



CITY OF TROUTDALE

Planning Commission

MEETING AGENDA

Thursday, May 28, 2020 | 7:00 p.m.

Troutdale Police Community Center – Kellogg Room

234 SW Kendall Ct – Troutdale, OR 97060

1. Call to Order, Roll Call, & Pledge of Allegiance
2. Public Comment on Non-Agenda Items
3. Nomination & Appointment of Vice-Chair
4. Review & Approval of Minutes
 - a. April 29, 2020 Meeting Minutes
5. Discussion Items
 - a. TDC Amendment Regarding Storage Use in Light Industrial (LI) Zoning District
 - b. TDC Amendment Regarding Sign Permitting
 - c. June 17, 2020 Regular Meeting
6. Department Report
7. Commissioner Comments
8. Adjourn

Next Regular Meeting: Wednesday, June 17, 2020 | 7:00 p.m.

Due to COVID-19 health requirements, there will be a limit on public attendance in the Kellogg Room. Please contact Staff for alternate methods of participation.

This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting to the Planning Division (planning@troutdaleoregon.gov or 503-665-5175)



CITY OF TROUTDALE

Planning Commission

MEETING MINUTES

Wednesday, April 29 | 7:00 p.m.

Troutdale Police Community Center – Kellogg Room
234 SW Kendall Ct – Troutdale, OR 97060

1. Call to Order, Roll Call, & Pledge of Allegiance

The meeting was called to order by Chair Staffenson at 7 p.m. Roll call took place and the pledge of allegiance was said.

- Commissioners Present: Wittren, Woidyla, Prickett, Glantz, Wilcox, Mammone, Staffenson, and Allen
- Commissioners Absent: None
- City Staff:
Chris Damgen, Community Development Director
Arini Farrell, Associate Planner
- Members of the Public: Melissa Bocarde, transcriptionist
Chris Thome
Tracy Brown
Maura Lay

Chair Staffenson announced that Commissioner Rosenbarger resigned and Mr. Mammone, who was an alternate, is replacing him. He is pleased to welcome him to the group. Also, Mr. Rosenbarger was vice chair and will need to be replaced. Chair Staffenson suggested discussing this at a regular meeting instead of tonight's special meeting as is the custom.

2. Public Comment on Non-Agenda Items

Chair Staffenson reminded everyone that public comment is welcome at any time and asked if anyone wished to speak now. There was no public comment.

3. Approval of Minutes

The group reviewed and discussed the draft of the February 19, 2020 regular meeting. Mr. Mammone had two changes. First, page 5 should read that he felt switching to 15 days would be difficult for the staff, not for the applicants. Second, he asked that "generic" on page 7 be replaced with the word "lenient."

There were no other suggested corrections to the minutes.

Ms. Prickett moved to accept the February 19, 2020 minutes as amended and Ms. Glantz seconded. The motion passed with one abstention from Mr. Wilcox who was not present at the meeting.

4. Public Hearing

a. Hearing Procedure

Chair Staffenson explained the rules governing the hearing procedure. 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. Appeals of a decision of the Planning Commission shall be to the City Council.

b. Case File # LU-0009-2020 FedEx Parking Lot Expansion Lot 1 TRIP Variance, Site Development Review & VECO – Type III Hearing

Chair Staffenson opened the public hearing and turned the time over to Ms. Farrell's presentation.

Staff Presentation

Ms. Farrell led the presentation. This is a resubmittal of LU-0002-2020. The Applicant is proposing to expand truck/trailer parking at their existing distribution facility. They are planning to expand parking to the currently undeveloped Lot 1, for which they would add storm water infrastructure and seek a variance for additional lighting. The Applicant is also proposing to modify and expand truck parking on Lot 2, which is already developed. There are no plans to hire additional employees with this parking lot expansion currently or in the future. The overall expansion need is based on the current volume of product that is being moved through the facility. The parking expansion is to park trailers and stage packages until a "door" becomes available to unload/load. This development is not adding to the current work force, only the ability to store more trailers prior to unloading/loading. The ability to have more product on-site doesn't determine the employee count. The number of loading/unloading "doors" on the facility determines employee count, and they are not increasing "doors". The existing 706 Auto parking spaces (not counting motorcycle parking) would be able to support a largest future shift of 595 employees at 1 space per employee. If a future building expansion is developed, additional employee parking will be provided as required by Troutdale Development Code to handle the increase in employees and larger shifts. Per the Trip Generation Update

Memo, dated March 20, 2020, there is no direct change in employee count and projected trips (compared to current operations) due to the expansion.

