THE CITY OF TROUTDALE OREGON EST. 1907

PLANNING COMMISSION

Meeting Minutes

July 10, 2024 | Regular Meeting

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

1. Call to Order, Roll Call, & Pledge of Allegiance
   Chair Staffenson called the meeting to order at 7:00 p.m.

   Commissioners Present: Chair Staffenson, Allen, Andrews, Leamy, Minkoff, Wilcox.

   Commissioners Absent: Vice Chair Prickett

   City Staff Present: Erika Palmer, Community Development Director; Dakota Meyer, Associate Planner; Nik Ramstad, Assistant Planner.

2. Public Comment on Non-Agenda Items

City Councilor White – Acknowledged the work that Planning Commission has done. White said that the Commission is doing the heavy lifting, which frees up the Councilors to do what they must do. Councilor White stated that the Commission is professional, ethical, and a strong team. The Commission has also written our own master plan and development code, regulated marijuana, voted down the Halsey Corridor Plan, but will plan a better-suited plan for Troutdale, and is implementing required state rules. The Commission has a perfect record with LUBA and is doing excellent work.

3. Review and Approval of June Minutes
   a. June 12, 2024, Regular Meeting
   Wilcox pg 4 bottom, para 3rd line down transit bus route
   Wicox pg 5 third line, employers not employees. "They had 1" employee
   Wilcox pg 6 third line, Ms. Palmer provided survey, Home Forward topic "86 residential units."
   Staffenson pg 2, second para from the bottom. Comment regarding bike parking must be for employees and reviewed decisions from 1996 and 2018.

   Motion: Commissioner Andrews moved to adopt the June 12, 2024, meeting minutes as amended. Commissioner Allen seconded. Motion Passed 6:0

THE CITY OF TROUTDALE OREGON EST. 1907

PLANNING COMMISSION

August 14, 2024

Regular Meeting | 7:00 p.m.

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

Agenda

1. Call to Order, Roll Call, & Pledge of Allegiance
2. Public Comment on Non-Agenda Items
3. Review & Approval of Minutes
    a. July 10 2024, Meeting Minutes
4. Public Hearing
    a. Land Use Application: LU-0014-2024 1360 SW 257th Drive
    Proposal: The Applicant is seeking Site Development Review and Variance approval for a new multi-family housing development at 1360 SW 257th Dr. The proposed project includes 15 dwelling units and 45 off street parking spaces. The applicant is requesting three variances. The first variance is to reduce the northern side yard setback by 25%. The second variance is to reduce the eastern rear yard setback by 33%. The third variance is to reduce the size of the private outdoor space required for upper-level units by 30%.
    The applicant will be requesting a continuance to a date certain.
5. Development Code Amendments Discussion
6. Staff Communications
7. Commissioner Comments
8. Adjournment

Participation

The public may attend the meeting in person or via Zoom. Please email comdev@troutdaleoregon.gov to request Zoom meeting access credentials.

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 City of Troutdale (comdev@troutdaleoregon.gov or 503-665-5175).

4. Chair/Vice Chair Elections

Motion: Allen moved to open nominations and elect Chair Staffenson to continue as Chair. Andrews seconded the motion. Motion passed 5:1 with Chair Staffenson abstaining.

Motion: Chair Staffenson moved to open nominations for Vice Chair. Allen nominated Pricket and Wilcox seconded the motion. Allen moved to close the nominations and Andrews seconded it. Motion passed 6:0 to keep Prickett as Vice Chair.

Appoint Town Center Advisory Board Representative

Motion: Allen nominated Wilcox, and Minkoff seconded it, but Wilcox withdrew his nomination. Allen nominated Pricket, and Minkoff seconded the motion. Andrews motioned to close TCAB nominations, and Leamy seconded. PC voted 6:0 for Prickett to remain as the TCAB rep for the Planning Commission.

5. Public Hearing - LU-0012-2024 (VAR – 1557 SW Wright Pl)

Chair Staffenson read a description of the public hearing process. This is a Type III Quasi-Judicial procedure for the variance. Commissioner Allen declared no conflict of interest or financial relationship in the case; however, his wife has worked most of her adult career in the care and behavioral industry.

Nik Ramstad, Assistant Planner, presented the staff report.
The applicants' proposal is seeking retroactive variance approval to deviate 50% over the maximum allowed fence height within the front setback (TDC 5.050(A)(2)) at the subject property. The fence has been placed along the entirety of the applicant's front property line. It extends along a brief segment of the side property lines before connecting with the previously existing fence. There is a gate where the property line intersects the driveway to allow for access to the property. The fence is composed of a black chain link fence with black slats and is approximately 6 feet tall. The permitted height per TDC is 4 ft. The required setback in this zone is 20ft. Mr. Ramstad reviewed the Development Code section 5.050 on Fences, Walls, and Windscreens and the Clear Vision Code section 5.040.

Staff recommends retroactive approval with the condition that the 6' fence be relocated 15' from the street curb line to meet the city's required vision clearance criteria.

The staff proceeded to take questions from the Planning Commission. Commissioner Wilcox asked when and how Staff first became aware of this issue, and the Staff response was that a neighbor complained, which the Compliance Officer verified and confirmed. Minkoff asked about the type of property this is zoned for. The response is that the permitted care home is allowed by state law, and we are only talking about the 'fence' and not the home. Chair Staffenson confirmed that if the application is approved, the fence will stay up with conditions of approval. The fence will be removed/taken down if the application is denied. Staff said that

since this is a retroactive approval – the decision is valid for two years, and if the fence is taken down and not placed in a location approved by the Commission within two years, the fence at that point in time is not approved. Commissioner Allen inquired why the Fire Department didn't respond to this application. Staff indicated that not providing a comment is not unusual. Andrews asked if the house number was visible from the street, and after reviewing a picture of the property, the address was not visible when the fence was closed.

Applicant Testimony

Asmamaw Misikir SW Wright Pl needs the fence high for safety concerns because a client is distracted by traffic and runs/jumps out into traffic. The fence was built to help with client safety and to control the client's movement.

Staffenson reiterated that the hearing's purpose is to determine whether the fence meets the criteria in the development code and how we address it in the best interest of the community.

Proponents

There were no proponents who testified.

Opponents
Jim Jones SW Wright Place: He lives two houses to the north, and he has never seen the fence closed day or night. Livability is important to all citizens, but the fence's aesthetics make it look like a commercial property, which is not appealing. Another concern is that if this case is approved, others will also want tall, unattractive fences.

Kathy Jones SW Wright Place: The main concern is safety. Since the fence has been up, I've only seen it closed twice. It is not the most attractive fence to look at. Other facilities care for dangerous clients. There are other ways to have more control over the tenant since the fence isn't ever closed.

Neutral
No neutral parties testified.

Closure of Hearing
Commissioner Allen motioned to close the public hearing. Commissioner Andrews seconded. Motion passed. 5:0

Deliberation/Motion
Commissioners Andrews and Allan clarified the visibility and safety issues. It was suggested that if the slats were removed, it would increase visibility, and the fence would need to be moved back approximately 15 feet. Commissioner Allen suggested removing the slats for better fire response to ensure firefighters can see the house address. Chair Staffenson stated

that clear vision is a real issue for people traveling on the sidewalk and oncoming vehicle traffic. Moving the fence back out of the vision triangle could alleviate that safety concern. Director Palmer reiterated that the intent is to grant the 6' fence but have it outside the vision clearance area, and the commissioner could consider the aesthetic of the fence and safety and visibility issues and condition the applicant to remove the internal slats. Director Palmer stated that if the Commission creates or modifies a condition for the applicant to remove the slats, a modified finding in the staff report is needed for variance criteria 6.1325.B The Commission discussed modifying condition of approval #3 to remove the fence slats for safety and aesthetics, and to add condition of approval #4 that would require the applicant to make changes to the fence within 90 days of the notice of decision.

Motion: Commissioner Andrews motioned to accept the Final Order and Findings of Fact as modified by the Planning Commission discussion for LU-0012-2024, modifying condition of approval #3 to remove the fence slats and adding condition #4 that the applicant must address the non-conforming fence within 90 days of the Notice of Decision notification.

Commissioner Leamy seconded. Motion Passed 5:0

6. Discussion Items

Development Code Amendments

Dakota Meyer, Associate Planner, shared that the use table language sections are still being updated/modified. Director Palmer discussed changes to incorporate the intent of adult entertainment uses based on conversations with the City Attorney to minimize risk to the City. Staff proposes adding a nightclub to the list of uses under the Major Entertainment use section. The definition of a nightclub in Webster's dictionary would include a use such as adult entertainment, so there would be no need to define it. Associate Planner Meyer will send PC a copy of the updates for review with time for the commission to marinate on the changes. The future code amendment changes will be updated by a third party and the development code will be searchable online.

7. Staff Communications

Director Palmer shared that the Home Forward project has begun. A press release will go out soon. December 2025 is when the project should be completed. Wayfinder Brewing at 2nd and Buxton will receive temporary occupancy shortly. Away Days Brewing (the old City Hall Building) is ongoing. The East County Pickleball Courts will open soon. Muv Fitness has secured all permits from the City, and they anticipate opening in about six months. An extension of Aug 18th has been extended for bids for the Sandy Riverfront Trail and Parks project. There is a new Troutdale website page that features "Active Projects". Currently listed are CFEC and Wildfire Preparedness. More projects will be added in the next few months.

8. Commissioner Comments

Commission Allen – appreciates the work Staff has been doing

Commission Andrews – no comment

Vice Chair Pricket – absent
Commissioner Minkoff – left the meeting early
Commissioner Wilcox- concern that parking allotment at the new dealership may have more customers than the parking lot can hold. A suggestion is that Joe writes an article in the Champion encouraging neighbors to say something if development occurs and things just don't look correct. Director Palmer suggests a write-up about when a permit is needed. On the 4th of July, there were four fires in Troutdale logged into the Gresham Fire Dept. One was half a block from the house.
Chair Staffenson - I noted that PC denied the Home Forward project, but the City Council approved it in a development agreement. He thanked the staff for the presentation and all the work done.

9. Adjournment

Motion: Commissioner Andrews moved to adjourn the meeting, and Commissioner Allen seconded. Motion passed. 5:0

Chapter 1 – Introductory Provisions

1.010 Title

This ordinance shall be known as the Troutdale Development Code of 2017, also referred to as "TDC" or the "Code".

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

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).

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.

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

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.

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.

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.

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

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.

Age Restricted Housing. A housing development that is intended for occupancy by at least one person 55 years of age or older per unit and is governed by a common set of rules, regulations or restrictions. These facilities are associated with independent living and are distinct from community-based care facilities.

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

Agricultural or Animal-Based Uses. Land-based activities that are typically rural in nature and may include farming, greenhouse storage, plant or tree nurseries, livestock keeping, kenneling or animal boarding; or other similar uses. The keeping of animals for domestic purposes is not considered a land use. Veterinary clinics are considered an office use.

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

Attached Dwelling. See Dwelling, Townhouse.

Automobile Wrecking Yard. See Junk Yard.

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, rooming house, or short-term vacation rentals upon residential property.

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.

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

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.

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

Building Footprint. The horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.

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.

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

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.

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

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

Child Care Facility. See Day Care Facility.

City. The City of Troutdale, Oregon.

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.

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

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

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, storm water retention, and preservation of environmentally sensitive features.

Code. The Troutdale Development Code.

Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

Common Wall. A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least twenty-five percent (25) ~~percent~~ of the length of the side of the building of the dwelling units.

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

Community-Based Care Facility. A building, complex, or distinct part thereof that provide individualized services in a homelike setting to older adults, people with disabilities, and people requiring memory care. These include assisted living facilities, residential care facilities, and memory care facilities as defined and licensed by the State of Oregon. These facilities are distinct from age-restricted housing.

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.

Corporate Headquarters. A building where a company's executive management and key managerial and support staff are located ~~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.~~

Cottage. See Dwelling, Cottage.

