



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT



February 7, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Troutdale Plan Amendment
DLCD File Number 002-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 21, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Hopkins, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Richard Faith, City of Troutdale

<paa> ya/ph

DLCD NOTICE OF ADOPTION

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

FEB 01 2006

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Troutdale Local File No.: 05-042 (If no number, use none)

Date of Adoption: 1/24/06 Date Mailed: 1/30/06 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 6/3/05

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Omnibus amendments to the Troutdale Development Code affecting: 1) Definitions; 2) Dimensional standards, setbacks, uses, and densities for certain zones; 3) accessory structures; 4) stormwater management standards; 5) off-street parking; 6) political signs; 7) landscaping and screening; 8) streetscape standards

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

Same as above with additional changes: 1) Minimum lot width standard for the Town Center was reduced to 16 feet for attached housing; 2) Some setback standards in the Town Center were reduced or eliminated; 3) Within the CBD, an "exception area" was established with more design flexibility; 4) Clear Vision Area standards were amended.

Plan Map Changed from : to

Zone Map Changed from: to

Location: Acres Involved:

Specify Density: Previous: New:

Applicable Statewide Planning Goals: 2, 6, 10

Was an Exception Adopted? Yes: No: X

DLCD File No.: 002-05 (14430)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

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

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

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

Local Contact: Richard R. Faith Area Code + Phone Number: 503-674-7261
Community Development Director

Address: 104 SE Kibling Avenue

City: Troutdale Zip Code+4: 97060

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

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

ORDINANCE NO. 770

AN ORDINANCE AMENDING CHAPTERS 1, 3, 4, 5, 7, 8, 9, 10, AND 11 AND APPENDIX A OF THE TROUTDALE DEVELOPMENT CODE (TEXT AMENDMENT NO. 36)

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Citizens Advisory Committee reviewed these proposed amendments over the course of four meetings between December 2004 and April 2005. The Planning Commission held a public hearing on the proposal on July 20, 2005 and has recommended that the City Council adopt the proposed amendments.

2. These Troutdale Development Code (TDC) amendments cover a variety of topics, however, the bulk of them affect standards relating to development within the town center area of the City. Some of the amendments are needed housekeeping changes. The proposed amendments generally pertain to the following:

- Definitions
- Dimensional Standards and/or Setbacks for:
 - Apartment Residential (A-2)
 - Neighborhood Commercial (NC)
 - Community Commercial (CC)
 - Central Business District (CBD)
 - Mixed Office/Housing (MO/H)
- Uses and/or Density Standards for:
 - Apartment Residential (A-2)
 - Neighborhood Commercial (NC)
 - Central Business District (CBD)
 - Mixed Office/Housing (MO/H)
 - Town Center Overlay (TC)
- Accessory Structures
- Clear Vision Area
- Stormwater Management
- Land Division
- Site Orientation and Design Standards
- Signs
- Off-Street Parking and Loading
- Trash and Recycling Storage

2. Most of the amendments are intended to correct problems with how the TDC now treats residential developments within the town center area, including off-street parking provisions. These amendments bring about a better fit between the various types of

residential uses and their dimensional lot standards (lot width, depth and area) and their setbacks standards.

3. Relaxing some development standards within the one-block area of the Central Business District zone lying between Historic Columbia River Highway and 2nd Street will allow for desired higher density, more creative design, and an incentive for needed new development to occur.

4. Correcting known deficiencies in the code that create confusion and the need for an inordinate amount of variances and administrative adjustments best satisfies public need.

5. With respect to the general housekeeping amendments, public need is satisfied because they result in consistency between the TDC and other regulations, or they provide clarity and improved readability.

6. Amendments to political sign regulations satisfy public need by controlling the size and height of signs that can be displayed, thereby reducing sign blight.

7. The amendments will not adversely affect the health, safety and welfare of the community because they will result in better coordination between the types of uses allowed and standards affecting how those uses can be placed on the lots being created.

8. The amendments do not conflict with any goals or policies from the Troutdale Comprehensive Plan; nor do they cause the TDC to be in noncompliance with the Metro Urban Growth Management Functional Plan.