A pre-application conference was held for this proposal on November 5, 2019. The applicant submitted their first round of application on January 23, 2020 and it was deemed complete on February 26, 2020. The public hearing was scheduled for March 18, 2020. The applicant decided to withdraw the original application and resubmit materials under LU-0009-2020 on March 24, 2020. The application was deemed complete on April 7, 2020, and will be scheduled for hearing on April 29, 2020.

This application is undergoing a Type III quasi-judicial procedure. [TDC 2.060 and 6.300] This procedure requires a Public Hearing and Planning Commission review in order to be adopted. Planning Commission is the decision-making body for this application and may approve, approve with conditions, or deny this application. Nearby property owners, relevant review entities, and other stakeholders have been notified accordingly. [TDC 2.075 - 2.090]

Staff notified these agencies for comment: Multnomah County Transportation, Public Works, Port of Portland, Department of State Lands, Trimet, and Gresham Fire. Their comments were attached to the Staff Report. As of the date of this Staff Report, no written testimony from other parties or stakeholders have been received.

Ms. Glantz asked Ms. Farrell to clarify where the VECO is located on the map. Ms. Farrell showed the area that includes the Salmon Creek Wetland. She explained it is 23% of impact that the applicant proposes to do of the total VECO area, not 23% of the total site area.

Mr. Mammone asked if the 30% requirement applied to the total area of the site. Ms. Farrell clarified that the stipulation is for 30% of the total VECO, not the site. He asked if a variance was needed because 5 new poles were being added. Ms. Farrell answered that the variance is because of the change in height rather than the number of the poles.

Ms. Farrell presented the decision criteria.

Criterion: 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.

In their narrative, the applicant provided clarification that FedEx is a night operation, however night operations are not unique as the surrounding land uses are also industrial warehouses. The lot size, shape and topography of the site is typical of a general industrial facility. With that said, a variance application for 100 ft. light poles was approved

previously back in 2013, (13-015) and another project similar in scope for the same expansion in 2014 (14-041). The approved Case File 13-015 allowed FedEx to install the existing 12 100-foot lighting poles that are on site today.

The later project (14-041) was approved but was not built in time before the decision expired. This request for the expansion of the truck parking lot will propose five (5) additional light poles on site. With their night operation and the current conditions of having 100-foot light poles on site, a similar circumstance is in place, but the expansion proposed is in the spirit of the original applications, and thus the criterion is met.

Criterion: The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

The site is in the General Industrial zoning district where trucking firms, warehouses are permitted uses and these uses can be found in the surrounding area that operate throughout the night. As part of their submittal, FedEx provided photometric plans and specifications of the lighting fixtures which will be installed. The photometric plan does show spill onto the adjacent property located to the northeast and light spill on the west side of the property which faces Sundial Road. However, the light spill is minimal and encroaches on an open field not suited for future development and a road which does not have adequate street lighting. Staff determined that this light spill will not be injurious to the public. As such, the criterion is met.

Criterion: The variance authorized will be consistent with the general purpose and intent of the provision from which a variance is sought.

This request will be consistent with the general purpose and intent of TMC 8.26.010 of regulating lighting in commercial and public areas with outdoor light fixtures. Lighting produced from the five light poles will be confined to the property and will be limited to the truck parking lot. As such, the criterion is met.

Criterion: The variance is the minimum necessary to relieve a practical difficulty with full compliance and to avoid or minimize the resulting hardship.

As mentioned in a previous criterion, there are already twelve 100 foot-light poles. Based on the site plan, the requested five 100-ft. light poles are only to be installed in the expanded truck parking and areas which are already developed will not have light poles added. The design which was proposed by FedEx illustrated that it is the minimum number of poles required to penetrate between trucks and cover the large expanse of the truck parking lot. As such, the criterion is met.

Mr. Mammone asked the maximum height of light poles allowed by code, and Ms. Farrell answered that it is 50 feet. The proposed application is for 100 feet for the poles in the expanded parking lot.

Ms. Farrell continued presenting the Staff's findings.

Criterion: 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.