Cottage Cluster. A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than nine hundred (900) square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood."

Cottage Cluster Project. A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

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.

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.

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.

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.

Detached dwelling. See Dwelling, Single Family Detached.

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.

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

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

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

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.

Door Area. The area of the portion of a door other than a garage door that moves and does not include the frame.

Driveway Approach. The edge of a driveway where it abuts a public right-of-way.

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

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

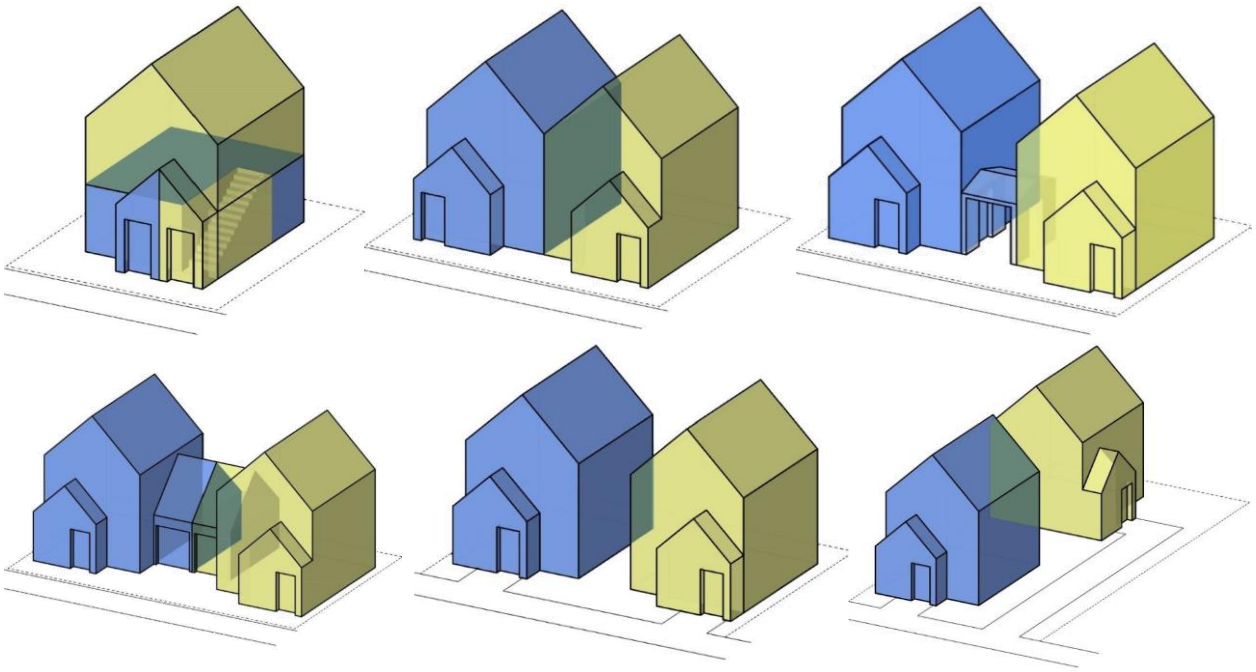
Dwelling, Apartment Unit. An individual dwelling unit intended for rent or lease within a multiple-family dwelling, or constructed above, below, behind, or beside another use, including mixed-use dwellings.

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

Dwelling, Cottage. An individual dwelling unit that is part of a cottage cluster. See also Cottage Cluster and Cottage Cluster Project.

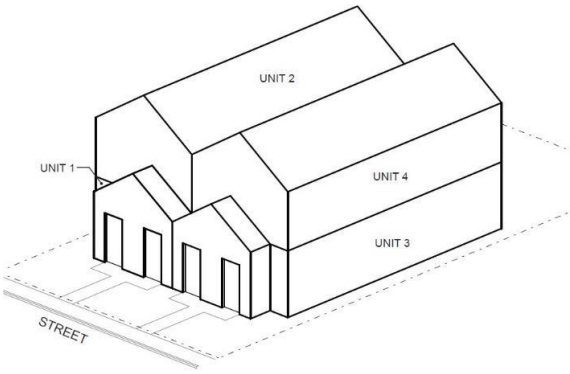
Dwelling, Duplex. A building with two (2) dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. Example configurations as shown in the figure below (top row, from left to right) include:

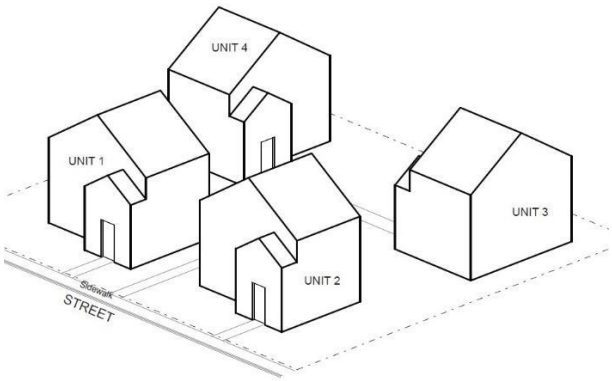
- *Top row, left to right:* stacked, attached side-by-side, attached by a breezeway
- *Bottom row, left to right:* attached by a garage wall, detached side-by-side, detached front and back



Dwelling, Multi-Family. A building with five (5) or more dwelling units.

Dwelling, Quadplex. A building with four (4) dwelling units on a lot or parcel in any configuration. Example configurations as shown in the figure below include stacked (left) and detached (right).





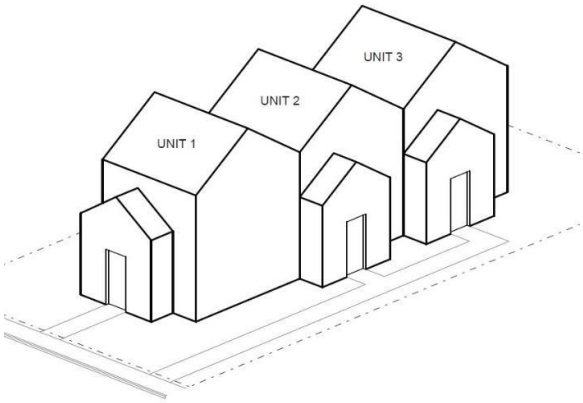
Dwelling, Shared. A dwelling unit in which five (5) or more bedrooms are rented or leased. Shared dwelling units include boarding houses, rooming houses, and the like. Shared dwellings are multi-family residential units.

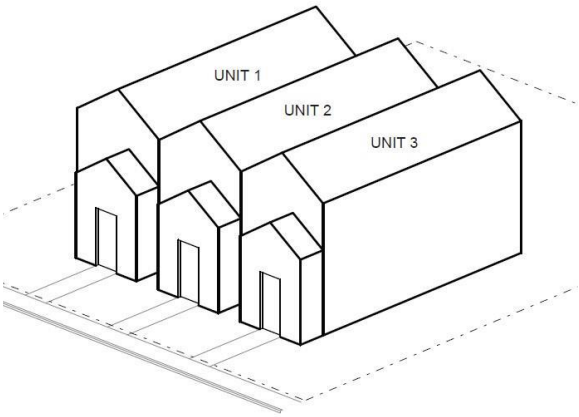
Dwelling, Single-Family Attached. See Townhouse.

Dwelling, Single-Family Detached. A detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single family dwellings may be constructed off-site, e.g., manufactured dwellings or modular homes.

Dwelling, Townhouse. A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a "rowhouse," "attached house," or "common-wall house." See also Townhouse Project.

Dwelling, Triplex. A building with three (3) dwelling units on a lot or parcel in any configuration. Example configurations as shown in the figure below include front and back (left) and attached (right).





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 and is not considered a townhouse.

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 similar establishments. ~~primarily engaged in serving alcoholic beverages.~~

Entertainment Facility, Major. A commercial or nonprofit enterprise including but not limited to amusement parks, multiple-screen theaters, museums, nightclub, stadiums, zoos, or other similar uses, but not casinos. Major entertainment facilities often have a fee or age restriction for admission and generate a significant traffic impact in comparison to a minor entertainment facility.

Entertainment Facility, Minor. A commercial or nonprofit enterprise including but not limited to arcades, gaming rooms, museums, small-scale theaters, or other similar uses. Minor entertainment facilities are typically located within smaller spaces in a downtown or shopping center setting and have limited traffic impact in comparison to a major entertainment facility.

EV Charging Station. An electric vehicle charging station which is a piece of infrastructure that supplies electric energy for the recharging of plug-in vehicles, including electric cars, neighborhood electric vehicles, and plug-in hybrids.

Family. See Household.

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

Fence, Electric. A type of security fence that carries an electric current that can produce a shock if touched.

Fence, Security. A fence that is designed to deliberately discourage entry into a secure area of a site. This includes but is not limited to barbed wire fencing (twisted or pointed wire ends) and razor wire fencing (metal blades) in a linear or curled pattern.

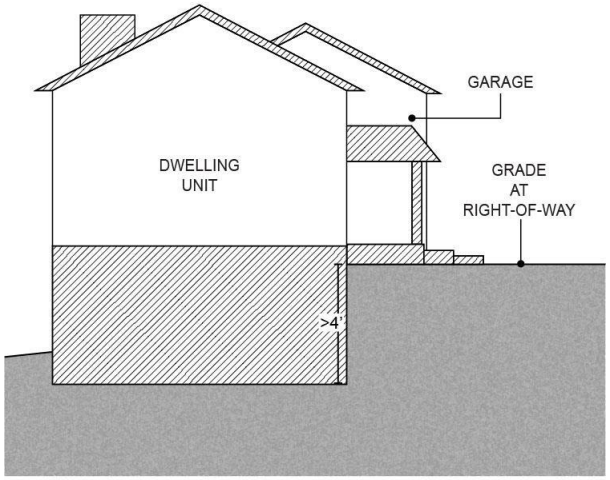
Fence, Sight-Obscuring. A fence that substantially screens an area or object by eighty percent (80%) of the view at a ninety (90) degree angle, excluding screens that are living plants.

Financial Institution. A bank, credit union, or similar entity that is licensed to deposit or manage money or other financial products for customers. Financial institutions may have a presence within a building or as a stand-alone automated teller machine (ATM).

Flex Space. A building or portion thereof that can accommodate either commercial or industrial uses or a combination of those uses when permissible through relevant building codes.

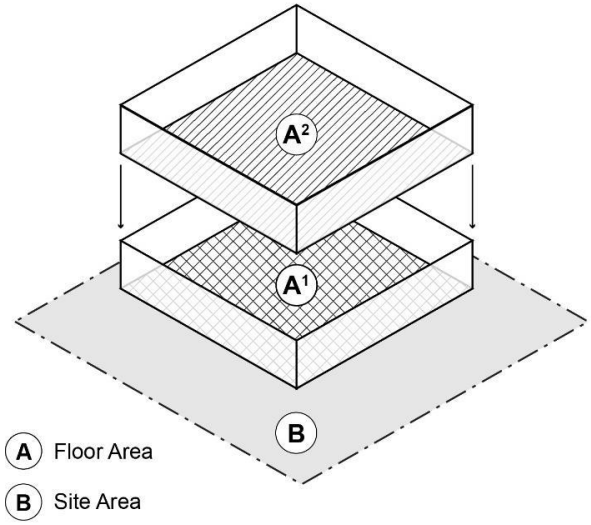
Floor Area. The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.



Area not included in floor area calculation

Floor Area Ratio ("FAR"). The amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area.



$$FAR = \frac{A^1 + A^2}{B}$$

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:

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.

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.

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.

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.

Freight & Trucking Firm. A logistics entity that provides shelter, transfer, or dispatching of trucks, truck fleets, or other vehicles carrying freight, cargo, or other goods and materials. The entity may provide limited access for vehicular services or fueling stations on site.

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.

