loading, of this Code pertaining to parking standards for single-family dwellings, one additional off-street parking space shall be provided for each guestroom. Required off-street parking shall not be located in a required front or side yard setback area abutting a public street unless located in front of a garage.

I. Signage shall be that provided for in residential zones except that one (1) additional non-illuminated or exteriorly illuminated on-premise sign not to exceed six (6) square feet in area is permitted. Freestanding signs shall not exceed three (3) feet in height. All signage shall be in keeping with the residential character of the neighborhood. Sign details shall be included with the site and design application for the bed and breakfast use.

J. The bed and breakfast inn shall obtain and maintain a City Business License and is subject to City Transient Lodging Tax. In addition, bed and breakfast inns shall obtain and maintain all applicable state licenses and permits. The business license may be terminated for failure to comply with this Chapter or any conditions of approval.

K. The bed and breakfast inn shall meet all applicable health, fire safety, and Building Codes.

L. The use of a bed and breakfast facility, not located in a commercial zone, for public events, wedding receptions, and similar activities is prohibited.

5.600 EROSION CONTROL AND WATER QUALITY STANDARDS

5.610 Purpose. The purpose of this Section is to establish, by reference, erosion control requirements and standards applicable to development activity within the City of Troutdale.

5.620 Applicability. This Section is applicable to ground disturbing activities associated with development, subject to the limitations and thresholds set forth in the reference standards specified in Section 5.630.

5.630 Reference Standards. The erosion control standards and requirements set forth in the most current edition of Chapter 12.09 of the Troutdale Municipal Code and the most current edition of the Construction Standards for Public Works Facilities are hereby incorporated by reference.

5.700 STORMWATER MANAGEMENT

5.710 Purpose. The purpose of the stormwater management standards is to protect surface and ground water quality by providing adequate facilities for the management of stormwater or floodwater runoff, and to prevent the degradation of, and promote the enhancement of, primary or secondary protected water features, floodplains, wetlands, and groundwater.

5.720 Reference Authority.

A. The current edition of the City of Troutdale Construction Standards for Public Works Facilities is adopted into this Code by reference. Where conflict exists between this Code and any of these documents, the more restrictive shall apply.

B. Other publications or maps adopted by reference to implement the standards of this Chapter are the Metro Title 3 Water Quality and Flood Management Area Map, the Sandy Drainage Improvement District or designee, the Federal Emergency Management Agency's Flood Insurance Rate Maps and Flood Insurance Studies published for the City and the City's Urban Planning Areas, and the National Wetlands Inventory Map.

C. Wetland determinations made by the Oregon Department of State Lands record in the Community Development Department.

D. The current edition of the City of Troutdale's Troutdale Storm Drainage Master Plan(s).

5.730 Applicability. No land use action shall be approved which does not make adequate provisions for stormwater or floodwater runoff. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Water quality treatment for stormwater is required as indicated in the City's Construction Standards for Public Works Facilities.

5.800 MANUFACTURED HOME PARKS

5.810 Purpose. A single-family residential manufactured home park is intended for manufactured homes on separate spaces within a manufactured home park. The purpose of these provisions is to extend the opportunity for low and moderately priced single-family homes, to ensure a high-quality living environment within manufactured home parks, to ensure that manufactured homes in manufactured home parks are safe and durable, and to protect property values within and adjacent to manufactured home parks.

5.820 Establishment of a Manufactured Home Park. A manufactured home park may be established as a permitted use in the R-5 and R-4 residential districts.

5.830 Locational Criteria. Access to manufactured home parks shall be from abutting public streets. No manufactured home space shall have direct vehicular access to a street bordering the park.

5.840 Density, Minimum Site Size, and Dimensions of Park. All manufactured home parks shall meet the following minimum requirements:

A. The minimum size of a manufactured home park shall be one (1) acre.

B. The number of permitted units allowed in a manufactured home park shall not exceed the density permitted in the underlying zone.

C. Minimum park street frontage – one hundred (100) feet.

D. Minimum park depth – one hundred fifty (150) feet.

5.850 Standards and Criteria. Manufactured home parks must comply with the following standards and criteria:

A. Perimeter setback and buffer area.

1. A perimeter setback and buffer area of at least twenty (20) feet shall be provided. This area shall remain unoccupied by any structure, street, parking, or driveway area, except that private street entrances may cross the perimeter buffer where necessary to provide access to the park.

2. Within that portion of the perimeter setback and buffer area which abuts a public street right-of-way, screening shall be achieved through one of the following:

a. A three (3)-foot high earthen berm with seventy-five percent (75%) of the area planted with evergreen and deciduous trees, shrubs, and groundcover arranged so as to achieve an effective sight and sound buffer of at least six (6) feet in height to screen the park at the time of completion.

b. A six (6)-foot high decorative masonry wall, wooden fence, and a combination of evergreen and deciduous trees, shrubs, and groundcover arranged so as to achieve an effective sight and sound buffer to screen the park at time of completion.

3. Within that portion of the perimeter setback and buffer area which abuts adjacent parcels, a sight-obscuring wooden fence or a decorative masonry wall at least six (6) feet in height shall be installed to screen the park from adjacent properties.

B. Dimensional standards - per space.

1. Front yard – ten (10) feet.

2. Rear yard – twenty (20) feet, if not abutting a perimeter strip.

3. Side yard – seven and one-half (7.5) feet.

4. Minimum distance between dwellings – fifteen (15) feet.

5. Lot coverage - Not to exceed seventy-five percent (75%).

C. Minimum dwelling requirements.

1. All manufactured homes shall have a gross floor area of at least six hundred (600) square feet.

2. Any manufactured home established under this Code shall have been manufactured after June 15, 1976 and bear the Oregon Department of Commerce "Insignia of Compliance" indicating conformance with construction standards promulgated by the U.S. Department of Housing and Urban Development.

3. Any manufactured home built before June 15, 1976 may be permitted if the owner obtains certification from the Oregon Department of Commerce that the home conforms with the U.S. Department of Housing and Urban Development construction standards.

D. Landscaping/open space/recreation areas. All required landscaped areas shall comply with the general landscaping and vision clearance standards of this Code and the City's Development Standards.

1. A minimum of twenty percent (20%) of the manufactured home park area shall be reserved for open space.

2. Such open space may include the perimeter setback and buffer area, and improved outdoor recreation facilities.

3. Ten percent of the manufactured home park area shall be reserved and developed for common recreation space or structure.

4. Streets, access drives, parking lots, and unoccupied portions of manufactured home spaces shall not be considered open space.

E. Public facilities and services.

1. All developments are subject to the applicable requirements of the Development Standards and Public Facilities Standards.

2. If a manufactured home space or permanent structure in the park is more than five hundred (500) feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants within five hundred (500) feet of such space or structure. Each fire hydrant shall be located along a vehicular way.

F. Mail delivery. Each manufactured home space shall be provided with a mailbox located on each manufactured home space or in a central mail station designed as an integral part of the manufactured home park, or in a stand containing clustered (four or more) mailboxes located near the dwellings being served.

G. Accessory structures. Each manufactured home space shall be provided with an accessory storage building with one hundred (100) square feet of enclosed floor area. All such storage buildings within the park shall be of uniform design and constructed of the same materials. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.

H. Sidewalks/pedestrian pathways. A system of sidewalks or pathways shall be installed linking all manufactured home spaces, recreation areas, parking lots, and common buildings. This system may consist of conventional sidewalks paralleling the street, or an independent network of pathways. The system shall be linked with the sidewalks along perimeter streets bordering the manufactured home park. Pedestrian pathways and sidewalks shall be paved with a durable all-weather surface no less than four (4) feet in width.

I. Internal circulation system/parking. Internal roads and driveways shall be designed to provide safe and convenient access to manufactured home spaces and other facilities in the manufactured home park for service and emergency vehicles, but shall not be designed to encourage outside traffic to traverse the development.

1. All interior roadways shall be designed and constructed in accordance with the standards established by OAR 814-28-060(8) for manufactured home park roads and streets.

2. Pavement width. All interior streets shall have a minimum pavement width of twenty-four (24) feet, exclusive of any pedestrian circulation systems.

3. Curbs shall be installed on both sides of interior streets if built with a raised crown. If streets are built with an inverted crown, curbs are not required.

4. Dead-end (cul-de-sac) streets shall serve no more than eighteen (18) manufactured home sites and have a minimum turning radius of forty (40) feet.

5. On-street parking shall be prohibited. Off-street parking and loading facilities shall be provided in accordance with the requirements of Chapter 9 of this Code.

6. Required resident off-street parking spaces may be provided either on the manufactured home space or in an off-street parking bay within one hundred (100) feet from the dwelling served.

7. Guest parking shall be provided in off-street parking bays in close proximity to the dwelling units served.

8. Off-street parking shall be provided for all non-residential uses within the manufactured home park at the rate provided for in the City's off- street parking standards. These parking spaces shall be provided within one hundred (100) feet of the non-residential use.

9. Recreational vehicles such as camping trailers, boats, campers, motor homes, and other such vehicles shall be parked or stored within an area specifically designated for such use and enclosed by a six (6)-foot high sight-obscuring wooden fence or decorative masonry wall with a gate.

10. Off-street loading bays and maneuvering areas shall be provided for all uses receiving delivery vehicles on a regular basis in conformance with City standards.

K. Signs. Park identification signs shall comply with the City sign regulations. In addition, the following standards apply:

1. Each manufactured home park shall provide one (1) sign immediately inside the main entrance identifying the location of all interior streets and drives, visitor parking areas, storage areas, all manufactured home sites by number, and all other buildings and structures within the park, provided that the face of the sign does not exceed City standards, and is either backlighted or indirectly lighted.

2. Each manufactured home site shall have a sign not larger than one (1) square foot identifying the number of each manufactured home site.

3. Traffic control signs shall be installed as required by the City or other governmental agency.

4. Lighting, utility system, decks, play areas, park sanitation, and maintenance. Requirements not specified within this Section shall be those specified in OAR 814-23 and 814-28.

5.860 Manufactured Home Installation Standards.

A. Prior to the occupancy of any manufactured home space, the owner of the manufactured home park shall obtain a certificate of occupancy from the City.

B. Wheels shall be removed from the manufactured home upon placement within a manufactured home park. Hubs and axles may remain.

C. All manufactured homes shall be skirted and tied down in accordance with state standards.

5.870 Manufactured Home Park Maintenance. The manufactured home park shall be maintained in a neat appearance at all times. Except for fully functioning vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park. All approved on-site improvements shall be the ongoing responsibility of the owner of the park. The owner shall be responsible for the maintenance of all landscaping which shall be maintained in good condition in order to present a healthy, neat, and orderly appearance that is free of refuse and debris.

5.900 ACCESSORY DWELLING UNITS

5.910 Purpose. The purpose of this Section is to provide standards for the establishment of an accessory dwelling unit as defined in Section 1.020 of this Code in relation to a primary single family dwelling. This Section is intended to enable a unit to be a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom, and sleeping area.

5.920 Review Procedures.

A. Accessory dwelling units that are considered interior conversions of existing space or are attached to the primary dwelling as a physical addition shall be considered through a Type I review procedure in accordance with Section 6.900 of this Code.

B. Accessory dwelling units that are detached from the primary dwelling shall be considered through a Type II review procedure in accordance with Section 6.900 of this Code.

5.930 Number of Units. A maximum of two (2) accessory dwelling units are allowed per legal primary dwelling, provided that one (1) unit is either an interior conversion or attached to the primary dwelling and the other unit is detached from the primary dwelling.

5.940 Owner Occupancy. The owner of a property shall be required to reside on a full-time basis either in the primary dwelling or in an accessory dwelling unit on the property.

5.950 Development Standards.

A. All accessory dwelling units shall comply with the primary dwelling's building setbacks and height standards of the underlying zoning district and overlay district, if applicable.

B. Accessory dwelling units shall not exceed eight hundred (800) square feet in area or fifty percent (50%) of the primary dwelling's floor area, whichever is smaller. For interior conversions only, accessory dwelling units that result from conversion of a floor may occupy the entire floor area, even if that area exceeds eight hundred (800) square feet.

C. Detached units shall be positioned within the side or rear yards of the primary dwelling.

D. Detached units may not exceed the height of primary dwelling.

E. Attached units shall utilize the same paint color as the primary dwelling. Attached units shall utilize the same exterior materials and roofing materials as the primary dwelling, except in instances where the primary dwelling has an exterior or roofing constructed with non-fire resistant materials. In such situations, the applicant may elect to utilize fire-resistant materials to construct attached units.

F. One (1) off-street parking space shall be required for each accessory dwelling unit.

G. All accessory dwelling units shall meet all applicable health, fire, and building codes.

5.1000 PUBLIC IMPROVEMENTS

5.1010 Purpose. The purpose of this Section is to establish procedures and standards for installation of public improvements. No public improvements shall be constructed prior to approval of formal construction plans by the Director of Public Works or the Director's designee.

5.1020 Applicability. These standards apply to any land division or development requiring public improvements and any other development requiring public improvements valued at $25,000 or more.

5.1030 Standards.

A. Public improvements as part of an approved land division shall be constructed in accordance with the provisions of Chapter 7, Land Division, or of this Code and the current edition of the adopted Construction Standards for Public Works Facilities.

B. Whenever a development other than a land division includes public improvement(s) valued at $25,000 or more, the developer must submit construction drawings for the public improvements in accordance with the requirements set forth in Section 7.130 of this Code, a permit application in accordance with the adopted Public Works Design Standards Chapter 12 of the Troutdale Municipal Code, and the Construction Standards for Public Works Facilities.

C. Construction may not begin on the public improvements until the construction drawings are approved and an Authorization to Commence Construction or Public Works Permit is issued by the Public Works Department.

D. The public improvements shall be completed prior to issuance of building permits for the site.

E. Acceptance of the public improvements shall occur only after the requirements in Sections 7.150 and 7.170 of this Code and the Construction Standards for Public Works Facilities have been met. Responsibility for the operation, maintenance, and repair of the public improvements remains with the developer until their improvements are acceptance accepted by the City.

5.1100 MANUFACTURED HOMES

5.1110 Purpose. The purpose of this Section is to establish standards for manufactured homes, whether located on separate lots or within manufactured housing parks, to assure compatibility with other site built structures.

A. Manufactured homes shall comply with the following standards:

1. Be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.

2. Foundations for manufactured homes shall comply with current Oregon Administrative Rules regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight (8) inches nor more than twelve (12) inches above grade. If the manufactured home is placed on a basement, the twelve (12) - inch limitation shall not apply.

3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three (3) feet in height for each twelve (12) feet in width.

4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.

5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the State Code as defined in ORS 455.010.

6. The manufactured dwelling shall have a garage constructed of like materials, where such is consistent with the predominant construction of immediately surrounding dwellings.

7. The towing tongue, axles, wheels, and traveling lights shall be removed from the manufactured home when installed or within thirty (30) days of delivery to site.

8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts, or a structure designated Community Resource (CR), by the City.

9. The manufactured home shall be connected to the City's public water supply and public sewer unless otherwise permitted by law.

10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home, or remove the foundation, manufactured home accessory structures, and other structures on the property and disconnect sewer, water, and other utilities within thirty (30) days. If the owner fails to perform the work within thirty (30) days, the City may make the removal and disconnection and place a lien against the property for the cost of the work.

Chapter 6 – Applications

The purpose of Chapter 6 (Applications) is to outline the application process and approval criteria to decide on land use applications. In some cases, land use applications, such as land division applications, are listed in other Chapters.

6.000 ANNEXATION

6.010 Annexation Criteria. A proposal to annex territory to the City shall be conducted as a Type III or Type IV decision, with supplements or modifications to procedures as required to comply with state law. An annexation proposal shall be referred to the Planning Commission. The Commission shall base its recommendation to the City Council on compliance with the following criteria:

A. The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in conditions occurred which render the Comprehensive Land Use Plan inapplicable to the annexation.

B. The subject area to be annexed is located within the City's Urban Growth Boundary and adjacent to the City limits.

C. Public facilities, including suitable public access, are available or there are feasible options for making them available at the time of development.

D. The annexed territory can be developed or redeveloped to one (1) or more uses provided for in the relevant portions of the Comprehensive Plan and this Code.

6.020 City Council Review. The City Council shall make affirmative findings on the criteria if it proceeds with the annexation. However, nothing shall require the City Council to approve an annexation if the Council determines that annexation is not in the public interest.

6.030 Comprehensive Plan Designation and Zoning. An annexation proposal may be consolidated with a Comprehensive Plan Map amendment or a Comprehensive Plan and Zoning Map amendment. Absent a contemporaneous amendment to the Comprehensive Plan map or Zoning Map, the County Comprehensive Plan or zoning designation shall continue on the property until an amendment is approved as provided in this Code.

6.035 Conformity. Development, uses, or both which have received approval from the former jurisdiction shall continue to be approved and subject to the conditions of approval established by the former jurisdiction, if any. After the effective date of the ordinance to apply City zoning, any change to any development or use annexed into the City shall be subject to the City zoning regulations in effect at the time of the proposes change.

6.100 COMPREHENSIVE PLAN TEXT AMENDMENT

6.105 Purpose. The purpose of a Comprehensive Plan Text Amendment application is to provide a mechanism for legislative amendments to the Comprehensive Plan. It is recognized that such amendment may be necessary from time to time to reflect changing community conditions, needs, and desires and to fulfill regional obligations.

6.110. Applicability. The Comprehensive Plan Text Amendment application shall apply to any change to Comprehensive Plan text or diagrams.

6.115 Procedure Type. The Type IV procedure, as described in Section 2.065 of this Code, shall apply to Comprehensive Plan Text Amendment applications.

6.120 Approval Criteria. The following criteria shall be used to review and decide amendments to the text of the Comprehensive Land Use Plan. In preparing its recommendation, the Planning Commission shall evaluate the proposal based on the following criteria:

A. Compliance with the Statewide Land Use Goals and related administrative rules has been met.

B. Public need is best satisfied by this particular change.

C. The change will not adversely affect the health, safety, and welfare of the community.

6.200 COMPREHENSIVE LAND USE PLAN MAP AMENDMENT

6.205 Purpose. The purpose of a Comprehensive Land Use Plan Map Amendment application is to provide a mechanism for quasi-judicial and legislative amendments to the Comprehensive Land Use Plan Map. It is recognized that such amendment may be necessary from time to time to reflect changing community conditions, needs, and desires and to fulfill regional obligations.

6.210 Applicability. The Comprehensive Land Use Plan Map Amendment application shall apply to any change to the City's Comprehensive Land Use Plan map.

6.215 Procedure Type. The Type III procedure, as described in Section 2.060 of this Code, shall apply to quasi-judicial Comprehensive Land Use Plan Map amendments. The Type IV procedure, as described in Section 2.065 of this Code, shall apply to legislative zoning map amendments. The Planning Director shall determine if a Comprehensive Land Use Plan Map amendment is quasi-judicial or legislative.

6.220 Approval Criteria. In order to approve a Comprehensive Land Use Plan Map Amendment application, the decision making authority shall make findings of fact based on evidence demonstrating that the following criteria are satisfied for both legislative and quasi-judicial Comprehensive Land Use Plan Map amendments:

A. Compliance with applicable Statewide Land Use Planning Goals and related Oregon Administrative Rules.

B. Consistency with the applicable goals and policies of the Comprehensive Land Use Plan.

C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation, and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands.

D. The Plan provides more than the projected need for lands in the existing land use designation.

E. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.

F. Public facilities and services necessary to support uses allowed in the proposed designation are available, or are likely to be available in the near future. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060.

6.300 CONDITIONAL USE CU

6.305 Purpose. The purpose of a Conditional Use application is to review uses that may be allowed in the underlying zone but due to their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, public services, or create nuisances. Conditional Uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied.

6.310 Scope. Approval of a conditional use permit shall not constitute a zone change and shall be granted only for the specific use requested. Any change of use, modification, or limitation of conditions from an approved conditional use shall be as authorized in Section 6.325 of this Chapter.

6.315 Application. Conditional Uses are subject to the Type III review process, as described in Section 2.060 of this Code. A written application for a conditional use shall be filed with the Planning Division indicating the Section of this Code under which the conditional use is sought on forms provided by the Planning Division. The application shall include site plans, drawn to scale, showing the dimension and layout of the proposed use with other information and drawings as may be required to provide an understanding of the proposed conditional use and its relationship to surrounding property.

6.320 Approval Criteria. The Planning Commission may approve an application, approve with modifications, or deny an application for a conditional use. The applicant must submit evidence substantiating that all requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:

A. The use is listed as a conditional use in the underlying district, or approved by the Planning Commission as similar to conditional uses listed in the underlying district.

B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.

C. All transportation systems, public facilities, and public services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.

D. The proposed use will provide adequate open space, landscaping, and aesthetic design to mitigate any possible adverse effect on surrounding properties and uses.

E. The proposed use, as conditioned, will not cause or not result in the creation of a public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other impacts that may be injurious to public health, safety, and welfare.

F. The proposal satisfies the applicable provisions of this Code.

6.325 Conditions. Notwithstanding any otherwise applicable standards, the Planning Commission may attach to an approved conditional use reasonable conditions, restrictions, or safeguards that would uphold the purpose and intent of this Section and mitigate any adverse impact upon adjoining properties which may result by reason of the approved conditional use. A list of conditions may include, but is not limited to, the following:

A. Increasing the required lot size or yard dimensions.
B. Increasing street width.
C. Increasing the number of off-street parking or loading spaces or area.
D. Improving public facilities such as:
    1. Water supply.
    2. Sanitary sewers.
    3. Storm drainage.
    4. Sidewalks, curbs, and other street improvements; and/or
    5. Fire hydrants.
E. Controlling the location and number of vehicular access points to and from the site.
F. Limiting lot coverage or height of buildings.
G. Undergrounding of utilities.
H. Public safety and crime prevention measures.
I. Requiring landscaping, fencing, diking, screening, or berms.
J. Limiting the number, size, and location of signs.
K. Land dedication or money in lieu of dedication for public purposes.
L. Bonds or other suitable security to ensure that requirements are met.
M. Submittal of final detailed plans indicating conformance with conditions.

6.330 Conditional Use Permit. A conditional use permit shall be obtained before site development. The permit shall specify any conditions, limitations, and/or restrictions imposed by the Planning Commission in addition to those specifically set forth in this Section.

6.335 Expiration. Refer to Section 2.220 of this Code.

6.340 Building Permit. Permits for construction for all or any portion of a project approved as a conditional use permit shall be the responsibility of the Building Official. The Planning Director shall be responsible to assure that all conditions of approval from the conditional use have been addressed prior to the issuance of a building permit for all or any portion of work conducted. Any change in the approved plan that occurs during the plan review process or during construction shall be submitted to the Planning Commission as a new application, except as authorized in Section 6.230 of this Chapter.

6.345 Revocation. The Director may initiate a Type III proceeding for the Planning Commission to consider revocation of a conditional use permit on the grounds that the application or other information provided by the applicant included material false information, or if the conditions of approval have not been complied with or are not being maintained. If the Planning Commission finds that the original approval was based on materially false information it may revoke the approval or impose additional conditions to mitigate the impact of the false information.

If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making correction. If corrections are not made within that time, revocation of the conditional use permit shall become effective ten (10) days after the time specified.

6.350 Changes and Modifications

A. Minor Changes. Minor changes to an approved conditional use may be approved under a Type II procedure, provided that such changes meet all of the following:

1. Does not violate any previous conditions of approval for the conditional use.

2. Does not change the use as defined by the Troutdale Development Code and the current Oregon Structural Specialty Code.

3. Does not change the boundaries of the development.

4. Individual or cumulative changes do not increase the floor area on the site by more than ten percent (10%), up to a maximum of ten thousand (10,000) square feet, or in those cases not involving structures, individual or cumulative changes do not increase the exterior improvement area on the site by more than ten percent (10%), up to a maximum of ten thousand (10,000) square feet.

5. Does not increase traffic volumes to the site more than ten percent (10%) over current conditions.

B. Major Changes. Any change to an approved conditional use that does not qualify as a minor change shall be considered a major change. Major changes shall be processed as a new application and shall be made in accordance with the procedures specified in this Chapter.

6.400 DIRECTOR'S INTERPRETATION

6.405 Purpose. The purpose of the Director's Interpretation is to address new uses which may come into existence over time that are not addressed specifically in the Code or some of the terms or phrases within the Code which may require further interpretation. The Director's Interpretation is established for resolving Code interpretation issues in advance of, or concurrent with, applying for approval of an application, development, permit, or other action. This Section is carried out by the approval criteria listed herein.

6.410. Applicability. The Director shall have the initial authority and responsibility to interpret all terms, provisions, and requirements of this Code.

6.415. Threshold. An application for Director's Interpretation shall be required when one or more of the following thresholds apply:

A. A request that the Director interpret the Development Code in writing.

B. A request that the Director provide a determination of nonconforming status of a lot, structure, or use in writing.

6.420 Application. Director's Interpretations are subject to the Type II review process as described in Section 2.055 of this Code. A written application for a Director's Interpretation shall be filed with the Planning Division indicating the Section of this Code under which the interpretation is sought on forms provided by the Planning Division.

6.425 Approval Criteria. In order to approve a Director's Interpretation application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

A. That the interpretation is consistent with the City's Comprehensive Plan and other provisions within the Development Code.

B. When interpreting that a use not identified in the Development Code is a Permitted, Conditional, or Prohibited Use, that use must be substantially similar to a use currently identified in the subject zoning district or elsewhere in the Development Code.

C. The proposal contains all applicable application submittal requirements as specified in Section 2.035 of the Development Code.

6.430 Conditions of Approval. The decision making authority may impose conditions on the approval of a Director's Interpretation application to ensure compliance with the approval criteria.

6.500 HISTORIC LANDMARKS

6.505 Purpose. The purpose of the Historic Landmarks Section is to provide procedures to identify, designate, and preserve historic resources including buildings, structures, sites, objects, or districts, which are of historical, architectural, or cultural significance to the City of Troutdale, and to provide appropriate means for their protection and preservation consistent with state preservation laws. The City and the Historic Landmarks Commission shall support the enforcement of all state laws relating to historic preservation.