The application is located in a General Industrial (GI) zoning district and warehouse is permitted use. Setbacks for this zoning district is 20 feet, however there are no structures/buildings proposed for the expansion, so this standard is not applicable. Even though there are no buildings/structures, FedEx is proposing to install 5, 100 ft. light poles in their expansion and the variance requested was for the installation for those poles.

In addition to the zoning district, there are two overlay zones located on site: The Vegetation Corridor (VECO) and Flood Management Land Area/Special Flood Hazard Area. In their submittal packet, FedEx provided a Flood Hazard Permit application, based on the submitted materials, staff determined that the Flood Hazard Area will not be impacted, and the Flood Hazard Permit is not required. Regarding the VECO overlay, the expansion does have implications on sensitive lands. The applicant has provided a separate VECO memo to address development standards set forth by TDC 4.315. A separate memo prepared by Marlee Boxler regarding the standards are addressed in Attachment 1 of the Staff Report associated with the case file. As such the criterion is met.

Criterion: 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. The proposal does not include upgrades which do not comply with General Industrial, as such, this criterion is met.

Criterion: The proposal complies with all of the applicable site design and development standards of this Code, such as landscaping and parking.

Site and standards from TDC Chapter 8 are referenced in the findings and fact provided, with each having a corresponding finding for the relevant standard.

Based on the narrative and documents provided, the Application as presented adequately demonstrate compliance with development standards. Therefore, the criterion is met.

Criterion: The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

There are three previous case files related to the project as referenced in sections above. The most recent case file being 14-41 of similar scope regarding the expansion of Lot 2 and development of Lot 1. The project never started and therefore the decision has expired, therefore conditions of approval of that project are void. Other land use applications are 13-051 and 12-060, there were no records of outstanding conditions of approvals for the mentioned projects. As such the criterion is met.

Criterion: 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.

FedEx is a growing operation and the proposed expansion is required to accommodate this growth as demonstrated in their narrative. Based on the site plan provided, the layout of the expansion will keep circulation smooth while maximizing the space that is available on site. The site plan illustrates heavy mitigation on site and minimize the impact of VECO as such this criterion is met.

Criterion: 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:

The expansion of the truck parking has potential impact on the protected water feature-Salmon Creek located on the south eastern portion of the site. The VECO memo provided does not correctly calculate the percentage of VECO disturbed since it does not consider that FedEx's site has multiple lots and all the VECO associated with Salmon Creek and Tributary A are on different tax lots than Wetland A and B. Since Wetland A and B will not be disturbed, a total of 9,712 SF of the VECO area will be disturbed. The memo states that this is approximately 15.6% of the total VECO on site, however the VECO on that tax lot is actually 42,488 square feet, so it should be 23% of the VECO on that site. Despite the miscalculation, the total area still falls below 30%, and a Type III variance is not required. As such, this criterion is met. Further clarification on this item is also provided by Marlee Boxler in Attachment 1 of the Staff Report.

Criterion: 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.

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.

Per the VECO memo provided, FedEx will be choosing this option for mitigation. However, Sheet L3.0 Mitigation and Restoration Plan does not match what is in 16.0 VECO Compliance Memo and the restoration plant material schedule is missing 2 shrubs. Since this is a minor addition to the schedule, this standard is conditionally met.

Criterion: 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.

The project does not have impact on the 100-year floodplain and comments regarding erosion control and stormwater management will be deferred to the Public Works Department. As such, the meeting of this criterion is undetermined.

Criterion: 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.

No excavation over three feet in depth is proposed within the VECO. As such, this standard is met.

4.315.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:

Criterion: The addition or alteration is allowed in the underlying zoning district. The addition, warehouse and trucking is permitted in the General Industrial zoning district. As such this criterion is met.

Criterion: The addition or alteration does not encroach closer to the protected water feature than the existing structures, roadways, driveways, or accessory uses and development. As provided in their memo, the proposed alteration in the vegetation corridor does not result in encroachment of Salmon Creek and Tributary A, instead, the mitigation and restoration will provide additional functional benefits to the creek. As such this criterion met.

Criterion: 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. Comments regarding this standard are provided from the City of Troutdale's Public Works Department which is included in the Staff Report Packet. As such, this criterion is met.

Staff recommended approval with conditions as outlined in the Findings of Fact.