Fueling Station. A facility that provides a location for vehicles to obtain fuel and may also contain a convenience store, car wash, or traveler services. This includes gas stations, commercial truck stops, or similar facilities. Electric charging stations placed within a right-of-way or upon a lot with a different primary land use from a fueling station are not included in this definition. This definition is distinct from freight & trucking firms or other types of vehicular services.

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

Goal Protected Lands. Lands protected or designated pursuant to any one of the following statewide planning goals:

- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6 Air, Water, and Land Resource Quality
- Goal 7 Areas Subject to Natural Hazards
- Goal 9 Economic Development

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

Group Home. See Residential Facility and Residential Home.

Gym. A building or room containing space and equipment for various indoor sports activities and usually including locker and shower rooms, offices, classrooms, and swimming pool.

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

Home-Based Child Care. A service that provides child care upon residential property that is licensed with the State of Oregon as either a Registered Family Child Care service or a Certified Family Child Care service.

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.

Hotel. See Lodging Facility.

Household. One or more people living together in a dwelling unit. The following are also considered households: residents of residential homes and residents of residential facilities.

Human Services. An entity that provides services to assist or watch over children, older adults, people with disabilities, and people requiring memory care. This includes community-based care facilities, nursing facilities, certified child care or adult care centers, or other similar services that are not situated within a dwelling unit or upon residential property. Residential facilities, home-based child care, or other similar services that are situated upon residential property are distinct from human services.

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.

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.

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.

Live-Make Unit. A building or portion thereof where a dwelling unit and a manufacturing space or similar industrial use of limited impact are co-located within a unit and considered to be equal primary uses.

Live-Work Unit. A building or portion thereof where a dwelling unit and a commercial use are co-located within a unit and considered to be equal primary uses.

Loading Space. An off-street space or berth used for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials.

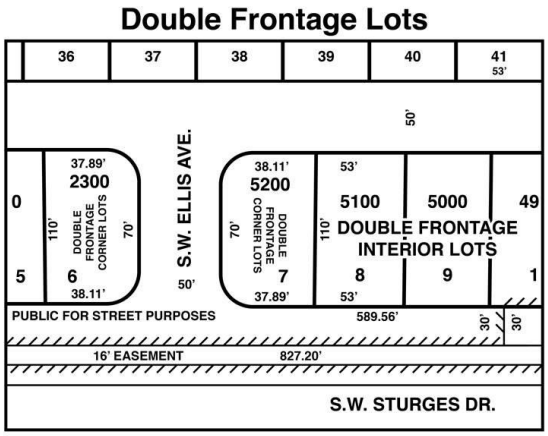
Local food production use. Includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, honeybees, or their produce; raise dairy animals and sell dairy products; or engage in any other similar agricultural or horticultural use, animal husbandry, or 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.

Lodging Facility. A licensed commercial facility in which rooms or suites of rooms generally are rented as transient lodgings and not as principal residences. These include hotels, motels, inns, and hostels. This definition excludes bed and breakfast inns, dormitories, shared dwellings, and short-term vacation rentals upon residential property.

Lot. Any legally created unit of land. In this Code the term "lot" may include "parcel" if the context warrants.

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.

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.

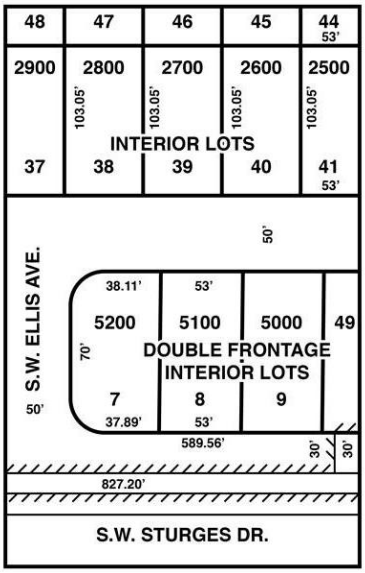


Lot, Interior. A lot other than a corner lot. An interior lot can be a double frontage lot.

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

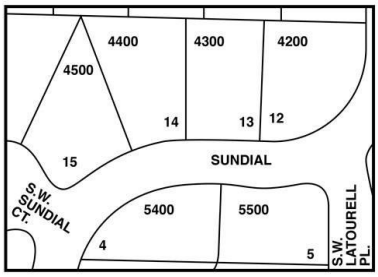
Lot Coverage. The percentage of the total lot area covered by structures, including all projections except eaves, balconies, bay windows, or uncovered decks twelve (12) inches or less above grade.

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.



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.

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

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

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

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.
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.

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.

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 floodplain 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.

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.

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.

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.

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

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.

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.

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 Director.

Middle Housing. Dwelling types that include duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

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.

Mobile Food Vendor. See Food Vendor (Mobile).

Mobile Home. See Manufactured Home.

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

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.

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.

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.

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.

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.

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.

Office. A place of business or non-profit enterprise that is primarily conducted in an indoor setting with limited to no retail presence. This includes but is not limited to activities offered by a lawyer, architect, engineer, accountant, artist, teacher, real estate, insurance sales, financial advisor, or certain administrative and professional services, medical services and clinics, and veterinary clinics.

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.

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.

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.

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.

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.

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

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

Personal Services Use. A business providing services involving touching the human body including but not limited to ~~such as~~ a barber shop or hair salon, masseuse, or nail-care salon.

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

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

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.

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

Quadplex. See Dwelling, Quadplex.

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

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

Recreation, Active. A place or use that contains facilities or features that include recreational components beyond those of a typical passive park. These amenities include but are not limited to sports fields, sports courts, skateboard facilities, indoor recreation facilities, larger-scaled playgrounds, water-play features, dog parks, or other similar amenities where their utilization may lead to traffic, lighting, or noise impacts to surrounding areas.

Recreation, Passive. A place or use that contains facilities or features that are typically limited to trails, benches, picnic and seating areas, smaller-scaled playgrounds, or other types of low-impact parks.

Repair Shops (Vehicular and Equipment Services). A facility where services and repairs are made to vehicles or equipment apart from fueling stations.

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

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.

Retail Use. A place of sale of goods to the end user ~~ultimate consumer~~ for direct consumption. Not wholesale ~~and not for resale~~.

Rowhouse. See Dwelling, Townhouse.

Sales or Rentals (Vehicular and Equipment Services). A facility where vehicles and similar equipment are displayed, purchased, leased, or rented

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.

Service Use. Uses that provide commercial or nonprofit services to the general public. These include but are not limited to financial institutions, personal services, human services, vehicular and equipment services, and certain animal-based uses such as veterinary clinics. Any marine service uses shall comply with requirements of the underlying zoning district and obtain state and federal approvals as required.

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

Single-Family Dwelling or Single-Family Residence. See Dwelling, Single-Family (Detached).

Site Area. The total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.

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

Storage, Accessory. 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 incidental to the principal use.

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 or indoor setting, but not including tents. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).

Story. A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

- A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point;

- An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

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.

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.

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.

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.

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.

Sufficient Infrastructure. The following level of public services to serve new triplexes, quadplexes, townhouses, or cottage cluster development:

- Connection to a public sewer system capable of maintaining established service levels.
- Connection to a public water system capable of maintaining established service levels.
- Access via public or private streets maintaining adopted emergency vehicle access standards to a city's public street system.
- Storm drainage facilities capable of maintaining established service levels for storm drainage.

Townhouse or Townhome. See Dwelling, Townhouse.

Townhouse Project. One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposing to be divided, to reflect the townhouse property lines and any commonly owned property.

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.

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

Triplex. See Dwelling, Triplex.

Two-Family Dwelling. See Dwelling, Duplex.

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.

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.

Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).

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

Window area. The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

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.

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

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.

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.

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.

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.

Zoned for Residential Use. A zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation.

1.030 Airport Overlay Definitions

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.

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.

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

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.

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

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.

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.

Noise Impact. Noise levels exceeding 55 LDN (Day/Night Sound Level)

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.

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.

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).

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

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.

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.

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.

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.

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

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.

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

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

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

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

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.

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.

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.

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

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.

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.

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).

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.).

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.

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.

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.

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.

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.

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

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.

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.

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''.

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.)

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

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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

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.

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

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.

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.

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.

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

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.

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

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

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

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.

FIRM. See Flood Insurance Rate Map.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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

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.

Hydrodynamic Load. Force of water in motion.

Hydrostatic Load. Force of water at rest.

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.

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.

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.

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.

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.”

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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

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

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

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.

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.

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.

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.

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

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

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.

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.

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

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.

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".

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.

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).

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.

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

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.

Stream Bank, Top of. See Bankfull Stage.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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

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.

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.

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.

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 3 – Zoning Districts

Digital users: the table of contents can be clicked on to navigate directly to a division or section.

3.000 General Provisions 2
3.010 Purpose 2
3.020 Zoning District Outline 2
3.030 Zoning District Map 3
3.040 Urban Planning Area 3
3.050 National Scenic Area 3
3.060 Unlisted or Similar Uses 3
3.100 Residential Zoning Districts 4
3.110 General Purpose 4
3.120 Land Use Table for Residential Zoning Districts 5
3.130 Dimensional Standards for Residential Zoning Districts 6
3.140 Residential Densities 13
3.200 Mixed-Use Zoning Districts 14
3.210 General Purpose 14
3.220 Land Use Table for Mixed-Use Zoning Districts 15
3.230 Dimensional Standards for Mixed-Use Zoning Districts 17
3.235 Detailed Dimensional Standards 19
3.300 Commercial Zoning Districts 21
3.310 General Purpose 21
3.320 Land Use Table for Commercial Zoning Districts 22
3.330 Dimensional Standards for Commercial Zoning Districts 24
3.400 Industrial Zoning Districts 25
3.410 General Purpose 25
3.420 Use Table for Industrial Zoning Districts 26
3.440 Additional Requirements 31
3.500 Other Zoning Districts 33
3.510 General Purpose 33

3.000 GENERAL PROVISIONS

3.010 Purpose

This Chapter contains land use allowances and dimensional standards for development of lots that are designated a particular zoning district as contained in Section 3.020 of this Code. Development and design standards are contained within Chapter 8 of this Code.

3.020 Zoning District Outline

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.

Symbol	District Name	TDC Section
	Residential Districts	***3.100***
LDR-1	Low-Density Residential *(formerly R-20 & R-10)*	3.111
LDR-2	Low-Density Residential *(formerly R-7)*	3.112
MDR	Medium-Density Residential *(formerly R-5 & R-4)*	3.113
HDR	High-Density Residential *(formerly A-2)*	3.114
	Mixed-Use Districts	***3.200***
MU-1	Downtown Mixed-Use *(formerly CBD)*	3.211
MU-2	General Mixed-Use *(formerly MO/H & NC)*	3.212
MU-3	Urban Mixed-Use	3.213
	Commercial Districts	***3.300***
CC	Community Commercial	3.311
GC	General Commercial	3.312
	Industrial Districts	***3.400***
IP	Industrial Park	3.450
LI	Light Industrial	3.460
GI	General Industrial	3.470
	Other Districts	***3.500***
OS	Open Space	3.520
	Reserved	3.530
UPA-…	Urban Planning Area – unincorporated areas with city zoning	3.040
NSA	National Scenic Area – incorporated areas with county zoning	3.050

3.030 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.

3.040 Urban Planning Area

The City of Troutdale holds zoning authority over certain areas that are located in unincorporated areas of Multnomah County and within the regional Urban Growth Boundary. These areas include those areas which are identified in Goal 14 – Urbanization in the Comprehensive Land Use Plan and through an effective intergovernmental agreement between the agencies. In accordance with Goal 14 and the intergovernmental agreement, most future development in the Urban Planning Areas shall require annexation into the City of Troutdale. Lots in Urban Planning Areas have an assigned zoning district and are designated with a "UPA" prefix in front of the corresponding zoning district.