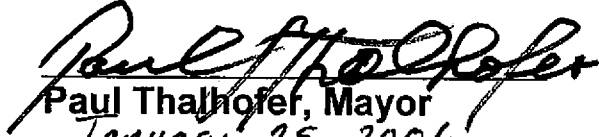
9. Notice of the public hearings have been provided in accordance with applicable law, including mailed notice to those property owners whose permissible use may be affected by these and use regulation amendments (Measure 56 notice).

10. The Council held public hearings on September 27, 2005, October 11, 2005 and January 24, 2005. The Council also conducted work sessions on the proposal on November 1, 2005 and December 13, 2005. Public comment given at these hearings and work sessions has resulted in various changes to the proposal from what was originally considered at the first public hearing.

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

Section 1. The Troutdale Development Code is hereby amended to read as shown in Attachment A.

YEAS: 6
NAYS: 1 Councilor Ripma
ABSTAINED: 0


Paul Thalhofer, Mayor
January 25, 2006
Date


Debbie Stickney, City Recorder

Adopted: January 24, 2006

CHAPTER 1 - INTRODUCTORY PROVISIONS

There are no changes prior to section 1.020.

1.020 General Definitions. As used in this code, the following words and phrases shall have the following meanings:

There are no changes prior to .10.

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

There are no further changes until .37.

.37 Dwelling, Duplex. A structure containing two dwelling units each of which has direct access to the outside. A duplex may be constructed on two adjacent lots with a common wall on the property line (these are called attached single-family dwellings under the building code).

.38 Dwelling, Mixed-Use. A building with residential units above, below, or behind a non-residential use.

.39 Dwelling, Multiple-Family. A residential building (apartment) containing four or more dwelling units, including units that are located one over the other. It does not include duplex, triplex, zero lot line, or attached dwellings.

.40 Dwelling, Single-Family Detached. A residential building, including manufactured or modular homes, containing not more than one dwelling unit surrounded on all sides by yard area.

.41 Dwelling, Triplex. A building containing three dwelling units, each of which has direct access to the outside and the dwelling units are totally separated from each other as defined by the building code. All three dwelling units may be on the same lot or may be constructed on three adjacent lots with common walls between two of the units. If the units are on adjacent lots, they are called attached single-family dwellings under the building code.

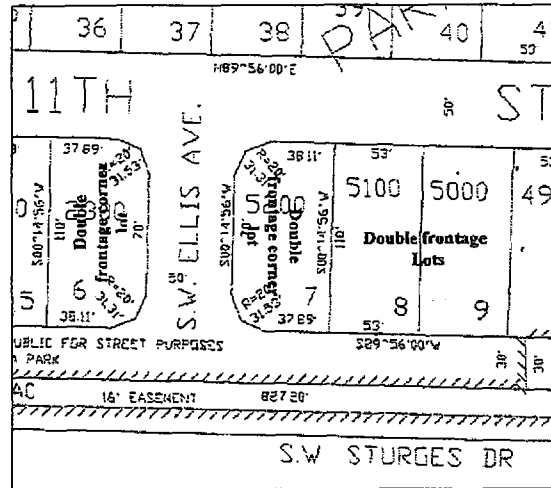
.42 Dwelling Unit. Any building, or portion thereof, with living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family.

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

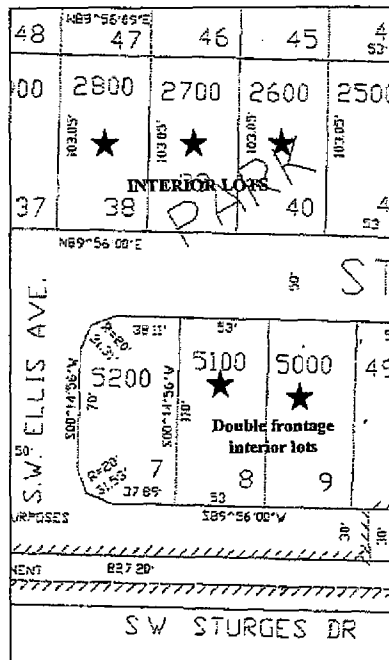
There are no further changes until .59.

.59 Lot, Corner. A lot located at the intersection of two or more streets, which may or may not create a continuously curved front property line.

- .60 Lot, Double Frontage. A lot having frontage on two 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.