For this application, Staff recommends Planning Commission vote for approval with conditions. Staff has prepared a draft Findings of Fact and Final Order document, outlining how the decision criteria for this application were satisfied, along with proposed conditions of approval as outlined by the review entities. Any subsequent approvals from the City shall not be issued until all conditions listed in the attachments are adequately addressed as determined by the appropriate review entity. Planning Commission reserves the right to amend the draft and proposed conditions unless other governing documents or agreements state otherwise.

Ms. Farrell listed the recommended conditions of approval, beginning with those required by Staff:

1. Applicant shall be required to satisfy comments made by the review entities included in the corresponding staff report or shall work with Staff to reach an agreement between the parties
2. Applicant shall submit sign permit applications for future signs on site to the Planning Division
3. Applicant to contact the Building Division for any additional permits required such as Grading and Erosion Control
4. Applicant shall contact Oregon Department of State Lands for any state permits required as part of their work in the wetland
5. Applicant shall update Sheet L3.0 Mitigation and restoration Plan to match the VECO compliance memo and reflect the mitigation requirement of 97 trees and 486 shrubs.
6. Applicant will provide sheets in the provided landscaping plan which shows trees and shrubs on separate sheets
7. Vegetation Corridor mitigation and restoration plantings are required to be monitored annually for five years after planting to guarantee a minimum survival rate of 80%. Monitoring of the mitigation plantings is the ongoing responsibility of the property owner. 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 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. Plants that die within five years of the date of planting must be replaced in kind and of sufficient quantity to meet the minimum 80% coverage standard. [TDC 4.315.A.3.c.iv.]

These conditions were made by City of Troutdale Public Works:

1. The applicant's final Stormwater Management Report (SMR), submitted with the construction permit applications, shall clearly explain how space constraints cannot be overcome resulting in the proposed substitution of manufactured treatment for vegetated treatment.
2. The applicant shall prepare and submit an updated Stormwater Quality Operation and Maintenance (O&M) Plan for review and approval by Public Works prior to receiving a Certificate of Occupancy (or CofO equivalent).

Also, Gresham Fire- Associated Conditions from LU-0002-2020 must be met:

1. Additional hydrant coverage may be required for truck parking area. Show on the building plans where the nearest existing and new hydrants are located. OFC Appendix C and 507
2. Each public or private fire hydrant used for fire flow for this property shall have a 5-inch Storz adapter with National Standard Threads installed on the 4 ½ -inch fire hydrant outlet. The adapter shall be constructed of high-strength aluminum alloy, have a Teflon coating on the seat and threads, and use a rubber gasket and two (2) set screws to secure it in place. The adapter shall be provided with an aluminum alloy pressure cap. The cap shall be attached to the hydrant barrel or Storz adapter with a cable to prevent theft of the cap. Adapter shall be Harrington HPHA50-45NHWCAP or equal approved by Gresham Fire.
3. Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be BLUE. They shall be located adjacent and to the side of the centerline of the access roadway that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the marker accordingly. OFC 508.5.4
4. All Fire Dept. Access Roads shall be drawn to scale and shown clearly on plans. The access roads shall be constructed and maintained prior to and during construction including in the truck parking area. The minimum width is 20' for buildings under 30' in height and 26' wide for locations where buildings are over 30' in height. Access roads in areas where fire hydrants are located are required to be a minimum width is 26' for a length of 20'. OFC 1410, 503.2.1 & D103.1
5. Required Fire Dept. Access Roads on site shall be designed to support an apparatus weighing 75,000 lb. gross vehicle weight. Provide an engineer's letter stating the access road meets those requirements at time of building permit submittal. OFC, Appendix D, Section D102.1
6. The turning radius for all emergency apparatus roads shall be: 28' inside and 48' outside radius. OFC 503.2.4

Multnomah County Drainage District – Associated Conditions from LU-0002-2020

1. Any alterations or revisions considered necessary to the plan must be submitted prior to any approval being considered.
2. Applicant must receive approval from both MCDD and USACE. Building permits should not be issued until those conditions have been met.
3. Conditional approval of individual project elements will not be granted by MCDD or the USACE. Projects must be wholly approved before construction begins.
4. Applicant complete and satisfy all steps associated with the MCDD Tier 2 Development Review Process.
5. Prior to final approval, the applicant must provide SDIC with the requested access and maintenance easement, if required.