3.050 National Scenic Area

Multnomah County holds zoning authority over certain lots that are located within incorporated areas of the City of Troutdale that are within the federally-designated Columbia River Gorge National Scenic Area. These affected lots maintain County zoning district designation in accordance with Chapters 38 and 39 of the Multnomah County Code and the official zoning district map for Multnomah County. The City of Troutdale retains certain development standards and regulatory authority as identified in Chapter 1 of this Code and established through an effective intergovernmental agreement.

3.060 Unlisted or Similar Uses

When a proposed land use is not clearly identifiable as an existing land use as defined in this Code, the Director is authorized to provide written interpretation that a use is comparable or similar in nature to an existing permitted or conditional use for the corresponding zoning district. The Director may also require an applicant to file for a Director's Interpretation as provided within Section 6.400 of this Code or may refer the matter to Planning Commission as provided within Section 2.010 of this Code.

3.100 RESIDENTIAL ZONING DISTRICTS

3.110 General Purpose

The purpose of residential zoning districts is to provide dedicated residential areas in neighborhood settings. Through the Comprehensive Land Use Plan, there are three general classifications of densities that are established with general assumptions on current land use patterns and future development expectations. The zoning districts listed within this Section are associated with their correlating land use designation.

3.111 LDR-1 | Low-Density Residential

This district is intended primarily for low-density development patterns that consist of single-family detached dwellings and middle housing typologies, with lot sizes typically 10,000 square feet in size or greater. Lots above 20,000 square feet are generally appropriate in areas where natural features such as slope, flood plain, soil condition, etc., make these areas difficult to serve or inefficient to develop at higher densities. This zoning district is not applicable for areas or lots within the Town Center district. *(Previously R-20 & R-10)*

3.112 LDR-2 | Low-Density Residential

This district is intended primarily for low-density development patterns that consist of single-family detached dwellings and middle housing typologies, with lot sizes typically between 7,000 to 10,000 square feet in size. This zoning district is not applicable for areas or lots within the Town Center district. *(Previously R-7)*

3.113 MDR | Medium-Density Residential

This district is intended primarily for the development of smaller-lot single family dwellings on lots of 4,000 to 7,000 square feet in size and to accommodate middle housing typologies on appropriately scaled lots. This district has certain use, dimensional, and design distinctions that are location-dependent in the City as described below and elsewhere within Chapters 3 and 8 of this Code. *(Previously R-5 & R-4)*

A. MDR-zoned areas and lots outside the Town Center district are typically located in areas adjacent to arterial and collector roads and preferably near commercial areas, civic uses, and parks.

B. MDR-zoned areas and lots within the Town Center district are typically located and in the western and southern peripheral neighborhoods surrounding the Downtown area.

3.114 HDR | High-Density Residential

This district is intended primarily for the development of multi-family residential buildings or complexes and to accommodate certain middle housing typologies on appropriately-scaled lots. This zoning district has certain use, dimensional, and design distinctions that are location-dependent as described below and elsewhere within Chapters 3 and 8 of this Code. *(Previously A-2)*

A. HDR-zoned areas and lots outside the Town Center district are typically located in areas adjacent to arterial and collector roads, be served by current or expected fixed-route transit service, and be within one-quarter mile of adjacent commercial areas, civic uses, and parks.

B. HDR-zoned areas and lots within the Town Center district are typically located in certain areas in the western and eastern peripheral neighborhoods surrounding the Downtown area.

3.120 Land Use Table for Residential Zoning Districts

A. Uses that are permitted are marked with a "P", with specific standards for the use listed in the far-right column as shown below.

B. Uses that require conditional use approval in accordance with Section 6.300 of this Code are marked with a "C", with specific standards for the use listed in the far-right column as shown below.

C. Uses that are not permitted are marked with a "N".

Land Use	LDR-1	LDR-2	MDR	MDR (TC)	HDR	HDR (TC)	Specific Standards
Residential Dwellings and Uses							
Single-family detached	P	P	P	P	N	P	8.110
Duplex	P	P	P	P	N	P	8.110
Triplex	P	P	P	P	N	P	8.120
Quadplex	P	P	P	P	N	P	8.120
Townhouse	P	P	P	P	P	P	8.130
Cottage cluster	P	P	P	P	N	P	8.140
Multi-family (residential only)	N	N	N	N	P	P	8.150
Multi-family (vertical mixed-use)	N	N	N	N	N	N	varies, see 8.200
Manufactured home	P	P	P	P	N	P	8.160
Manufactured home park	P	P	P	N	N	N	8.160
Accessory dwelling units	P	P	P	P	P	P	8.170
Shared dwellings	P	P	P	P	P	P	8.180
Residential facility	P	P	P	P	P	P	
Other Uses							
Agricultural or animal-based uses	C	N	N	N	N	N	5.090
Bed and breakfast inns	P	P	P	P	P	P	5.100
Community service uses	C	C	C	C	C	C	
Food stand	P	P	P	P	P	P	5.200
Home-based child care	P	P	P	P	P	P	
Human services	C	C	C	C	C	C	
Recreation facilities (active)	C	C	C	C	C	C	
Recreation facilities (passive)	P	P	P	P	P	P	
Utility facilities (major)	C	C	C	C	C	C	
Utility facilities (minor)	P	P	P	P	P	P	

3.130 Dimensional Standards for Residential Zoning Districts

The following standards are outlined below based on the residential use proposed for the respective lot.

A. Single-family detached and duplex dwellings:

Dimensional Standard	LDR-1	LDR-2	MDR	MDR (TC)	HDR	HDR (TC)
Minimum lot size (sq. ft.):						
Single-family detached	10,000	7,000	5,000	5,000	N/A	see 3.235
Duplex	10,000	7,000	5,000	5,000	N/A	see 3.235
Minimum lot width (ft.)	70	60	50	50	N/A	20
Minimum lot depth (ft.)	100	80	70	70	N/A	see 3.235
Minimum lot frontage (ft.)	20	20	20	20	N/A	20
Setbacks (ft):						
Front yard	20	20	10 or 20 see note 1	10 or 20 see note 1	N/A	10 or 20 see note 1
Side yard	10	7.5	5	5	N/A	5
Building side (duplex)	0	0	0	0	N/A	0
Building side (zero lot line)	see note 2	see note 2	see note 2	see note 2	N/A	see note 2
Street side yard	10	10	10	10	N/A	10 or 20 see note 5
Rear yard	15 or 20 see note 3	15 or 20 see note 3	15 or 20 see note 4	15 or 20 see note 4	N/A	see 3.235
Accessory structures	see 5.010	see 5.010	see 5.010	see 5.010	N/A	see 5.010
Maximum building height (ft.)	35	35	35	35	N/A	35
Density standards	see 3.140	see 3.140	see 3.140	see 3.140	N/A	see 3.140

Table Notes

1. Front yard setback may be reduced if driveway access is taken from rear yard and corresponding setbacks are adjusted.

2. Zero lot line dwellings shall have no side setback on one side yard or a lot and double the amount of required side yard setback on the other side yard.

3. Rear yard setbacks for duplexes are 15 feet unless driveway access is taken from a rear yard (20 feet).

4. Rear yard setback is 20 feet if driveway access is taken from a side yard.

5. Street side yard setback is 20 feet if driveway access is taken from street side yard.

B. Triplex and quadplex dwellings:

Dimensional Standard	LDR-1	LDR-2	MDR	MDR (TC)	HDR	HDR (TC)
Minimum lot size (sq. ft.)	10,000	7,000	5,000	5,000	N/A	see 3.235
Minimum lot width (ft.)	70	60	50	50	N/A	20
Minimum lot depth (ft.)	100	80	70	70	N/A	see 3.235
Minimum lot frontage (ft.)	20	20	20	16	N/A	20
Setbacks (ft):						
Front yard	10	10	10	10 or 20 see note 1	N/A	10 or 20 see note 1
Side yard	10	7.5	5	5	N/A	5
Building side	0	0	0	0	N/A	0
Street side yard	10	10	10	10	N/A	10 or 20 see note 2
Rear yard	10	10	10	10	N/A	see 3.235
Accessory structures	see 5.010	see 5.010	see 5.010	see 5.010	N/A	N/A
Maximum building height (ft.)	35	35	35	35	N/A	N/A
Density standards	see 3.140	see 3.140	see 3.140	see 3.140	N/A	N/A

Table Notes
1. Front yard setback is 20 feet if driveway access is taken from front yard.
2. Street side yard setback is 20 feet if driveway access is taken from street side yard.

C. Townhouse dwellings:

Dimensional Standard	LDR-1	LDR-2	MDR	MDR (TC)	HDR	HDR (TC)
Minimum lot size (sq. ft.)	none	none	none	none	none	none
Minimum lot width (ft.)	none	none	none	none	none	none
Minimum lot depth (ft.)	none	none	none	none	none	none
Minimum lot frontage (ft.)	see note 1	see note 1	see note 1	see note 1	see note 1	see note 1
Setbacks (ft):						
Front yard	10	10	10	10 or 20 see note 2	10	0
Side yard	5	5	5	5	5	5
Building side	0	0	0	0	0	0
Street side yard	10	10	10	10	10 or 18, see note 3	0 or 18, see note 3
Rear yard	10 or 0, see note 4	10 or 0, see note 4	10 or 0, see note 4	10 or 0, see note 4	10 or 0, see note 4	10 or 0, see note 4
Accessory structures	see 5.010	see 5.010	see 5.010	see 5.010	see 5.010	see 5.010
Maximum building height (ft.)	35	35	35	35	35	35
Density standards	see 3.140	see 3.140	see 3.140	see 3.140	see 3.140	see 3.140

Table Notes

1. Minimum lot frontage is 15 feet if driveway, garage, or off-street parking area is in front yard.
2. Front yard setback is 20 feet if driveway access is taken from front yard.
3. Street side yard setback is 18 feet if driveway access is taken from street side yard.
4. Rear yard setbacks are 0 feet for lots with rear alley access; 10 feet for other situations.

D. Cottage cluster development and dwellings:

Dimensional Standard	LDR-1	LDR-2	MDR	MDR (TC)	HDR	HDR (TC)
Minimum lot size (sq. ft.)	10,000	7,000	5,000	5,000	N/A	N/A
Minimum lot width (ft.)	70	60	50	50	N/A	N/A
Minimum lot depth (ft.)	100	80	70	70	N/A	N/A
Minimum lot frontage (ft.)	none	none	none	none	N/A	N/A
Setbacks (ft):					N/A	N/A
Front yard	10	10	10	10	N/A	N/A
Side yard	5	5	5	5	N/A	N/A
Street side yard	5	5	5	5	N/A	N/A
Rear yard	10	10	10	10	N/A	N/A
Building separation	6	6	6	6	N/A	N/A
Accessory structures	see 5.010	see 5.010	see 5.010	see 5.010	N/A	N/A
Maximum building height (ft.)	25	25	25	25	N/A	N/A
Minimum density	4 units per acre	4 units per acre	4 units per acre	4 units per acre	N/A	N/A
Maximum density	N/A	N/A	N/A	N/A	N/A	N/A

E. Multi-family. The standards within this Subsection shall apply for multi-family residential developments or buildings that do not have a ground-floor commercial component. For vertical-based mixed-use development, dimensional standards for commercial development shall apply unless otherwise referenced within this Code.

1. Minimum lot size. Refer to the table in the Maximum Density and Lot Size provisions of this Section for residential uses; fifty-four hundred (5,400) square feet for all other uses.

2. Minimum lot width:

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

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

3. Minimum lot depth:

   a. Ninety (90) feet when there is approved street access;

   b. 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.

5. Minimum Density. See Section 3.140.A of this Code.

6. 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.