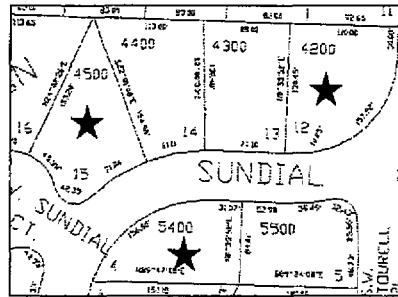


- .61 Lot, Interior. A lot other than a corner lot. An interior lot can be a double frontage lot.



- .62 Lot Area or Lot Size. The total horizontal area enclosed within the lot lines of a lot.
- .63 Lot Coverage. The percentage of the total lot area covered by structures, including all projections except eaves, balconies, bay windows, or uncovered decks 12 inches or less above grade.
- .64 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.

- .65 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.
- .66 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 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

- .67 Lot Line, Rear. A lot line not abutting a street which is opposite and most distant from the front lot line.
- .68 Lot Line, Side (Interior Lot). Any lot line which is not a front or rear lot line.
- .69 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.
- .70 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.
- .71 Manufactured Home or Manufactured Dwelling. A structure, transportable in one 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 complies with all applicable construction standards of the U.S. Department of Housing and Urban Development. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- .72 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 would 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.

- .73 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.
- .74 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.
- .75 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.
- .76 May. As used in this code, MAY is permissive and SHALL is mandatory.
- .77 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. See Dwelling, Mixed-Use.
- .78 Mobile Home. See manufactured home.
- .79 Multiple-Family Dwelling. See Dwelling, Multiple-Family.
- .80 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.
- .81 Nonconforming Development. A development that was legally established before this code was adopted or amended, but which does not comply with the current regulations in this code due to subsequent enactments or amendments.
- .82 Nonconforming Lot. A lot or parcel that was legally established before this code was adopted or amended, but which does not comply with the current regulations in this code due to subsequent enactments or amendments.

- .83 Nonconforming Structure. A structure that was legally established before this code was adopted or amended, but which does not comply with the current regulations in this code due to subsequent enactments or amendments.
- .84 Nonconforming Use. A use that was legally established before this code was adopted or amended, but does not comply with or is not permitted to exist due to subsequent enactments or amendments to this code.
- .85 Nursing Home. Housing with long-term physical and 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.
- .86 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.
- .87 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" also means 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.
- .88 Parcel. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder. This includes a lot, a lot of record, or a piece of land created through other methods.
- .89 Partition, Major. Creation of two or three lots, within a 12-month period, that includes creation of a street.
- .90 Partition, Minor. Creation of two or three lots, within a 12-month period, which does not create a street.
- .91 Pedestrian Walkway. An exterior hard-surfaced pathway intended for pedestrian use. Also referred to simply as a walkway.
- .92 Principal Use. The primary purpose for which a lot, structure, or building is used.
- .93 Professional Office. An office containing the activities such as those offered by a lawyer, architect, engineer, accountant, artist, teacher, real estate, or insurance sales.
- .94 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.

- .95 Quasi-Judicial Action. An action which involves the application of adopted policy to a specific development application or amendment.
- .96 Reclamation Plan. Shall have the meaning contained in ORS 517.750 and OAR 632-30-025 (Department of Geology and Mineral Industries).
- .97 Residential Facility. As defined in ORS 197.660, a facility which provides residential care and/or training and treatment for six to fifteen individuals.
- .98 Residential Home. As defined in ORS 197.660, a facility which provides residential care and/or training and treatment for five or fewer individuals.
- .99 Rowhouse. See Dwelling, Attached.
- .100 School. A public, parochial, or private institution that provides educational instruction to students. This definition does not include trade or business schools or colleges.
- .101 Shall. As used in this code SHALL is mandatory and MAY is permissive.
- .102 Single-Family Dwelling or Single-Family Residence. See Dwelling, Single-Family Detached.
- .103 Site and Design Review Committee. A committee comprised of key staff members chaired by the Director to review applicable development proposals for compliance to the provisions of this code.
- .104 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.
- .105 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 jurisdictions.
- .106 Street, Public. A thoroughfare or right-of-way acquired for use by the public which affords a principal means of access to abutting property not less than 16 feet in width.
- .107 Subdivision. Creation of four or more lots.
- .108 Technical Review Committee. A committee comprised of key staff members chaired by the Director to review development proposals for technical compliance with this code and other applicable ordinances and regulations.
- .109 Townhouse or Townhome. See Dwelling, Attached.
- .110 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.