6.510 Applicability. The historic landmark protection standards of this Chapter apply to designated historic landmarks listed in Table A of Section 4.230 of this Code and to historic resources listed on the National Register of Historic Places whether or not that resource is designated a historic landmark by the City. No provision of this Chapter shall be construed to prevent the ordinary repair or maintenance of a historic landmark or historic resource on the National Register of Historic Places when such action does not involve a change in design, materials, or appearance. No provision in this Chapter shall be construed to prevent the alteration, demolition, or relocation of a historic landmark or historic resource listed on the National Register of Historic Places when the Building Official certifies that such action is required for the public safety. At his or her discretion, the Building Official may find that that a historic landmark or historic resource on the National Register of Historic Places does not meet current Building Code but is not dangerous as defined by that Code.

6.515 Application. There are four types of applications under this Section, as follows: Historic Landmark Designation; Removal of a Historic Landmark Designation; Alterations to a Historic Landmark; and Demolition or Relocation of a Historic Landmark.

A. Historic Landmark Designation.

1. Purpose. Historic landmark designation may be applied to any historic resource whether or not it is listed in the City's current inventory of historic resources.

2. Procedure Type. The Type III procedure, as described in Section 2.060 of this Code, shall apply to a Historic Landmark Designation application. The decision making authority is the Historic Landmarks Commission.

3. Approval Criteria. In order to approve a Historic Landmark Designation application, the Historic Landmarks Commission shall make findings of fact based on the following National Register of Historic Places criteria to evaluate whether the historic resource merits a historic landmark designation as follows:

a. The historic resource must be over fifty (50) years of age (or of extraordinary historic importance if under fifty (50) years).

b. The historic resource must also meet at least one (1) of the following:

1) Be associated with events that have made a significant contribution to the

broad patterns of local, state, or national history; or

2) Be associated with the lives of persons, organizations, or groups of people, significant in local, state, or national history; or

3) Embody distinctive characteristics of an architectural style, period or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

4) Be listed on the National Register of Historic Places.

B. Removal of a Historic Landmark Designation.

1. Purpose. Historic landmark designation may be removed from any of the properties so designated as historic resources in the City's current inventory of historic resources.

2. Procedure Type. The Type III procedure, as described in Section 2.060 of this Code, shall apply to a Removal of a Historic Landmark Designation application. The decision making authority is the Historic Landmarks Commission.

3. Approval Criteria. In order to approve a Removal of a Historic Landmark Designation, the Historic Landmarks Commission shall make findings of fact based on the following:

   a. The significance or integrity of the approved historic landmark designation has been substantially reduced or diminished since designation approval.

4. Exception. The Director shall delete from the Troutdale historic resource inventory any historic resource or historic landmark that has been destroyed or is damaged in excess of seventy percent (70%) of its previous value due to vandalism, fire, flood, wind, earthquake, or any natural disaster. The Director shall send written notice to the property owners and the State Historic Preservation Office (SHPO).

5. Timeline. Upon approval, the effective date of removal shall be one hundred (120) days from the date of the application to remove the historic landmark designation.

C. Alterations to a Historic Landmark.

1. Purpose. Properties designated as historic landmarks by the City and any historic resource listed in the National Register of Historic Places may be altered subject to the process specified herein unless exempted by Section 6.515.C.4.

2. Procedure Type. The Type III procedure, as described in Section 2.060 of this Code, shall apply to an Alteration to a Historic Landmark application. The decision

making authority is the Historic Landmarks Commission.

3. Approval Criteria. In order to approve an Alteration to a Historic Landmark Designation, the Historic Landmarks Commission shall make findings of fact based on the following:

   a. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

   b. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

   c. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

   d. Distinctive materials, features, finish, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

   e. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, like materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

   f. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property and its environment.

   g. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed, in the future, the essential form and integrity of the historic property and its environment would be unimpaired. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken; and/or new additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and/or

h. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken; and/or new additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

i. If the historic landmark is under state or federal tax incentives or if it is a project that includes federal funds under Section 106 of the National Historic Preservation Act, the alteration must be reviewed by the State Historic Preservation Office (SHPO).

4. Exception. The Director may approve any application for a building permit without land use review for minor alterations to a historic landmark that do not involve a change in design, material, or appearance. Examples include, but are not necessarily limited to, in-kind replacement of roofing, siding, gutters and windows; normal maintenance including but not limited to painting and related preparation, storm windows, and landscaping; and interior remodeling.

D. Demolition or Relocation of a Historic Landmark.

1. Purpose. Properties designated as historic landmarks by the City and any historic resource listed in the National Register of Historic Places may be demolished or relocated altered subject to the process specified herein.

2. Procedure Type. The Type III procedure, as described in Section 2.060 of this Code, shall apply to a Demolition or Relocation of a Historic Landmark application. The decision making authority is the Historic Landmarks Commission.

3. Approval Criteria. In order to approve a Demolition or Relocation of a Historic Landmark, the Historic Landmarks Commission shall make findings of fact based on the following:

a. No prudent and feasible alternative exists; or

b. The designated landmark is deteriorated beyond repair; or

c. The value to the community of the proposed use in place of the historic landmark outweighs the value of retaining the historic landmark.

d. If under state or federal tax incentives or if it is a project that includes federal funds under Section 106 of the National Historic Preservation Act, the demolition or relocation must be reviewed by the State Historic Preservation Office (SHPO). Comments from the SHPO will be a factor in the decision.

4. Designation Status. When a request for relocation is approved, the Historic Landmarks Commission may retain the historic landmark designation with the informed written request of the owners, upon adoption of findings that the criteria of Section 6.515.A of this Code are met.

5. Timeline. The effective date of an approval to demolish or relocate a historic landmark shall be one hundred twenty (120) days from the date of the application to demolish or relocate the historic landmark. Demolition or relocation permits shall not be issued for at least one hundred twenty (120) days from the date of the land use application to demolish or relocate the historic landmark.

6.600 NON-CONFORMING EXPANSIONS

6.605 Purpose. The purpose of the Non-Conforming Expansion applications are to allow non-conforming structures and non-conforming uses the ability to expand provided that the proposed expansion meets the applicable approval criteria.

6.610 Applicability. The Non-Conforming Expansion applications shall not apply to non-conforming use, structure, or development located within any overlay district which specifically prohibits the expansion of a non-conforming use, structure, or development.

6.615 Application. There are three types of applications under this Section, as follows: Expansion of a Non-Conforming Use - Minor; Expansion of a Non-Conforming Use - Major; and Expansion of a Non-Conforming Structure or Development.

A. Expansion of a Non-Conforming Use - Minor.

1. Threshold. A nonconforming use may be expanded by up to twenty percent (20%) in floor area of each structure or, in those cases not involving structures, up to ten percent (10%) in land area.

2. Procedure Type. The Type II procedure, as described in Section 2.055 of this Code, shall apply to an Expansion of a Non-Conforming Use - Minor application. The decision making authority is the Director.

3. Approval Criteria. In order to approve an Expansion of a Non-Conforming Use - Minor application, the Director shall make findings of fact based on the following criteria as follows:

   a. The expansion will not increase detrimental effects in the surrounding area associated with the existing nonconforming use including, but not limited to, noise, vehicle traffic, vibration, dust, odor, fumes, smoke, or glare; and

   b. The expansion will not result in serious conflicts between the nonconforming use and existing or permitted conforming uses in the area; and

   c. The expansion does not necessitate a variance from any dimensional standard of this Code that is applicable to the development; and

   d. The owner will incur practical difficulties or unnecessary hardship if the nonconforming use is not expanded; and

   e. The proposal complies with the applicable provisions of Section 5.300 (Nonconforming Uses).

B. Expansion of a Non-Conforming Use - Major.

1. Threshold. A nonconforming use may be expanded by more than twenty percent (20%) in floor area of each structure or, in those cases not involving structures, more than ten percent (10%) in land area.

2. Procedure Type. The Type III procedure, as described in Section 2.060 of this Code, shall apply to an Expansion of a Non-Conforming Use - Major application. The decision making authority is the Planning Commission.

3. Approval Criteria. In order to approve an Expansion of a Non-Conforming Use - Major application, the Planning Commission shall make findings of fact based on the following criteria as follows:

   a. The expansion will not increase detrimental effects in the surrounding area associated with the existing nonconforming use including, but not limited to, noise, vehicle traffic, vibration, dust, odor, fumes, smoke, or glare; and

   b. The expansion will not result in serious conflicts between the nonconforming use and existing or permitted conforming uses in the area; and

   c. The expansion does not necessitate a variance from any dimensional standard of this Code that is applicable to the development; and

   d. The owner will incur practical difficulties or unnecessary hardship if the nonconforming use is not expanded; and

   e. The proposal complies with the applicable provisions of Section 5.300 (Non Conforming Uses).

C. Expansion of a Non-Conforming Structure or Development.

1. Threshold. Any proposal which increases the non-conformity of an existing non-conforming structure or development may be expanded subject to the approval of an Expansion of a Non-Conforming Structure or Development application.

2. Procedure Type. The Type II procedure, as described in Section 2.055 of this Code, shall apply to an Expansion of a Non-Conforming Structure or Development application. The decision making authority is the Director.

3. Approval Criteria. In order to approve an Expansion of a Non-Conforming Structure or Development application, the Director shall make findings of fact based on the following criteria as follows:

   a. Special circumstances or conditions including, but not limited to, lot size, lot

shape, topography, or size or shape of building, applied to the property and nonconforming structure or development, are not typical of the general conditions in the surrounding area; and

b. The expansion of the nonconforming structure or development, if authorized, will not be injurious to adjacent properties or the surrounding neighborhood or otherwise be detrimental to the public welfare; and

c. The expansion of the nonconforming structure or development will be consistent with the general purpose and intent of the provisions which would otherwise prohibit the nonconforming structure or development; and

d. The amount of the expansion being requested is the minimum amount necessary to relieve a practical difficulty and any resulting unnecessary hardship; and

e. The proposal complies with the applicable provisions of Section 5.300 (Non-Conforming Uses).

6.700 PLANNED UNIT DEVELOPMENT

6.705 Purpose. The purpose of a Planned Unit Development (PUD) is to encourage innovation and creative approaches for developing land while enhancing and preserving character, value, and integrity of surrounding areas that have developed or are developing under conventional zoning district regulations.

6.710 Application. A Planned Unit Development application is subject to the Type III review process. The decision making authority is the Planning Commission. A written application for a PUD shall be filed with the Planning Division on forms provided by the Planning Division. The application shall include site plans, drawn to scale, showing the dimension and layout of the proposed use with other information and drawings as may be required to provide an understanding of the proposed PUD and its relationship to surrounding property.

6.715 Approval Criteria. The Planning Commission may approve an application, approve with modifications, or deny an application for a PUD. The applicant must submit evidence substantiating that all requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:

A. A proposed development is compatible with the surrounding area or its zoning.

B. That exceptions from the standards of the underlying district are warranted by the design and amenities being proposed.

C. That the proposal, either through the formation of a homeowners association or through its design and amenity features, can reduce the public cost for the same level of facilities (streets, sewers, and storm sewers) and services (police and fire protection) as required by the standards of the underlying district, or that it allows for the rational extension of public facilities and services.

6.720 Planned Development Process. Planned Development shall be reviewed in the same two stage process as provided for a Type III subdivision, regardless of whether a land division is proposed.

6.725 Preliminary Plan.

A. Submission Requirements. The preliminary plan shall consist of twenty (20) copies of all plans, maps, and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description.

B. Submission Materials. The tentative plan need not be a finished drawing, but it should present all relevant graphic data, drawn on a sheet 18"x24" in size, and at a scale of 1"=100'. The information shall include, but is not limited to, the following:

1. Proposed land uses and residential densities.

2. Building types and locations.

3. Means of access, circulation, and parking.

4. Parks, playgrounds, paths, and open spaces.

5. Land division plan if the land is to be divided.

6. Applicant's statement of the goals and objectives of the planned development.

7. Tables showing overall density of any proposed residential development with density of dwelling types and intensity of any commercial, industrial, or other employment-related uses.

8. Applicant's statement of how the proposed Planned Development complies with the applicable Troutdale Development Code requirements.

9. That the proposal incorporate a commitment to provide a legal instrument or instruments acceptable to the City setting forth a plan for the permanent care and maintenance of common space, including streets and greenways, recreational areas, and all community-owned facilities.

10. General timetable of development.

6.730 Final Plan. Final plan approval shall be a Type I process to confirm that it is consistent with the approved preliminary plan. The final plan may be approved notwithstanding minor changes such as minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks, public open spaces, or other features of the preliminary plan based on final engineering, design or similar final detail work but shall not increase the residential densities, change zone boundaries or the perimeter boundary of the PD, change any use or change the location of amount of land devoted to a use specified in the preliminary plan. Changes other than permitted minor changes shall require a new application.

A. All public site dedications, development rights to open spaces, or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.

B. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Division prior to the issuance of any building permit.

6.800 PUBLIC TRANSPORTATION FACILITY

6.805 Purpose. The purpose of the Public Transportation Facility application is to establish a process for review of new construction or significant expansion of transportation facilities within public rights-of-way for Collectors, Arterials, and Freeways and the areas adjacent to the rights of way where physical changes will occur as a result of such construction.

6.810. Threshold. An application for Public Transportation Facility shall be required for construction or modification of Collectors, Arterials, and Freeways when one (1) or more of the following thresholds describe the proposal:

A. A new facility will be constructed where no transportation facility existed previously.

B. The work includes construction activities outside a public right-of-way or easement, including contractor staging areas and stockpiling of materials.

C. The work involves the acquisition of new right-of-way.

6.815 Application. Public Transportation Facility application is subject to the Type II review process as described in Section 2.055 of this Code. A written application for a Public Transportation Facility shall be filed with the Planning Division on forms provided by the Planning Division.

6.820 Approval Criteria. In order to approve a Public Transportation Facility application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

A. The proposal meets all applicable design standards for the classification of the subject road as specified by the standards specified by the Public Works Department unless the applicable provisions have been modified by the City Engineer by separate process.

B. The alignment of the new or extended transportation facility is consistent with the general location shown in the Comprehensive Plan Transportation Element.

C. Any interim improvements have been designed to accommodate future improvement of the facility to ultimate standards.

6.825 Conditions of Approval. The decision making authority may impose conditions on the approval of a Public Transportation Facility application to ensure compliance with the approval criteria.

6.900 SITE DEVELOPMENT REVIEW

6.905 Purpose. The purpose of this Chapter is to advance all of the following objectives in the public interest:

A. Carry out the development pattern and plan of the City through efficient and effective review of site development proposals;

B. Promote the public health, safety and general welfare;

C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and

D. Encourage efficient use of land resources and public services, and provision of transportation options.

6.910 Applicability and Exemptions. Site development review approval is required for new development, change of use resulting in increased vehicle traffic or requiring an increase in minimum parking pursuant to Chapter 9, Building Expansions and to expand a nonconforming use or development. Except as specified by a condition of approval on a prior City decision, or as required for uses subject to conditional use permit approval, site development review is not required for the following:

A. Change in occupancy from one allowed land use to another allowed land use.

B. Physical expansion of existing structures by ten percent (10%) or less, occurring in a single expansion or in several aggregated expansions relative to the originally approved project.

C. Single-family detached dwelling (including manufactured home on its own lot).

D. Duplex on a single lot.

E. Home occupation.

F. Accessory structures that do not require a building permit, with or without accessory parking.

G. Public improvements required by city standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires site development review.

H. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair.

6.915 Review Procedures. Site development review shall be conducted using a Type I or Type II procedure to be determined as follows:

A. A Type I application shall be used to review all of the following:

1. Change of occupancy from one type of land use to a different type of land use resulting in an increase in vehicle traffic or demand for parking.

2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds less than twenty-five percent (25%) floor area.

3. Site improvements, such as modifications to a landscaped area or parking area.

4. New accessory dwelling units that are considered interior conversions of existing space or are attached to the primary dwelling as a physical addition, in accordance with Section 5.900 of this Code.

B. A Type II application shall be used to review all of the following:

1. All new development not exempted or made subject to a Type I procedure above.

2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds twenty-five percent (25%) or more floor area.

3. New accessory dwelling units that are detached from the primary dwelling, in accordance with Section 5.900 of this Code.

4. New bed and breakfast inns.

5. Adjustment to applicable design standards for any development proposal.

6.920 Approval Criteria. In order to approve a site development review application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the proposal is consistent with the applicable approval criteria.

A. An application for a Type I site development review shall be approved if the proposal meets all of the following criteria. The City decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.

1. The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards, or a variance or adjustment is granted.

2. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Section 5.300 Nonconforming Uses.

3. The proposal complies with all of the applicable site design and development standards of this Code, such as landscaping and parking.

4. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

B. An application for a Type II site development review shall be approved if the proposal meets all of the following criteria. The City decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.

1. The proposal complies with the approval criteria specified in Section 6.920.A.

2. If applicable design standards are proposed to be adjusted, the proposed adjustment:

a. Is justified due to unique site conditions.
b. Conforms to the extent practicable with these design standards.
c. Mitigates potential impacts from the adjustment to the extent practical

6.925 Maintenance. All approved on-site improvements shall be the ongoing responsibility of the property owner or occupant. The owner, occupant, or agent shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, and shall be kept free of refuse and debris. All on-site improvements shall be controlled by maintaining, pruning, trimming, or otherwise so that:

A. It will not interfere with the maintenance or repair of any public facility;

B. It will not restrict pedestrian or vehicular access; and

C. It will not constitute a traffic hazard because of reduced visibility.

6.930 Compliance.

A. The development site shall be checked by the staff to ensure compliance with final approved plans prior to issuance of an occupancy permit.

B. The development must be completed as per the approved final plans including landscaping and recreation areas before the occupancy permit is issued.

C. It shall be the duty of the Director to enforce these regulations, and to assure that conditions of final development approval are carried out.

6.1000 TEMPORARY STRUCTURES

6.1005 Purpose. The purpose of a Temporary Structures application is to recognize that temporary structures serve a useful purpose in the life of the community. Such activity does not mandate application of the requirements relating to permanent activity, but there is the potential of adverse impact on surrounding property created by temporary activity; therefore, specific requirements are necessary.

6.1010 Threshold. Temporary structures in connection with the building or sale of dwellings and land, construction of industrial or commercial facilities, or as approved by the Director, may be permitted in any zoning district.

6.1015 Application. A Temporary Structure application is subject to the Type I review process as described in Section 2.050 of this Code. A written application for a Temporary Structure shall be filed with the Planning Division on forms provided by the Planning Division.

6.1020 Approval Criteria. In order to approve a Temporary Structure application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

A. The proposal is for an approved development located within the City.

B. The proposal would locate a temporary mobile structure within the boundaries of the subdivision where land is for sale or under development.

C. A construction permit for the permanent development has been issued and has not expired.

D. The Temporary Structure shall not block fire hydrants, storm drains, manholes, catch basins, or other similar infrastructure improvements.

E. No connection of the temporary structure to any water, sanitary or storm sewer utility shall be allowed unless the system(s) are deemed substantially complete by the City.

6.1025 Conditions of Approval. The decision making authority may impose conditions on the approval of a temporary Structure application to ensure compliance with the approval criteria.

6.1030 Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within one (1) year of the date of approval. Renewal of a temporary structure permit shall be processed under the Type II procedure and may be approved only if the applicant demonstrates that:

A. Renewal is sought for reasons beyond the reasonable control of the applicant and not to maintain the structure for other than a temporary use; and

B. The structure has not adversely impacted nearby properties or uses.

6.1100 TEXT AMENDMENT

6.1105 Purpose. The purpose of a Text Amendment application is to provide a mechanism for legislative amendments to the Development Code. It is recognized that such amendment may be necessary from time to time to reflect changing community conditions, needs, and desires and to fulfill regional obligations, and to address changes in the law.

6.1110 Applicability. The Text Amendment application shall apply to any change to Development Code text or diagrams.

6.1115 Procedure Type. The Type IV procedure, as described in Section 2.065 of this Code, shall apply to Text Amendment applications.

6.1120 Approval Criteria. The following criteria shall be used to review and decide amendments to the text of the Development Code:

A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.

B. The proposed change is consistent with the applicable Statewide Planning Goals.

C. The proposed change is consistent with the applicable provisions of Metro Code.

D. Public need is best satisfied by this particular change.

E. The change will not adversely affect the health, safety, and welfare of the community.

6.1200 VACATION

6.1205 Vacation Criteria. A proposal to vacate a dedicated public right-of-way, public square, or other public place shall be conducted under the Type IV procedure, with supplements or modifications required to comply with state law. The Planning Commission shall base its recommendation to the City Council on whether the following criteria have been met:

A. The proposal does not cause a conflict with the Comprehensive Land Use Plan.

B. The public interest will not be prejudiced by the vacation.

6.1210 City Council Action. The City Council shall make affirmative findings on these criteria if it proceeds with a vacation under administrative rather than legislative proceedings. Proceedings may be terminated by the City Council at any time.

6.1215 Conditions Attached to a Vacation. The following reservations or conditions may be attached to the approval of a vacation:

A. Retention of an easement for a public utility or other public service facility, and limitations on the use of the area adjacent to such facility.

B. Construction or removal of a public utility or other public service utility.

C. Another matter of like or different nature related to any of the following:

1. The area to be vacated.

2. A remaining or relocated street area within, or adjacent to, the vacated property.

3. An area dedicated or reserved as a condition to the vacation.

6.1300 VARIANCE

6.1305 General Provisions.

A. The variance procedures are intended to allow modifications of specific standards contained within this Code when authorized as provided below.

B. In approving a variance request, the approving authority may attach reasonable conditions, restrictions, or safeguards to mitigate any adverse impacts which may result by reason of the approved variance.

C. Separate variance provisions apply to uses within the Vegetation Corridor and Slope District and the Flood Management Area.

D. Because variance applications arise from unique situations, the decision making authority will consider each application on its own facts and merits. Variances are discretionary, prior variances allowed within the City do not establish a precedent or control present or future variance applications.

6.1310 Regulations Which May Not Be Varied.

A. No variance may be granted which will permit a use not permitted in the applicable zoning district.

B. No variance may be granted which will increase the maximum residential density or decrease the minimum residential density allowed in the applicable zoning district.

C. No variance may be granted to the provisions of Chapter 5.300, Nonconforming Uses and Developments of this Code.

6.1315 Type I Variance. The Director may grant a variance under the Type I procedure if the request involves the expansion or reduction of a quantifiable provision in this Code by no more than ten percent (10%), and the following criteria are met:

A. Special circumstances or conditions including, but not limited to, lot size, lot shape, topography, or size or shape of building, apply to the property, development, or to the intended use and are not typical of the general conditions in the surrounding area; and

B. The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare; and

C. The variance authorized will be consistent with the general purpose and intent of the provision from which a variance is sought; and

D. The variance is the minimum necessary to relieve a practical difficulty with full compliance and to avoid or minimize the resulting hardship.

6.1320 Type II Variance. The Director may grant a variance under the Type II procedure if the request involves the expansion or reduction of a quantifiable provision in this Code by more than ten percent (10%), but not more than thirty percent (30%), and the criteria in Section 6.1315 are met.

6.1325 Type III Variance. The Planning Commission may grant a variance under the Type III procedure if the request involves the expansion or reduction of a quantifiable provision in this Code by more than thirty percent (30%), or if the request is referred to the Planning Commission in accordance with Section 6.1335 of this Chapter. The variance shall be granted only if the Planning Commission determines that the criteria in Section 6.1315 of this Chapter are met.

6.1330 Type III Special Variance. The Planning Commission may grant a special variance under the Type III procedure if the request involves waiving a provision in this Code, not involving a quantifiable standard, is not prohibited by Section 6.1310, and the following criteria are met:

A. The unique nature of the proposed development is such that the intent and purpose of the regulations and of the provisions to be waived will not be violated;

B. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted; and

C. Application of the provision to be waived is unreasonable and unwarranted due to the specific nature of the proposed development.

D. A special variance is not required for a Type II design adjustment as provided in Section 8.240.

6.1335 Referral to Planning Commission. The Director may refer any variance request involving the expansion or reduction of a quantifiable provision of this Code by thirty percent (30%) or less to the Planning Commission if the Director determines that a higher level of review is justified given the complexity or controversial nature of the request. A variance that is referred to the Planning Commission shall be considered in accordance with Section 6.1325 of this Chapter.

6.1400 ZONING MAP AMENDMENT

6.1405 Purpose. The purpose of a Zoning Map Amendment application is to provide a mechanism for quasi-judicial and legislative amendments to the zoning map. It is recognized that such amendment may be necessary from time to time to reflect changing community conditions, needs, and desires and to fulfill regional obligations.

6.1410 Applicability. The Zoning Map Amendment application shall apply to any change to the City's zoning map.

6.1415 Procedure Type. The Type III procedure, as described in Section 2.060 of this Code, shall apply to quasi-judicial Zoning Map Amendments. The Type IV procedure, as described in Section 2.065 of this Code, shall apply to legislative Zoning Map Amendments. The Planning Director shall determine if a Zoning Map Amendment is quasi-judicial or legislative.

6.1420 Approval Criteria. In order to approve a Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:

A. The proposed zone is appropriate for the Comprehensive Land Use Plan land use designation on the property, and is consistent with the description and policies for the applicable Comprehensive Land Use Plan land use classification.

B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

C. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment has a significant effect on the transportation system pursuant to OAR 660-012-0060.

D. The amendment will not interfere with the livability, development, or value of other land in the vicinity of site-specific proposals when weighed against the public interest in granting the proposed amendment.

E. The amendment will not be detrimental to the general interest of the community. the work.

Chapter 7 – Land Divisions and Lot Line Adjustments

7.010 Purpose. To provide for an orderly revision to lot lines and division of land into parcels or lots, including the orderly provision of adequate public facilities and services.

7.020. General Requirements – Land Divisions

A. All land divisions shall be created by partition or subdivision plat through a two-stage process involving approval of a tentative plat and a final plat.