Dwellings	Minimum Lot Area	Max Lot Coverage
5 to 14	9,000 sq. ft. plus 2,500 sq. ft. for each unit over 3	45%
15 to 37	41,000 sq. ft. plus 2,000 sq. ft. for each unit over 15	50%
38 to 94	87,000 sq. ft. plus 1,500 sq. ft. for each unit over 38	50%
95 to 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%

7. Setbacks.

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

   b. Side yard setback:

      i. Adjoining the HDR zoning district or a non-residential zoning district: Minimum of five (5) feet.

ii. Adjoining a different residential zoning district:

(a) 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.

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

(c) 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.

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

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

c. 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.

d. Rear yard setback:

i. Adjoining the HDR zoning district or a non-residential zoning district:

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

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

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

(ii) 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.

e. Adjoining a different residential zoning district:

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.

f. Projections into setbacks. See Section 5.020 of this Code.

g. Structures in setback areas. See Section 5.010 of this Code.

h. Distance between buildings: See Section 8.150 of this Code.

i. Off-street parking, garages, and carports: See Section 8.225 of this Code.

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

F. Manufactured homes. Dimensional standards are referenced in Section 8.160 of this Code for individual manufactured homes and in Section 8.165 of this Code for manufactured home parks.

G. Accessory dwelling units. Dimensional standards are referenced in Section 8.170 of this Code.

H. Shared dwellings. Dimensional standards are referenced in Section 8.180 of this Code.

3.140 Residential Densities

A. Minimum density.

1. Applicability. Minimum density standards shall apply to all residential development.

2. Standard. Residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling units per net acre unless another standard is explicitly stated within this Code. 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.

B. Maximum density.

1. Single-family detached. Development shall not exceed one hundred percent (100%) 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.

2. Multi-family residential. See Subsection 3.130.E of this Code.

3. Townhouse projects.

   a. In the LDR-1 and LDR-2 zoning districts, townhouse projects are allowed four (4) times the allowed density for detached single family dwellings.

   b. In the MDR zoning district, townhouse projects are allowed three (3) times the allowed density for detached single family dwellings.

   c. In all other zoning districts where townhouses are permitted, the maximum density for a townhouse project shall not exceed twenty-five (25) units per net acre.

4. Other residential development. Maximum density standards shall not apply to duplex, triplex, quadplex, cottage cluster projects, or vertical mixed-use development on a dwelling units per net acre calculation and are instead regulated by development provisions of the corresponding housing typology within Section 8.100 of this Code.

3.200 MIXED-USE ZONING DISTRICTS

3.210 General Purpose

The purpose of mixed use zoning districts is to fulfill the expectations of Town Center and Main Street designations within the Metro 2040 Growth Concept by having a properly-scaled mixture of residential, commercial, and civic uses in close proximity to one another or co-located within a structure or upon a lot. These districts are to be predominantly located within the Town Center zoning overlay district.

3.211 MU-1 | Downtown Mixed-Use

This district is intended to provide and promote a downtown business district that serves as the core of the Town Center district and is primarily oriented towards smaller-scale commercial development along a walkable "main street" setting. Residential uses may be considered in select circumstances. Lots are typically less than one-half acre in size and are dependent on public rights-of-way, publicly owned property, or alleys to handle parking and loading and provide for an attractive streetscape. Specific development and design criteria for development is specified in Section 8.210 of this Code. *(Previously CBD)*

3.212 MU-2 | General Mixed-Use

This district is intended to provide a compatible mix of commercial uses and medium-density residential opportunities in certain areas across the city, including but not limited to areas adjacent to the MU-1 district. Smaller-scale high-density residential may be appropriate in select areas. This district is distinct from the MU-1 district in terms of having lots that are typically larger than a simple storefront, along with general expectations for maintaining on-site parking, landscaping, and screening. This district is distinct from the MU-3 district in terms of development scale and overall impact on surrounding areas. Specific development and design criteria for development is specified in Chapter 8 of this Code. *(Previously MO/H & NC)*

3.213 MU-3 | Urban Mixed-Use

This district is intended to provide a compatible mix of commercial uses and medium- to high-density residential opportunities in select areas of the city where vertical development has a negligible impact on surrounding areas. Residential development should include middle housing or higher density housing typologies. Commercial development should be well-integrated with residential uses situated above a ground floor retail space or immediately adjacent to promote a compact, walkable environment. Parking areas are to be located along publicly accessible streets, in areas behind structures or in consolidated or shared facilities where appropriate. Specific development and design criteria for development is specified in Section 8.230 of this Code and by adopted framework plans within the City's Urban Renewal Area.

3.220 Land Use Table for Mixed-Use Zoning Districts

A. Uses that are permitted are marked with a "P", with specific standards for the use listed in the far-right column as shown below.

B. Uses that require conditional use approval in accordance with Section 6.300 of this Code are marked with a "C", with specific standards for the use listed in the far-right column as shown below.

C. Uses that are not permitted are marked with a "N".

Land Use	MU-1	MU-2	MU-3	Specific Standards
Residential Dwellings and Uses				
Single-family detached	N	P	N	8.110
Duplex	N	P	N	8.110
Triplex	N	P	P	8.120
Quadplex	N	P	P	8.120
Townhouse	P	P	P	8.130
Cottage cluster	N	P	N	8.140
Multi-family (residential units only)	P	P	P	8.150
Multi-family (vertical mixed-use)	P	P	P	varies, see 8.200
Manufactured home	N	N	N	
Manufactured home park	N	N	N	
Accessory dwelling units	N	P	P	8.170
Shared dwellings	N	C	C	8.180
Residential facility	N	C	N	
Mixed-Uses				
Live-Work units (residential/commercial)	P	P	P	
Live-Make units (residential/industrial)	N	N	C	
Flex units (commercial/industrial)	N	N	C	
Home-based child care	P	P	P	
Commercial Uses				
General retail (up to 15,000 s.f.)	P	P	P	
General retail (above 15,000 s.f.)	C	C	P	
Offices (up to 15,000 s.f.)	P	P	P	
Offices (above 15,000 s.f.)	C	P	P	

(continued on next page)

Land Use	MU-1	MU-2	MU-3	Specific Standards
Eating & drinking establishments				
Restaurants & bars (no drive-thru)	P	P	P	
Restaurants & bars (with drive-thru)	C	P	P	
Kiosks (drive-thru only)	C	C	N	5.200
Mobile food vendor (individually placed, in park or right-of-way)	P	P	P	5.200
Mobile food vendor (individually placed, on privately owned lot)	P	P	N	5.200
Food cart pod, micro-retail pod, or outdoor market	P	P	C	
Financial institutions (no drive-thru)	P	P	P	
Financial institutions (with drive-thru)	P	P	P	
Personal services	P	P	P	
Human services	C	P	C	
Vehicular and equipment services				
Fueling stations	N	C	N	
Repair shops	N	C	N	
Sales or rentals	C	C	N	
Lodging facilities	P	P	P	
Bed & breakfast inns	P	P	C	
Entertainment facilities (major)	N	N	C	
Entertainment facilities (minor)	P	P	P	
Storage facilities	N	N	N	
Marijuana facilities	N	N	N	
Industrial Uses				
Marijuana processors	N	N	N	
LI permitted uses (unless otherwise listed in table)	C	N	C	
Other Uses				
Community service uses	C	C	C	
Recreation facilities (active)	C	C	C	
Gym (up to 5,000 s.f.)	P	P	C	
Gym (above 5,000 s.f.)	C	C	C	
Recreation facilities (passive)	P	P	P	
Utility facilities (major)	C	C	C	
Utility facilities (minor)	P	P	P	

3.230 Dimensional Standards for Mixed-Use Zoning Districts

A. Non-residential uses (including vertical mixed-use with upper floor residential units):

Dimensional Standard	MU-1	MU-2	MU-3
Minimum lot size (sq. ft.)	None	None	None
Minimum lot width (ft.)	None	None	None
Minimum lot depth (ft.)	None	None	None
Minimum lot frontage (ft.)	15	15	15
Setbacks (ft):			
when abutting a park (regardless of zoning district)	0	0	10
when abutting a non-residential zoning district	0	0	0
when abutting a residential zoning district	20	20	20
for building facades over 35 ft. in height	N/A	N/A	15
Maximum building height (ft.)	35	35	see 3.235.D
Maximum building footprint size (sq. ft.)	N/A	20,000 see note 1	60,000 footprint
Table Notes			
1. There is no maximum building size applicable if the building was in existence prior to March 10, 1950.			

B. Residential uses (excluding vertical mixed-use with upper floor residential units):

Dimensional Standard	MU-1	MU-2	MU-3
Minimum lot size (sq. ft.)	see 3.235.A	see 3.235.A	see 3.235.A
Minimum lot width (ft.)	15	15	15
Minimum lot depth (ft.)	see 3.235.B	see 3.235.B	see 3.235.B
Minimum lot frontage (ft.)	15	15	15
Minimum setbacks (ft):			see 3.230.A
Front yard:			
without alley access			
to the garage door of units with a driveway from street	20	20	
to the front façade of a residential unit	15	15	
to the front porch of a residential unit	10	10	
with alley access			
to the front façade of a residential unit	10	10	
to the front porch of a residential unit	5	5	
Side yard	see 3.235.C.2	see 3.235.C.2	
Building side	0	0	0
Street side yard	0 or 18 see note 1	0 or 18 see note 1	
Rear yard	see 3.235.C.5	see 3.235.C.5	
Accessory structures	see 5.010	see 5.010	see 5.010
Maximum front yard setback (ft.)	N/A	N/A	20
Minimum building height (ft.)	N/A	N/A	25
Maximum building height (ft.)	35	35	see 3.235.D
Maximum building footprint size (sq. ft.)	N/A	20,000 see note 2	60,000
Density standards	see 3.140	see 3.140	see 3.140

Table Notes
1. Street side yard setback is 18 feet if driveway access is taken from street side yard.
2. There is no maximum building size applicable if the building was in existence prior to March 10, 1950.

3.235 Detailed Dimensional Standards

Listed below are detailed dimensional standards referenced from the tables found in Sections 3.130 and 3.230 of this Code that require additional context or explanation.

A. Minimum lot size for residential uses. The minimum lot size shall be based on the minimum lot width and minimum lot depth standards.

B. Minimum lot depth for residential uses.

1. 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.

2. Ninety (90) feet for residential units with access from an alley within an easement that is part of the lot.

3. 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.

C. Minimum setbacks.

1. Front yard. See table in Section 3.230 of this Code.

2. Side yard.

a. Abutting a non-residential or HDR zoning district: 5 feet.

b. Abutting all other residential zoning districts.

i. 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.

ii. 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.

iii. The minimum side yard setback from an adjoining rear yard may be reduced as provided in Subsection 3.235.C.6 of this Section.

3. Building side. See table in Section 3.230 of this Code.

4. Street side yard. See table in Section 3.230 of this Code.

5. Rear yard.

a. Abutting a non-residential zoning district:

i. Without an alley: Ten (10) feet.

ii. With an alley that is platted either as an easement or as a separate tract that is at least twenty (20) feet in width: Five (5) feet from the nearest edge of the alley.

b. Abutting a residential zoning district:

i. Without an alley:

(a) Single-story construction: Fifteen (15) feet.

(b) Two-story and greater construction: Twenty (20) feet.

(c) The minimum rear yard setback may be reduced as provided in Subsection 3.235.C.6 of this Section.

ii. With an alley that is platted either as an easement or as a separate tract that is at least twenty (20) feet in width: Five (5) feet from the nearest edge of the alley.

6. Reduced setback allowed. The minimum side yard setback for residential uses adjoining a rear yard in a residential zoning district other than HDR, 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.

D. Maximum building height in the MU-3 zoning district.

1. Building heights of up to fifty-five (55) feet shall be subject to a Type II site development review provided there are no other circumstances in an application requiring a higher review.

2. Building heights between fifty-five (55) feet one (1) inch and seventy-five (75) feet shall be subject to a Type IV site development review.