- .111 Transit Street. Any street identified as an existing or planned bus or light rail transit route.
- .112 Tri-Plex. See Dwelling, Triplex.
- .113 Two-Family Dwelling. See Dwelling, Duplex.
- .114 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 and transmission facilities, telecommunication towers and poles, and drinking water treatment facilities.
- .115 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.
- .116 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution.
- .117 Windscreens. A fence-like structure, not to exceed six feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors.
- .118 Yard. A required open space on a lot that is unoccupied and unobstructed except for permitted projecting building features and accessory buildings.
- .119 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.
- .120 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.
- .121 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.
- .122 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.

There are no further changes to Chapter 1.

CHAPTER 3 – ZONING DISTRICTS

3.060 APARTMENT RESIDENTIAL

A-2

There are no changes prior to section 3.064.

3.064 Density, Lot Size, and Dimensional Standards.

A. Dimensional Standards.

1. Minimum lot size: Refer to the table in subsection (B) of this section for residential uses; 5,400 square feet for all other uses.
2. Minimum lot width:
 - a. Units on separate lots:
 - i. 35 feet at the front setback line of any interior lot used for single-family detached and zero lot-line dwellings, duplexes, and the end units of a triplex or attached dwelling.
 - ii. 20 feet for any interior unit of a triplex or attached dwelling.
 - iii. 40 feet at the front setback line of a corner lot.
 - b. Multiple-family, attached, duplex, and triplex dwellings, and non-residential uses on one lot:
 - i. 60 feet at the front setback line.
 - ii. 70 feet at the front setback line of a corner lot.
3. Minimum lot depth: 70 feet for single-family detached dwellings with a driveway from the public street or with access from an alley within a separate tract from the lot; 90 feet for all other uses when there is approved street access; 100 feet for any use with access from an alley within an easement that is part of the lot.
4. Minimum lot frontage: 20 feet.

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

DENSITY STANDARDS		
Type of Residential Use	Minimum Lot Area	Maximum Lot Coverage
Single-family detached and zero lot line dwellings	3,500 square feet per unit	None
Duplex, triplex and attached dwellings	3,000 square feet per unit when the dwellings are all on one lot. 3,000 square feet for duplexes and the end unit of triplex and attached dwellings on separate lots. 1,800 square feet for the interior units of triplex and attached dwellings on separate lots.	None for units on individual lots; 40% for others
Multiple-Family Dwellings	Minimum Lot Area	Maximum Lot Coverage
4-14	9,000 square feet plus 2,500 square feet for each unit over 4	45%
15-37	41,000 square feet plus 2,000 square feet for each unit over 15	50%
38-94	87,000 square feet plus 1,500 square feet for each unit over 38	50%
95-155	172,500 square feet plus 1,000 square feet for each unit over 95	55%
Over 155	1,500 square feet per unit	55%

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

[Example: Computing maximum and minimum dwelling units for a 7,500 square foot parcel:

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

- D. Setbacks.

1. Front yard setback: Minimum of 20 feet.
2. Side yard setback:
 - a. Single-family detached dwellings: Minimum of five feet.
 - b. Zero-lot line dwellings: Minimum of ten feet from at least one side property line.
 - c. Multiple-family, attached, duplex, and triplex dwellings, and non-residential structures or uses:

- i. Adjoining the A-2 zoning district or a non-residential zoning district: Minimum of five feet.
 - ii. Adjoining another 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 feet.
 - (b) Two-story construction: Two times the minimum required side yard setback of the adjoining residential district but not less than 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 20 feet.
 - iii. No side yard setback shall apply for the interior side property lines of a duplex, triplex, and attached dwelling on individual lots.
3. Street side yard setback: Minimum of ten feet unless the street side yard is used for the driveway, in which case the minimum setback shall be 18 feet to the garage.
4. Rear yard setback:
 - a. Single family detached, zero-lot line, and duplex dwellings; and multiple-family, attached, and triplex dwellings, and non-residential structures or uses adjoining the A-2 zoning district or a non-residential zoning district:
 - i. Without an alley: Minimum of 15 feet.
 - ii. With an alley that is platted either as an easement or a separate tract that is at least 20 feet in width:
 - (a) Minimum of 18 feet from the nearest edge of the tract or easement to the garage door.
 - (b) Minimum of five feet to any other wall of the garage and all other structures as measured from the nearest edge of the tract or easement.
 - b. Multiple-family, attached, and triplex dwellings, and non-residential structures or uses adjoining a residential zoning district other than A-2:
 - i. Without an alley:

- (a) Single story construction: The minimum rear yard setback of the adjoining residential zoning district.
 - (b) Two-story and greater construction: One and one-half times the minimum rear yard setback of the adjoining residential district but not less than 20 feet.
 - ii. With an alley that is platted either as an easement or a separate tract that is at least 20 feet in width, and the alley intervenes between the dwelling or structure and the other residential zoning district: Minimum of 20 feet to the nearest edge of the tract or easement, regardless of the number of stories.
- 5. Projections into setbacks: See section 5.020, Exceptions to Yard Requirements, of this code.
 - 6. Accessory structures in setback areas: See section 5.010, Accessory Structures, of this code.
 - 7. Distance between buildings: See chapter 8.200, Multiple-Family, Attached, Duplex, and Triplex Dwelling Design Standards, of this code.
 - 8. Off-street parking, garages, and carports for multiple-family attached, duplex, and triplex dwellings: See section 8.225, Off-Street Parking, Garages, and Carports, of this code.

E. Height Limitation. The maximum height of a structure shall be 35 feet.

There are no further changes to chapter 3.060.

There are no changes prior to section 3.103.

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

- A. Retail establishments, not to exceed 60,000 square feet of gross floor area per building or business including, but not limited to, barber or beauty shop, shoe repair store, dressmaking or tailoring shop, photography studio, florist shop, book or stationary store, gift shop, and art supply store.
- B. Restaurants (excluding drive-through service).
- C. Professional offices.
- D. Day care centers.
- E. Single-family detached dwellings (except manufactured homes), duplex, triplex, attached, and multiple-family dwellings.
- F. Utility facilities, minor.
- G. Other uses similar in nature to those listed above.

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

- A. Grocery stores and convenience stores without gasoline pumps.
- B. Community service uses.
- C. Utility facilities, major.
- D. Other uses similar in nature to those listed above.

3.105 Dimensional Standards.

- A. Lot Size and Coverage.
 - 1. Minimum lot size: No limitation.
 - 2. Minimum street frontage: 20 feet, except that for lots specifically created for the construction of individual duplex, triplex, or attached dwelling units, the minimum street frontage shall be 16 feet.
 - 3. Maximum lot coverage: 80 percent.
 - 4. Maximum site size: Three acres.

B. Setbacks.

1. Front yard setback: None.
2. Side yard setback: None, except property abutting a residential zoning district shall have the same side yard setback as required by the abutting district.
3. Street side yard setback: None.
4. Rear yard setback: None, except property abutting a residential zoning district shall have the same rear yard setback as required by the abutting district, but in no case shall it be less than 15 feet.
5. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having right-of-way width less than the applicable City or County standard. The necessary right-of-way widths and the additional yard or setback requirements in such cases, shall be determined based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

C. Height Limitation. The maximum height of a structure shall be 35 feet.

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

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

[Example: Computing maximum and minimum dwelling units for a 5,000 square foot parcel:

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

3.106 Additional Requirements.

- A. Design review and landscaping is required for all uses except single-family detached dwellings.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code. Residential uses shall also comply with the standards of subsection 4.780(C)(2) and section 4.790 of this code.

There are no changes prior to section 3.115.

3.115 Dimensional Standards.

- A. Lot Area, Lot Width, and Lot Depth: No minimum requirement.
- B. Street Frontage: Minimum 20 feet.
- C. Setbacks.
 - 1. Front yard setback: Minimum of 20 feet.
 - 2. Side yard setback: None, except property abutting a residential zoning district shall have the same side yard setback as required by the abutting district.
 - 3. Street side yard setback: Minimum of ten feet.
 - 4. Rear yard setback: None, except property abutting a residential zoning district shall have the same rear yard setback as required by the abutting district, but in no case shall be less than 15 feet.
 - 5. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having right-of-way width less than the applicable City or County standard. The necessary right-of-way widths and the additional yard or setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.
- D. Height Limitation. The maximum height of a structure shall be 45 feet.