Multnomah County Transportation - Associated Conditions from LU-0002-2020

1. Complete a traffic study using current traffic counts to determine what, if any, traffic mitigation is needed as a result of this proposal. Prior to commencement of the traffic study, please contact Multnomah County Engineer, Rick Buen, at rick.buen@multco.us or (503) 988-3891 to determine the scope.
2. Provide an access that meets MCDCEM standards or apply for a MCRR Variance.

3. Acquire a driveway permit for the site's access onto NW Sundial Rd prior to building permit sign-off.
4. Dedicate five feet of right of way along the site's NW Sundial Rd frontage to Multnomah County for road purposes.
5. Dedicate 5 feet for slope, utility, drainage, sidewalk, landscape, traffic control device easement.
6. Offsite improvements may be required including the installation of a traffic signal at the NW Sundial Rd/NW Swigert Way intersection.
7. Provide stormwater certificate for County review prior to building permit sign-off.

Other Testimony

Ms. Farrell opened the floor for questions and comments.

Ms. Glantz stated that while she does not feel this should be reason to deny the application, she wished to note for the record that light spill is injurious to local wildlife. Ms. Farrell answered that the light would mostly impact Sundial Road.

Ms. Glantz also questioned why the Staff's analysis section mentioned that the project benefits ecommerce, and Mr. Damgen answered that it's an example of land being used for its best use and in this case given, the industrial zoning adjacent to it is owned by the same company. As long as the applicant can demonstrate it is building towards the code provisions, then the understated goal is the highest and best use. Ecommerce is a side benefit.

Mr. Wittren asked whether there's anything stipulating that this will only be used for truck parking or is it possible that it can be converted to employee parking or for a different use. Ms. Farrell answered that it wouldn't easily be converted into employee parking because of the layout. The truck parking is actually additional storage to assist in the flow of traffic at the site rather than long-term parking. She also clarified that if the company wishes to add employee parking spots, it would require a separate application.

Mr. Thome stated that the parking is strictly for trailer and truck parking. He also pointed out that 100-foot light poles are necessary so truck drivers can easily see pedestrians.

Mr. Wilcox and Mr. Woidyla did not have any questions.

Ms. Prickett asked if the County transportation rule about trip generation has been satisfied. Ms. Farrell answered that she's discussed it with them and that they still need to update the trip generation memo.

Mr. Mammone asked if the storage for trucks is a permitted use and if extra lighting is necessary when the parking is only used for storage of parked trucks. Ms. Farrell answered that trucking is allowed in the general industrial area and use of truck storage already permitted. Mr. Thome explained that trailers will be stored until they can be moved

forward to be loaded or unloaded and then off site again. Due to the amount of volume, additional space for the tracks is needed while they wait.

Mr. Chris Thome introduced himself. He is with Steele Associates LLC in Bend, the architects of record for this project. The original submission in 2015-2016 included the parking in Lot 1 shown today and building expansions and remodels on the site. However, because the construction didn't happen, the applicant has to re-introduce parking via this application, but it has decided to leave out the building remodel. Also, the 100-foot light poles are already there, and the FedEx feels they are important for security and safety of the employees. The architects have tried to maintain the VECO setbacks.

Chair Staffenson asked if the stormwater system is a mechanical system with separation. Mr. Thome replied that it was and that it discharges adjacent to this property. Chair Staffenson asked what had triggered the review, and the applicant replied that it was the impact on the wetlands.

Mr. Mammone asked if this is just a storage area before the trucks are loaded and unloaded, why are 100 foot light poles necessary and could 50 foot poles not achieve the same outcome. Mr. Thome responded that the 100 foot poles are needed to cast light over the trucks and dollies in order to avoid casting shadows and provide more visibility. It is FedEx's standard for most of their facilities.

Mr. Allen asked if the parking is intended only for FedEx trucks or if contractors will be able to use the space. Mr. Thome answered that it will only be for FedEx. Mr. Allen said that allowing contractors to use it could alleviate some of the staging that goes on off site.

Mr. Woidyla moved to close the public hearing, and Ms. Glantz seconded. The motion passed unanimously and the public hearing was closed.

Discussion and Voting

Chair Staffenson, Mr. Woidyla and Ms. Prickett each commented about being present for the discussion a few years ago and that a good case was made for 100 feet poles in order to enhance security and employee safety.