3. Exceptions to the building height limit are listed in Section 5.03~~2~~0 of this Code.

3.300 COMMERCIAL ZONING DISTRICTS

3.310 General Purpose

The purpose of commercial zoning districts is to provide dedicated commercial areas in certain areas of the city that are best suited for businesses that typically do not involve an industrial process. The types of districts are distinctive based on the consumer catchment area and the scale and types of businesses that are most appropriate for the setting and its immediate surroundings.

3.311 CC | Community Commercial

This district is intended for the shopping needs of several neighborhoods in locations easily accessible to such neighborhoods. This zoning district is not applicable for areas or lots within the Town Center district.

3.312 GC | General Commercial

This district is intended for more intensive commercial uses in addition to those provided in the Community Commercial (CC) districts.

3.320 Land Use Table for Commercial Zoning Districts

A. Uses that are permitted are marked with a "P", with specific standards for the use listed in the far-right column as shown below.

B. Uses that require conditional use approval in accordance with Section 6.300 of this Code are marked with a "C", with specific standards for the use listed in the far-right column as shown below.

C. Uses that are not permitted are marked with a "N".

Land Use	CC	GC	Specific Standards
Residential Dwellings and Uses			
Residential facilities	P	P	
Other residential uses	N	N	
Mixed-Uses			
Live-Work units (residential/commercial)	P	N	
Live-Make units (residential/industrial)	C	N	
Flex units (commercial/industrial)	C	C	
Commercial Uses			
General retail (up to 60,000 s.f.)	P	P	
General retail (above 60,000 s.f.)	C	P	
Offices (up to 60,000 s.f.)	P	P	
Offices (above 60,000 s.f.)	N	P	
Eating & drinking establishments			
Restaurants & bars (no drive-thru)	P	P	
Restaurants & bars (with drive-thru)	P	P	
Kiosks (drive-thru only)	P	P	5.200
Mobile food vendor (individually placed, in park or right-of-way)	P	P	5.200
Mobile food vendor (individually placed, on privately owned lot)	P	P	5.200
Food cart pod, micro-retail pod, or outdoor market	P	P	5.200
Financial institutions (no drive-thru)	P	P	
Financial institutions (with drive-thru)	P	P	
Personal services	P	P	
Human services	P	P	

(continued on next page)

Land Use	CC	GC	Specific Standards
Vehicular and equipment services			
Fueling stations	C	P	
Repair shops	N	P	
Sales or rentals	C	C	
Lodging facilities	P	P	
Bed & breakfast inns	N	N	
Entertainment facilities (major)	C	C	3.235.B
Entertainment facilities (minor)	P	P	
Storage facilities	N	N	
Marijuana facilities	N	N	3.325.A
Industrial Uses			
Warehousing or distribution outlets	N	C	
Marijuana processors	N	N	
LI permitted uses (unless otherwise listed in table)	N	N	
Other Uses			
Agricultural or animal-based uses	N	P	
Community service uses	C	C	
Recreation facilities (active)	C	C	
Gym (up to 5,000 s.f.)	P	P	
Gym (above 5,000 s.f.)	C	C	
Recreation facilities (passive)	P	P	
Utility facilities (major)	C	C	
Utility facilities (minor)	P	P	

3.325 Additional Requirements

A. 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.

B. Major entertainment businesses shall not be permitted within the Town Center Boundary and shall not be located within two hundred and fifty (250) feet of a residentially zoned property.

3.330 Dimensional Standards for Commercial Zoning Districts

A. All land uses:

Dimensional Standard	CC	GC
Minimum lot size (sq. ft.)	none	none
Minimum lot width (ft.)	none	none
Minimum lot depth (ft.)	none	none
Minimum lot frontage (ft.)	20	50
Setbacks (ft):		
Front yard	20	20
Side yard		
when abutting a non-residential zoning district	0	0
when abutting a residential zoning district	see note 1	see note 1
Street side yard	10	5
Rear yard		
when abutting a non-residential zoning district	0	0
when abutting a residential zoning district	see note 2	see note 2
In cases of insufficient right-of-way	see note 3	see note 3
Maximum building height (ft.)	45	45
Maximum building size (sq. ft.)	60,000 s.f.	N/A

Table Notes
1. Side yard setback shall be the same side yard setback as required by the abutting zoning district.
2. Rear yard setback shall be the same rear yard setback as required by the abutting zoning district, but in no case shall be less than fifteen (15) feet.
3. 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.

3.400 INDUSTRIAL ZONING DISTRICTS

3.410 General Purpose

The purpose of industrial zoning districts is to provide dedicated industrial areas in certain areas of the city that are best suited for businesses that involve an industrial process and that may operate in a way that is less desirable for adjacent residential uses and certain commercial uses. These areas are also often considered employment centers and may conduct activities at various hours of the day.

3.411 IP | Industrial Park

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.

3.412 LI | Light Industrial

This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with little limited outdoor accessory 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, or significant outdoor accessory storage. 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 adequate buffering.

3.413 GI | General Industrial

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.

3.420 Use Table for Industrial Zoning Districts

A. Uses that are permitted are marked with a "P", with specific standards for the use listed in the far-right column as shown below.

B. Uses that require conditional use approval in accordance with Section 6.300 of this Code are marked with a "C", with specific standards for the use listed in the far-right column as shown below.

C. Uses that are not permitted are marked with a "N".

Land Use	IP	LI	GI	Specific Standards
Residential Uses				
One Caretaker unit in conjunction with an existing industrial use	N	P	P	
All other residential uses	N	N	N	
Commercial Uses				
Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities	N	C	C	
Convenience stores	C	N	N	3.440.I
Eating and drinking establishments				
Restaurants and bars	P	N	N	3.440.H
Mobile Food Vendor operating a Food Stand, Food Cart, and Food Trailer	P	P	P	5.200
Financial institutions	C	N	N	3.440.D.1
Hotels/Motels/Convention Halls	C	C	N	
Marijuana facilities	N	N	N	3.440.F
Medical and dental clinics	C	P	P	3.440.D.1
Personal services	C	N	N	3.440.D.1
Product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use	N	P	P	3.440.K
Professional Offices	P	P	N	3.440.D.1
Storage facilities	N	C	N	3.440.J
Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home services				

Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.	N	C	P	
Repair and modification shops	N	P	P	
Sales and rentals	N	P	P	3.440.D.1 3.440.D.3
Wholesale trade/retail/discount sales and services	C	P	P	3.440.D.1

Land Use	IP	LI	GI	Specific Standards
Industrial Uses				
Aggregate resource	N	N	P	4.000
Manufacturing, milling, and processing				
Assembly and limited manufacturing	C	P	P	
Concrete and asphalt manufacturing plants	N	N	C	
Electronic and appliance products	N	C	P	
Food and beverage products				
Food processing involving slaughtering, fermentation, or fat rendering	N	N	C	
Beverage processing involving brewing, distilling, roasting, or fermentation	C	P	P	
Other food and beverage products	P	P	P	
Furniture and related products	N	P	P	
Machinery and transportation equipment	N	C	P	
Use and temporary storage in the manufacturing process of toxic or hazardous material by-products	N	N	P	
The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations	N	N	C	
Marijuana processors	N	N	C	3.440.G
Metal and fabricated metal products				
Primary manufacturing or milling	N	N	P	
Secondary manufacturing or processing	N	P	P	
Nonmetallic mineral products	N	C	P	
Plastic or rubber products	N	C	P	
Printing	C	P	P	
Textile, apparel, and leather products	N	C	P	

Wood or paper products				
Primary manufacturing and milling	N	N	P	
Secondary manufacturing and processing	N	C	P	
Transportation facilities				
Airports (including heliports)	N	P	P	
Heliports (not within an airport)	N	C	P	
Marinas	C	P	P	
Freight and trucking firm	N	C	P	

Land Use	IP	LI	GI	Specific Standards
Warehousing and Storage				
Warehouse	N	P	P	
Accessory storage	P	P	P	
Storage facilities	N	C	N	3.440.J
Junk yard	N	N	C	
Marine industrial or service facilities	N	N	P	
Research, experimental, or testing laboratories	P	P	P	
Sanitary landfills, recycling centers, and transfer stations.	N	N	C	
Trade or commercial schools	P	P	P	
Other Uses				
Agricultural or animal-based uses	N	N	N	
Child-care facilities in conjunction with a permitted use or an approved conditional use	C	C	C	3.440.D.1
Community service uses	C	C	C	
Public Parks, parkways, trails, and related facilities	P	P	P	
Recreation facilities (active)	C	C	C	
Gym (up to 5,000 s.f.)	P	P	P	
Gym (above 5,000 s.f.)	C	C	C	
Recreation facilities (passive)	P	P	P	
Utility facilities (major)	C	C	P	
Utility facilities (minor)	P	P	P	
Other uses similar to those listed above	P/C	P/C	P/C	

3.430 Dimensional Standards for Industrial Zoning Districts

A. Dimensional Standards Table for Industrial Zoning Districts

Land Use	IP	LI	GI
Lot Size and Coverage			
Minimum lot width	150 ft.	None	None
Maximum lot coverage	60% of the site	None	None
Setbacks			
Front yard setback	20 ft.	20 ft.	20 ft.
Side yard setback	15 ft.	10 ft.	None see 3.430.B.4
Street side yard setback:	15 ft.	10 ft.	None see 3.430.B.4
Rear yard setback	10 ft.	None	None see 3.430.B.4
Setbacks for insufficient right-of-way	see 3.430.B.1	see 3.430.B.1	see 3.430.B.1
Additional setback requirements	None	see 3.430.B.3	see 3.430.B.3
Maximum Height of the Structure	35 ft.	45 ft. see 3.430.B.2	see 3.430.B.2
Lot Area	No minimum	No minimum	see 3.430.B.5

B. Additional Dimensional Standards

1. 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

2. Unless otherwise limited by the Federal Aviation Administration.

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 zoning district shall be required.

4. 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.

5. Lot Area. Division of lots or parcels are permitted as follows:

    a. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.

    b. 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

    c. 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.

    d. 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 Code.

    e. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:

        i. To provide public facilities and services;

        ii. 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;

        iii. 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

        iv. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

3.440 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, as indicated in the specific standards column in TDC 3.420, are subject to the following standards:

1. 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.

2. Drive-thru and drive-up service windows are not permitted in the general industrial zoning district.

E. Development is subject to compliance with any applicable overlay zoning district standards.

F. 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.

G. 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.

H. 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.

I. In the industrial park zoning district, convenience stores, not to exceed thirty-five hundred (3,500) square feet in size.

J. In the light industrial zoning district, storage facilities are allowed when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, "within one- quarter mile (1/4 mile)" means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.

K. In the light industrial and general industrial zoning districts, product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use are allowed 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.

3.500 OTHER ZONING DISTRICTS

3.510 General Purpose

Certain zoning districts may not be neatly defined as residential, mixed-use, commercial and industrial but require distinct designations to convey their purpose.

3.520 OS | Open Space

A. Purpose. The district is intended to provide and preserve open space areas. In addition to other areas which may be so zoned by the City, this district shall apply to publicly owned parklands.

B. Permitted uses. The following uses and their accessory uses are permitted in the OS district.

1. Nature and wildlife preserves.
2. Passive recreation amenities and features.
3. Restroom, storage, and janitorial facilities.
4. Utility facilities (minor).

B. Conditional uses. The following uses and their accessory uses require conditional use approval in accordance with Section 6.300 of this Code.

1. Active recreation amenities and features.
2. Community service uses.
3. Utility facilities (major).

C. Development criteria. The development of amenities, features, or facilities shall include, but not be limited to the following criteria:

1. Uses within the OS-designated lot shall be compatible with adjacent land uses.
2. Picnic grounds and parking facilities shall be equipped with trash receptacles.
3. OS-designated lands shall be maintained by the lot owner if privately owned or by the City or other public agency by agreement if publicly owned.
4. 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.