There are no further changes to chapter 3.110.

There are no changes prior to 3.132.

3.132 Permitted Uses. The following uses are permitted in the CBD:

- A. Apartment units in conjunction with commercial uses, provided that they are built above or below the street level floor.
- B. Attached, duplex, and triplex dwellings either on the same lot or separate lots.

There are no further changes until section 3.134.

3.134 Dimensional Standards.

- A. Lot Area, Lot Width, and Lot Depth.
 - 1. Non-residential and mixed use: No minimum requirement.
 - 2. Residential uses:
 - a. Minimum lot area shall be based on the minimum lot width and minimum lot depth standards. Where there is no minimum lot width or minimum lot depth required, there shall be no minimum lot area requirement.
 - b. Residential uses shall have the following dimensional standards:
 - i. Minimum lot width: 16 feet.
 - ii. Minimum lot depth:
 - (a) 70 feet for residential units with a driveway from the public street or with access from an alley within a separate tract from the lot.
 - (b) 90 feet for residential units with access from an alley within an easement that is part of the lot.
 - (c) There is no minimum lot depth for lots within the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Avenue from 257th Avenue to the SE Sandy Street right-of-way.
- B. Street Frontage: Minimum of 16 feet.
- C. Setbacks:

1. Non-residential and mixed uses. No setbacks are required from a public street right-of-way or if abutting another commercial or industrial zoning district. If abutting a residential zoning district, the minimum setback along the abutting property line shall be 20 feet.
2. Residential uses:
 - a. Front yard setback:
 - i. Without alley access:
 - (a) Minimum of 20 feet to the garage door of residential units with a driveway from the public street.
 - (b) Minimum of 15 feet to the front façade of a residential unit.
 - (c) Minimum of ten feet to the front porch of a residential unit.
 - ii. With alley access:
 - (a) Minimum of ten feet to the front façade of the residential unit.
 - (b) Minimum of five feet to the front porch of the residential unit.
 - b. Side yard setback:
 - i. Adjoining a non-residential or A-2 zoning district: Minimum of five feet.
 - ii. Adjoining a residential zoning district other than A-2:
 - (a) Single-story construction: Minimum of five feet from an adjoining side yard and a minimum of 15 feet from an adjoining rear yard.
 - (b) Two-story or greater construction: Minimum of 7-1/2 feet from an adjoining side yard and a minimum of 15 feet from an adjoining rear yard.
 - (c) The minimum side yard setback from an adjoining rear yard may be reduced as provided in section 3.137 of this chapter.
 - iii. No side yard setback for interior side property lines of duplexes, triplexes, and attached dwellings on individual lots.
 - c. Street side yard setback: None required unless the street side yard is used for a driveway, in which case the minimum setback shall be 18 feet to the garage.

- d. Rear yard setback:
 - i. Adjoining a non-residential zoning district:
 - (a) Without an alley: Minimum of ten feet.
 - (b) With an alley that is platted either as an easement or as a separate tract that is at least 20 feet in width: Minimum of five feet from the nearest edge of the alley.
 - ii. Adjoining a residential district:
 - (a) Without an alley:
 - (i) Single-story construction: Minimum of 15 feet.
 - (ii) Two-story and greater construction: Minimum of 20 feet.
 - (iii) The minimum rear yard setback may be reduced as provided in section 3.137 of this chapter.
 - (b) With an alley that is platted either as an easement or a separate tract that is at least 20 feet in width: Minimum of five feet to the nearest edge of the alley, regardless of the number of stories.