Mr. Woidyla moved to accept the staff's recommendation to approve the finding of fact and Ms. Glantz seconded. Woidyla moves and Sandy seconds. A role call vote was held:

Ayes: Ms. Glantz, Mr. Wittren, Mr. Mammone, Mr. Wilcox, Ms. Prickett, Mr. Woidyla, and Chair Staffenson:

No: None

Abstentions: None

5. Discussion Items

a. TDC update regarding Storage Use in Light Industrial (LI) Zoning District

Mr. Damgen shared a Staff memo proposing a TDC update to Storage Use for Light Industrial Zoning.

This refers to the area off Harlow Road and the I-80 corporate center buffer between residential and industrial areas. There are currently 3 self-storage businesses which have sometimes been a source of controversy. However, Staff is seeing significant continued interest from the market and wants to do due diligence to see whether storage is allowed.

Staff is preparing a text amendment application for Planning Commission and City Council with regards to allowing storage facilities as a primary land use for properties that are in the Light Industrial (LI) zoning district. The purpose of the discussion for this meeting is to help staff craft an application and develop proposed findings that are best aligned to address concerns that could be raised by introducing this use to this zoning district. Potential items for consideration include:

- Defining "storage" (or "storage facility") as a use. Differentiating between storage as a primary use versus a secondary or ancillary use for a business operation that has another type of use associated
- Differentiating between a self-storage or mini-storage use or other types of storage facility
- Reviewing types of storage methods including typical "fortress style" mini-storage facilities; Indoor and multi-story storage facilities; open yard storage; containers / shipping containers
- Storage as a permitted use or conditional use (if there is desire to allow it) and if a permitted use, should there be specific design standards attached

Chair Staffenson commented that storage was discussed at length during the Development Code rewrite. The Council at the time felt that storage buildings didn't create enough jobs and took up a great deal of space.

Mr. Woidyla asked if Staff has noticed a demand for more storage space. Mr. Damgen replied that Staff receives inquiries monthly. Ms. Glantz asked if the area behind Mount Hood Community College is zoned as industrial. Mr. Damgen answered that no, it is defined as an industrial park. Ms. Glantz said that she agreed with the Council; there is not very much of a need for it and it does not generate jobs. Mr. Wittren pointed out that as more multi-family homes are built, there will be a need for more storage for the new tenants living in small spaces. Mr. Mammone asked where storage is currently allowed. Mr. Damgen answered that it's been written out of the code and the 3 existing businesses were grandfathered in and are non-conforming. As far as the permitted vs. conditional use goes, Staff would like to understand tonight the group's opinions in order to create a draft text amendment. There are 5 new City counselors who may have different philosophies about storage. Second, there is high demand for this type of use, so this warrants reconsideration. Mr. Mammone asked if the Commission would seek a final comment by the City Attorney legally supporting the position of the council. Mr. Damgen says that it has been legally supported and defended. Chair Staffenson said that no, all that needed to be decided was if this should be a permitted use, a

conditional use, or a prohibited use. Mr. Mammone asked if not making any changes was an option and was told that it was.

Mr. Wilcox added that there is a unit at the Troutdale airport that people use as a warehouse for their business. Mr. Damgen answered that Staff were aware of this.

Mr. Damgen said warehousing and storage are defined differently. Warehousing is used by a wholesaler or distributor, but renting space to house property in is considered storage. Ms. Prickett said that she did not want to allow storage facilities that are 3 or 4 stories high and well-lit like the ones in Portland. Mr. Damgen said that he understands this concern, but one of the demands is for portable storage like cargo shipping containers for business purposes. However, these would not be brick and mortar but portable and Staff needs clarification about what is permitted.

Chair Staffenson asked for public comment and Tracy Brown, 17075 Fir Drive, Sandy, asked to speak. He is a land use planning consultant and planning director for the City of Sandy for 15 years who has been hired by Alex Mauck who owns property on Harlow Road. As Mr. Damgen mentioned, there is a niche market for business storage for small storefront businesses in Troutdale that need extra room. For example, they may need somewhere to store landscape equipment in a secure and dry space.