B. All land divisions shall comply with ORS Chapter 92 and any other applicable state law.

C. No land division shall leave a structure on the remainder of a lot with less than the minimum lot, yard, or setback requirements of the zoning district, except as authorized by this Code.

7.030 Procedures – Land Divisions

A. A partition preliminary plat shall be reviewed through the Type II procedure. The final plat shall be approved through the Type I Procedure unless provided otherwise in the preliminary plat approval.

B. A subdivision preliminary plat shall be a Type III Procedure. The final plat shall be approved through the Type I Procedure unless provided otherwise in the preliminary plat approval

C. Notwithstanding the foregoing, a land division that qualifies as an expedited land division shall be processed as provided in ORS 191.365-.380 if requested at the time of filing the application. The application shall provide sufficient information to permit the Director to determine whether the application qualifies.

7.040 Preliminary Plat Submittal Requirements

A. Pre-application conference. Prior to submitting an application, a pre-application conference shall be held as provided in TDC 2.025. The potential applicant shall submit to the Director a tentative sketch of the proposed development. The following information shall be provided:

1. Names and right-of-way widths of all streets within one hundred fifty (150) feet of the proposed development.

2. Scale of drawing, legend, north arrow, and date; a scale of 1"=100' is preferred.

3. Anticipated land uses and number of units by type of units.

4. Natural features (such as trees, streams, and rock outcroppings).

5. Approximate sizes of lots.

6. Proposed street pattern, including both public and private streets, with right-of-way widths.

7. All contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be divided. The following information is not required but is helpful:

   a. Ground elevations shown by contour lines at two-foot vertical intervals.

   b. All property lines within two hundred fifty (250) feet of the proposed development.

B. Application for preliminary plat approval. The application for preliminary plat approval shall contain:

1. A tentative plat drawn on a sheet 18"x24" in size and at a scale of no less than 1"=50' nor more than 1"=100'. For a subdivision, one copy of a scaled drawing of the proposed subdivision and one copy of the conceptual utility layout on 8½"x11" sheets suitable for reproduction or electronic equivalent.

2. For subdivisions only, the proposed subdivision name. Prior to approval, the proposed name must be reviewed and approved by the Multnomah County Division of Assessment and Taxation and cannot duplicate or resemble the name of any other subdivision in Multnomah County.

3. All drawings shall show the scale, legend, north arrow, and date.

4. Location of the plat by section, township, and range, and a legal description sufficient to define the location and boundaries of the proposed plat.

5. A vicinity map, showing adjacent property boundaries.

6. Names, addresses, and telephone numbers of the owner or owners of the property, designer of the subdivision, surveyor, and the date of the survey.

7. Except as provided in Section 7.050.7, for land divisions that include public streets, a future street plan showing the pattern of existing and proposed future streets, trails, sidewalks and bikeways within the boundaries of the proposed land division and proposed connections to abutting properties. The plan shall show the pattern of existing and future streets from the boundaries of the proposed land division and shall include other parcels within five hundred (500) feet of the proposed land division property line. The City may determine future neighborhood street connections. A future street proposal may be modified when

subsequent development proposals are submitted. Public right of way proposed to be vacated shall be shown.

8. Easement locations, widths, and purpose of all easements of record (existing and proposed) on or serving the tract. Easements proposed to be terminated or vacated shall be identified.

9. Locations of collection, conveyance, control, fire suppression, and disposal facilities for storm drainage, sanitary sewers, and water utilities (both existing and proposed, public and private) including service laterals on and abutting the tract. If utilities are not on or abutting the tract, indicate the route and distance to the nearest feasible connection point(s).

10. Ground elevations shown by contour lines at two-foot vertical intervals. Ground elevation shall be related to an established benchmark or other datum approved by the Director.

11. Natural features such as rock outcroppings, wetlands, water bodies, and watercourses, including drainage ditches, on and abutting the property; location of all existing trees six (6) inches in diameter or larger; and other significant wooded areas on the tract. Existing trees six (6) inches in diameter or larger at a point that is fifty four (54) inches from ground level that are proposed for removal shall be indicated.

12. Approximate location of areas subject to periodic inundation or storm sewer overflow; the location of special flood hazard areas inundated by 100-year flood as shown on the Flood Insurance Rate Map (FIRM) for the City; and the location, width, and direction of flow of all watercourses.

13. The location of at least one (1) temporary benchmark within the tract boundaries.

14. Proposed and existing uses of the property, including location and present use of all existing structures to remain on the property after development.

15. Approximate dimensions of all lots, lot sizes, and proposed lot numbers numbered according to Multnomah County Survey standards.

16. Proposed land use and number of units by type of unit.

17. All lots intended to be dedicated or reserved for public use, open space, parks or similar use shall be shown with the purpose, conditions, and limitations of such reservations clearly indicated.

18. Proposed development phases, if any, including a proposed timeline.

19. For nonresidential subdivisions, a street trees plan required by Section 7.050.11.

20. Documentation demonstrating that the approval standards in TDC 7.050 are or will be met and any other information required by this Code, or as determined by the Director, that is necessary to review the preliminary plat, such as a soils report, traffic analysis, or other engineering study.

7.050 Preliminary Plat Approval Standards

A. An application for preliminary plat approval may be approved, approved with conditions or denied based on the applicable criteria.

B. The applicant shall demonstrate compliance with:

1. All applicable statutory or administrative rule provisions.

2. Applicable provisions of the Troutdale Development Code.

3. Applicable requirements of The Troutdale Transportation System Plan, Parks Master Plan, and Capital Improvement Plan.

4. That adequate and necessary public or private facilities as defined by City Code or required by City standards are available or may be extended to serve the property.

C. In addition, the applicant shall demonstrate compliance with the following:

1. Lot Design.

a. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with this Code.

b. The lot dimensions shall comply with the minimum standards of this Code. When lots are more than double the minimum required area for the zoning district, the applicant may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.

c. The lot width at the front building line shall meet the requirements of this Code and shall abut a public street other than an alley for a width of at least twenty (20) feet. A street frontage of not less than fifteen (15) feet is acceptable in the case of a flag (panhandle) parcel resulting from the division of an unusually deep land parcel.

d. Lots both fronting and backing to a street shall be avoided except where necessary to provide separation of residential developments from arterial streets, or to overcome specific disadvantages of topography or

orientation. If created, a landscaped, fenced, or screened easement, at least ten (10) feet wide, shall be provided across which there is no right of access to the abutting arterial street.

e. Lots shall avoid deriving access from major or minor arterials. If that is not practicable, the City may require that more than one (1) new lot or parcel have combined or shared to limit possible traffic hazards on such streets. Unless not practicable, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials. See also Subsection g, below.

f. In a location that will not be served by a public sewer, a lot shall have sufficient size to permit compliance with the requirements of the Department of Environmental Quality for sewage disposal by septic tank and tile field, and permit continued reliance on that method of sewage disposal. If the location will not be served by a community water system, a lot shall have sufficient additional size to permit an on-site water supply in accordance with the requirements of the Oregon Water Resources Department for each lot without conflict between water supply and sewage disposal facilities.

g. Shared private drives serving multiple lots may be approved by the Director when the following conditions are met:

    i. The private drive does not serve more than six (6) dwelling units.

    ii. A homeowner's association, or other mechanism found acceptable to the Director, is created to maintain the drive.

    iii. Each lot shall have separate connections to the public water and sanitary sewer systems.

    iv. Any utilities or facilities shared by two (2) or more property owners shall meet established City standards.

    v. Private drives serving two (2) or more residences shall be fully improved with hard surface pavement with a minimum width of: twenty (20) feet when accommodating two-way traffic; or ten (10) feet when accommodating one-way traffic.

h. Flag lots may be created where it is shown that no other street access is feasible to achieve the requested land division. The flag lot shall have a minimum street frontage of fifteen (15) feet for its accessway. The following dimensional requirements shall apply to flag lots:

i. Setbacks applicable to the underlying zoning district shall apply to the flag lot.

ii. The access strip may not be counted towards the lot size or area requirements.

iii. The accessway shall have a minimum paved width of ten (10) feet.

2. Erosion Control. Erosion control shall be provided in accordance with City, County and State laws and standards.

3. Surface Drainage and Storm Sewer Systems.

a. Adequate provisions for storm or floodwater runoff shall be provided in accordance with the City of Troutdale *Construction Standards for Public Works Facilities*. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Surface water drainage systems shall be approved by the Director of Public Works.

b. Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the upstream drainage area, whether inside or outside of the development, that drains to the subject property. The Director of Public Works shall approve the size of the facility assuming conditions of maximum potential watershed development permitted by this Code.

c. Where additional runoff generated by the development will overload an existing drainage facility, approval of the land division may be withheld until provisions have been made for improvement of said potential condition.

d. A drainage easement shall be required when:

i. Topography or other conditions make it infeasible to include public drainage facilities within existing or proposed public right- of-ways. The easement must provide an area at least fifteen (15) feet in width and include vehicular access to the easement area from a public street. The terms and conditions of the easement must be approved by the City; or

ii. Surface water from the development discharges onto or across private property, unless the post-development rate of discharge does not exceed the pre-development rate, and the location of discharge onto the private property remains unchanged. If the easement contains drainage facilities that are to become public, the terms and conditions of the easement must be approved by the City.

4. Sewerage Facilities

   a. Sanitary sewer facilities shall be installed as prescribed by the Department of Environmental Quality and City of Troutdale *Construction Standards for Public Works Facilities*. Where sanitary sewer facilities are not required, an individual disposal system shall be used. The individual disposal system, including the size of the septic tanks, tile fields, or other treatment device, shall be approved by State of Oregon Department of Environmental Quality or DEQ's designated agent.

   b. Sanitary sewer systems shall be designed for the ultimate tributary population, which should be determined by consideration of the current zoning and Comprehensive Land Use Plan designations. Sewer capacities shall be adequate to handle maximum hourly quantities of sewage and industrial waste together with an adequate allowance for inflow and infiltration and other extraneous flow and must meet city requirements for the *Construction Standards for Public Works Facilities*.

5. Connectivity. The Comprehensive Plan, Transportation System Plan, and Construction Standards for Public Works shall be used to identify potential street and accessway connections.

   a. The access spacing standards of this Chapter shall be considered in determining the need for connections to adjacent properties. Stub streets will be required to avoid land locking a parcel(s) due to the collector and arterial access spacing standards.

   b. Except as permitted in Subsection (e) of this Section, all streets, alleys, and pedestrian walkways shall connect to other streets within the development, existing and planned streets outside the development, and undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools, or other public land within a neighborhood.

   c. Where practicable, local roads shall align and connect with other roads when crossing collectors and arterials.

   d. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas, and parks.

   e. For residential and mixed-use developments, bicycle and pedestrian connections shall be provided on public easements or right-of-ways when full street connections are not possible, with spacing of no more than three hundred thirty (330) feet as measured from the near side right-of-way or easement line, except where prevented by topography, barriers such as

railroads or freeways, or environmental constraints such as major streams and rivers.

f. All streets shall be related to special traffic generators such as industries, business districts, schools, and shopping centers, and to the pattern of existing and proposed land uses.

g. For residential and mixed-use developments, local street connections shall be spaced at intervals of no more than five hundred thirty (530) feet as measured from the near side right-of-way line, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers. Local street connections at intervals of no more than three hundred thirty (330) feet are preferable in areas planned for the highest density mixed-use development.

h. Accessways shall be provided for pedestrians, bicycles, or emergency vehicles on a public easement or right-of-way where full street connections are not possible in accordance with of this Section, with spacing of no more than three hundred (330) feet as measured from the near side right-of-way or easement line, except where prevented by topography barriers, such as railroads or freeways, or environmental constraints such as major streams and rivers. Accessways shall include at least a fifteen (15) foot wide right-of-way or easement and a ten (10) foot wide usable surface.

i. Street connections and accessways shall be designed to minimize conflict of movement between the various types of traffic, including pedestrian.

j. Proposed streets shall be extended to the boundary lines of the tract to be divided. A barricade shall be built at the end of the street in accordance with the City of Troutdale *Construction Standards for Public Works Facilities* and it shall not be removed until authorized by the Director of Public Works. Signage clearly identifying the street as a future through street shall be provided.

6. Streets.

a. Street layout shall be generally in a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.

b. No land division shall be approved unless the development has frontage or approved access to an existing or proposed public street. In addition, all proposed public streets shall be designed, improved, and constructed in conformance with the City of Troutdale *Construction Standards for Public Works Facilities* and conform with the City's adopted Transportation

System Plan. The Director of Public Works must approve the construction drawings.

c. Local streets shall be laid out to conform as much as possible to the topography, permit efficient drainage and utility systems, and require the minimum number of streets necessary to provide convenient and safe access to property. Where the length or design of the street allows or promotes excessive speeds, traffic management measures such as speed humps and traffic circles are encouraged and may be required, if needed, to ensure the safe operation of the street. Local street design shall provide for adequate sight distance at all cross streets and accessway junctions.

d. In commercial and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walkways and parking areas to minimize conflict of movement between the various types of traffic, including pedestrian.

e. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. However, exceptions to the block width shall be allowed for blocks which are adjacent to arterial streets or natural features. Blocks along arterials or collector streets shall not be less than five hundred (500) feet in length, wherever possible. The average perimeter of blocks formed by streets should not exceed fifteen hundred (1,500) feet except where street location is restricted by natural topography, wetlands, or other bodies of water.

f. When a land division abuts an existing or proposed arterial, access to such streets may be limited by one (1) of the following means:

   i. The subdivision of lots so as to back onto the arterial and front onto a parallel local street.

   ii. A series of U-shaped streets, short loops, or cul-de-sacs entered from, and designed generally at, right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.

   iii. Compliance with Multnomah County's Road Rules.

g. The curve radius at each local-local street right-of-way intersection shall be in accordance with the City of Troutdale *Construction Standards for Public Works Facilities* unless otherwise approved by the Director of Public Works. The curve radius at each local-county or local-state street right-of-way intersection shall be in accordance with County or State standards, respectively.

h. Public streets, including alleys, within the development shall be improved in accordance with the requirements of the *Construction Standards for Public Works Facilities*. When required, neighborhood traffic management measures shall be constructed in conformance with *Construction Standards for Public Works Facilities*.

i. In residential districts, a building setback line, which shall extend twenty (20) feet back from the right-of-way line of an arterial street or fencing, landscaping, or other method of buffering residential uses from traffic noise, odor, dust, etc., shall be provided adjacent to the arterial. If the use of a buffer strip is selected, no structures may be placed within the buffer.

j. Streets shall be laid out so as to intersect as nearly as possible at right angles in accordance with the *Construction Standards for Public Works Facilities*.

k. Cul-de-sac or alleys shall only be permitted when all of the following conditions are met:

i. One (1) or more of the following conditions prevent a required street connection: constrained slope (fifteen percent [15%] or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property prevents a street connection, or presence of a freeway, limited access highway, or railroad.

ii. An accessway is provided consistent with the standards for accessways.

iii. Cul-de-sacs shall be as short as practicable and shall not exceed two hundred (200) feet in length as measured to the terminus of the cul-de-sac street, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers that would make the dwelling unit limitation and the street length limitation impractical.

A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the City's construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall serve no more than twenty-five (25) single-family/multiple-family dwelling units, and shall not exceed two hundred (200) feet in length as measured to the terminus of the cul-de-sac street, except where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers, prevent street extension that would make the dwelling unit limitation and the street length limitation impractical.

l. A partition where further land divisions are possible, and all subdivisions, shall comply with the requirements of Section 8.040, Transit Facility Design of this Code.

m. Newly created public streets that are not an extension of an already existing north/south alignment, or that do not align with an existing street, shall be given a historically significant street name whenever possible. Names for private streets or shared private driveways shall be unique from all existing street names within the City of Troutdale, but the use of historically significant names is encouraged.

n. For nonresidential subdivisions, provision for planting street trees in accordance with the approved street tree plan. Applicants for residential subdivisions shall pay the City street tree assessment. Street trees shall be maintained by the property owner as provided in TMC Chapter 13.10.

7. Exceptions to Subsection 6, Streets

a. A future street plan is not required for partitions of residentially zoned land when none of the resulting parcels may be re-divided under the minimum lot size standards of the zone.

b. Standards for street connections specified in Subsection (B) of this Section do not apply to freeways and other highways with full access control.

c. When the street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design, including median control, may be approved. Where the compliance with the standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection.

8. Bikeways and Sidewalks. New and reconstructed arterials, collectors, neighborhood collectors, and local streets shall meet the following standards:

a. Bikeways and sidewalks shall be constructed during the construction or reconstruction of all arterials and collectors, and any neighborhood collector or local street in other than single-family residential developments. On local streets, in single family residential zones, sidewalks shall be constructed prior to final occupancy permit in accordance with the *Construction Standards for Public Works Facilities*.

b. Sidewalks shall be constructed along the frontage of all public streets, and within and along the frontage of all new development or redevelopment.

c. Sidewalks are required on both sides of all new public streets and on both

sides of reconstructed public streets, unless there is insufficient right-of-way to permit sidewalks on both sides of the reconstructed street.

d. Where lack of public right-of-way width prevents including sidewalks within the public right-of-way, an easement may be required to provide for all, or part of one (1) or both, sidewalks.

e. If a street is being constructed to an interim standard that does not include bike lanes or sidewalks, interim bikeways or pedestrian walkways shall be provided through construction of paved roadway shoulders at least eight (8) feet in width on arterials and six (6) feet on other streets.

f. Sidewalks shall be designed to streets or shall be integrated into an overall site design for the development consistent with the site's topography and vegetative coverage.

g. Sidewalks and bikeways shall be constructed in accordance with the *Construction Standards for Public Works Facilities*.

h. Lighting of sidewalks and bicycle paths shall be provided in conjunction with construction of new roads, reconstruction of existing roads, and new development.

9. Street lighting. A complete street light system including, but not limited to, conduits, wiring, junction boxes, transformers, controls, bases, poles, mast arms, and luminaires shall be designed and installed in each subdivision on all streets within or abutting the subdivision. The design must comply with the standards of the Mid-County Lighting District, the *Construction Standards for Public Works Facilities*, and the standards of the Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting. The Mid-County Lighting District will assume ownership and maintenance responsibility for all street lighting systems within public right-of-ways.

a. The design must be reviewed and approved by the Mid-County Lighting District to ensure compliance with its standards and list of acceptable materials. A copy of that written approval document must be provided to the City for its records.

b. The design must be included as an integral part of the subdivision construction drawings for review and approval by the City to avoid conflicts with other utilities and structures.

10. Utilities.

a. The plat shall contain a utility easement for both public and private utilities conforming to the requirements of the *Construction Standards for*

Public Works Facilities along the front of all lots. Utilities easements are required for public utilities on private property.

b. New utilities, including but not limited to, natural gas, electric power, cable and telecommunications to serve the land division shall be placed underground and installed in accordance with the requirements of the utility company. Electric power transmission lines, including primary feeder lines and transformer vaults shall be underground. Land divisions served by existing utilities shall convert the utilities to underground in accordance with TMC Chapter 12.11 and the Construction Standards for Public Works.

11. Street Trees. Nonresidential subdivisions shall prepare a street tree planting plan.

12. Fencing. The approval authority may require a subdivision to have fencing to address a nuisance or hazardous condition. Fencing shall be constructed according to standards established by the Director.

13. Natural Features. All trees designated to be retained shall be preserved using best management practices as specified in an arborist's report.

7.060 Preliminary Plat Expiration Date.

A. The tentative plat shall expire two (2) years from the date of approval unless a final plat is recorded with the County prior to that date. The Director may, upon written request of the applicant or its successor received prior to the expiration date grant one (1) extension of the approval period, not to exceed one (1) year, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant a new application.

B. Except as expressly provided in the preliminary plat approval, all phases shall obtain preliminary plat approval within five (5) years of the date of preliminary plat approval of the first phase. The Director may, upon written request received prior to the expiration date grant one (1) extension of the period to file for preliminary plat approval of the phase, not to exceed one (1) year, upon a written finding that the facts upon which the phasing approval was based have not changed to an extent sufficient to warrant a new application.

C. Expiration of the period to obtain preliminary plat approval for a phased development shall not invalidate other phases for which preliminary plat approval has been obtained. Such phases shall continue to be bound by the terms and conditions of the applicable preliminary plat approval.

7.070. Effect of preliminary approval. Only work specifically authorized in the preliminary plat approval may take place prior to final plat approval.

7.080. Final Plat Application.

A. An application for final plat approval shall contain:

1. Three originals (drawn on 7-10 mil double-matted polyester drafting film) and two (2) paper prints of the final plat. The final subdivision plat shall be drawn in the manner provided by ORS Chapter 92 as administered by Multnomah County.

2. In addition to that specified by law, the following information shall be shown on the plat. In any case where these standards conflict with more stringent adopted county or state standards, the County or State standards shall apply:

a. Reference points of existing surveys identified, related to the plat by distances and bearing, and referenced to a field book or map as follows:

i. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.

ii. Adjoining corners of adjoining subdivisions or partitions.

iii. Other monuments found or established in making the survey of the subdivision or required to be installed by state law.

b. State plane coordinates. Three (3) distinctly remote corners of the subdivision exterior boundary shall be tied to the State of Oregon plane coordinate system.

c. The location, width, and centerline of streets and easements abutting or within the boundaries of the tract.

d. The 100 year floodplain, and any floodways shown on the City adopted FEMA maps and the normal flood plain or high waterline for any creek or other body of water or natural drainageway not shown on such maps.

e. Tract, lot, or parcel boundary lines; street right-of-ways and centerlines with dimensions; bearings or deflection angles; radii arc points of curvature; and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest second with basis of bearings. Distances shall be shown to the nearest 0.01 feet.

f. The width of the portion of streets being dedicated and the width of existing right-of-ways. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius, cord distance, bearing, and central angle shall be indicated.

g. Easements, clearly identified and, if already of record, their recorded

reference. If an easement is not definitively located of record, a statement of the easement shall be given. The bearing, and sufficient ties to locate the easement with respect to the subdivision, shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication. If the easement is not recorded separately, the essential rights, limitations and terms of the easement shall be indicated in the plat notes.

h. Lot numbers beginning with the number "1" and numbered consecutively in the subdivision.

i. Identification of land to be dedicated as a separate tract for any purpose, either public or private, to distinguish it from lots or parcels intended for sale.

j. Reference to the City's case file number.

k. The signature of a surveyor licensed or registered in the State of Oregon, certifying that the plat complies with applicable laws.

B. The following certificates may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.

2. A certificate with the seal and signature of the surveyor responsible for the survey and final map, including that the plat complies with all applicable laws.

3. A certificate signed and acknowledged as above, dedicating to the public all land, easements, and improvements intended for public use.

C. The following information shall accompany the plat:

1. A copy of any deed restrictions.

2. A copy of any dedication requiring separate documents.

3. Deeds conveying property to the City.

4. Vacation of existing right-of-ways or easements.

5. Approval block for signatures. An approval block labeled City of Troutdale with date and signature lines for City officials and others as required by law.

D. Documentation that all conditions of approval imposed on the preliminary plat have been complied with, or if permitted in the condition, that compliance is assured or deferred.

7.090 Final Plat Approval

A. Director Decision. Within thirty (30) days of submission of a final plat, the Director shall issue a decision determining that:

1. The final plat and related submittals do not include the information required by TDC 7.040 and therefore is incomplete. The decision shall generally describe the information needed to make a final decision.

2. The final plat contains the required information, the information is accurate, the plat complies with the criteria in Paragraph B, and, therefore, is approved. The Director shall sign and date the plat and notify the applicant that the plat and related documents are ready for pick up and recording.

3. The final plat contains the required information but the information is not accurate or the plat does not comply with the criteria in Paragraph B., and therefore is denied. The decision shall generally describe the basis for the denial.

B. Standard of Review. Unless provided otherwise in the preliminary plat approval, review of a final plat is a Type I process. The Director shall review the final plat for accuracy and compliance with the preliminary plat approval, including any conditions of approval. The Director may cause a field investigation to verify that the survey and related items are accurate. Only such changes as are necessary to comply with the terms of the preliminary approval may be required. If denied, the applicant may make any necessary revisions and resubmit for approval.

C. Effective Date and Expiration.

1. The decision on a final plat is effective on the date written notice of the decision is provided.

2. The final plat approval shall expire if the final plat is not recorded prior within one (1) year of the date effective date.

7.100 Changes to Approved Plat.

A. A minor replat of an existing platted land division shall be reviewed through a Type II procedure when the street(s) is existing and no extension, modification, reconstruction or realignment of streets is necessary; the allowable density is not increased, the proposed lots comply with the standards of this Code, including Section 7.050 and the replat involves no more than six (6) lots.

B. All other changes in an approved plat, except lot line adjustments, shall require a new application and be processed in the same manner as the original approval. The proposed lots must comply with the standards of this Code, including Section 7.050.

C A plat, or portion of a plat, may be vacated by the owner prior to the sale of any lot created by the plat. A vacation shall be reviewed through a Type III procedure and approved provided that the proposed vacation does not abridge or destroy any public rights in any public use, improvements, streets or alleys. If any lot in the plat has been sold, the written approval of all owners of lots in the plat must be submitted. If approved, the owner(s) shall execute, acknowledge and record the vacation in the same manner as required for a plat. This Section is in addition to and not in lieu of any statutory requirements for vacation of plats.

7.110 Guarantee.

A. The applicant may elect to complete all required public improvements and all other items required as part of the construction drawings and applicable conditions of approval (hereinafter "improvements") prior to requesting approval of the final plat. In such case, no performance guarantee will be required. All improvements must be completed in accordance with City standards, inspected, and accepted by the City prior to approval of the final plat. A warranty of workmanship and materials shall be required as specified in Section 7.150, Certificate of Completion, of this Chapter. All improvements shall remain the property and responsibility of the applicant until formally accepted by the City.