D. Residential Density.

1. Maximum residential density when the dwellings are all on one lot shall be one dwelling unit per 1,500 square feet of net land area, otherwise the maximum density shall be determined on the basis of the minimum lot area standards as established in subsection 3.134(A)(2) of this chapter.
2. For the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Avenue from 257th Avenue to the SE Sandy Street right-of-way, the maximum residential density when the dwellings are all on one lot shall be one dwelling unit per 1,000 square feet of net land area. There is no maximum residential density for units on individual lots within this area.
3. Residential development is required to be built at 80% or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.
[Example: Computing maximum and minimum dwelling units for a 5,000 square foot parcel:

- Allowed density is 1 dwelling per 1,500 square feet.
- A 5,000 square foot parcel yields 3.3 dwelling units; round down to 3 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x3 which yields 2.4 dwelling units; rounded down to 2 dwelling unit for minimum number of units.]

4. Apartment units built in conjunction with a commercial use are not subject to the above maximum and minimum density standards.

E. Height Limitation. The maximum height of a structure shall be 35 feet, except that the maximum height of a structure 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 shall be 45 feet.

3.135 Landscaping Requirements. A minimum of five percent of the lot area shall be landscaped in accordance with Chapter 11, Landscaping and Screening, of this code, 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.

3.136 Additional Requirements.

A. Access and Circulation. Adequate provisions for access and internal circulation of vehicles shall be provided for all uses allowed in the CBD in accordance with the requirements of this code.

B. External Storage of Merchandise. The external storage of merchandise and/or materials, directly or indirectly related to a business, is hereby prohibited within the CBD.

C. Outdoor Displays of Merchandise. Outdoor displays of merchandise are permitted during business hours only and shall not exceed ten percent of the total retail sales area.

D. Off-Street Parking and Loading.

1. No off-street parking and loading shall be required for non-residential uses.

2. A minimum of two parking spaces per unit is required for residential uses, except that apartment units in conjunction with commercial uses are required to have a minimum of one parking space per apartment unit.

3. When parking is provided, the parking shall conform to the standards of Chapter 9, Off-Street Parking and Loading, of this code. When conflicts exist between this section and Chapter 9, Off-Street Parking and Loading, of this code, this section shall apply.

E. CBD Design Standards. Site and design review is required for all uses in the CBD zoning district. The Design Standards for Central Business District, listed in Appendix A of this code, shall also apply to the CBD.

F. Town Center Overlay District. The applicable provisions of chapter 4.700, Town Center, of this code shall apply to the CBD.

3.137 Reduced Setback Allowed. The minimum side yard setback for residential uses adjoining a rear yard in a residential zoning district other than A-2, and the minimum rear yard setback (without an alley) adjoining a residential district, may be reduced by as much as five 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 feet. Thus, a building that is set back the maximum five feet closer to the common property line has a building height ceiling that is ten feet lower than the maximum.
- C. The height of the building may not exceed the maximum building height, nor may it project above the reduced ceiling height.

[Example: A three-story building may be set back as close as 15 feet to the rear property line if the building does not exceed the maximum 35-foot building height and it does not project above the reduced (ten-foot lower) maximum building height ceiling.]

There are no changes prior to section 3.144.

3.144 Dimensional and Density Standards.

- A. Lot Area, Lot Width, and Lot Depth.
 - 1. Non-residential uses and apartment units in conjunction with a commercial use: No minimum requirement.
 - 2. Exclusively residential uses: Same as the CBD zoning district.
- B. Street Frontage: Minimum of 20 feet, except that for lots specifically created for the construction of individual duplex, triplex, or attached dwelling units, the minimum street frontage shall be 16 feet.
- C. Setbacks. Same as the CBD zoning district.
- D. Height Limitation. The maximum height of a structure shall be 35 feet.
- E. Building Size. No building shall have a footprint greater than 20,000 square feet; unless the building was in existence prior to March 10, 1950.
- F. Maximum and Minimum Density. Maximum and minimum residential density for exclusively residential uses shall be the same as the CBD density standard.
- G. Apartment units built in conjunction with a commercial use are not subject to the maximum and minimum density standards.

3.145 Additional Requirements.

- A. Site and design review is required for all uses in the MO/H district other than detached single-family dwellings and duplex dwellings on separate lots. Site and design review shall be conducted in accordance with Chapter 8, Site Orientation and Design Standards, of this code.
- B. Landscaping Requirements.
 - 1. If residential use is provided: Minimum of 15% of the site area.
 - 2. If no residential use is provided: Minimum of five percent of the site area.
- C. No off-street parking spaces are required except for residential development. A minimum of two spaces are required for each residential unit, except that apartment units in conjunction with commercial uses are required to have a minimum of one parking space per apartment unit. Off-street parking shall conform to the off-street parking standards of Chapter 9, Off-Street Parking and Loading, of this code. When conflicts exist between this section and Chapter 9, Off-Street Parking and Loading, of this code, this section shall apply.