Mr. Damgen said that Staff is supportive of this modification. It's important how it's defined since design standards would be different. He has done some research and Portland allows these. Containers are secure and portable and affordable spaces for people to rent. Ms. Glantz asked if Harlow Road is part of the downtown historic area. Mr. Damgen answered that no, it's north of I-84 and separate from downtown. Ms. Prickett asked if business owners are storing chemicals and other hazardous materials, and Mr. Brown answered that this was a good question to be resolved. Mr. Damgen mentioned that the City of Portland has guidance around hazardous materials. The containers are very secure, but there are still questions to be resolved. Staff will develop a definition and suggest that for the time being, this be a permitted use. The commission can discuss whether to elevate it to permanent or conditional. Staff will also check with neighboring jurisdictions to see how they define and regulate storage.

Chair Staffenson suggested a work session and Ms. Glantz, Mr. Wittren and Ms. Prickett agreed that this is a good idea.

Maura Lay asked to speak. She said she works for Alex Mauck who owns the property on NE Harlow Road. He currently has storage containers on his property, some being used by him and others that are being rented by other business owners who have small businesses in Troutdale. They have been told that these storage containers are essential to their businesses and see these as mini warehouses. She is obtaining letters of support from them.

b. Introduction of Main Streets on Halsey Code Audit Project

Mr. Damgen explained that along with Wood Village and Fairview, the City has identified four opportunity sites as part of this audit project. Troutdale's opportunity spot is located on the NW corner of 257th and the Historic Columbia River Highway. The property is a vacant property owned by Dean Herford. The Town Center Committee agrees that this is an important opportunity area and since Troutdale's main street is only about 3 ½ blocks, it might benefit the City to extend it. Also, there are many people living between Edgefield and downtown who lack amenities such as gathering areas and nearby small businesses and would benefit from downtown being extended.

The firm retained for this project is releasing an online survey soon to gather input, and it's also been covered in *The Champion*. The Planning Commission should begin considering what type of zoning would work best for the types of properties that the community hopes to add. There are currently 4 potential development scenarios being explored, including a hotel.

Mr. Woidyla commented that the plans seemed ambitious and that he questioned whether Oregon is really a business-friendly state. Chair Staffenson commented that the firm seems far along in the process and that this group might want to see a redline and be more involved in decision making than merely having a version brought to them for adoption at a meeting. He also asked if they have talked to developers about these proposals. Mr. Damgen said that the property owners of the sites are very interested in moving forward. Also, due to Covid, construction costs per square foot should go down with labor less in demand.

6. Department Report

Mr. Damgen reported that the 3rd Wednesday of May when the Planning Commission would normally meet will conflict with a Budget Committee meeting. After discussion, it was decided to change the meeting date to Thursday, May 28th.

Staff is taking its cues from the State and public health officials regarding Covid. Currently, the emergency declaration from Governor Brown ends on May 11, but he guesses it will be extended through Memorial Day. The City Planning department staff are mainly working remotely, but they are still doing commercial building inspections and code compliance investigation. He appreciates his staff and also the City Budget Committee that purchased the permitting software before Covid was an issue. Many residents are using it.

7. Commissioner Comments

Ms. Prickett commented that non-residents have been rummaging through recycling on Wednesdays when the recycling containers are awaiting pickup and that this feels unsafe. Mr. Damgen answered that he would ask the Community Officer to look into this.

Ms. Glantz asked when large furniture would be picked up by the city, and Mr. Damgen said he would notify everyone when there is a date for a late summer or Fall clean-up. Ms. Glantz also thanked Mr. Damgen for smoothly facilitating the Commission’s first Zoom meeting and Chair Staffenson added his thanks to all for adjusting to this new temporary format.

8. Adjourn

Ms. Prickett moved to adjourn the meeting and Ms. Glantz seconded. The motion was approved unanimously and the meeting was adjourned at 9:16 p.m.

APPROVAL OF MINUTES

Taney Staffenson, Chair

Date of Approval

Melissa Sillitoe Bocarde, Attest



CITY OF TROUTDALE

Community Development Department

Date: May 28, 2020
From: Chris Damgen, Community Development Director
To: Troutdale Planning Commission
CC: All Interested Parties
Subject: **75-04 Text Amendment – Storage Facilities (Memo Updated)**

The City of Troutdale is preparing to file a text amendment application to amend Chapters 1 and 3 of the Troutdale Development Code (TDC) to consider the allowance of storage facilities in the Light Industrial (LI) zoning district. Prior to the initial hearing, the Planning Commission requested a discussion item with regards to the issue.