B. If the applicant elects to file the partition or subdivision plat prior to the completion and acceptance of the improvements, the applicant shall secure a surety bond, present a cashier's check or certified check for deposit with the City, or provide an Irrevocable Letter of Credit with the City as beneficiary as assurance for faithful performance of the required improvements (hereinafter collectively referred to as "financial assurance"). The value of the financial assurance shall be equal to one hundred ten (110%) of the estimated value of the improvements. The value of the financial assurance shall not diminish during the life of the instrument. All estimates furnished by the applicant shall be verified by the Director of Public Works. The form of all bond and letter of credit instruments must meet the approval of the City Director of Public Works, and the City Director may prescribe such forms to be used by the applicant.

C. In the event the applicant fails to satisfactorily complete all improvements within the time authorized and the City desires to complete such improvements, the City shall be authorized to use the cashier's check, certified check, or Irrevocable Letter of Credit to complete the improvements, or to bring an action or claim on the surety bond.

D. If the amount of the financial assurance exceeds costs and expenses incurred by the City to complete the improvements, the City shall release the remainder. If the amount of the financial assurance is less than the cost and expenses incurred by the City, the applicant shall be liable to the City for the difference.

7.120 Development Inspection Fee. The applicant shall reimburse the City for the actual cost the City incurs for construction inspection of the improvements within thirty (30) days following receipt of an invoice for such costs. Final acceptance of the improvements shall not occur until all such reimbursements are received by the City.

7.130 Construction Drawing Documents Requirements. Construction drawings shall conform to the requirements of the City of Troutdale *Construction Standards for Public Works Facilities*. Construction of Public Improvements shall not commence prior to approval of construction. Construction drawings shall be submitted that include site grading, erosion control, streets, sanitary sewers, storm sewers, water mains, street lighting, and associated details. Drainage Plans shall be accompanied by design calculations as required by the *Construction Standards for Public Works Facilities*. Plans shall also include parks and open spaces if public improvements extend into those areas.

7.140 Commencement of Construction.

A. The Director of Public Works shall issue an "Authorization to Commence Construction" upon the applicant's completion of the following:

1. The applicant shall request in writing to the Director of Public Works that he be allowed to commence construction.

2. The applicant shall pay all outstanding fees, assessments, and liens on the property including, but not limited to, sewer or water assessment, and all taxes, on any property being deeded to the City or dedicated to the public.

3. The applicant shall submit and obtain the City's approval of the construction drawings.

4. The applicant shall submit and obtain the City's approval of a Performance Guarantee in accordance with Section 7.110, Guarantee, of this Chapter.

B. No construction shall take place prior to issuance of an "Authorization to Commence Construction".

7.150 Certificate of Completion. A Certificate of Completion shall be issued when the following items are completed:

A. The Director of Public Works has verified that the required public improvements have been constructed in accordance with the applicable construction drawings, standards, and specifications.

B. The applicant has submitted a financial assurance (as defined in Section 7.110 of this Chapter) in an amount which is not less than ten percent (10%) of the cost of the improvements. The financial assurance shall run for a period of at least two (2) years following issuance of the Certificate of Completion by the City and shall require the applicant to promptly correct all deficiencies of workmanship and materials within the development for that are identified during that period. The City Council may require a larger financial assurance, or require the financial assurance to run for a longer period.

C. The applicant has submitted a financial assurance equal to the total estimated cost, guaranteeing the placement of the final lift of asphaltic concrete on all streets constructed with the development. The applicant shall place the final lift on all streets after ninety percent (90%) of the buildings within the development have received Certificates of Final Inspection or two (2) years have transpired since the issuance of the Certificate of Completion, whichever occurs first.

7.160 Restriction on Issuance of Building Permits. No building permits will be issued until a Certificate of Completion has been issued unless the directors of Public Works, Community Development, and the Building Official approve a waiver with an adequate financial guarantee to assure completion of the public facilities utilities and substantial compliance with the preliminary land division approval without need for Variance to the requirements of this Code.

7.170 Acceptance of Construction Improvements. Operation, maintenance, and repair of improvements that are to become public are the responsibility of the applicant until the applicant makes written request to the City for their acceptance and the City Council accepts such improvements by Resolution. Acceptance will not occur until after a Certificate of Completion has been issued and as-built drawings (one mylar set and four (4) copies) have been approved and received and approved by the City.

7.180 Lot Line Adjustments

A. Defined. A lot line adjustment is the relocation, elimination or consolidation of a common lot line between two (2) or more adjacent lots where no additional lot or parcel is created. They also are known as property line adjustments. Lot line adjustments do not include a replat as defined in ORS 92.180 et. seq. Lot line adjustments are Type I process.

B. Lot sizes. Existing lots reduced in size by a lot line adjustment shall not be reduced below the minimum lot size of the applicable zone. If there are two (2) or more applicable zones, the minimum lot size of the predominant zone shall control.

C. Submittal requirements. In addition to general application requirements, an application for a lot line adjustment shall include:

1. The name and address and contact information for all owners and surveyors.

2. A plot plan showing:

a. All existing and proposed lot lines and sizes
b. All existing and proposed structures
c. Existing and proposed easements
d. The location of any flood plain, hazard areas and other areas subject to flooding or ponding
e. Any other significant natural features.

D. Approval Standards. The applicant must demonstrate that the proposed lots conform to the applicable zone as provided above, and that no boundary line will violate the applicable setbacks; that each proposed reconfigured lot complies with the access and sight distance standards of this Chapter and the City street standards.

E. State requirements. The applicant shall comply with the requirements of ORS 92.060.

F. Expiration. A lot line adjustment shall expire if not recorded within one (1) year of the date of final approval. Extensions may be granted in the same manner as for land divisions.

Chapter 8 – Site Orientation and Design Standards

8.000 SITE AND DESIGN STANDARDS

8.010 Purpose. The purpose of this chapter is to advance all of the following objectives in the public interest:

A Carry out the development pattern and plan of the City and its comprehensive plan policies through efficient and effective review of site development proposals;

B. Promote the public health, safety and general welfare;

C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and

D. Encourage efficient use of land resources and public services, and provision of transportation options.

8.020 Applicability and Exemptions. Site development review approval is required for new development, building expansions, expansion of a nonconforming use or development, and changing of use resulting in increased vehicle traffic or requiring an increase in minimum parking pursuant to Chapter 9. Except as specified by a condition of approval on a prior City decision, or as required for uses subject to conditional use permit approval, site development review is not required for the following:

A. Change in occupancy from one allowed land use to another allowed land use;

B. Physical expansion of existing structures by ten percent (10%) or less, occurring in a single expansion or in several aggregated expansions relative to the originally approved project.

C. Single-family detached dwelling (including manufactured home on its own lot);

D. Duplex on a single lot;

E. Home occupation;

F. Accessory structures that do not require a building permit, with or without accessory parking;

G. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires site development review;

H. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair.

8.030 Pedestrian Walkways. In addition to the standards above, all industrial parks, commercial developments, and community service uses shall meet the following requirements for pedestrian walkways:

A. Number and Placement.

1. At least one pedestrian walkway shall be provided to each street, other than limited access freeways, abutting the property.

2. Pedestrian walkways shall reasonably connect building entrances to one another, to public street entrances, and/or to existing or planned transit stops.

3. Where practicable, on-site walkways shall connect with walkways, sidewalks, bike paths, alleyways, and other bicycle or pedestrian connections on adjacent properties used as, or planned for, industrial parks, commercial, multiple-family, or community service uses.

4. Where practicable, pedestrian walkways and driveways shall provide a direct connection to walkways and driveways on abutting developments.

5. A required walkway or walkway connection need not be provided where another required sidewalk or walkway route provides a reasonably direct alternate route. An alternate route is reasonably direct if the walking distance increases by less than fifty percent (50%) over the other required route.

6. Pedestrian walkways are required between those parts of a site that people on the site normally would walk between. Walkways are not required between buildings or portions of a site which are not intended for, or likely to be used by, pedestrians. Such buildings and features include truck loading docks, warehouses not including office/warehouse combinations, automobile sales lots, temporary uses, outdoor storage areas, etc.

B. Routing.

1. Pedestrian walkways shall be as direct as reasonably possible.

2. Pedestrian driveway crossings should be minimized. Internal parking lot circulation and design shall maintain ease of access for pedestrians from streets and transit stops.

3. The on-site pedestrian circulation system shall connect adjacent streets to the main entrance of the primary structure on the site in a reasonably direct route.

8.040 Transit Facility Design. Any Type II land divisions where further divisions are possible, and all Type III land divisions, multiple-family developments, community services uses, and commercial or industrial uses located on an existing or future transit route shall meet the requirements of TriMet for transit facilities. Applicants shall consult with TriMet to determine necessary transit facility improvements in conjunction with the proposed development. Proposals shall be consistent with the road crossing improvements that are identified in the City Transportation System Plan on streets with existing or planned transit service.

8.045 Additional Transit Related Design Standards. All commercial and community service development, and any industrial development designed to accommodate fifty (50) or more employees and located on parcels within six hundred (600) feet of existing or planned transit routes shall meet the following requirements:

A. Building Entrances.

1. Where practicable, buildings shall be oriented on the property in a transit friendly manner. At least one (1) building entrance shall be oriented toward the transit street and shall be accessed from a public sidewalk. Public sidewalks shall be provided adjacent to public streets along the street frontage.

2. Buildings within thirty (30) feet of the transit street shall have an entrance for pedestrians directly from the street to the building interior. This entrance shall be designed to be attractive and functional, and shall be open to the public during all business hours.

3. All uses in commercial zones must provide a public entrance on the façade of a building nearest to, and facing, a transit street or route. If the lot has frontage on more than one (1) transit street, the building need only have one (1) entrance oriented to a transit street, or to the corner where two (2) transit streets intersect.

B. Setbacks. Buildings shall be setback no more than fifty (50) feet from a transit street, except that when a building is adjacent to a transit street that has a major transit stop within five hundred (500) feet of the building entrance, the building shall be setback no more than twenty (20) feet from the transit street. Where the site is adjacent to more than one (1) transit street, a building is required to meet the maximum setback standard on only one (1) of the streets. Industrial development as described within this Section are exempt from this particular provision.

C. As alternative to meeting the requirements in Subsection (A), a development proposal may incorporate the following design features through the design review process in such combination that the City may conclude the access for pedestrians, transit riders, and bicyclists to the development is as good as or better than if the building fronted a major transit route.

1. The building incorporates two (2) entrances, one (1) that provides direct access to the transit street, in addition to an entrance that fronts a parking lot.

2. The development proposes additional sidewalk amenities and width which allow the City to conclude that use of sidewalks is no less inviting than if a main building entrance fronted on a major transit route. Any additional sidewalk amenities will not prohibit future building modifications that move a building's main façade or main pedestrian access to a point on a major transit route. To qualify, an applicant must submit drawings of alternative designs that demonstrate future building modifications can comply with Subsection (A), above.

3. The proposal will construct one (1) or more onsite of offsite multi-use path connections that connect the building to existing or planned multi-use pedestrian and trail systems. These systems include, but are not limited to, current and future pedestrian or bicycle transit paths, or portions of the 40-mile trail loop and the Beaver Creek Trail. Such connection must invite users of the development to also use the path in their experience of accessing and using the development.

4. The proposal will construct one or more mid-block bicycle or pedestrian accesses provided the following are met (not all are required):

    a. Construction features such as ramps, bollards, or curb cuts, when used, physically limit use of the feature to bicycles or pedestrians.

    b. The developer installs safety enhancements, such as bicycle stop signs, lights, walkway areas, or other features, to minimize conflicts between bicycles and pedestrians.

    c. Mid-block crossings connect to and obviously comprise part of the pedestrian or bicycle route to building parking lots or front door entrances.

    d. Bollards and related safety barrier measures create or enhance an effect that a mid-block crossing is safeguarded or sequestered from passing motor vehicle traffic.

    e. The overall building design has the effect of increasing or supporting increases in transit ridership in the same way as buildings which comply with Subsection (A), above.

5. The development amply uses wayfaring signs that:

    a. Identify pedestrian and bicycle connections which are present upon, adjacent to, and that exist nearby, the development. Such signage should encourage use of such connections and be of similar size, attractiveness, or visibility as any vehicle parking signs; and

    b. Identify bicycle parking areas.

6. Signage inside the buildings, along with other information or with internal layout, alone or together alert and direct persons to transit stops or other transit amenities such as mid-block crossings or informational kiosks.

7. The developer constructs offsite improvements, such as pedestrian facilities, or traffic control devices, that increase connectivity of dedicated pedestrian paths or demonstrates that constructed improvement will be compatible with and encourage future connections.

8.200 MULTIPLE-FAMILY, ATTACHED, DUPLEX, AND TRIPLEX DWELLING DESIGN STANDARDS

8.205 Purpose. The purpose of this Section is to provide general design standards for residential dwellings other than single-family detached, zero lot line dwellings, and duplex dwellings on separate lots. This Chapter is intended to promote and ensure that high quality architectural building designs for these types of residential developments are maintained throughout the City.

8.210 Applicability. In addition to the development standards of the underlying zoning district or overlay zoning district and applicable Sections of Chapter 8, Site Orientation and Design Standards, of this Code, the provisions of this Section apply to all residential dwellings other than single-family detached, zero lot line dwellings, and duplex dwellings on separate lots. This Section also does not apply to dwelling units built above, below, or behind the street level floor of a commercial use.

8.215 General Design Standards.

A. Building Entrances. The primary entrance to buildings that do not have residential units above or below other residential units shall face toward a public or private street, unless the lot configuration, site characteristics, onsite circulation, or other conditions make it impractical to face a building's primary entrance to the street. Exception: A primary entrance is not required to face a street designated as an arterial.

B. Building Separation. Multiple residential buildings on a single lot shall be separated at least fifteen (15) feet from one another.

C. Pedestrian Access and Circulation.

1. Private streets or driveways greater than twenty (20) feet in length and that serve more than one (1) dwelling unit shall have sidewalks on at least one (1) side that connect to the nearest public street.

2. Each primary entrance to a residential building shall be connected to a sidewalk onsite that connects to either a public street, private street, or driveway.

3. Onsite pedestrian circulation shall be continuous and connect streets abutting the site, ground level entrances, common buildings such as laundry and recreation facilities, parking areas, shared open space and play areas, abutting transit stops, and any pedestrian amenities such as plazas, resting areas, and viewpoints. There shall be at least one (1) pedestrian connection to an abutting street frontage for each two hundred (200) linear feet of street frontage.

4. Vehicle/pedestrian conflicts shall be minimized by providing pedestrian routes that are separated from parking lots, including onsite sidewalks that connect to garbage enclosures or recycling areas and mailboxes.

8.220 Architectural Elements and Building Facades. Residential units shall be designed with vertical and horizontal offsets to break up rooflines, define private outdoor areas, allow greater views, and admit light and air to unit interiors. Large, blank walls shall be avoided. Windows and projecting walls shall be used to break up larger walls in order to establish visual interest.

A. No wall of a residential building shall exceed a length of forty (40) feet without a foundation offset of at least four (4) feet for a distance of at least sixteen (16) feet.

B. The wall of a building that faces a public street shall incorporate architectural features including, but not limited to, at least three (3) of the following:

1. Porches.

2. Balconies.

3. Dormer windows.

4. Recesses/alcoves.

5. Unique entry areas, such as porticos or atriums.

C. The same level of architectural design and quality of materials shall be applied to all sides of the building.

D. The following window detail shall be incorporated into the building design:

1. Windows shall account for at least fifteen percent (15%) of any rear or front building elevation no matter what the building's orientation on the lot is.

2. Windows shall account for at least ten percent (10%) of any side building elevation no matter what the building's orientation is.

3. All windows shall have outer casings or frames.

E. Garages, carports, and accessory structures shall maintain the same level of design, aesthetic quality, and architectural compatibility as the residential structure(s).

F. Roofline offsets shall be provided at intervals of forty (40) feet or less to create variety in the massing of structures and relieve the effect of a single, long roof. Roofline offsets shall be a minimum four (4) foot variation either vertically from the gutter line, or horizontally.

G. The rooflines of attached dwellings shall be multi-gabled or have varied parapets over every unit's main entrance.

H. Rooflines, porches, and doors shall have trim.

8.225 Off-Street Parking, Garages, and Carports. In addition to the standards of Chapter 9, Off-Street Parking and Loading, off-street parking for attached dwellings on a single lot shall include these design standards:

A. Parking lots may not be located between a multiple-family structure and the right-of-way the structure fronts on.

B. If there is no parking lot or alley access to attached dwellings, and motor vehicle access is from the street, parking must be either in an attached garage that is set back a minimum of five (5) feet behind the front door of the residential structure, in a detached accessory structure located at least fifty (50) feet from the front property line, or in a parking area at the side or rear of the site, or shall comply with the following standards:

1. The garage door width of the dwelling is fifty percent (50%) or less of the width of the street facing elevation, and does not extend beyond the front door; or

2. The garage door is behind or even with the front door and the dwelling has a roofed front porch, which is at least 1/3 as wide as the front elevation and at least five (5) feet deep. The porch may encroach within the required front yard setback a maximum of five (5) feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and

3. The street facing wall of the dwelling contains at least one (1) window on the ground floor that allows visibility of the street.

C. Side and rear yard setbacks for parking lots and/or garages shall be the same as the minimum building setbacks of the underlying zoning district or the same as the minimum building setback of any adjacent residential zoning district, whichever is more restrictive. Side and rear yard setbacks based on building height shall not be applied to parking lots or the access driveways.

8.230 Outdoor Private Space. Outdoor private space is required for each residential dwelling unit.

A. Each ground level dwelling unit shall have an attached accessible outdoor private space of not less than sixty (60) square feet in area. Individual outdoor areas for ground level units must be visually screened from each other by walls, fences, or vegetation screening that is at least six (6) feet high and totally sight-obscuring.

B. Each upper level unit shall have an attached outdoor private space, such as a balcony, of not less than sixty (60) square feet in area. The area shall be enclosed, screened, or otherwise designed to provide privacy from adjacent units by walls, building offsets, or similar sight-obscuring screening.

8.235 Recreation Areas.

A. Recreational facilities or open space areas are required for attached dwelling developments that contain six (6) or more dwelling units on one (1) lot. Such recreational facilities and open space areas must be located on the development site or on a lot adjacent to the site. Common recreation areas, whether indoor, outdoor, or both, shall be provided at the rate of at least two hundred (200) square feet per dwelling unit. No more than fifty percent (50%) of the required recreation area may be in passive open space. Recreation facilities may include children's play structures and play equipment and shall be located outside of bioswales, detention ponds, steep slopes, or a vegetation corridor as defined in this Code. More than one (1) recreation area may be developed on the site. Any play structure exceeding ten (10) feet in height must comply with the underlying zoning district setbacks.

B. Recreation facilities or open space areas are not required for development within the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Avenue from 257th Avenue to the SE Sandy Street right-of-way.

8.240 Authority to Adjust Standards.

A. Because of the diverse topography, parcel configurations, and site characteristics within the City, it is neither practical nor feasible to uniformly apply these design standards to all development projects. The Director may grant adjustments to these design standards upon making the following written findings:

1. The adjustment is justified due to the unique site conditions.

2. The proposal conforms to the extent practicable with these design standards.

3. Any impacts from the adjustments are mitigated to the extent practical.

4. The decision to adjust a standard is a Type II decision.

Chapter 9 – Off-Street Parking and Loading

9.005 Off-Street Parking Required. Off-street parking and loading space shall be provided for all developments. For purposes of this Chapter, in computing the total number of required off-street parking spaces, if the total contains a fraction, then the number shall be rounded up to the next higher whole number. The provision for, and maintenance of, off-street parking and loading facilities shall be a continuing obligation of the property owner. No building permit, or any other required permit for a structure or use under this or any other applicable rule, ordinance, or regulation, shall be issued with respect to off- street parking and loading, or land served by such facilities, until satisfactory evidence is presented that the property is, and will remain, available for the designated use as a parking or loading facility.

9.010 Residential Off-Street Parking Space Requirements. The minimum and maximum off-street parking space requirements are as follows:

Type of Use	*Minimum*	*Maximum*
Single-family dwelling, manufactured dwelling, duplex, triplex, or attached dwelling	1 space per dwelling unit	No maximum
Multiple-family dwelling (apartments)	2 spaces per dwelling unit plus one space per three dwelling units for guest parking	No maximum
Residential hotel, rooming or boarding house; bed and breakfast; hotel or motel	1 space per guestroom or suite	2 spaces per guestroom or suite
Manufactured home park	1 space per manufactured home site, plus one space per three home sites for guest parking at a convenient location	No maximum
Planned development	In addition to the requirements for dwelling units, 1 space per 2 dwelling units for guest parking at a convenient location	No maximum

9.015 Commercial Off-Street Parking Space Requirements. The minimum and maximum off-street parking space requirements are as follows:

Type of Use	*Minimum*	*Maximum*
General retail or personal service, including shopping centers and grocery stores	4.1 spaces per 1,000 square feet of gross floor area	6.2 spaces per 1,000 square feet of gross floor area
General retail with bulky merchandise, such as a furniture/ appliance store	2 spaces per 1,000 square feet of gross floor area	3 spaces per 1,000 square feet of gross floor area
Auto, boat, or trailer sales, or nursery	1 space per 1,000 square feet of gross floor area	2 spaces per 1,000 square feet of gross floor area
General, professional, or banking office	2.7 spaces per 1,000 square feet of gross floor area	4.1 spaces per 1,000 square feet of gross floor area
Banking office with drive-up window	4.3 spaces per 1,000 square feet of gross floor area	6.5 spaces per 1,000 square feet of gross floor area
Medical or dental office, or clinic	3.9 spaces per 1,000 square feet of gross floor area	5.9 spaces per 1,000 square feet of gross floor area
Eating or drinking establishment	10 spaces per 1,000 square feet of gross floor area	19.1 spaces per 1,000 square feet of gross floor area
Eating or drinking establishment with drive-up window	8 spaces per 1,000 square feet of gross floor area	12.4 spaces per 1,000 square feet of gross floor area
Theater, racetrack, stadium, or similar use	1 space per four seats or eight-foot bench length	1.5 spaces per four seats or eight-foot bench length
Bowling alley	2 spaces per lane	3 spaces per lane
Sports club/recreation facilities, including health club, gymnasium, skating rink, or dance hall	4.3 spaces per 1,000 square feet of gross floor area	6.5 spaces per 1,000 square feet of gross floor area

(continued on next page)

Type of Use	*Minimum*	*Maximum*
Amusement park	One space per 100 square feet of recreation area	1.5 spaces per 100 square feet of recreation area
Service station	0.5 space per 1,000 square feet of gross lot area	One space per 1,000 square feet of gross lot area
Food Vendor (Mobile) or Mobile Food Vendor	Short term – Open in one location for less than a seventy-two (72) hour period, or open not more than three (3) hours a day in any one location	No parking required
	Medium term – Open in one location for more than a seventy-two (72) hour period but less than forty-five (45) days in a six (6) month period.	One space required
	Long term – Any period of time not meeting the definition of Short or Medium term	Parking required as required for an eating and drinking establishment

Required parking may not displace parking required for another use.

9.020 Institutional, Public, and Semi-Public Uses Off-Street Parking Space Requirements. The minimum and maximum off-street parking space requirements are as follows:

Type of Use	*Minimum*	*Maximum*
Child care center or kindergarten	1 space per 2 employees, plus one space per five children	1.5 spaces per 2 employees, plus 2 spaces per five children
School: elementary, junior high, or middle school	2 spaces per teacher	3 spaces per teacher
School: high or college, university, or trade school	0.2 space per number of students and staff	0.3 space per number of students and staff
Library or museum	2.5 spaces per 1,000 square feet of gross floor area, plus 1 space per two employees	3 spaces per 1,000 square feet of gross floor area, plus 1.25 spaces per two employees
Church, chapel, mortuary, or auditorium	1 space per 4 seats or 7 feet of bench length	2 spaces per 4 seats or 7 feet of bench length
Nursing or convalescent home	0.5 space per bed for patients and residents	1 space per bed for patients and residents
Shared Dwelling	1 space per three residents	1.5 spaces per three residents
Hospital	1.5 spaces per bed	2 spaces per bed

9.025 Industrial Off-Street Parking Space Requirements. The minimum and maximum off-street parking space requirements are as follows:

Type of Use	*Minimum*	*Maximum*
Storage, warehouse, or manufacturing establishment; air, rail, or trucking freight terminal	1 space per employee on the largest shift	1.5 spaces per employee on the largest shift

9.030 Off-Street Parking within the Town Center Overlay District.

A. No minimum off-street parking spaces are required for non-residential uses in the Central Business District (CBD) or Mixed Office/Housing (MO/H) zoning districts. Within these zones, a minimum of two (2) parking spaces per unit is required for residential uses, except that residential units in conjunction with commercial uses are required to have a minimum of one (1) parking space per residential unit.

B. Except for residential units on individual lots, no use within the Town Center Overlay District shall be permitted to exceed the required minimum amount of off-street parking by more than ten percent (10%); however, each use shall be allowed at least one (1) parking space in excess of the minimum amount required.

9.035 Other Developments Not Listed. Requirements for a building or development not specifically listed herein shall be determined based upon the requirements of comparable uses listed. The Director may refer any question of interpretation to the Planning Commission for determination.

9.040 Reduction of Required Parking Spaces.

A. Any existing or proposed use subject to minimum off-street parking requirements and located within four hundred feet (400) feet of an existing transit route may reduce the number of required parking spaces by up to ten percent (10%) by providing a transit stop and related amenities including a public plaza, pedestrian sitting areas, or additional landscaping, provided such landscaping does not exceed twenty-five percent (25%) of the total area dedicated for transit- oriented uses.

B. Required parking spaces may be reduced at a ratio of one (1) parking space for each one hundred (100) square feet of transit amenity space provided above and beyond the minimum required by this Code.

C. Required off-street parking spaces may be reduced by one (1) parking space for every on-street parallel parking space located adjacent to the subject site. For purposes of calculating the amount of adjacent on-street parking spaces, the following applies:

1. Adjacent shall mean on the same side and within the same block as the use.

2. The minimum length of each on-street, parallel parking space shall be twenty-two (22) feet.

3. If a continuous section being measured contains a fractional portion of twenty-two (22) feet, then the number of on-street spaces for that continuous section shall be rounded down to the next lower whole number.