#	***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 Rd.	1951	Mid-Century
10.	Cedar Place (Emil Olsen House)[2]	2611 S Troutdale Rd.	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 Uses within the Vegetation Corridor and Slope District

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)~~ 4.315(A) or ~~4.315(D)(2)~~ 4.315(B) 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:

(i) A calculation of the number of trees and shrubs that would be required under Option 1 or Option 2.

(ii) The number and size of trees and shrubs that the applicant proposes to plant.

(iii) 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.

(iv) 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~~ 14, 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

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Protected Water Feature	*Slope Adjacent to Protected Water Feature* [1]	*Starting Point for Measurements from Water Feature*	*Minimum Withs 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 than150 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 ≥20% 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 one hundred (100) foot increments.*

2 *These minimum setbacks may be affected by other overlay standards.*

3 *Vegetation corridors in excess of fifty (50) feet for primary protected water features, on in excess of fifteen (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 less than or equal to twenty-five percent (≥25%) (see Figures 4 and 5 in section 4.317 of this Chapter). If a slope of less than or equal to twenty-five percent (≥25%) continues beyond two hundred (200) feet, the development standards of this Chapter continue to apply until the break in slope.*

5 *A maximum reduction of twenty-five (25) feet may be permitted in the with of vegetation corridor beyond the break in slope if a geotechnical report demonstrates that the slope is stable. The establish the width f the vegetation corridor, measure in twenty-five (25) feet increments from the minimum setback away from the water feature until the slope is less than twenty-five percent (25%) (top of ravine).*

4.317 Method for Determining Vegetation Corridors Next to Primary Protected Water Features

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Figure 1. How to measure slopes. Measure fifty (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 one hundred (100)).

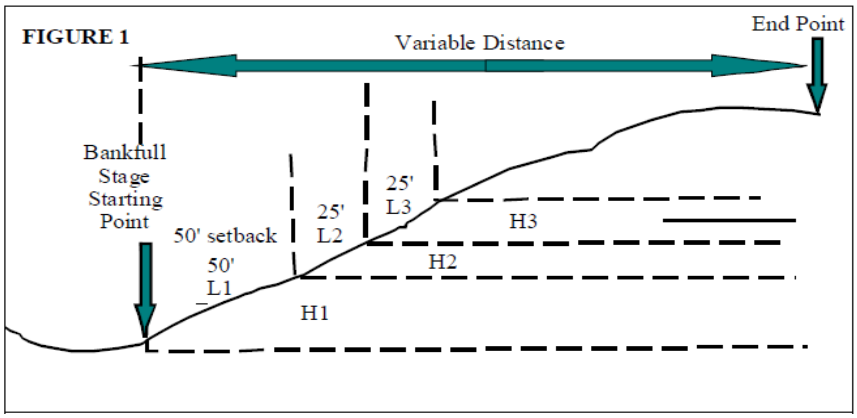


Figure 2. If the slope in this fifty (50) foot area is less than twenty-five percent (25%), the corridor width is 50 feet from the bankfull stage.

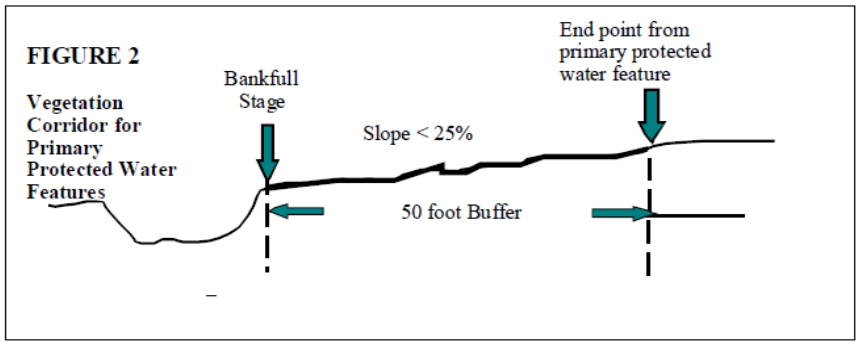


Figure 3. If the slope adjacent to the protected water feature is twenty-five percent (25%) or greater for less than one hundred fifty (150) feet, measure horizontally in increments of twenty-five (25) feet until the slope is less than twenty-five percent (25%) (H2/L2 <25%) and add fifty (50) feet. This is a variable end point. The vegetation corridor may be 50-, 75-, 100-, 125-, or 150-feet in width.

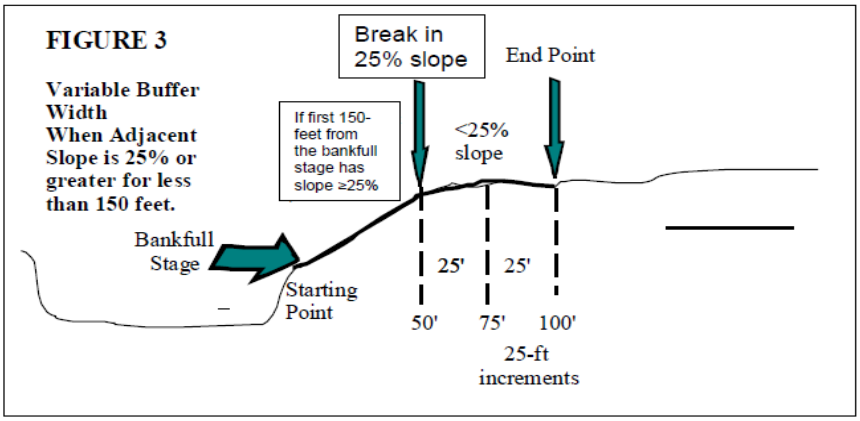


Figure 4. If the slope is greater than twenty-five percent (25%) in this incremental twenty-five (25) foot area for more than one hundred fifty (150) feet, continue measuring the slope every twenty-five (25) feet (H/L) until you find a slope less than twenty-five percent (25%). When you find a slope less than twenty-five percent (25%), the vegetation corridor equals the distance from the bankfull stage to the end point of the last surveyed twenty-five (25) foot increment with a slope greater than twenty-five percent (25%) plus an additional fifty (50) feet up to a distance of two hundred (200) feet from the top of the bank. If the slope continues beyond two hundred (200) feet, refer to Figure 5.

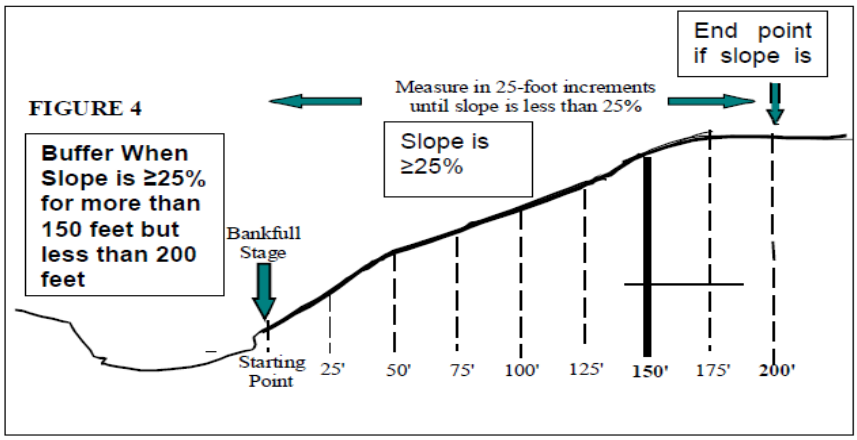
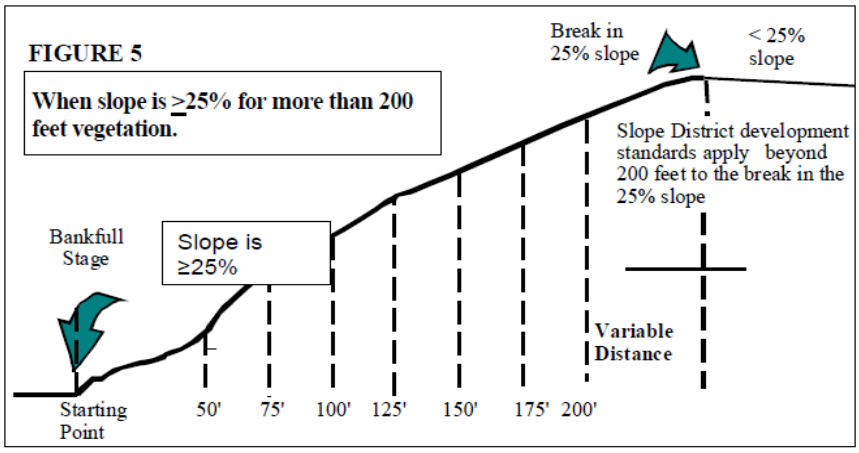


Figure 5. When you reach two hundred (200) feet from the top of the bank and the slope continues to be less than or equal to twenty-five percent (≥25%) beyond the two hundred (200) feet, continue measuring until the break in the less than or equal to twenty-five percent (≥25%) slope. No additional setback 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)

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. In the instance of conflicts between the provisions of this Section and provisions found in Chapters 3 or 8 of this Code, the provisions in Chapters 3 or 8 shall govern.

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 contained in the land use tables located in Chapter 3 of this Code.

4.630 Town Center Residential Densities

Density standards are contained in provisions located in Chapter 3 of this Code.

4.640 Dimensional Standards

Dimensional standards shall be the same as those listed in the underlying zone except as follows:

A. Community Commercial (CC).

1. The MU-1 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.

B. General Commercial (GC).

1. The MU-1 standards for lot width, lot depth, and lot area shall apply for residential development.

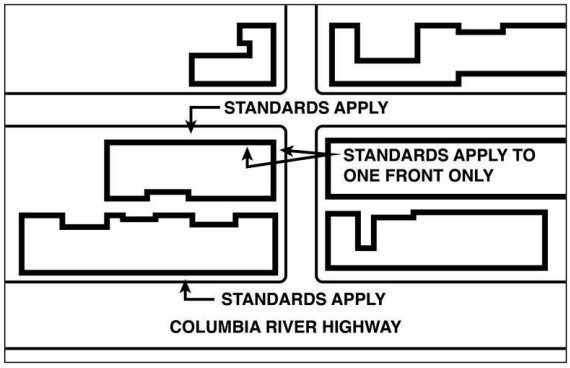
2. Minimum street frontage: twenty (20) feet.

3. No front yard or street side yard setback is required.

4.650 Commercial Design Review

A Type II site development review shall be required for all commercial uses within the TC district. Site and design review shall be conducted in accordance with Chapters 6 and 8 of this Code.

A. MU-1 Design Standards. The Design Standards for CBD, listed in Appendix A of this Code shall apply to the MU-1 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.

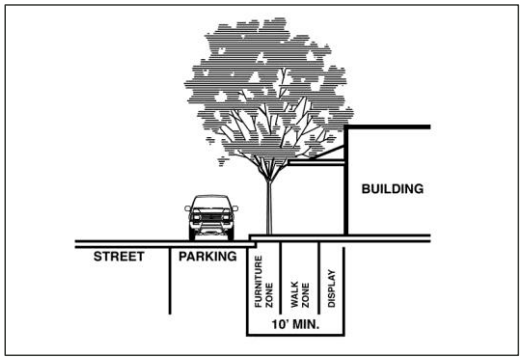


B. Development adjacent to SW Halsey Street shall install decorative streetlights within the Halsey Street right-of-way as part of any half-street improvements required of the development.

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

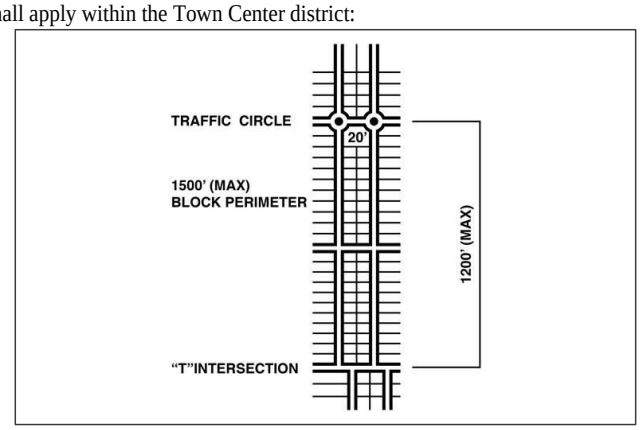
All residential development shall be subject to relevant development and design standards specified in Chapter 8 of this Code.