Attached is the draft text amendment for consideration. The amendments proposed are as followed:

- Establishing a definition for storage
- Establishing a definition for storage facility
- Listing storage facility as a conditional use in the LI zoning district

A previous version of this memo that was posted online stated that the first hearing for this land use application would be on June 17, 2020. The memo also stated that there would be not changes made to the draft presented. Due to concerns expressed by some Commissioners on having a discussion beforehand, the hearing has been set over until July, which will allow Planning Commissioners to offer their feedback to the draft at this evening's meeting prior to the application being re-authorized. A new Notice of Application and Measure 56 Notice will be sent out to all affected properties in the LI zoning district.

Please contact me if you have any questions or concerns about this matter.

Attachments:

- Draft Amendment

- .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 Storage. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered an accessory use.
- .127 Storage Facility. An establishment of which the principal use is providing leasable space where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting. Storage facilities include residential and non-residential self-storage establishments but shall not include commercial or industrial warehouses (See Warehouse).
- .126128 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.
- .127129 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.
- .128130 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.
- .129131 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.
- .130132 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.
- .131133 Townhouse or Townhome. See Dwelling, Single Family Attached.
- .132134 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.
- .133135 Transit Street. Any street identified as an existing or planned bus or light rail transit route.
- .134136 Triplex. See Dwelling, Triplex.

- ~~.135~~137 Two-Family Dwelling. See Dwelling, Duplex.
- ~~.136-138~~ 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~~139 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~~140 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution. Warehouses shall not include storage facilities (See Storage Facility).
- ~~.139~~141 Water dependent development. Any use that is dependent on navigable waterway access and or use.
- ~~.140~~142 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~~143 Yard. A required open space on a lot that is unoccupied and unobstructed except for permitted projecting building features and accessory buildings.
- ~~.142~~144 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~~145 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~~146 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~~147 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.

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. Storage facilities.

~~KL.~~ 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.

DRAFT



CITY OF TROUTDALE

Community Development Department

Date: May 28, 2020
From: Chris Damgen, Community Development Director
To: Troutdale Planning Commission
CC: All Interested Parties
Subject: 75-05 Text Amendment – Sign Permitting (Memo Updated)

The City of Troutdale is preparing to file a text amendment application to amend Chapter 10 of the Troutdale Development Code (TDC). As this matter has not been previously brought to the Planning Commission, it is Staff's intention to introduce the issue and the rationale for the request.

Attached is the draft text amendment for consideration. The amendments proposed are as followed:

- Signs requiring a permit would not longer undergo a Type I land use review, but a sign permit would still be issued and could be done in concurrence with any required building or electrical permits [TDC 10.020]
- Portable signs and temporary signs would be exempted from requiring sign permits but would still have to meet existing siting and design standards. [TDC 10.025]
- Increase the sign face area for portable signs from ten (10) to twelve (12) square feet. [TDC 10.040 & 10.045]

A previous version of this memo that was posted online stated that the first hearing for this land use application would be on June 17, 2020. The memo also stated that there would be not changes made to the draft presented. Due to concerns expressed by some Commissioners on having a discussion beforehand, the hearing has been set over until July, which will allow Planning Commissioners to offer their feedback to the draft at this evening's meeting prior to the application being re-authorized. A new Notice of Application will be issued once a hearing date is established.

Please contact me if you have any questions or concerns about this matter.

Attachments:

- Draft Amendment

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 vice 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.~~ 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.

~~A.B.~~ A.B. Procedure. An application for a sign permit is processed as a Type I procedure, not subject to a land use application procedure as established in Chapter 2 of this Code. Sign permits may be applied for, reviewed, and issued in concurrence with building, electrical, or other relevant permits when required by other codes.

~~B.C.~~ B.C. 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.D.~~ C.D. 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.E.~~ D.E. Construction. All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in this Chapter.

~~E.F.~~ E.F. 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.

FG. 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.
- L. Portable signs, in accordance with Section 10.040.G or Section 10.045.C of this Chapter.
- M. Temporary signs, in accordance with Sections 10.035.B, 10.040.D or 10.045.D of this Chapter.

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~~ twelve (12) 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~~ twelve (12) 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.

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