4. Breaks in the on-street parking for driveways or similar parking restrictions, such as fire hydrants, shall not be counted.

D. Uses which are not eligible for these reductions include truck stops, building materials and lumber sales, nurseries, and similar uses not likely to be visited by pedestrians or transit customers.

9.045 Landscaping and Screening.

A. Except for a residential development which has landscaped yards, parking areas containing more than twenty (20) vehicle spaces shall include landscaping to cover not less than ten percent (10%) of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, or groundcover.

B. Parking areas shall be divided into bays of not more than twenty (20) parking spaces in parking areas with twenty (20) or more spaces. Between, and at the end of each parking bay, there shall be planters which have a minimum width of five (5) feet and be at least seventeen (17) feet in length. Each planter shall contain one major structural tree and groundcover which has been deemed appropriate by the Director. Truck parking and loading areas are exempt from this requirement.

C. Parking area setbacks shall be landscaped with major trees, shrubs, and groundcover as specified in Chapter 11, Landscaping and Screening, of this Code.

D. Wheel stops, bumper guards, or other methods to protect landscaped areas shall be utilized. No vehicles may project over a property line. No vehicle shall overhang a public right-of-way, sidewalk, or landscaped area unless adequate area is provided for safe pedestrian circulation.

E. Fences, walls, or hedges shall not be placed within front or street side setback areas except at the street side edge of parking lots when allowed within setbacks.

F. Where parking adjoins a residential zoning district, there shall be a sight-obscuring screen which is at least eighty percent (80%) opaque when viewed horizontally from between two (2) and eight (8) feet above average ground level. The screening shall be composed of materials which are an adequate size so as to achieve the required degree of screening within three (3) years after installation.

9.050 Paving.

A. Parking areas, driveways, aisles, and turnarounds shall be paved with concrete, asphalt, or comparable impervious surfacing. Porous concrete, grasscrete, or comparable porous paving surfacing may be used in place of impervious surfacing to reduce stormwater runoff, when approved by the Director. Gravel and similar erodible surfaces are not acceptable.

B. Approaches shall be paved with concrete surfacing constructed to City standards. If a street is not paved, the approach may be maintained to the same standard as the street until the street is paved.

C. Temporary overflow parking in conjunction with community events, special events, events of citywide interest, or sporting events, is allowed on an unpaved parking area on a parcel of at least one-half acre in size, provided such parking does not occur within the Vegetation Corridor and Slope District. If a fee is charged for parking, it shall not be considered a commercial parking lot for purposes of zoning compliance.

9.055 Drainage. Parking areas, aisles, and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public right-of-ways, and abutting private property

9.060 Lighting. Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create a hazard to the public use of a street. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use. Lighting fixtures shall also comply with the requirements of Troutdale Municipal Code, Chapter 8.26.

9.065 Shared Use of Parking Facilities.

A. Except for residential uses, required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.

B. In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately with a reduction of up to twenty-five percent (25%) to account for shared parking between adjacent businesses and services.

C. Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.

9.070 Driveways.

A. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of twenty (20) feet for a two-way drive or twelve (12) feet for a one-way drive, but in either case not less than the full width of the approach for the first twenty (20) feet of the driveway. The improvement shall be constructed to the standards for private drives.

B. A driveway for a single-family or two-family dwelling shall have a minimum width of ten (10) feet.

C. Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width, but such clearance may be reduced in parking structures.

D. Parking lots more than three (3) acres in size intended for use by the general public shall provide street-like features along driveways, including curbs, sidewalks, street trees or planting strips, and bicycle routes.

9.075 On-Site Circulation.

A. Groups of more than three (3) parking spaces shall be permanently marked.

B. Except for a single-family or two-family dwelling, groups of more than three (3) parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner. No backing movements or other maneuvering shall be permitted within a street right-of-way other than an alley.

C. Pedestrian walkways, separation, and differentiation of materials in parking lots three (3) acres or larger intended for public use shall be provided pursuant to Section 8.030 of this Code.

9.080 Bicycle Parking Facilities. Multiple-family developments; industrial, commercial and community service uses; transit transfer stations; and park and ride lots, shall meet the following standards for bicycle parking facilities:

A. Number/Type.

1. The required minimum number of short-term bicycle parking spaces (stays of less than four (4) hours) shall be five percent (5%) of the total number of automobile parking spaces provided for the use. In no case shall less than one (1) bicycle parking space be provided even when no automobile parking spaces are being provided.

2. The required number of long-term bicycle parking spaces (stays of more than four (4) hours and all-day/monthly) shall be three percent (3%) of the total number of vehicle parking spaces provided for the use and fractions rounded down.

3. For transit centers, high capacity transit stations, inter-city bus and rail stations, and park-and-ride lots, at least eight (8) long-term and at least two (2) short-term bicycle parking spaces are required. For other major transit stops (frequent-service bus stops) at least two (2) short-term spaces are required.

B. Location.

1. Bicycle parking shall be located on-site, convenient to building entrances, and have direct access to both the public right-of-way and to the main entrance of the principal use.

2. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.

3. Bicycle parking may be provided within the public right-of-way in areas without building setbacks, subject to approval of the appropriate governing official and provided it meets the other bicycle parking requirements.

C. Parking Space Dimensions. Each required bicycle parking space shall be at least two and one half (2.5) feet-by-six (6) feet, and when covered, provide vertical clearance of at least seven (7) feet. An access aisle of at least five (5) feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length standard.

D. Parking Facilities. Bicycle parking facilities shall offer security. Long-term bicycle parking shall be in the form of a lockable enclosure, a designated bicycle storage area inside a building on-site, a covered rack, or another form of secure parking where the bicycle can be stored, as approved by the Director. Short-term bicycle parking shall be in the form of a stationary object (i.e., a "rack") or other approved structure, covered or uncovered, to which the bicycle can be locked. Bicycle racks shall be securely anchored to the ground or to a structure and shall be designed to hold bicycles securely by means of the frame. Bicycle parking facilities shall be constructed so as to not obstruct walkways.

E. Signing. Where bicycle parking facilities are not directly visible and obvious from the public right-of-way, entry and directional signs shall be provided to direct bicyclists from the public right-of-way to the bicycle parking facility.

F. Exemptions. Temporary street-side sales and temporary uses, such as fireworks stands and Christmas tree sales, and single-family and two- family residences, are exempt from these standards.

9.085 Setbacks.

A. Parking areas which abut a residential zoning district shall meet the building setback of the most restrictive adjoining residential zoning district.

B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single-family dwellings, required parking may be located in front of a garage.

C. In industrial districts, when greater setbacks are required for structures, parking lots may be within twenty (20) feet of any front, side street, or rear property line and within five (5) feet of any side property line. There shall be a sight-obscuring screen which is at least eighty percent (80%) opaque when viewed horizontally from between two (2) and eight (8) feet above eighty percent (80%) average ground level. The screening shall be composed of materials which are an adequate size so as to achieve the required degree of screening within three years after installation.

D. Parking areas shall be set back from a lot line adjoining a street the same distance as required building setbacks. Regardless of other provisions, a minimum setback of ten (10) feet shall be provided along the property fronting on a public street in an industrial district. The setback area shall be landscaped as provided in this Code.

9.090 Truck Parking. In residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-ton capacity used in the conduct of a business activity shall be permitted, except vehicles and equipment necessary for farming and truck gardening on the premises where such use is permitted.

9.095 Handicapped Parking Facilities. The required number of handicapped parking spaces shall be in conformance with the applicable provisions of the State of Oregon Structural Specialty Code.

9.100 Carpool and Vanpool Parking. New industrial, commercial, and community service developments with fifty (50) or more on-site full-time equivalent employees shall meet the following requirements for carpool and vanpool parking:

A. Number/Marking. The greater of one space or five percent (5%) of required employee parking spaces shall be marked and signed for use as a carpool/vanpool space. The carpool/vanpool spaces shall be clearly marked “Reserved - Carpool/Vanpool Only”

B. Location. Designated carpool/vanpool spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped spaces provided.

9.105 Off-Street Parking Restrictions.

A. Parking spaces in a public street, including an alley, shall not be considered required parking.

B. Required parking shall be available for parking of operable passenger vehicles of residents, customers, and employees only, and shall not be used for the storage or display of vehicles or materials.

9.110 Design Requirements for Off-Street Parking. The following off-street parking development and maintenance shall apply in all cases:

A. Size.

1. The standard size of a parking space shall be 9'x18' (162 s.f.).

2. The compact size of a parking space shall be 8'x16' (128 s.f.). Up to thirty-five percent (35%) of required parking spaces may be compact spaces.

3. Handicapped parking spaces shall be in conformance with the State of Oregon Structural Specialty Code, Chapter 11 Accessibility.

4. For parallel parking, the length of the parking space shall be increased to twenty-two (22) feet.

B. Aisles shall not be less than:

1. 25 feet in width for 90° parking.

2. 20 feet in width for 60° parking.

3. 20 feet in width for 45° parking.

4. 12 feet in width for parallel parking on one side.

5. 16 feet in width for parallel parking on both sides.

9.115 Loading Facilities.

A. The minimum area required for commercial and industrial loading spaces is as follows:

1. 250 square feet for buildings of 5,000 to 19,999 square feet of gross floor area.

2. 500 square feet for buildings of 20,000 to 49,999 square feet of gross floor area.

3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.

B. The required loading area shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.

C. Loading areas shall be screened from public view, public streets, and adjacent properties in compliance with applicable provisions of Chapter 11 of this Code.

D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

E. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than twenty-five (25) students.

F. Exceptions and Adjustments. Loading areas within a street right-of-way in the Central Business District may be approved when all of the following conditions are met:

1. Short in duration (i.e., less than one hour).

2. Infrequent (less than three operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone).

3. Does not unreasonably obstruct traffic.

4. Does not obstruct a primary emergency response route.

5. Is acceptable to the applicable roadway authority.

9.120 Off-Street Parking Plan. A plan drawn to scale, indicating how the off-street parking and loading requirement is to be provided, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled, and shall include, but not be limited to:

A. Delineation of individual parking spaces.

B. Circulation area necessary to serve spaces.

C. Access to streets, alleys, and properties to be served.

D. Curb cuts.

E. Dimensions, continuity, and substance of screening.

F. Grading, drainage, surfacing, and subgrading details.

G. Delineations of all structures or other obstacles to parking and circulation on the site.

H. Specifications as to signs and bumper guards.

9.125 Off-Street Parking Construction. Required parking spaces shall be improved and available for use at the time of final building inspection.

Chapter 10 – Signs

10.005 Title. This Chapter shall be known as "The Troutdale Sign Code".

10.010 Purpose. This Chapter is being adopted to protect the health, safety, property, and welfare of the public; provide a neat, clean, orderly, and attractive appearance of the community; improve the effectiveness of signs; provide for safe construction, location, erection, and maintenance of signs; prevent proliferation of signs and sign clutter; and minimize adverse visual safety factors to travelers on public highways and private areas open to public travel. To achieve this purpose it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public right-of-ways, and private areas open to public travel. This Chapter shall be construed to carry out this purpose.

10.015 Definitions. For purposes of this Chapter, certain terms, phrases, and words shall be construed as follows: Words used in the present tense include the future; the singular tense includes the plural and vise versa; the word "shall" is always mandatory and the word "may" is discretionary; and the masculine gender includes the feminine and vice versa. The following terms shall mean:

.01 A-Frame Sign. A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom. A-frame signs shall not be permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.

.02 Awning. A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or non-rigid materials.

.03 Banner Sign. A sign made of fabric or other non-rigid material with no enclosing framework and not qualifying as a flag.

.04 Bench Sign. A sign on an outdoor bench.

.05 Boundaries of the Site. The area inside the legal lot lines of a site and does not include any property in a public right-of-way.

.06 Direct Illumination. Exposed lighting or neon tubes on the sign face.

.07 Directional Sign. A sign located within the boundaries of a site and near areas where pedestrians, cyclists, or vehicles travel, and that is intended to inform people of what direction to travel.

.08 Electronic Display Signs. Signs, displays, devices, or portions thereof with lighted messages that change at intermittent intervals by electronic process or remote control.

.09 External Illumination. The light source is separate from the sign and is directed so as to shine on the sign.

.10 Flags. Any fabric containing colors, patterns, words or symbols, typically oblong or square, attachable by one edge to a pole or anchored at only two (2) corners. If any dimension is more than three (3) times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

.11 Freestanding Sign. A sign on a frame, pole, or other support structure that is not attached to any building.

.12 Freeway Sign. A freestanding sign that is located within eight hundred (800) feet south and one thousand (1,000) feet north of the center median of Interstate 84, and that is more than twenty-four (24) feet in height, with a sign face of more than one hundred fifty (150) square feet.

.13 Gross Wall Area. The entire area encompassed by the plane of a wall, including windows and doors.

.14 Height. The vertical distance measured from grade to the highest point of the sign or sign structure.

.15 Historical Marker. A plaque or sign erected and maintained on property, a building, or structure by an organization that is recognized for routinely identifying sites, buildings, or structures of historical value.

.16 Internal Illumination Lighting. The light source is concealed within the sign.

.17 Lawn Sign. A temporary pole or wall mounted sign with a sign face area less than three (3) square feet and a maximum height less than three (3) feet from the ground. Lawn signs may not encroach into the right of way or obstruct the visibility for the travelling public and may not be illuminated.

.18 Lighting. Direct, external, or internal illumination.

.19 Maintenance. Normal care needed to keep a sign functional such as cleaning, oiling, and changing light bulbs.

.20 Permanent Banner Sign. Any banner sign that is not allowed as a temporary sign or that does not qualify as an exempt sign under Section 10.025 of this Chapter.

.21 Permanent Sign. A sign attached to a building, structure, or the ground in a manner requiring a permit, and made of materials intended for more than short term use including, but not limited to, freestanding signs, freeway signs, wall signs, and awning signs.

.22 Portable Sign. A sign that is freestanding in design, easily movable, made of durable material as opposed to non-durable material such as cardboard, paper, fabric or pliable plastic, and is not affixed to the ground or to any part of a building.

.23 Projecting Sign. A sign, other than a wall sign, that projects from, and is supported by, a roof or wall of a building or structure and is generally at right angles to the building.

.24 Repair. Mending or replacing broken or worn parts with comparable materials. Repairs may be made with the sign in position or with the sign removed.

.25 Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other minor projections.

.26 Roof Sign. Any sign erected upon or over the roof of any building or structure.

.27 Searchlights. An apparatus on a swivel that projects a strong, far-reaching beam of light.

.28 Sign. Any materials placed or constructed so they can be viewed from a right-of-way or another property and that conveys a message or image, and includes the sign structure, display surface, and all component parts of a sign.

.29 Sign Copy. The message or image conveyed by a sign.

.30 Sign Face Area. The total display surface area of the sign. When the dimensions of a sign are specified, the term includes the frames or cabinets surrounding a sign; the electronic message center; any base material or supporting structure, unless none of the base material or supporting structure is related to the message or image being portrayed in the sign; and all individual pieces or panels that, when placed together, convey a message or image.

.31 Sign Owner. The owner of the sign structure as determined by looking at the sign or other means as necessary.

.32 Site. The area, tract, parcel, or lot of land owned by, or under the lawful control of, one distinct ownership. Abutting platted lots under the same ownership shall be considered one site.

.33 Street Frontage. The portion of a site that abuts a public street.

.34 Structurally Altered. Any work, except maintenance work, that alters or changes the size, shape, or height of a sign. Also includes replacement of sign structure materials with other than comparable materials, for example, metal parts replacing wood parts.

.35 Supporting Structure. A structure specifically intended for supporting or containing a sign.

.36 Temporary Sign. A sign that is not permanently attached to a building, structure, or the ground, and that is not intended or designed to be placed permanently.

.37 Wall Sign. A sign that is attached to, and extended no more than within eighteen (18) inches from a wall, or painted on a wall, of a building.

.38 Window Sign. A sign located in the inside display area of a business window.

10.020 General Provisions. All signs in the City of Troutdale, including those exempt from obtaining a sign permit, shall comply with the height limits of the underlying zone, general provisions of this section and, where applicable, with the provisions of Sections 10.025 through 10.055 inclusive. Signs shall not be restricted by content.

A. Permits Required. Except as provided in Section 10.025, Sign Permit Exemptions, of this Chapter, a permit is required to erect, replace, construct, or alter the location or structure of a sign. A permit shall be issued by the Director if the applicant files an application, filing fee, and plans which demonstrate full compliance with all provisions of this Chapter and other applicable City regulations. Application for a sign permit is processed as a Type I procedure.

B. Sign Maintenance. All signs shall be maintained in a safe condition. Maintenance and repair of a sign, including change of sign copy, shall not require a sign permit. All signs that are damaged and pose a danger to the public shall be repaired or removed.

C. Location.

1. Except as otherwise provided in this Chapter, all signs shall comply with the building setback requirements of the underlying zoning district. The setback requirement for a freestanding sign shall be measured from the signboard.

2. All signs shall be located entirely within the boundaries of a site unless specifically authorized by this Chapter.

3. All signs must be installed in compliance with Section 5.040, Clear Vision Areas, of this Code, as well as the regulations of this Chapter.

D. Construction. All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in this Chapter.

E. Lighting. Except as otherwise provided in this Chapter, signs may be externally, internally, or directly illuminated, subject to the following:

1. Lighted signs shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.

2. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

3. Strobe lights or similar devices as well as traveling light patterns ("chaser effect") are prohibited.

4. Externally illuminated signs shall comply with the requirements of Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting. All externally illuminated signs that measure seven (7) feet or more from the ground level to the top edge of the sign face shall be illuminated from above.

5. Searchlights may be used only in commercial or industrial zones, provided that:

   a. An owner or lessee may use a searchlight for up to a maximum of seven (7) days in a calendar year.

   b. The beam of the searchlight may not flash against any building or sweep on an arc greater than forty-five degrees (45°) from vertical.

6. Electronic display signs are permitted only as provided in Section 10.050.

7. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300-milliampere rating for white tubing or 100-milliampere rating for any colored tubing.

8. No exposed reflective type bulb, PAR (parabolic aluminized reflector) spot or incandescent lamp, which incandescent lamp exceeds 250 lumens, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

9. When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed 800-milliampere rating tubing behind a sign face spaced at least nine (9) inches, center to center.

F. Sign Face Area. The sign face area shall be determined as follows:

1. The sign face area of signs enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. The sign face area does not include foundations, supports, or other essential structures that are not related to the message and images being posted in the sign.

2. When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used unless it is clear that the base is not related to the message or image being posted in the sign.

3. When signs are constructed in individual pieces attached to a building wall, sign face area is determined by a perimeter drawn around all the pieces.

4. For sign structures containing multiple panels oriented in the same direction, the panels together are counted as one (1) sign face.

5. The maximum surface area visible at one time, of a round or three-dimensional sign, is counted to determine the sign face area.

6. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face area unless it is clear that part of the panel is not related to the message or image being posted in the sign.

10.025 Sign Permit Exemptions. The following signs are allowed in all zoning districts without a sign permit:

A. Public signs constructed or placed in a public right-of-way by, or with the approval of, a governmental agency having legal control or ownership of the right-of-way; signs owned or constructed by the City; signs required by law including, but not limited to, hearing notices; and signs placed in or near a right-of-way by a public utility in response to a hazard or danger to the public.

B. Directional signs, provided that freestanding directional signs shall not exceed five (5) feet in height and fifteen (15) square feet in area on one (1) sign face.

C. A single sign or historical marker not to exceed four (4) square feet cut into the surface or the facade of a building, or permanently attached and not projecting more than two (2) inches.

D. Signs located in the interior of any building, or within an enclosed lobby or court of any building or group of buildings, that are designed and located to be viewed exclusively by patrons of such use or uses.

E. Painted areas on a wall that are designed and intended as a decorative or ornamental feature, or to highlight a building's architectural or structural features.

F. Window signs as a part of the inside display area of a business, provided the window sign does not involve use of flashing or blinking lights.

G. Signs not exceeding one (1) square foot in size and affixed to or displayed from a residential dwelling unit.

H. Holiday lights and decorations.

I. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively is five (5) square feet or less in sign face area.

J. Flags less than twenty-four (24) square feet in size measured border to border.

K. Lawn signs, provided only three (3) are allowed per lot for not more than ninety (90) consecutive days.

10.030 Prohibited Signs. The following signs are prohibited and shall be considered nuisances:

A. Any sign constructed, erected, replaced, altered, repaired, or maintained in a manner not in compliance with this Chapter.

B. Bench signs.

C. Permanent banner signs.

D. Roof signs.

E. Signs in public right-of-ways other than public signs installed or authorized by a governmental agency or public utility.

F. Signs placed or painted on a motor vehicle or trailer that is parked with the primary purpose of providing a sign not otherwise allowed by this Chapter.

G. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively exceeds five (5) cubic feet in area.

H. Any sign that is not exempt, not a lawful nonconforming sign, or that was not erected, constructed, or placed in accordance with a permit.

10.035 Signage within Residential Zones. In addition to exempt signs regulated by Section 10.025, this Section specifies the allowed signs on all land within the R-20, R-10, R-7, R-5, R-4, and A-2, zoning districts, and on any site within the Town Center Overlay District, MO/H, NC, CC, and GC zoning districts where the use of the land is characterized as residential. This Section does not authorize non-exempt signs on residential sites with fewer than six (6) dwelling units.

A. Freestanding Signs

1. Maximum sign area, on one (1) sign face, shall not exceed thirty-two (32) square feet.

2. Height shall not exceed six (6) feet.

3. Freestanding signs may not be illuminated.

4. One (1) freestanding sign is allowed per street frontage.

B. Temporary Signs

1. Maximum sign area for a temporary portable sign or temporary freestanding sign, on one (1) face, shall not exceed twelve (12) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.

2. One temporary sign is allowed per street frontage.

3. Temporary signs shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event.

4. Temporary signs may not be illuminated.

10.040 Signage within Commercial and Industrial Zones. In addition to exempt signs regulated by Section 10.025, the provisions of this Section regulate other allowed signs on all land zoned MO/H, NC, CC, GC, IP, LI, or GI, and any site zoned R-20, R-10, R-7, R-5, R-4, or A-2, where the use of that land is characterized as commercial, industrial, or institutional.

A. Freestanding Signs

1. A freestanding sign may not exceed one (1) square foot of sign area per linear foot of site frontage, provided the maximum sign face area is not more than one hundred fifty (150) square feet. For calculation purposes, corner signs that face more than one (1) street shall be assigned a site frontage by the applicant. For calculation of leased premises, the frontage shall be the tenant's frontage.

2. Height shall not exceed twenty-four (24) feet.

3. Illumination may be internal, external, or direct.

4. One (1) freestanding sign is allowed per street frontage.

B. Wall Signs

1. Maximum sign face area shall not exceed ten percent (10%) of the gross wall area of each wall to which the sign is attached or painted. In calculating maximum allowable area for a wall sign, each face of a building shall include all window, door, and wall area.

2. Where two (2) or more uses are located in the same building, the maximum permitted area for all signs may be divided among the uses. A separate wall sign

or a joint-use wall sign may be erected, provided that the maximum allowable sign area shall not be exceeded.

3. The maximum sign area for an individual wall may be distributed among any number of wall signs.

4. The wall sign shall be attached to the wall of the building, shall leave no part of the sign extending above the roofline of the building, and shall be designed as an integral component of the building design.

5. No wall sign shall project more than eighteen (18) inches from the wall to which it is attached.

6. Illumination may be internal, external, or direct.

C. Awning Signs

1. Maximum sign area shall not exceed twenty percent (20%) of the awning area.

2. The sign shall be integrated into the design and material of the awning on which it is located.

3. Illumination may be external only.

D. Temporary Signs

1. Maximum sign area for a temporary portable sign, wall sign, or freestanding sign, on one (1) sign face, shall not exceed thirty-two (32) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.

2. One (1) temporary sign is allowed per street frontage.

3. Temporary signs shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event.

4. Temporary signs may not be illuminated.

E. Freeway Signs

1. Maximum sign face area, on one (1) sign face, shall not exceed six hundred seventy-two (672) square feet.

2. Height shall not exceed sixty (60) feet above the freeway elevation as measured from mean sea level for that portion of the freeway perpendicular to the footing of the freeway sign.

3. Illumination may be external only.

F. Projecting Signs

1. The maximum sign face area, for an individual projecting sign, shall not exceed four (4) square feet.

2. The lowest portion of a projecting sign shall be no less than seven and one-half (7 ½) feet above the ground beneath the sign.

3. Projecting signs may not be illuminated.

4. One projecting sign allowed per site.

G. Portable Signs

1. The sign shall be displayed only during the business hours of the business for which it is permitted.

2. The maximum sign face area on one (1) sign face, or the cumulative area of multiple sign faces when there is more than one (1) sign face, shall not exceed ten (10) square feet.

3. The top of the sign shall not exceed six (6) feet above the ground, except that A-frame signs shall not exceed four (4) feet in height.

4. The sign shall be located within the boundaries of the site where the business occupant is located.

5. Portable signs may not be illuminated.

6. One portable sign is allowed per business.

10.045 Signage within the Central Business District (CBD). In addition to exempt signs regulated by Section 10.025, the provisions of this Section regulate other signs on all land within the Central Business District zoning district.

A. Wall Signs

1. Maximum sign face area, for an individual wall sign, shall not exceed thirty-six (36) square feet.

2. The cumulative allowable area of all signs on one wall shall not exceed ten percent (10%) of the gross wall area to which the signs are attached or painted.

3. Where two (2) or more uses are located in the same building, the maximum permitted area for all signs may be divided among the uses. A separate wall sign or a joint-use wall sign may be erected, provided that the maximum allowable sign area shall not be exceeded.

4. Illumination may be external only.

B. Projecting Signs

1. The maximum sign face area, for an individual projecting sign, shall not exceed four (4) square feet.

2. The lowest portion of a projecting sign shall be no less than seven and one-half (7 ½) feet above the ground beneath the sign.