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, duplex, 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, 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

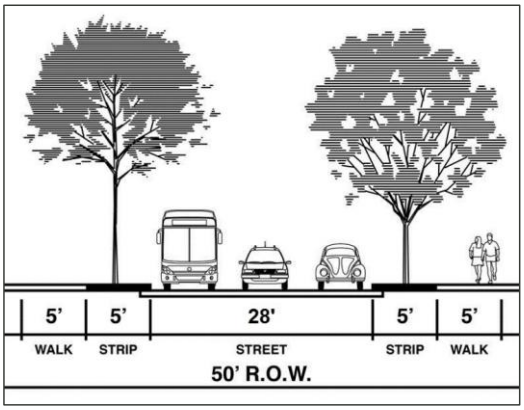
ii. The dwelling has a roofed front porch. The porch may encroach within the required front yard setback a maximum of five (5) feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and

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 within relevant residential development and design sections of Chapter 8 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, Section 8.150, and Chapter 9 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 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 Section 6.1300 of this Code. The Director's decision to adjust specific standards is a Type II decision under Section 2.055 of this Code.

Chapter 5 – Miscellaneous Uses and Standards

5.000 MISCELLANEOUS REGULATIONS

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 8.170 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 of this Code. 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.

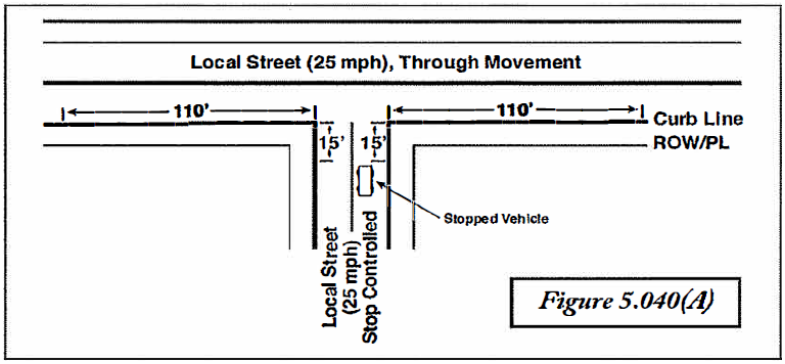


Figure 5.040(A)

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.

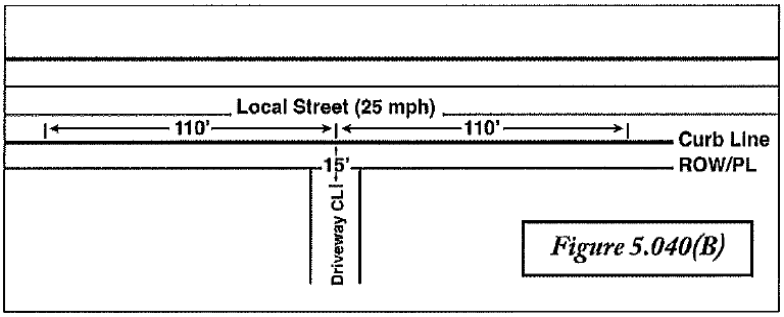


Figure 5.040(B)

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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.

E. 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.

F. 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. Security 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 from grade.

G. Electric fencing is permitted only in the Light Industrial (LI) and General Industrial (GI) zoning districts and shall meet the following criteria:

~~1. Installations of electric fencing shall require a Type II site development review application.~~

2. Electric fencing shall not be installed within ten (10) feet of a public right-of-way.

3. Electric fencing shall not be installed within an easement without the written consent of the rights holder.

4. Electric fencing shall be a pulsed charge system that shall not exceed 8,000 volts of voltage and 150 milliamps of amperage, or shall demonstrate that shock levels and duration are medically safe for humans through a manufacturer's certification.

5. Any required building or electrical permits shall be obtained prior to installation and be inspected upon completion of installation.

6. Any required fire approvals or acknowledgements for the installation, operation and maintenance of the electric fence shall be obtained prior to completion of installation.

7. Warning signs that indicate hazard shall be installed at intervals of not less than 30 linear feet of fencing, indicating an electric fence exists. Signage shall be approved by the Director upon completion of installation.

8. The total height shall not exceed ten (10) feet from grade.

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.

5.100 HOME OCCUPATIONS

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 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 landscaped 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	No	Yes	Yes	Yes
Utility connection required[3]	No	No	No	Yes
Required to meet design standards for 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 surrounding 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 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 Inns

Bed and breakfast inns (referred herein as "inns") are not subject to the home occupation operational standards provided in Section 5.130 of this Chapter but shall comply with the following standards:

A. Inns shall comply with the requirements of the underlying zone and overlay zone, if applicable.

B. Inns must be an accessory use to the primary single-family residence.

C. Inns shall be owner-occupied and shall maintain the characteristics of a single-family dwelling. No separate structures shall be allowed.

D. Inns shall be operated so as not to give the appearance of being a business.

E. Inns may have a maximum of two (2) non-resident employees.

F. A maximum of four bedrooms shall be used as part of the inn 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 an inn shall not exceed fifteen (15) consecutive days.

H. In addition to the provisions of Chapter 9 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. All signage shall be in keeping with the residential character of the neighborhood.

J. The inn shall obtain and maintain a City Business License and is subject to City Transient Lodging Tax. In addition, 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 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 PUBLIC IMPROVEMENTS

5.810 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.

5.820 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.

5.830 Standards

A. Public improvements as part of an approved land division shall be constructed in accordance with the provisions of Chapter 7 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.

5.900 PSILOCYBIN STANDARDS - RESERVED

Chapter 6 – Applications

Digital users: the table of contents can be clicked on to navigate directly to a division or section.

6.000 Annexation....2
6.100 Comprehensive Land Use Plan Text Amendment....3
6.200 Comprehensive Land Use Plan Map Amendment....4
6.300 Conditional Use....5
6.400 Director's Interpretation....8
6.500 Historic Landmarks....9
6.600 Nonconforming Expansions....13
6.700 Planned Unit Development....16
6.800 Public Transportation Facility....18
6.900 Site Development Review....19
6.1000 Temporary Structures....22
6.1100 Text Amendment....23
6.1200 Vacation....24
6.1300 Variance....25
6.1400 Zoning Map Amendment....27

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 LAND USE 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

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:

i. Be associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or

ii. Be associated with the lives of persons, organizations, or groups of people, significant in local, state, or national history; or

iii. 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

iv. 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 NONCONFORMING 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 (Nonconforming 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 (Nonconforming 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 8.170 ~~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 8.170 ~~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 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 fifteen percent (15%), 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 fifteen percent (15%), 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 fifteen percent (15%) 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.

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 listed herein. In the instance of conflicting standards between provisions in this Chapter and provisions related to residential parking requirements as listed in Chapter 8 of this Code, the provisions in Chapter 8 shall govern.

Residential Land Use	Minimum	Maximum
Single-family dwelling, manufactured dwelling, duplex, triplex, quadplex, townhouse unit, or cottage cluster unit	1 space per dwelling unit	No maximum
Multi-family dwelling	2 spaces per dwelling unit plus 1 space per three dwelling units for guest parking	No maximum
Shared dwelling	1 space per 3 residents	1.5 spaces per 3 residents
Planned development	In addition to the requirements for dwelling units, 1 space per 2 dwelling units for guest parking	No maximum
Manufactured home park	1 space per manufactured home site, plus 1 space per three home sites for guest parking at a convenient location	No maximum
Residential facility	0.5 space per bed for patients and residents	1 space per bed

9.015 Commercial Off-Street Parking Space Requirements

The minimum and maximum off-street parking space requirements are as follows. Required parking may not displace parking required for another use.

Commercial Land Use	Minimum	Maximum
General retail or personal service, including shopping centers and grocery stores	4.1 spaces per 1,000 sq. ft. of gross floor area	6.2 spaces per 1,000 sq. ft. of gross floor area
General retail with bulky merchandise, such as a furniture or appliance store	2 spaces per 1,000 sq. ft. of gross floor area	3 spaces per 1,000 sq. ft. of gross floor area
Eating and drinking establishment without a drive-thru	10 spaces per 1,000 sq. ft. of gross floor area	19.1 spaces per 1,000 sq. ft. of gross floor area
Eating and drinking establishment with a drive-thru	8 spaces per 1,000 sq. ft of gross floor area	12.4 spaces per 1,000 sq. ft. of gross floor area
Mobile food vendor	See Section 5.100	food stands/food carts: n/a food trucks: 1 per truck kiosks: 12.4 spaces per 1,000 sq. ft. of gross floor area
Medical/dental office or clinic	3.9 spaces per 1,000 sq. ft. of gross floor area	5.9 spaces per sq. ft. of gross floor area
General professional office or financial institution	2.7 spaces per 1,000 sq. ft. of gross floor area	4.1 spaces per 1,000 sq. ft. of gross floor area
Financial institution with a drive-thru	4.3 spaces per 1,000 sq. ft. of gross floor area	6.5 spaces per 1,000 sq. ft. of gross floor area
Personal services or Minor entertainment facility	4.3 spaces per 1,000 sq. ft. of gross floor area	6.5 spaces per 1,000 sq. ft. of gross floor area
Auto, boat, or trailer sales, or nursery	1 space per 1,000 sq. ft. of gross floor area	2 spaces per 1,000 sq. ft. of gross floor area
Lodging facility or bed and breakfast	1 space per guestroom/suite	2 spaces per guestroom/suite
Service station	0.5 space per 1,000 sq. ft. of gross lot area	1 space per 1,000 sq. ft. of gross lot area

Commercial Land Use	Minimum	Maximum
Bowling alley	2 spaces per lane	3 spaces per lane
Major entertainment facility (theater, racetrack, stadium, or similar use)	1 space per 4 seats or 1 space per 8-foot bench length	1.5 spaces per 4 seats or 1 space per 8-foot bench length
Major entertainment facility (amusement park)	1 spaces per 100 sq. ft. of recreation area	1.5 spaces per 100 sq. ft. of recreation area

9.020 Institutional and Community Service Use Off-Street Parking Space Requirements
The minimum and maximum off-street parking space requirements are as follows:

Use	Minimum	Maximum
Child care center or kindergarten	1 space per 2 employees plus 1 space per 5 children	1.5 spaces per 2 employees plus 2 spaces per 5 children
School (elementary or middle)	2 spaces per teacher	3 spaces per teacher
School (high school, college, or trade school)	0.2 spaces per number of students and staff	0.3 spaces per number of students and staff
Library or museum	2.5 spaces per 1,000 sq. ft. of gross floor area, plus 1 space per 2 employees	3 spaces per 1,000 sq. ft. of gross floor area, plus 1.25 spaces per 2 employees
Religious facility or mortuary	1 space per 4 seats or 1 space for 7 feet of bench length	2 spaces per 4 seats or 2 spaces for 7 feet of bench length
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:

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 Downtown Mixed Use (MU-1) or General Mixed Use (MU-2) 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~~ Section 8.060, 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 rights-of-way, 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 Section 8.060 ~~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.

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 MU-1 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 MU-1 zoning district.

B. Setbacks: As specified in the MU-1 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 8.060.B ~~11.015~~, Garbage and Recycling Container Enclosures, of this Code.

A.115 Signage.

A. All signs located within the Town Center Overlay shall be in accordance with the provisions of Chapter 10.045, Signage within the Central Business District (CBD) and Urban Mixed Use (MU-3) Zones, of this Code.

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.