3. Projecting signs may not be illuminated.

4. One projecting sign is allowed per site.

C. Portable Signs

1. The sign shall be displayed only during the business hours of the business for which it is permitted.

2. The maximum sign face area on one (1) sign face, or the cumulative area of multiple sign faces when there is more than one (1) sign face, shall not exceed ten (10) square feet.

3. The top of the sign shall not exceed six (6) feet above the ground, except that A-frame signs shall not exceed four (4) feet in height.

4. The sign shall be located within the boundaries of the site where the business occupant is located.

5. Portable signs may not be illuminated.

6. One portable sign is allowed per business.

D. Temporary Signs

1. Maximum sign area for a temporary portable sign, wall sign, or freestanding sign, on one (1) face, shall not exceed sixteen (16) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.

2. One (1) temporary sign is allowed per street frontage.

3. Temporary signs shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event.

4. Temporary signs may not be illuminated.

10.050 Electronic Display Signs.

A. Electronic display signs shall be allowed only in commercial and industrial zones, subject to the provisions of this Chapter. Electronic display signs may be allowed at a Community Service Use in a residential zone subject to a conditional use permit, issued pursuant to Chapter 6.330 of this Code.

B. One electronic display sign shall be allowed per premises.

C. The message on an electronic display sign shall change no more than once every ten (10) seconds for signs with an electronic sign face of four (4) square feet or less, and no more than once every two (2) minutes for signs with an electronic sign face greater than four (4) square feet. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than two (2) seconds between each separate message or display.

D. Electronic display signs may not be substituted for a nonconforming sign or mounted upon a nonconforming sign or sign structure, unless the sign and sign structure are brought into compliance with all of the provisions of this title.

E. Lumination.

1. An electronic display sign may not have a nighttime (dusk to dawn) lumination intensity of more than 1000 (nits) and shall not have a daytime (dawn to dusk) lumination intensity of more than 8000 (nits) over ambient light conditions.

2. The sign shall have a mechanism that automatically adjusts the lumination level to comply with the standards in this Section.

F. Electronic display signs shall be equipped with a means to immediately turn off the display when it malfunctions. The party owning or controlling an electronic display sign shall turn off the sign or lighting within four (4) hours of being notified by the Director or designee that it is not in compliance with the standards of this Section.

10.055 Nonconforming and Abandoned Signs. All signs erected after the effective date of this title, which are in violation of any provisions of this Chapter, shall be removed or brought into conformance upon written notice by the Director.

A. Signs that have been lawfully erected prior to the date this Code is adopted that do not

conform to the regulations of this Chapter are nonconforming signs and may continue to exist, subject to the following provisions:

1. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.

2. Signs that are moved, replaced, or structurally altered shall be brought into conformance with this Chapter.

3. A nonconforming sign that is damaged shall not be repaired if the estimated expense of repairing the sign exceeds fifty-percent (50%) of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within ninety (90) days of the date the sign was damaged.

4. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty-percent (50%) or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, if such repairs and restoration are started within ninety (90) days of the date the sign was damaged and are diligently pursued thereafter.

B. A sign shall be deemed abandoned when:

1. The site where the sign is located has been vacated for a period of sixty (60) days or more;

2. The sign does not have a message or image on the sign face area for a period of sixty (60) days or more; or

3. The sign has been damaged and there has not been diligent progress in making repairs for a period of sixty (60) days or more.

C. If a sign is abandoned, the Director shall send notice to the property owner and sign owner, if the Director is able to determine the sign owner is by looking at the sign. Notice shall be sent via regular and certified mail, return receipt requested, stating that the sign has been abandoned and must be removed.

1. The notice shall direct that the sign be removed by a specified date and shall inform the property owner and sign owner, if known, of the basis for concluding that the sign has been abandoned. The notice shall also inform the property owner and the sign owner of their appeal rights.

2. A property owner or sign owner who disagrees with the Director's determination that a sign has been abandoned may appeal the Director's notice by filing a written appeal with the Director within ten (10) days of the date on the notice.

3. The appeal shall identify the notice that is being appealed and explain why the Director's determination is wrong.

4. Upon timely receipt of an appeal, the Director shall process the appeal in accordance with Chapter 2 of this Code.

D. If the abandoned sign is not removed by the specified date in the Director's notice and the owner has not requested an appeal, or if the sign is not removed within the time specified in the decision rendered following the appeal, the Director shall cause the sign to be removed. The cost of removal shall be entered by the City Recorder on the docket of City liens against the property owner, and shall be collectible in the same manner as liens for public improvements. The Director may also file charges against the property owner or sign owner in Troutdale Municipal Court.

10.060 Enforcement of Permanent Signs. Signs that violate the provisions of this Chapter are deemed a public nuisance. The Director may take any one or more of the following actions to enforce this Chapter: seek a fine pursuant to Chapter 17.110, declare the sign a nuisance and proceed pursuant to Municipal Code Chapter 8, seek declaratory and injunctive relief, revoke the sign permit or any other action authorized by law.

10.065 Enforcement of Temporary Signs. Enforcement of temporary signs not conforming to regulations of this Chapter shall be subject to the following provisions:

A. In addition to bringing an action for a violation pursuant to Chapter 17.110 A., for signs located on public utility poles, traffic sign poles, or public property, the Director may order the immediate removal of any temporary sign in violation of the provisions of this Chapter.

1. If the sign identifies the owner and provides contact information, the Director shall within three (3) business days notify the sign owner of the basis for concluding that the sign is not permitted, that the sign may be retrieved within ten (10) days by paying a $20 retrieval fee per sign, and that if not retrieved the sign will be deemed abandoned and will be destroyed. Unless the owner declines to provide an address, the notice shall be in writing and delivered or sent by US Mail.

2. If the does not contain sufficient information identifying the owner, or contact information, the Director shall hold the sign for thirty (30) days. The owner may retrieve it by paying a $20 per sign retrieval fee. If not retrieved within thirty (30) days, the sign shall be deemed abandoned and may be destroyed.

B. For temporary signs located on privately-owned property in violation of this Chapter, in addition to the enforcement actions in this Section, the Director may bring an action for abatement in accordance with Chapter 8 of the Troutdale Municipal Code.

Chapter 11 – Landscaping and Screening

11.010 Minimum Basic Improvements. These standards apply to developments other than single-family detached and duplex dwelling units on a single lot.

A. The minimum area of a site to be retained in landscaping shall be as follows:

Zoning District or Use		***Percentage***
A-2 - Apartment Residential		25%
MHP - Manufactured Home Park		25%
CBD - Central Business District		5%
MO/H - Mixed Office/Housing	If residential use is provided:	15%
	If no residential use is provided:	5%
NC - Neighborhood Commercial		20%
CC - Community Commercial		15%
GC - General Commercial		15%
IP - Industrial Park		15%
LI - Light Industrial		15%
GI - General Industrial		10%

B. For attached dwellings, including mixed-use development, usable recreation areas shall be provided for development containing more than five (5) dwelling units at the rate of two hundred (200) square feet per dwelling unit. Such areas shall be counted as part of the required landscaping percentage. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc.

C. Except for portions approved for parking, loading, or traffic maneuvering, a required setback area abutting a public street, and open area between the property line and the roadway in the public street, shall be landscaped. This landscaping shall be counted as part of the required landscaping percentage, except for that portion of the landscaping within the street right-of-way.

D. Site-obscuring shrubbery or a berm, wall, or fence shall be placed along the boundary of each classification of zone, i.e. residential, commercial or industrial, and around unsightly areas such as a trash or equipment storage area, or an outdoor industrial or commercial activity.

E. Landscaping that is required by a land use approval shall be irrigated to ensure the survivability of the landscaping.

F. At least seventy-five percent (75%) of the required landscaped area shall be planted with a suitable combination of trees, shrubs, or evergreen groundcover.

G. Plant Material:

1. Trees shall be species having an average mature spread of crown of greater than fifteen (15) feet and trunks which can be maintained in a clean condition with over five (5) feet of clear wood. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread.

2. Trees shall be a minimum of seven (7) feet in overall height or one and one-half (1½) inches in caliper immediately after planting. Adjacent to any public right-of-way or easement, the following species shall be prohibited: poplar, willow, cottonwood, fruit trees, nut trees, and ailanthus. Selected conifers may be planted adjacent to public right-of-ways or easements if approved by the Director. See the City's list of recommended tree species.

3. Shrubs shall be a minimum of one (1) gallon in size or two (2) feet in height when measured immediately after planting. Hedges, where required to screen and buffer off-street parking from adjoining properties, shall be planted with an evergreen specie maintained so as to form a continuous, solid, visual screen at time of planting.

4. Vines for screening purposes shall be a minimum of one (1) gallon in size or thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

5. Groundcovers used in lieu of turf, in whole or in part, shall be planted in such a manner as to provide complete coverage within one (1) year.

6. Turf areas shall be planted in species normally grown as permanent lawns in Troutdale. Acceptable varieties include improved perennial rye and fescues.

7. The use of native plants throughout the site is encouraged if the site abuts vegetation corridors, steep slopes, wetlands, or floodplain. If native plants are used exclusively, a reduction of five percent (5%) of the minimum landscaping requirement will be authorized.

8. Plants listed in the current Oregon Department of Fish & Wildlife Oregon Invasive Species Action Plan as invasive are prohibited.

H. Landscaped areas may include architectural features or artificial groundcovers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust (medium coarse), decorative hard paving, and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed twenty-five percent (25%) of the required landscaped area. Artificial plants are prohibited in any required landscaped area.

I. Existing trees with a six (6) inch DBH or greater shall be preserved except when removal is specifically authorized by the Site and Design Review Committee or in the development approval.

J. The area of the vegetation corridor on a site being developed counts toward the required landscape area.

11.015 Garbage and Recycling Container Enclosures. All enclosures used to contain garbage and recycling containers at multiple-family, commercial, industrial, or institutional developments must conform to the following minimum standards:

A. Screening. All enclosures for garbage and recycling containers must be screened from public view. Screening shall consist of six (6) foot high walls constructed of any of the following materials:

1. Cyclone fencing with slats.

2. Wooden fencing.

3. Concrete blocks.

4. Materials other than the above-mentioned as approved on a case-by- case basis.

B. Gates. Gates must meet the following requirements:

1. Must have a latch or some type of device which will keep the gate shut after it is closed. The device can be above or below ground.

2. Must have a mechanism to keep gates open during trash removal. The device can be above or below ground.

3. Wheels are not required; however, the hinge must be adequate to support the weight of the gate.

C. Base Material/Flooring. The entire base dimension must meet the following requirements:

1. Must be made out of concrete. Concrete shall have a nominal thickness of four (4) inches. Exceptions to the base materials may be approved by the Director where warranted.

2. Must be positively sloped to the drainage system.

11.020 Performance Bond or Security. Landscaping must be installed prior to final occupancy. If weather conditions or other circumstances beyond the control of the developer or owner make completion of the landscaping impossible, an extension of up to six (6) months may be applied

for by posting "security" equal to forty percent (40%) of the cost of the landscaping with the City, assuring installation within six (6) months. "Security" may consist of a performance bond payable to the City, cash, certified check, time certificates of deposit, assignment of a savings account, or other such assurance of access to funds necessary for completion as shall meet the approval of the City Attorney. Upon acceptance of the approved security, the owner may be allowed occupancy for a period of one hundred-eighty (180) days. If the installation of the landscaping improvement is not completed within one hundred-eighty (180) days, the City shall have access to the security to complete the installation and/or revoke occupancy. Upon completion of the installation, any portion of the remaining security minus administrative charges of twenty-five percent (25%) shall be returned to the owner. Costs in excess of posted security shall be assessed against the property, and the City shall thereupon have a valid lien against the property which will come due and payable.

11.030 Guarantee. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two (2) years. This guarantee shall ensure that all plant materials survive in good condition and shall guarantee prompt replacement of dead or dying plant materials.

Chapter 14 – Flood Management

14.005 Purpose. Without establishing any priority, the purpose of this Chapter is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions or degradation of water quality in specific areas by provisions designed to:

A. Protect human life, health, and property in areas subject to periodic flooding;

B. Implement the Floodplain requirements of Statewide Planning Goal 7 - which relates to areas subject to natural disasters and hazards;

C. Through floodplain regulation, contribute to the properly functioning condition of streams and rivers and address, in part, the water quality aspects of Statewide Planning Goal 6;

D. Implement requirements for the City's participation in the National Flood Insurance Program, and voluntary participation in the Community Rating System;

E. Implement the actions derived from the Multnomah County Natural Hazard Mitigation Plan to minimize the risk of natural hazards, such as flooding, to people and property;

F Ensure continuity of City services, access to City facilities, and minimal prolonged business interruptions during times of flood;

G. Manage stormwater drainage in a manner that:

1. Maintains the properly functioning conditions of waterways;

2. Provides for the conveyance and temporary storage of floodwater;

3. Reduces floodwater velocity;

4. Facilitates sediment deposition in the floodplain;

5. Provides an opportunity for groundwater recharge; and

6. Promotes other stormwater and floodplain functions.

These provisions are also intended to minimize maintenance costs, eliminate potential hazards before they occur, and protect properties and persons adjacent to drainageways and to other natural hazard areas;

H. Minimize damage to public facilities and utilities, such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

I. Help maintain a stable tax base by providing for sound use and development;

J. Ensure that potential buyers are notified that property is in an area of special flood hazard;

K. Compel those who occupy the areas of special flood hazard assume responsibility for their actions;

L. Maintain and improve water quality;

M. Minimize erosion and loss of native vegetation;

N. Maintain wetlands, including swamps, marshes, bogs, and similar areas within the City, because wetlands help to maintain water quality and flood storage capacities;

O. Avoid any increase in base flood elevations as a result of development;

P. Minimize expenditure of public money for costly flood control projects;

Q. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

R. Reduce flood losses and maintain water quality. In order to accomplish its purpose, this Chapter includes methods and provisions to:

1. Require that development that is vulnerable to floods, including buildings, structures, and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;

2. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

3. Control filling, grading, dredging and other development which may increase flood damage or erosion;

4. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards on other lands;

5. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters, and;

6. Coordinate with and supplement provisions of Oregon Building Codes.

S. To advance these purposes, where not required, creation of open space tracts is encouraged within areas designated as natural hazards on the Comprehensive Plan and official zoning maps.

14.010 Applicability.

A. These provisions shall apply to public and private properties in the one percent (1%) annual chance of flood floodplain (100-year floodplain or Special Flood Hazard Area) as mapped by the Federal Insurance Administrator of rivers and local streams within the planning jurisdiction of the City of Troutdale, which includes land in unincorporated Multnomah County within the City's Urban Planning Area.

B. The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Multnomah County, Oregon and Incorporated Areas of Multnomah County", with accompanying Flood Insurance Rate Maps, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Community Development Department located at 2200 SW 18th Way, Troutdale, OR 97060 (storage location subject to change, consult the Floodplain Manager for current file storage location). Metro, a regional metropolitan planning agency representing portions of Clackamas, Multnomah, and Washington Counties, mapped the flood hazard areas from areas inundated by flooding in 1996 on the Title 3 map. The Title 3 maps are adopted for reference only. Not every Special Flood Hazard Area has been mapped by the Federal Insurance Agency through the Flood Insurance Study and Flood Insurance Rate Maps cited above. The Floodplain Manager or designee is authorized through Sections 14.020 to obtain from applicants the information necessary to determine the presence and extent of unmapped Special Flood Hazard Areas as part of reviewing development proposals that affect the floodplain. Once approved by the Floodplain Administrator or designee, such information shall be incorporated into the Natural Hazards Map and used by the City of Troutdale to supplement the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps cited above to ensure consistency with the floodplain regulations contained in this Chapter. Contested base flood elevations are to be reviewed under the provisions of Subsection 14.020.D of this Chapter. The City will keep a record of all surveys, delineations, and any Letter of Map Change (LOMC) approved by the Federal Emergency Management Agency, as revisions to the local copy of the Title 3 map. The City will submit this information to Metro for future updates of the Title 3 map.

C. Warning and Disclaimer of Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Code does not imply that land or uses will be free from flooding or flood damage. This Code shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administrator, for any damages that result from reliance on this Code or any administrative decision lawfully made hereunder.

14.015 Severability. The standards of this Chapter are subject to the severability standards as described in Section 17.100 of this Code.

14.020 Administration and Interpretation of Flood Insurance Rate Map Boundaries and Flood Management Area Standards.

A. The Community Development Director shall designate a Floodplain Manager to be the Local Administrator of this Chapter. The Floodplain Manager shall implement the provisions and standards of the National Flood Insurance Program, the standards of this Chapter, and make interpretations, where needed, including determinations regarding the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) by granting or denying Floodplain Development Permit applications in accordance with its provisions. In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body;

3. Judged by established historical facts of flooding as known by, or made known to, the governing body;

4. Deemed neither to limit nor repeal any other powers granted under State statutes; and

5. Defined in Section 1.040 of this Code.

B. Duties and Responsibilities of the Floodplain Manager. Duties of the Floodplain Manager shall include, but not be limited to:

1. Review all Floodplain Development Permits to determine that the permit requirements of this ordinance have been satisfied.

2. Review all Floodplain Development Permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

3. Review all Floodplain Development Permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of this Chapter are met.

4. When base flood elevation data has not been provided (A Zones) in accordance with Section 14.010 of this Chapter, the Floodplain Manager shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 14.040 of this Chapter.

5. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 14.020.C, obtain and record the actual elevation

(in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.

6. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 14.020.C, the Floodplain Manager shall:

    a. Verify and record the actual elevation (in relation to mean sea level), and

    b. Maintain the floodproofing certifications required in Section 14.040 of this Chapter.

7. Maintain for public inspection all records pertaining to the provisions of this ordinance.

8. Notify adjacent communities, the Oregon Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator.

9. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

10. Notify FEMA within six (6) months of project completion when an applicant had obtained a Conditional Letter of Map Change from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Change. The property owner shall be responsible for preparing technical data to support the Letter of Map Change application and paying any processing or application fees to FEMA. The Floodplain Manager shall be under no obligation to sign the Community Acknowledgement Form, which is part of the Conditional Letter of Map Change and Letter of Map Change application, until the applicant demonstrates that the project will or has met the requirements of this Code and all applicable State and Federal laws.

11. Report to FEMA on each development permit issued in the SFHA, including:

    a. Amount of fill or structural displacement of flood storage, and the amount (in volume and area) of compensatory storage provided;

    b. Amount of new impervious surface and types and amounts of compensatory mitigation provided;

    c. The number of trees equal to or greater than six (6) inches in diameter at

breast height removed, and the types and amounts of compensatory mitigation provided;

d. The area in which clearing and/or grading occurred;

e. For any project that disconnects or reconnects land to the floodplain, the type of project and amount of land disconnected or reconnected; and

f. Location of the project and of the corresponding mitigation.

14. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14.055 of this Chapter.

C. Use of Other Base Flood Data for Permit Review. When base flood elevation data is not available through the Flood Insurance Study, FIRM, or has not been provided in accordance with Section 14.010 of this Chapter, the City may obtain, review, and utilize any reasonable base flood elevation and floodway data available from a federal, state, or other source, in order to assure that proposed development will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

D. Contested Boundaries. A person contesting the location of the boundary has the opportunity to submit a Letter of Map Change (LOMC) directly to the Federal Emergency Management Agency to change the Flood Insurance Rate Map mapping of their property. If a land use application is submitted before a LOMC is approved by the Federal Emergency Management Agency, the application will be processed under the standards of this Chapter.

E. Inspections. The Floodplain Manager shall inspect development that is subject to the permit requirements of this Chapter, including buildings and structures exempt from the Building Code. The Floodplain Manager shall inspect Special Flood Hazard Areas to determine if development is being undertaken without the issuance of a permit. Annual inspection logs shall be maintained by the Floodplain Manager.

14.025 Uses within the Floodplain but Outside the Floodway and Outside Wetlands.

A. Prohibited Uses.

1. Any prohibited use in the underlying zoning district.

2. Excavation, fill, or vegetation removal without an approved land use permit.

3. Expansion of legal nonconforming uses.

4. Uncontained, outside storage areas of hazardous materials for hazardous materials as defined by the State of Oregon Department of Environmental Quality.

5. No new land divisions will be approved for properties exclusively within the floodplain or that propose to create a buildable lot that is exclusively within the floodplain.

B. Permitted Uses.

1. Any use permitted in the underlying zoning district, subject to the standards for development outlined in Section 14.040 of this Chapter, including stormwater management facilities developed in accordance with the standards of Section 5.700 of this Code.

2. Open space, trails, walkways, and bike paths as designated by the Troutdale Parks Plan, or as approved with a land use application and constructed in compliance with Section 4.315.D.

3. Removal of unauthorized fill.

4. Removal of nuisance or invasive plant species, and/or the restoration of approved plant species on the City of Portland Plant List as defined in Section 1.040 of this Code.

5. Removal of dead or dying trees that are an imminent danger to public safety as determined by a certified arborist or the equivalent.

6. Construction of new roadways and utilities necessary to support permitted development within and outside the Flood Management Area, subject to the standards of Section 14.040 of this Chapter and the Construction Standards on file in the Public Works Department or the applicable jurisdiction of the roadway.

7. New culverts, stream crossings, and transportation projects may be permitted if designed as balanced cut and fill projects, and in compliance with the standards of Section 14.040 of this Chapter. Such projects shall be designed to minimize the area of fill in Flood Management Areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

8. Excavation and fill required for the construction of detention facilities or structures, and other facilities such as levees specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable land.

9. Emergency temporary bank stabilization necessitating immediate action during a flood event to prevent the loss of an existing structure, or to repair a bank damaged during a natural flooding event.

10. Routine repair and maintenance of existing structures (conforming and nonconforming uses), streets, driveways, utilities, culverts, drainageways and levees constructed for flood control, accessory uses, and other existing development on the site (including landscaped yards, decks, patios, boat ramps, etc.).

11. Rehabilitation or replacement of a structure that is damaged or destroyed to any extent, whether it is partially or fully within the Flood Management Area, and in compliance with Section 4.521 of this Chapter. Any structure or use deliberately removed or demolished may not be restored, replaced, or rebuilt, except in compliance with all applicable provisions of this Code, federal, state, and county regulations.

12. Any development that must implement a Federal Aviation Administration (FAA) compliant wildlife hazard management plan on property owned by the Port of Portland or within ten thousand (10,000) feet of an Aircraft Operating Area, as defined by the FAA, and removal of trees that interfere with the landing or takeoff flight path of aircraft at the Troutdale Airport or otherwise interferes with the safe operation of the airport as determined by the Port of Portland. The removal of trees that interfere with the operation of the Troutdale Airport are permitted outright.

13. Wildfire mitigation projects, such as fuels reduction or the creation of defensible space.

14. Removal of waste as defined in the Troutdale Municipal Code Section 8.40.015.

14.030 Uses within the Floodway or within Wetlands.

A. Prohibited Uses within the Floodway or within Wetlands. Unless specifically permitted under this Section, the following uses are prohibited within floodways and wetlands:

1. Manmade structures.

2. Vegetation removal, fill, or excavation. Vegetation removal in the floodway in concert with an approved wildfire mitigation project may be permitted subject to review under the standards for development of Section 14.040 of this Chapter.

3. Private road construction.

4. Alterations and relocations of the watercourses of Arata, Salmon, or Beaver Creeks, the Sandy and Columbia Rivers, or the watercourse of any unnamed

perennial or intermittent stream except as provided for in Subsection B(11) of this Section and Section 14.040.O of this Chapter.

5. Fill of wetlands without both an approved land use application and an approved Joint Fill Permit issued by the Oregon Department of State Lands and the U.S. Army Corps of Engineers.

6. Uncontained, outside storage areas of hazardous materials for hazardous materials as defined by the State of Oregon Department of Environmental Quality.

7. Expansion of nonconforming uses.

8. New installation of manufactured dwellings.

B. Permitted Uses within the Floodway or within Wetlands. The following uses are permitted subject to review under the standards for development of Section 14.040 of this Chapter:

1. Open space, trails, walkways, and bike paths, as designated by the Troutdale Parks Plan, or as approved with a land use application.

2. Removal of unauthorized fill.

3. Removal of dead or dying trees that are an imminent danger to public safety as determined by a certified arborist or the equivalent.

4. Routine repair and maintenance of existing structures (conforming and nonconforming uses), streets, driveways, utilities, culverts, drainageways and levees constructed for flood control by the Sandy Drainage Improvement Company or its successor, accessory uses, and other existing development on the site (including landscaped yards, decks, patios, boat ramps, and the operation, maintenance, and repair of manmade water control facilities such as irrigation and drainage ditches, constructed ponds or lakes, wastewater facilities, and stormwater quality facilities, and similar development.

5. Construction, expansion, and/or maintenance of public roadways and public utility facilities necessary to support permitted development. A “No-Rise” Certification for construction or expansion of public roadways and public utilities shall be required consistent with Section 14.040.G(4) for all approved projects.

6. Balanced excavation and fill required for the construction of detention facilities or structures and other facilities such as levees specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable lands.

7. New culverts, stream crossings, and transportation projects necessary to implement the City, County, or State Transportation System Plans or other

development permitted under this Chapter, and as applicable, meets the specifications of the Oregon Department of State Lands, Oregon Department of Fish and Wildlife, and federal regulations.

8. Permanent bank stabilization necessary to preserve an existing structure provided the balanced cut and fill standard is met if the work is in the floodplain or a "No-Rise" certification if the work is within the floodway. Exception: Bank stabilization is not permitted for development on a vacant lot of record.

9. Emergency temporary bank stabilization necessitating immediate action during a flood event to prevent the loss of an existing structure, or to repair a bank damaged during a natural flooding event.

10. Fill of wetlands when there is no other practicable way to build on the site as established through Section 14.040 of this Chapter, and provided fill of wetlands within the floodplain is balanced with cut elsewhere within the floodplain, and a Fill/Removal Permit is issued from the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers (Corps), as applicable. The application to DSL and the Corps may be processed concurrently with a land use application for site and design review, land division, a planned development application, or a conditional use. A joint fill permit may be applied for prior to application for a land use permit. However, if a joint fill permit is approved by the Oregon Department of State Lands and the U.S. Army Corps of Engineers prior to applying for the land use application, fill may not proceed until the final decision for the land use application has been made by the City. Mitigation for fill of wetlands and the location of the mitigation shall be as prescribed by the DSL/Corps permit.

11. New drainageways, levees, or alteration of watercourses to accommodate public projects administered by the Sandy Drainage Improvement Company or its successor, the City, Multnomah County, the state, or a federal agency, provided it is in compliance with Sections 14.035(C), and 14.040(R) and (S) of this Chapter.

12. Any development that must implement a Federal Aviation Administration (FAA) compliant wildlife hazard management plan on property owned by the Port of Portland or within ten thousand (10,000) feet of an Aircraft Operating Area, as defined by the FAA, and removal of trees that interfere with the landing or takeoff flight path of aircraft at the Troutdale Airport or otherwise interferes with the safe operation of the airport as determined by the Port of Portland. The removal of trees that interfere with the operation of the Troutdale Airport are permitted outright.

13. Removal of waste as defined in the Troutdale Municipal Code Section 8.40.015.

14.035 Floodplain Development Permit

A. Background. To participate in the National Flood Insurance Program (NFIP), a community must adopt and enforce a floodplain management ordinance that regulates development in the floodplain. This floodplain management ordinance is housed primarily in Chapter 14 of this Code, but is in part addressed in other Chapters of this Code. One of the basic Federal requirements for regulating Development in the Floodplain is a requirement for a Floodplain Development Permit (locally, a Floodplain Development Permit) before construction or other development begins within any Special Flood Hazard Area. In this context, the term "development" is defined in Section 1.040. This chapter contains provisions for the federally required Floodplain Development Permit and is consistent with the National Flood Insurance Program (NFIP) regulations. A Floodplain Development Permit is required for development within the Flood Management Area except as noted in Section 14.035.C of this Chapter.

B. Applicability. Unless exempt per Section 14.035.C, below, approval of a Floodplain Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 14.010.B of this Chapter. The permit shall be for all structures including manufactured dwellings, as set forth in the Section 1.040 and for all development including fill and other activities, also as set forth in the Section 1.040.

C. Exemptions. The following activities do not require a Floodplain Development Permit:

1. Removal of invasive, nuisance, or prohibited plant species that exposes the ground, provided a revegetation plan approved or prepared by the City, state, a federal agency, Metro, SOLV, the East Multnomah Soil & Water Conservation District, or other similar organizations as determined by the Floodplain Manager, is carried out to provide shade and habitat, prevent erosion of steep slopes and/or sedimentation into the protected water feature. A copy of the plan shall be provided to the Floodplain Manager prior to beginning the work.

2. Placement of fill in residential zones, provided it is consistent with other applicable provisions of this Code, and provided the fill is used solely for the purpose of constructing a sandbox, a raised gardening bed, or other similar landscape feature.

3. Installation of three strand, on bendable pole, wire farm type fencing that is constructed consistent with the provisions in Section 14.040 of this Chapter.

4. Landscape maintenance activities consistent with the standards identified in this Section.

5. Wetlands not subject to flooding as described Section 14.010.B of this Chapter, nor identified as designated habitat covered under the Endangered Species Act, and are not exempt from review under Section 4.300 of this Code.

D. Submission Requirements. An application for a Floodplain Development Permit within the Flood Management Area shall include the following, and these requirements apply to all applicants for development approval unless otherwise noted below:

1. A site plan showing the proposed development on the site, drawn to a standard scale, and including an illustrated scale for use in reductions. A site plan shall also consist of the following:

   a. SFHA boundaries, and the base flood elevations based upon the North American Vertical Datum of 1988 (NAVD 88);

   b. The 1996 flood boundaries established by Metro;

   c. Floodway boundaries as determined by datum available from the FIRM and Flood Insurance Study;

   d. The name, location, and dimensions of affected streams or rivers, and the bankfull stage or the two-year storm level.

   e. The area comprising the vegetation corridor as established by Sections 4.316 and 4.317 of this Code;

   f. Wetlands that are determined significant by the Oregon Department of State Lands or have the following characteristics. All wetland determinations made prior to development must be reviewed and acknowledged by the Oregon Department of State Lands prior to issuance of City permits. The characteristics shall be determined by a qualified scientist.

      i. The wetland is fed by surface flows, sheet flows, or precipitation; has evidence of flooding during the growing season; at least sixty percent (60%) of the area is vegetation; and is over one-half acre in size; or, the wetland qualifies as having "intact water quality function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

      ii. The wetland is in the Flood Management Area; has evidence of flooding during the growing season; is five (5) acres or more in size; and has a restricted outlet or no outlet; or, the wetland qualifies as having "intact hydrologic control function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

      iii. The wetland, or a portion of the wetland, is within a horizontal distance of less than one-fourth (1/4) mile from a water body which meets the State of Oregon Department of Environmental Quality definition of "water quality limited water body" in OAR Chapter 340, Division 41 (1996).

2. Topographic survey. The survey shall show the floodway and floodplain. The survey shall also show the location of existing and proposed improvements on the site, trees or tree clusters (including those to be removed), existing roads, utilities, and structures, buildings, structures, fencing, walls, landscaping, storage of materials or equipment, drainage facilities, parking areas, and other impervious surface areas. The survey shall be drawn to scale, with two (2) foot contours, and shall note the distance from Top-of-bank to the improvements on the site;

3. Where base flood elevation data is provided through the City's Flood Insurance Study, or by other means as permitted in this Chapter, the developer shall obtain and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, including the placement of a manufactured dwelling, and whether or not the structure contains a basement. This information shall be based upon NAVD 88 and provided on a City Floodplain Development Permit form, and should include the following, as applicable:

    a. For all new or substantially improved, elevated, or floodproofed structures, verify and record the actual elevation.

    b. Where development occurs within Zone A of the Flood Management Area and the Base Flood Elevation (BFE) data is not available either through the Flood Insurance Study or from another authoritative source as authorized in Subsection 14.020(C) of this Chapter, the Floodplain Development Permit shall be reviewed for compliance with FEMA Publication 265 issued July 1995 "Managing Floodplain Development in Approximate Zone A Areas", adopted herein for reference, and applicable State of Oregon Building Codes.

4. Hydrology and soils report. Where ground disturbance or vegetation removal is proposed that exposes the soil, this report shall be required. This report shall include information on the hydrological activities of the site, the effect of hydrologic conditions on the proposed development, and any hydrological or erosion hazards. This report shall also include characteristics of the soils on the site, suitability for development, its carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the function or stability of a public use or facility. This report shall also include information on the nature, distribution, and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. The report shall be prepared by a professional engineer registered in Oregon. In Oregon Department of Geology and Mineral Industries (DOGAMI) inventory of landslide hazard areas, on hillsides where grading will lessen stability, or in areas where historic or prehistoric mudflows have occurred, a soils engineer and/or engineering geologist registered in Oregon shall certify the development will not negatively impact public safety, adjacent properties, or water quality.

5. Grading plan. If grading is to occur, a grading plan shall be required that shows existing and finished contours (two-foot contour intervals), drainage, all cut and fill slopes and proposed drainage channels, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, and water quality facilities.

6. Vegetation report. Where vegetation is to be removed or other impacts to the onsite vegetation is to be expected as a result of development, this report shall be required. This report shall consist of a survey of existing vegetation, whether it is native or introduced, and how it will be altered by the proposed development. Measures for enhancement of the site, including revegetation with approved plant species, will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. The vegetation report shall be prepared by a landscape architect, landscape designer, botanist, arborist, wetland specialist, or other similar credentialed authority as determined by the Floodplain Manager with specific knowledge of approved plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation. The contractor for installation and maintenance will be responsible for replacing any approved plant species that do not survive the first two (2) years after planting.

7. A "No-Rise" certification and a Letter of Map Change (LOMC) shall be submitted with the land use application for the following activities within the floodway as mapped by FEMA:

   a. Permanent bank stabilization that occurs in the floodway.

   b. Development, alterations, or relocations of the floodway, including any permanent fill within the floodway.

8. Building and structure elevations. For all existing and proposed, relocated, or expanded buildings and structures, elevation in relation to the Highest Adjacent Grade, the North American Vertical Datum 1988 (NAVD88), and the base flood elevation as applicable, of the:

   a. Lowest enclosed area of all existing and proposed, relocated, or expanded buildings and structures. This includes crawlspaces, basement floors, and attached garages, electrical equipment (except utility meters), heating and ventilation equipment, plumbing, air conditioning equipment, and/or other service facilities (including ductwork); top of proposed garage slabs; and next highest floor situated above the items herein.

   b. Elevation to which any existing building or structure has been or is proposed to be flood-proofed; and certification by a registered

professional engineer that the flood-proofing methods for any nonresidential structure meet the floodproofing criteria in this Chapter.

c. The locations and sizes of all flood openings in any proposed buildings and structures.

9. Infrastructure. Location of all proposed infrastructure necessary to serve the proposed development shall be required when such new development is proposed by the applicant. Such infrastructure includes, but is not limited to, streets, driveways, water, sanitary sewer, and storm drainage.

10. Floodplain or watercourse alterations. Where floodplain or watercourse alterations are proposed, a description of the extent to which any floodplain or watercourse is proposed to be altered or affected as a result of proposed development shall be required.

11. All federally-mandated or state-mandated permits issued by other governmental agencies shall be obtained, or obtaining such permits shall be a Condition of Approval to be satisfied prior to issuance of any construction permit. Such permits include but are not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, 16 U.S.C. 1531-1544, and State of Oregon Removal-Fill permits, as amended.

E. Application for Floodplain Development Permit. A Floodplain Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 14.010 of this Chapter. The permit shall be for all structures including manufactured dwellings, as set forth in Section 1.040 and for all development including fill and other activities, also as set forth in Section 1.040. Applications for a Floodplain Development Permit shall be made on forms furnished by the Community Development Department and may include, but not be limited to, plans drawn to scale showing the nature, location, dimensions, elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

1. A Type I Floodplain Development Permit is required for the following:

a. Construction of a single-family dwelling, including the placement of a manufactured dwelling or repair or alteration of existing single-family dwellings and manufactured dwellings. Single-family dwellings and manufactured dwellings shall be built in compliance with the applicable development standards in Section 14.040 of this Chapter.

b. Emergency bank stabilization necessary to preserve an existing structure during a flood emergency. During the flood event the permit is not required; however, within 90 days of the water receding a Floodplain Development Permit shall be obtained that documents the bank

stabilization measures taken during the emergency and the schedule and procedure that will be used to remove any temporary fill, including sand bags. If the stabilization measures will not be removed, a Type II Floodplain Development Permit will be required as well as a "No-Rise" certification and LOMC as applicable.

c. Wildfire mitigation projects as identified in this Chapter.

2. A Type II Floodplain Development Permit is required for:

a. Any use in the underlying zoning district requiring a Type II Site Development review.

b. New or expanded streets or bridges.

c. New or expanded railroads or trestles.

d. Permanent bank stabilization or fill within the floodplain or floodway.

e. Balanced cut and fill activity within the floodplain, with a Letter of Map Change, as required in this Code.

f. Fill of wetlands. If the wetland is outside of the floodplain and not hydrologically connected, a Floodplain Development Permit is not required, only the Site Development Review.

g. Other uses similar in nature to those listed above.

3. A Type III procedure and Floodplain Development Permit shall be processed for uses requiring a Type III review in the underlying zoning district, for all special variances requested from the standards of this Chapter, and for any proposed alteration of a watercourse of any perennial or intermittent streams.

F. Review Criteria - Requests for approval of a Floodplain Development Permit shall be reviewed by the Floodplain Manager or designee to ensure:

1. Consistency with the standards from Sections 1.040, Chapter 2, and Section 14.040 of this Code, as applicable;

2. Consistency with other applicable standards of this Code and all other applicable policies and standards adopted by the City.

G. Mandatory Conditions of Approval - The following Conditions of Approval are mandatory and shall be imposed on every approved Floodplain Development Permit:

1. Required During Construction Elevation Certificate. For all new construction,

development, and substantial improvements, the permit holder shall provide to the Floodplain Manager or designee an as-built certification of the floor elevation or flood-proofing elevation immediately after the lowest floor or flood-proofing is placed and prior to further vertical construction. Any deficiencies identified by the Floodplain Administrator or designee shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator or designee or the Building Official to issue a stop-work order for the project.

2. Required Documentation Prior to Issuance of Certificate of Occupancy

a. In addition to the requirements of the Building Codes pertaining to Certificate of Occupancy, prior to the final inspection the owner or authorized agent shall submit the following documentation to the Floodplain Manager or designee and the documentation shall be prepared and sealed by a registered surveyor or engineer:

i. For elevated buildings and structures in Special Flood Hazard Areas, the as-built elevation of the lowest floor, including basement, or where no base flood elevation is available the height above highest adjacent grade of the lowest floor;

ii. For buildings and structures that have been floodproofed, the elevation to which the building or structure was floodproofed.

b. Failure to submit certification or failure to correct violations shall be cause for the Floodplain Manager or designee or the Building Official to withhold a Certificate of Occupancy until such deficiencies are corrected.

3. For applications for partitions and subdivisions, one of the following shall be required:

a. Protection of Flood Management Areas with a conservation easement;

b. Platting Flood Management Areas as common open space; or

c. Offer of sale or donation of Flood Management Area property to public agencies or private non-profits for preservation where feasible.

14.040 Development Standards. The land use application shall establish through the use of narrative, site plans, and professional reports, the following:

A. Type II or III approval for new development, including additions or alterations to existing structures, except for single family dwellings, in the Flood Management Area may be allowed, provided that:

1. The applicant shall demonstrate that there is no reasonable nor practical alternative design or method of development that would have a lesser impact on the Flood Management Area than the one proposed.

2. If there is no reasonable nor practical alternative design or method of development the project shall be designed in compliance with applicable parts of Subsections (B) through (X) of this Section, so that the impacts on the Flood Management Area are limited and the plans shall include restoration, replacement, or rehabilitation of the vegetation within the Flood Management Area.

3. The applicant shall provide mitigation to ensure that impacts to the functions and values of the vegetation corridor and integrity of the slope will be mitigated or restored to the extent practicable.

B. A professional engineer registered in Oregon must certify that the development will not result in any increase in flood levels throughout the SFHA during the occurrence of the base flood discharge, and that water quality will not be adversely affected.

C. As applicable, the development must be authorized by the Oregon Department of State Lands, U.S. Army Corps of Engineers, the Oregon Department of Fish and Wildlife, and the Sandy Drainage Improvement Company. The applicant shall obtain and submit a copy of all required state and federal permits for any proposed development in the Flood Management Area, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

D. Unless otherwise authorized under the provisions of this Chapter, the development shall comply with the underlying zoning district dimensional standards and the minimum vegetation corridor as established in Sections 4.316 and 4.317 of this Code. The applicant shall submit an exhibit that shows the location and provides a description of all actions to be provided to mitigate the impacts of permitted development as established in Section 4.314 of this Code.

E. Protect the water quality resource, and Flood Management Area functions and values from uncontained areas of hazardous materials as defined by the State of Oregon Department of Environmental Quality water quality standards.

F. Limit impervious surface areas in the Flood Management Area.

1. The impervious surface of the development may not exceed thirty percent (30%) of the flood plain area, provided the standards of this Code are met. Exception: Public roads necessary to serve the transportation needs of the City may exceed thirty percent (30%) of the Flood Management Area provided all other applicable standards of this Chapter have been met.

2. Clustering of houses and multiple-family units, zero lot line developments, and/or modifications to setbacks may be approved under the Type II procedure in order

to accommodate the density permitted within the underlying zoning district and not exceed the impervious surface limitation of thirty percent (30%) of the Flood Management Area on the site.

3. The Director, or their designee, may grant an administrative variance of up to fifty percent (50%) of any dimensional standard in the underlying zoning district where necessary to avoid development within the Flood Management Area.

G. Maintain flood storage capacity. The developer is required to offset new fill placed in the floodplain by excavating an additional flood-able area to replace the lost flood storage area, preferably at hydrologically equivalent sites. All development proposals in the SFHA shall provide compensatory mitigation for impacts to flood storage, water infiltration, and riparian vegetation to ensure that new development does not increase flood hazards on other properties. A mitigation plan shall be submitted with the land use application. All required actions derived from that plan shall be completed prior to issuance of a Certificate of Occupancy, a Certificate of Completion for a subdivision, or the final building inspection, as applicable. Balanced cut and fill is required for permitted development in the Flood Management Area. Excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations. A professional engineer registered in Oregon must certify that the development will not result in any increase in flood levels throughout the SFHA during the occurrence of the base flood discharge.

1. All fill placed at or below the design flood elevation in the Flood Management Area shall be balanced with at least an equal volume or amount of soil material removal. The development shall be designed to minimize development within the Flood Management Area and amount of fill necessary. Balanced cut and fill may be used to elevate structures but shall not be used for density transfer. Residential density must be calculated prior to changes to the floodplain as a result of balanced cut and fill.

2. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.

3. The cumulative effect of any proposed development shall not increase the water surface elevation of the base flood. Onsite flood storage capacity shall not decrease as a result of development, vegetation removal, or excavation.

4. A “No-Rise” certification is required for any fill or permitted development within the floodway pursuant to Section 60.3(d)(3) of the National Flood Insurance Program.

   a. The “No-Rise” supporting data and a copy of the engineering certification must be submitted to, and reviewed by, the City prior to approval of development, and the data shall be submitted with the Floodplain Development Permit.

b. The "No-Rise" certification and supporting technical data must stipulate no impact on the 100-year flood elevations, floodway elevations, or floodway widths at the new cross-sections and at all existing cross-sections anywhere in the model.

c. A sample "No-Rise" certification is available in the Community Development Department.

5. All new buildings built on fill in the regulatory floodplain shall be constructed on fill:

a. Certified by a professional engineer registered in Oregon as suitably designed and compacted for the development (e.g. fill that meets the criteria of 1803.5.8 and Section 1804.4 of the International Building Code, Section 2.4 of ASCE 24, or their equivalent); and

b. Providing protection from erosion and scour.

6. When a project proposes development that will alter a watercourse, modify floodplain boundaries, or modify Base Flood Elevations, the application shall obtain a Conditional Letter of Map Change from FEMA prior to grading and filling the site and then obtain and submit the final Letter of Map Change prior to final inspections, or issuance of a certificate of completion, or issuance of the certificate of occupancy as required under this Section. When a project applicant has demonstrated through the Floodplain Development Permit that, in addition to the standards listed for Section 14.040.G, the following standards have been achieved, a Conditional Letter of Map Change/Letter of Map Change may not be required:

a. Fill is not proposed in the floodway for the site to be impacted through development;

b. The project site is not being elevated to or above the base flood elevation (BFE);

c. The project is proposing to remove unsuitable existing material (topsoil) and backfilling with select structural material, not altering the existing (natural grade) elevation of the site;

d. The site to be impacted does not have US Fish and Wildlife Service (USFWS) designations for critical habitat for Threatened or Endangered; and

e. In areas where a regulatory floodway has not been designated, the new construction, substantial improvements, or other development (including

fill) within A or AE Zones on the community's FIRM, has demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

7. All proposals that include engineering analysis for maintenance of flood storage capacity are subject to review by a qualified engineer licensed in the State of Oregon. The applicant shall be responsible for the cost of this independent review and will be advised at the time of application of this expectation.

H. Residential Development, including accessory structures as referenced in Section 5.010 of this Code and not constructed in accordance with Section 14.040.V. Note: if more than fifty percent (50%) of the lot being developed is affected by the floodplain, then the minimum density standard of this Code does not apply.

1. Elevate structures. The minimum finished floor elevation, including basement floor, for all new or substantially improved residential structures in the Flood Management Area shall be at least two (2) feet above the base flood elevation, as established by Section 14.010.B in this Chapter, and as demonstrated through the Elevation Certificate submittals as established in this Section. Elevation Certificates shall be required for all residential development as required by the Community Rating System.

a. An Elevation Certificate shall be submitted with the construction plans. The Elevation Certificate shall include the elevation of the lowest floor (including basement). The Elevation Certificate shall be certified by a land surveyor, engineer, or architect who is authorized by state or local law to certify elevation information for construction within specific flood hazard areas.

b. A second certified Elevation Certificate shall be submitted to the City of Troutdale prior to pouring the foundation.

c. A third certified Elevation Certificate shall be submitted after the structure is completed based upon finished construction.

d. The City shall maintain the Elevation Certificates for public inspection.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than

one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, or other devices provided that they permit the automatic entry and exit of floodwaters.

d. Where possible, openings will be installed on at least two opposing sides of the enclosed area.

3. Below-grade crawlspaces are allowed only when in compliance with the design requirements of FEMA Technical Bulletin 11-01, "Crawlspace Construction for Buildings Located in Special Flood Hazard Areas." Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction with an interior elevation at or above the lowest adjacent exterior grade.

a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings:

i. Openings that equalize hydrostatic pressures by allowing for the automatic entry and existence of floodwaters is required. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade. See FEMA Technical Bulletin 1-93, Opening in Foundation Walls, for guidance.

ii. All portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE. Ductwork or other utility systems located below the insulation may pull away from their supports. See page 8 of Technical Bulleting 1-93 and FEMA Technical Bulletin 2-93 Flood Resistant Materials Requirements.

iii. Any building utility systems within the crawlspace must be elevated above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system

components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters. For further guidance, see FEMA 348, Protecting Building Utilities from Flood Damage.

b. The interior grade of a crawlspace below the base flood elevation must not be more than two (2) feet below the lowest adjacent exterior grade.

c. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building Code requirements for flood hazard areas. Crawlspaces may not be converted to basements.

d. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel, or crushed stone drainage by gravity or mechanical means.

e. Crawlspace construction is not permitted in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. For velocities in excess of five (5) feet per second, other foundation types should be used.

f. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest immediate interior or exterior grade.

4. Substantial improvements will require elevation of any non-elevated structure to two (2) feet above the base flood elevation in compliance with this Section and in accordance with Section 1.040. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Substantial improvements include:

a. Any repair, reconstruction, or improvement of a structure, the cost of which exceeds forty-nine percent (49%) of the market value of the

structure as established by the County appraiser or a licensed professional appraiser.

b. Reconstruction or repair of a structure that exceeds forty-nine percent (49%) of the market value of the building before it was damaged.

c. Additions to an existing structure when the addition increases the market value of the structure by more than forty-nine percent (49%) or the floor area by more than twenty percent (20%).

5. Comply with other standards of this Section, as applicable.

I. Manufactured dwellings within the Special Flood Hazard Area.

1. All manufactured dwellings to be placed or substantially improved on sites outside of or within a new, existing, or expansion to an existing manufactured dwelling park or subdivision shall be elevated so that the bottom of the longitudinal chassis frame beam is at or above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

2. Anchoring shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

3. Manufactured dwellings shall have all electrical crossover connections installed at a minimum of twelve (12) inches above BFE.

4. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 14.040.H(2).

5. Comply with the other standards of this Section as applicable.

J. Recreational Vehicles (RV) within the Special Flood Hazard Area, whether in a park or on private property outside of a park, are required to:

1. Be on the site for fewer than one hundred eighty (180) consecutive days, and

2. Be fully licensed and ready for highway use. Highway use means on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the permit requirements of Section 14.040.I and the requirements for manufactured dwellings.

4. The RV "pads" shall be paved with asphaltic concrete or comparable, and have a special water quality facility for the collection of the stormwater from the site.

5. The RV "pads" shall be wide enough to accommodate a trailer parked next to the towing vehicle or be long enough to accommodate both towing vehicle and trailer.

K. Nonresidential Construction. New construction, development, and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to no less than two (2) feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be dry floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water. A dry floodproofing certificate shall be filed with the City following the form and procedure established by the Federal Emergency Management Agency.

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, in accordance with standards established by the Federal Emergency Management Agency and the National Flood Insurance Program.

3. Be certified by a registered professional engineer or architect that the design and methods of development are in accordance with accepted standards of practice for meeting provisions of National Flood Insurance Program regulations (CFR 60.3(c)(4) and (5)) based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the City.

4. Nonresidential structures that are elevated, not dry floodproofed, must meet the same standards for space below the lowest floor as described in Section 14.040.H. If elevated, an Elevation Certificate shall be submitted with the construction plans, prior to pouring the foundation, and after construction.

5. Applicants dry floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g., a building floodproofed to the base flood elevation will be rated as one (1) foot below the base flood elevation).

6. Applicants that elect to utilize floodproofing instead of elevation shall supply a comprehensive Maintenance Plan at the time of building plan review for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

7. Applicants may be required by the Floodplain Manager to supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

8. Comply with other standards of this Section as applicable.

L. Remove temporary fills. Temporary fills permitted during construction or emergency bank stabilization shall be removed if not in compliance with the balanced cut and fill standard of this Code or prior to issuance of a Certificate of Occupancy or release of any bond issued for the development.

M. Preserve and/or restore the vegetation corridor within the disturbed areas, and retain the existing tree canopy as established in Sections 4.316, Width of Vegetation Corridor, and 4.317, Methods for Determining Vegetation Corridors Next to Primary Protected Water Features, of this Chapter. An enhancement plan for disturbed areas shall be prepared and implemented to stabilize slopes to prevent landslides on slopes and sedimentation of water features. This plan shall provide for the replanting and maintenance of approved plant species designed to achieve pre-disturbance conditions.

N. Maintain or reduce stream temperatures.

O. Minimize erosive velocities, nutrient, and pollutant loading into water. Use filtering, infiltration, and natural water purification for stormwater runoff in compliance with the Erosion Control and Water Quality Standards of Section 5.600 of this Code. The applicant's engineering plans shall certify that runoff and sedimentation from the site will comply with the standards of Section 5.600 of this Code.

P. Anchoring. All new construction, development, and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

Q. Construction Materials and Methods. All new construction, development, and substantial improvements shall use flood-resistant materials in accordance with the requirements of FEMA Technical Bulletin 2-93 "Flood Resistant Materials Requirements" and utilities shall be designed and installed in accordance with FEMA Publication 348 "Protecting Building Utilities from Flood Damage." The following standards are only a summary of those requirements:

1. All new construction, development, and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction, development, and substantial improvements shall be constructed using methods and practices that minimize flood damage and minimize impacts to natural floodplain functions, including flood storage, water infiltration, and riparian vegetation.

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. No construction materials or methods may be used within the floodplain that would impair or damage water quality or native vegetation.

5. All development shall have adequate drainage provided to reduce exposure to flood damage and maintain water quality.

R. Utilities and Roads.

1. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable, and comply with the Oregon Department of Fish and Wildlife construction standards.

2. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

4. Onsite waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding consistent with the State of Oregon Department of Environmental Quality.

5. Utility and road placement shall occur outside the floodway unless the utility or road is necessary to serve permitted development, and there is no reasonable alternative. Roads built in the floodplain shall be built at or above the base flood elevation to provide access to emergency vehicles during a flood.

6. Stormwater management and water quality facilities shall comply with the siting and construction standards of Section 5.700 of this Code.

S. For any alterations or relocations of a watercourse the developer shall be required to notify the Oregon Department of State Lands, the Oregon Department of Land Conservation and Development, and adjacent communities that will be impacted by the alteration or relocation. The developer shall be responsible for obtaining and submitting copies of any required project permits required by the Oregon Department of State Lands, U.S. Army Corps of Engineers, Oregon Department of Fish and Wildlife Service, Federal Emergency Management Agency, and other affected agencies, as applicable. The flood carrying capacity of the altered or relocated watercourse shall not be diminished and shall be maintained. Alterations will require a “No-Rise” certification for changes to the

floodway, and changes that relocate the floodplain will require a Letter of Map Change (LOMC) from FEMA or may require a revised Flood Insurance Study and Flood Insurance Rate Map for the City. The burden for all engineering studies required to process these forms is the applicant's, not the City's.

T. Subdivision Proposals. In addition to compliance with the underlying zoning district standards of this Code and this Chapter, the development of the subdivision shall be subject to the following additional criteria:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where the base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.

5. If more than fifty percent (50%) of the lot being partitioned or subdivided is affected by the floodplain, then the minimum density standard of this Code does not apply.

U. Critical Facilities.

1. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area.

2. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available.

3. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot above the height of the 500-year flood level. Submit Elevation Certificates with the construction plans, prior to pouring the foundation, and upon completion of the structure in accordance with Subsections H(1)(a - c) of this Section.

4. Access to and from the critical facility shall also be protected to the height utilized above.

5. Access routes elevated to or above the level of the base flood elevation shall be

provided to all critical facilities to the extent possible.

6. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

7. Comply with the other standards of this Section as applicable.

V. Small Accessory Structure. Relief from elevation or floodproofing as required in this Section may be granted for small accessory structures that meet the following standards. The applicant shall be advised that this type of allowance will result in higher insurance rates for these structures, as applicable.

1. Less than two hundred (200) square feet, less than $5,000 in valuation, and do not exceed one story;

2. Not temperature controlled;

3. Not used for human habitation and are used solely for parking of vehicles or storage of items having low damage potential when submerged;

4. Not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the State of Oregon Department of Environmental Quality unless confined in a tank installed in compliance with this ordinance or stored at least two feet above base flood elevation;

5. Located and constructed to have low damage potential;

6. Constructed with materials resistant to flood damage as described in this Section;

7. Anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;

8. Constructed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or designed in compliance with Section 14.040.H(2):

9. Constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

14.045 Floodways. Located within areas of special flood hazard established in Section 14.010.B of this Chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Except as provided in Section 14.045.C, encroachments, including fill, new construction, development, substantial improvements, and other development are prohibited unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Section 14.040.A is satisfied, all new construction, development, and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.040 of this Code.

C. Floodways and other high hazard zones are extremely hazardous areas due to exceptionally high flood and erosion potential. In these areas, the development actions permitted in high hazard zones shall be limited to water-dependent uses; bridges and other location-dependent uses; habitat restoration activities consistent with Sections 14.035.C(2); low-intensity recreation; and bioengineered banks.

14.050 Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

14.055 Flood Management Area Variance Procedures. Variances from dimensional standards of the underlying zoning district or other provisions of this Code not part of this Chapter shall be processed in accordance with Section 6.800 of this Code.

A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction, development, and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the considerations of Section 14.055.A(1 - 11) have been fully reviewed. As the lot size increases the technical justification required for issuing the variance increases.

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this Section.

1. Is the minimum necessary to preserve the historic character and design of the site, building or structure;

2. Will not result in the site, building or structure losing its historic designation; and

3. Demonstrates consistency with all other local, state, or federal laws or ordinances, including documentation of any necessary consultations with state or federal agencies.

C. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. The Director, or their designee, may grant a Type II variance of up to fifty percent (50%) of any dimensional standard in the underlying zoning district where necessary to avoid construction or development within the Flood Management Area. The Director or designee shall make a determination in accordance with the criteria established in Section 14.055.J of this Chapter.

F. Applications for variances to dimensional standards in excess of that provided in Section 14.055.E shall be a Type III application.

G. The Planning Commission or Director, or their designee, may attach conditions to the granting of variances as it deems necessary to further the purpose of this Chapter.

H. As a participant in the National Flood Insurance Program, the City is not authorized to grant a variance from the requirement to elevate or floodproof structures in accordance with state and federal regulations, whichever is most restrictive. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 14.055.A and otherwise complies with Sections 14.040.P - R of this Chapter.

I. The City cannot grant a variance from the special flood hazard designation assigned by the Federal Insurance Administrator to a site. However, a property owner may request a Letter of Map Change (LOMC) from the Federal Emergency Management Agency.

J. In reviewing a Type III Variance, the Planning Commission shall consider all technical evaluations, relevant factors, and standards specified in other Sections of this Chapter and other Chapters of this Code, and make affirmative findings, with or without conditions, for each of the following criteria:

1. A showing of good and sufficient cause that the need for the variance is not of the applicant's making and will not result in a use of the site that is not otherwise permitted in the underlying zoning district.

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant and is the minimum necessary to grant relief.

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 14.055.A(1) – (11) or conflict with existing local, state, or federal regulations.

4. The safety of access to the property in times of flood for ordinary and emergency vehicles.

5. A determination that the development project cannot be located outside the Special Flood Hazard Area and/or high hazard area and that impacts to flood storage, water infiltration, and riparian vegetation have been minimized to the extent practicable.

6. A demonstration of consistency with all other local, state, or federal laws or ordinances, including documentation of any necessary consultations with state or federal agencies.

14.060 Prescribed Conditions for the Rehabilitation or Replacement of Pre-Existing Structures. The replacement of pre-existing structures or development damaged or destroyed accidentally is subject to following standards:

A. The structure or development was in existence within the Flood Management Area prior to February 1, 2019.

B. The use is allowed in the underlying zoning district at the time the application is made to rehabilitate or replace the structure.

C. A Type I Floodplain Development Permit is approved prior to applying for building permits.

D. The rehabilitation or replacement is rebuilt on the same footprint of the original structure and does not increase the impervious area within the Special Flood Hazard Area.

E. The rehabilitated or replaced structure is elevated, if residential, or floodproofed or elevated, if non-residential, in accordance with the applicable standards of this Chapter, the definition found Section 1.040, and all additional relevant standards in this Code.

Chapter 15 – Amendments

15.005 Action under This Code.

A. Amendments to the Comprehensive Plan, Comprehensive Land Use Plan Map, Zoning District Map, and Development Code text shall be processed as a Type IV legislative procedure or Type III quasi-judicial procedure, as appropriate. These types of amendments may be initiated in any one of the following ways:

1. By motion of the City Council.

2. By motion of the Planning Commission.

3. Private Citizens or groups may recommend specific Comprehensive Land Use Plan or Development Code text changes to either the City Council or Planning Commission, but may not initiate a change to either text.

4. Type III quasi-judicial plan amendments and zone changes also may be initiated by the property owner as provided in Chapter 2

B. Amendments may be considered at any time, and may follow or be in conjunction with other amendments.

15.010 Hearing Notice.

A. Legislative Type IV Procedure. Except where required by law, notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property. Where such mailing or posting is omitted, the Director shall prepare a notice program designed to reach persons believed to have a particular interest, and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.

B. Quasi-Judicial Type III Procedure. Notice of a hearing on a quasi-judicial decision shall include a mailing to property owners and a posting of property affected by the decision. Notice shall be in conformance to Chapter 2 of this Code and applicable state law.

15.015 Arguments on Policy. In addition to matters pertaining to compliance with criteria and consistency with the Comprehensive Land Use Plan, a person may provide information and opinion regarding the desirable policy of the City relevant to the proposed legislative matter.

15.020 Information at Planning Commission Hearing. The Planning Commission shall afford an interested person the opportunity to submit written recommendations and comments in advance of the hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted.

15.025 Planning Commission Recommendation. Applications for amending the Comprehensive Plan, Comprehensive Plan Land Use Map, Zoning District Map, and Development Code text shall be subject to review by and receive a recommendation from the Planning Commission to the City Council for final action. Recommendations shall be based on the applicable approval criteria identified in Chapter 6 (Applications).

15.030 City Council Action.

A. The City Council shall conduct a de novo hearing for Type IV applications and shall base its decision on the same decision criteria considered by the Planning Commission.

B. After confirming, amending, or reversing the recommendations of the Planning Commission, the City Council may take any of the following steps:

1. Enact or defeat an ordinance on all or part of the proposal under consideration. In taking this step, it shall not be necessary to segregate incidental results that might have been possible to accomplish by administrative action.

2. If the ordinance is defeated, but some or all of the proposal is found appropriate for administrative processing, the City Council may either act on the matter by the appropriate administrative procedure or refer the matter to the Planning Commission for such action. Unless different notice would be required under the provisions of this Code for the Type II, or III administrative action, no further hearing is necessary for the City Council to take administrative action. If different notice is appropriate, or if the matter is remanded to the Planning Commission for a decision or recommendation, an additional hearing shall be held.

3. Remand some or all of the proposal back to the Planning Commission for further consideration. If such remand is subsequently returned, no further hearing need be conducted if the proposal is processed under the City procedure for ordinance enactment.

C. The City Council may take final action on a proposed amendment to the Zoning District Map by order rather than by ordinance.

15.035 Limitation on Reapplication. No application of a property owner for a Development Code text, Zoning District Map, Comprehensive Land Use Plan text, or Map amendment shall be considered within the one (1) year period immediately following a denial of a request for the same property. The hearing body may permit a new application upon making a determination that there is new evidence or a change in circumstances.

15.040 Effective Date of Text and Map Amendments. All text and map amendments shall take effect thirty (30) days after the date of approval, unless an emergency is declared or a decision is appealed.

15.045 Updating the Comprehensive Land Use Plan Map and Zoning District Map. It shall be the responsibility of the Director to keep these maps and to make necessary alterations to keep maps up-to-date and current. A copy of all maps, as adopted on or prior to the effective date of this Code, shall be retained for reference. Alterations shall be made within thirty (30) days of the effective date of an action authorized by this Code that alters a boundary of a zoning district or plan designation, or changes the zoning or plan designation on a parcel or parcels. If a discrepancy is found between the map and a record of the action, the record of the action shall prevail.

15.050 Notice of Amendments under Type IV Legislative Procedures.

A. The City Council shall conduct a hearing to review all land use regulations and Plan amendments as required by OAR Chapter 660, Division 18, Plan and Land Use Regulation Amendment Review Rules.

B. The hearing shall occur not less than thirty-five (35) days after notice of the hearing and a copy of the proposal under consideration has been delivered to the Director of the State Department of Land Conservation and Development and not less than forty (40) days after notice of the hearing and a copy of the proposal under consideration has been delivered to Metro. The proposal shall contain the text and any supplemental information that City officials believe necessary to inform the Director of the effect of the proposal.

C. Upon adoption of a Development Code text, Zoning District Map, Comprehensive Land Use Plan text, or Comprehensive Land Use Plan Map amendment, a copy of the text or map together with appropriate findings of fact, shall be mailed or otherwise submitted to the Director of the State Department of Land Conservation and Development within five (5) days after the City Council has taken final action, including adoption of any necessary documentation. If the adopted text differs in substance from the text or map submitted previously, the nature of the changes shall be described and submitted with the text.

D. Participants in the proceedings leading to a land use plan or Code amendment who make a written request to receive notice shall be sent notice within five (5) days of the final decision. The notice shall include the date of the decision, describe the action taken, and list procedures for reviewing and submitting written objections to the findings or decision made.

Chapter 17 – General Provisions

17.010 Authorization of Similar Uses. The Director may rule that a use not specifically named as a permitted or conditional use shall be included, if the use is of the same general type and is similar to the permitted or conditional use.

17.020 Interpretation. It shall be the responsibility of the Director to interpret and apply provisions of this Code. The City Council shall have the final authority to interpret all terms, provisions and requirements of this Code. Other persons requesting such an interpretation in writing shall do so in accordance with Section 6.400 (Director's Interpretation).

17.030 Maintenance of Code Requirements. No lot area, yard, or other open space; required off-street parking or loading area; or other site condition existing on or after the effective date of this Code, shall be reduced in area, dimension, or size below the minimum required by this code; nor shall any site condition which is required by this Code for one development be used to meet a requirement for any other development except as authorized.

17.040 Effect on Other Public and Private Regulations and Restrictions. It is not the intent of this Code to interfere with other laws or Ordinances relating to the use of structures, vehicles or land, or, relating to the construction or alteration of any buildings or improvements. It is not the intent of this Ordinance to interfere with any easement, deed restriction, covenant or other legally enforceable restriction imposed on the use or development of land more restrictive than the provisions of this Ordinance.

17.050 Bond or Cash Deposit. Before issuing or renewing a development permit, when the applicant has an obligation to construct or improve public facilities to serve the development or to reclaim land such as that due to surface mining operations, the obligation shall either be fulfilled prior to the issuance of the development permit or the applicant shall be required to file with the City Recorder an acknowledgment of the obligation. The acknowledgment shall contain the time within which it is to be met and a surety bond, cash, or negotiable security deposit sufficient to cover the cost of the work as estimated by the Director for the year fulfillment of the obligation is anticipated. The bond shall be conditioned upon the permittee carrying out the obligation and fulfilling the other requirements of this code that bear on the approval of the development. The deposit or bond shall be forfeited to the City if the permittee does not fulfill the requirements. The bond or deposit shall remain in the custody of the City until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to City control.

17.060 Noncompliance with Provisions under Obligation.

A. If the Director finds that a permittee is not fulfilling an obligation, the Director shall, in written notice to the permittee and the permittee's surety, specify the details of noncompliance. Unless the Director allows more time for compliance because of circumstances beyond the permittee's control, within thirty (30) days after receiving the notice, the permittee or the permittee's surety shall commence the compliance and proceed diligently to complete fulfillment of the obligation.

B. If the permittee or the permittee's surety does not commence the compliance within the thirty (30) days or the additional time allowed by the Director, has so commenced but fails diligently to complete the compliance, or the compliance is otherwise not completed within the time specified in granting the development permit, the City may take the following action:

1. Enter upon the site of the development and carry out the obligation in accordance with the provisions agreed upon under the acknowledgment.

2. Notify the permittee and the permittee's surety of the permittee's failure to perform as required by this Code.

3. Demand payment from the permittee for the unfulfilled obligation.

4. If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the City or, if the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup the expense.

C. If a bond or other security required by Section 17.050, Bond or Cash Deposit, of this Chapter is not sufficient to compensate the City for expenses necessary to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City and upon the entire contiguous real property of the owner of the land subject to the obligation.

D. The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the permittee's failure to do the required obligation.

E. The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

17.070 Adjusting Bond or Deposit for Future Obligation.

A. In the case of an obligation to perform at a future date, such as a surface mining reclamation obligation, the amount of bond or deposit shall be adjusted annually to reflect changing estimates of the costs of fulfilling the obligation.

B. Where the City carries out the obligation because the permittee has failed to do so under Section 17.060, Noncompliance with Provisions under Obligation, of this Chapter, the City may expend funds only to the extent necessary to complete the obligation. If the amount specified in the notice to the surety is not paid within thirty (30) days after that notice is given the surety, the City shall institute proceedings to recover the amount.

C. A lien created under this Section is prior to all other liens and encumbrances, except that the lien has equal priority with tax liens.

17.080 Fees and Deposits. Fees and deposits shall be set and adjusted by City Council resolution.

17.090 Conflicting Regulations. Where the conditions imposed by a provision of this Code are less restrictive than comparable conditions imposed by any other provisions of this Code or any other ordinance, the provisions which are more restrictive shall govern.

17.100 Severability. The provisions of this Code are severable. If any Section, sentence, clause, or phrase of this Code is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Code.

17.110 Violations. Violations of the Development Code are considered infractions and subject to the civil infraction provisions of the City. In addition, violations hereby declared to be nuisances may be abated under applicable provisions of Chapter 8.28 of the Troutdale Municipal Code, or restrained or enjoined by a court of competent jurisdiction.

17.120 Repeal. Ordinance No. 550 is repealed.

Appendix A – Design Standards for Central Business District

A.101 Purpose.

A. The purpose of these design standards is to guide the design of buildings constructed in the CBD zoning district to ensure that, through appropriate use of facades, windows, building orientation, and architectural details, new structures and alterations of existing structures are physically and visually compatible with other buildings within the downtown business district. Existing buildings in the downtown area reflect architectural styles that were popular during the early to mid-twentieth century. It is the desire of the City to have buildings conform to architectural styles of this era. The design standards are intended to further define those characteristics that cause buildings to look like they were constructed during this period.

B. These standards are intended to encourage good quality design in new building construction, enhance street safety, and provide a comfortable street environment by providing features of interest to pedestrians. Good design results in buildings that are in visual harmony with nearby buildings, leading to a central downtown district that is attractive, interesting, active, and safe. These qualities, in turn, contribute to the creation of a downtown core which facilitates easy pedestrian movement and establishment of a rich mixture of uses.

A.102 Dimensional Standards.

A. Lot Area, Lot Width, and Lot Depth: As specified in the CBD zoning district.

B. Setbacks: As specified in the CBD zoning district.

C. Landscaping: Minimum five percent of site area, except that no minimum landscaping is required for the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Avenue from 257th Avenue to the SE Sandy Street right-of-way.

D. Building Height: The maximum height of a structure fronting on Historic Columbia River Highway shall be measured above the grade of Historic Columbia River Highway as it occurs adjacent to the lot.

A.103 Pedestrian Accessibility.

A. Buildings shall maintain and enhance the pedestrian scale and orientation of the downtown core.

B. Building entries must comply with the accessibility requirements of the Oregon State Structural Specialty Code.

C. Special attention shall be given to designing a primary building entrance which is both attractive and functional.

D. Buildings located at the intersection of two (2) streets shall consider the use of a corner entrance to the building.

E. Pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers.

A.104 Compatibility with Existing Downtown Businesses. The size and shape of proposed construction shall be comparable with the size and shape of nearby traditional storefront buildings. Where building sizes will not be equivalent or comparable, larger building facades shall be broken down into units that resemble the size of existing storefront facades. Likewise, the form of new construction shall complement the general shape of existing, nearby storefront buildings and their features.

A.105 Building Materials and Colors.

A. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.

B. Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, and wood are encouraged. Metal is not allowed as the primary exterior building material, but it may be used for accents including awnings.

C. Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units such as brick, stone, or cast stone, in layered or geometric patterns, or split-faced concrete block to simulate a rusticated stone-type construction.

D. Wood siding must be bevel, shingle siding, or channel siding and must not be applied in a diagonal or herringbone pattern. T1-11 style siding is not permitted.

E. Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be utilized as trim and detail colors but shall not be used as primary wall colors.

A.106 Roof Materials, Parapets, and Roof Pitch.

A. Pitched roof structures shall have a minimum roof pitch of 6:12.

B. Flat roofs are permitted with detailed stepped parapets or detailed brick coursing.

C. Parapet corners must be stepped or the parapet must be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.

D. Visible sloped roofs must be a "non-color": gray, black, or dark brown.

E. Visible roof materials must be wood or architectural grade composition shingle, or sheet metal with standing or batten seam.

F. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means.

A.107 Building Orientation and Entrance Standards.

A. Buildings must have an entrance connecting directly between Historic Columbia River Highway and the building interior. The entrance must be open to the public during all business hours.

B. Building entrances must be architecturally emphasized and visible from the street.

C. Due to the elevation difference between the Historic Columbia River Highway and the public parking lot, daylight basement type of construction is preferred. This method of construction has the benefit of causing all materials stored below Historic Columbia River Highway to be screened and secured behind sight-obscuring walls, adding to the attractiveness of the downtown area.

A.108 Building Facades.

A. Ornamental devices, such as molding, entablature, and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least eight (8) inches wide.

B. Alcoves, Porches, Arcades, etc. Buildings must incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain and sun. Awnings and entrances may be designed to be shared between two structures.

C. Traditional Storefront Elements. For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:

1. Front and side building walls placed within ten (10) feet of abutting street right-of-way boundaries.

2. Clearly delineated upper and lower facades.

3. A lower facade dominated by large display windows and a recessed entry or entries.

4. Smaller, regularly spaced windows in the upper floor.

5. Decorative trims, such as window hoods, surrounding upper floor windows.

6. A decorative cornice near the top of the facade.

D. Change in Relief of Building. Buildings must include changes in relief on ten (10%) percent of their Historic Columbia River Highway facades. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments for pedestrian interest and scale.

A.109 Windows.

A. Windows which allow views to the interior activity or display areas are encouraged. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.

B. Ground Floor Windows. All new buildings must provide ground floor windows along Historic Columbia River Highway.

1. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.

2. Required windows must have a sill no more than four (4) feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two (2) feet above the finished floor level, up to a maximum sill height of six (6) feet above grade.

3. Glass curtain windows are not permitted fronting Historic Columbia River Highway.

4. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.

5. Any wall that faces Historic Columbia River Highway must contain at least twenty percent (20%) of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.

6. Ground floor windows are also required on facades facing any public parking lot. The minimum requirement is sixteen (16) square feet per story or six percent (6%) of the facade, whichever is greater.

C. Upper Floor Window Standards.

1. Glass area dimensions shall not exceed 5'x7'. (The longest dimension may be taken either horizontally or vertically.)

2. Windows must have trim or molding at least two (2) inches wide around their perimeters.

3. At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than 2'x3'. Windows that have 1'x1' grid inside double-pane glass are appropriate and are encouraged.

A.110 Landscaping/Streetscape.

A. Benches, outdoor seating, and trash receptacles must complement the existing ornamental street lighting and be in keeping with the overall architectural character of the downtown.

B. Benches and other streetscape items may be placed within the public right-of-way, but must not block free movement of pedestrians. A minimum pedestrian walkway width of five (5) feet must be maintained at all times.

A.111 Lighting.

A. All building entrances and exits must be well lighted.

B. Exterior lighting must be an integral part of the architectural design, complement the existing ornamental street lighting, and be in keeping with the overall architectural character of the downtown.

C. The minimum lighting level for building entries is four (4) foot-candles. Lighting must be a pedestrian scale and the source light must be shielded to reduce glare.

A.112 External Storage. The external storage of merchandise and/or materials directly or indirectly related to a business is prohibited.

A.113 Outdoor Seasonal Displays of Merchandise. Outdoor seasonal displays of merchandise are permitted during business hours only. A minimum pedestrian walkway width of five (5) feet must be maintained at all times.

A.114 Trash and Recycling Storage.

A. Each structure shall provide for collection of its trash and recyclable materials within the boundaries of each parcel.

B. All trash collection areas must be located within the structure, or behind the building in an enclosure, in accordance with the provisions of Chapter 11.015, Garbage and Recycling Container Enclosures, of this Code.

A.115 Signage.

A.116 Additional Requirements. The provisions of this appendix to the Troutdale Development Code shall be applicable to any construction or change in use subject to site and design review. The Site and Design Review Committee will evaluate construction for compliance with these provisions and guidelines in the Downtown Concept Plan.

Appendix B – Supplemental Standards along 257th Avenue

B.101 Purpose. The purpose of these development standards is to enhance the streetscape associated with 257th Avenue. Currently, 257th Avenue creates a tunnel-like effect as a result of sound walls and fences adjacent to the sidewalk. The location of the sidewalk immediately next to the street puts pedestrians in close proximity to high-volume, high-speed traffic without any landscape buffer. These development standards are intended to promote more pedestrian-friendly site designs by providing a more comfortable street environment for pedestrians.

B.102 Applicability. These development standards apply to new development of properties abutting 257th Avenue between Stark Street and Sturges Drive/Cherry Park Road (North) which meet any of the following criteria:

A. Any vacant property.

B. Redevelopment of any commercial or apartment site that expands the building footprint of an existing structure.

C. Any underdeveloped site that undergoes development to a more intensive use (i.e., single-family dwelling to duplex).

B.103 Standards. In addition to any other standard of this title applicable to the development, the following standards shall also apply:

A. The sidewalk on 257th Avenue shall be a minimum of nine (9) feet wide.

B. A minimum area of five (5) feet in width adjacent to the sidewalk must be landscaped.

C. Fences along 257th Avenue must be set back a minimum of five (5) feet from the back of the sidewalk.

D. Within the required building setback area along 257th Avenue, the maximum height of a fence or berm, or the combined height of both when a fence is placed upon a berm, shall be forty-two (42) inches.

E. Sight-obscuring hedges or landscaping shall not exceed a height of forty-two (42) inches from ground level. Trees separated by at least fifteen (15) feet are not subject to a height limitation.

F. Street trees shall be planted in sidewalk tree wells meeting City specifications and spaced every forty (40) feet. The developer of the property shall be responsible for planting tree varieties approved by the City, or in lieu of the developer planting the street trees, the developer of the property may pay an assessment to the City to provide for street tree planting.