- D. Development shall conform to the TC district design standards. Where a conflict occurs between the standards of the TC district and this district, the more restrictive shall apply.

CHAPTER 4 – ZONING DISTRICT OVERLAYS

4.700 TOWN CENTER

TC

There are no changes prior to subsection 4.720(C).

4.720 Permitted and Conditional Uses. Permitted and conditional uses are the same as those listed in the underlying zoning districts with the following exceptions:

C. Apartment Residential (A-2).

1. Additional permitted uses: Single-family detached and zero lot line dwellings, except that manufactured homes require a conditional use permit; attached, duplex, and triplex dwellings when the dwellings are on separate lots.
2. Additional conditional uses: Museums, theaters, galleries, or studios for art, dance, and photography.
3. Eliminated conditional uses: Single-family detached and zero lot line dwellings, except for manufactured homes; attached, duplex, and triplex dwellings when the dwellings are on separate lots.

D. Community Commercial (CC).

1. Additional permitted uses: Single-family detached dwellings (except manufactured homes), duplex, triplex, attached, and multiple-family dwellings, provided the residential use is located above or behind a permitted commercial use, whether within the same building as the commercial use or in a separate building.
2. Eliminated permitted uses: Grocery stores.
3. Additional conditional uses: Grocery stores and convenience stores without gasoline pumps.
4. Eliminated conditional uses: Automotive service stations where no repair work is conducted.

E. General Commercial (GC).

1. Additional permitted uses: Single-family detached dwellings (except manufactured homes), duplex, triplex, attached, and multiple-family dwellings, provided the residential use is located above or behind a permitted commercial use, whether within the same building as the commercial use or in a separate building; and public parking lots.
2. Eliminated permitted uses: Automotive repairs, including painting and incidental body and fender work, automotive service stations, lumber yards (retail sales only), and tire shops.

3. Eliminated conditional uses: Automobile and trailer sales area, heliport landings, off-street parking and storage of truck tractors and/or semi-trailers, outdoor stadiums, and racetracks.

4.730 Town Center Residential Densities.

A. **General Density Requirements.** The residential density of the underlying zone shall apply except that the Central Business District (CBD) density standards shall apply in the CC and GC zoning districts and shall apply in the A-2 zoning district for duplex, triplex, and attached residential developments.

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

[Example: Computing maximum and minimum dwelling units for a 5,000 square foot parcel:

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

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

A. **Apartment Residential (A-2).**

1. The CBD standards for lot width, lot depth, lot area, and setbacks shall apply for duplex, triplex, and attached residential development.
2. Minimum street frontage: 20 feet, except that for lots specifically created for the construction of individual duplex, triplex, or attached dwelling units, the minimum street frontage shall be 16 feet.

B. **Community Commercial (CC).**

1. The CBD standards for lot width, lot depth, and lot area shall apply for residential development.
2. No front yard or street side yard setback is required.

C. **General Commercial (GC).**

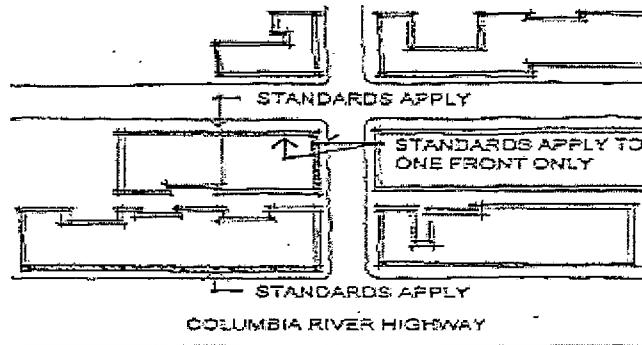
1. The CBD standards for lot width, lot depth, and lot area shall apply for residential development.
2. Minimum street frontage: 20 feet.
3. No front yard or street side yard setback is required.

D. Attached Residential (R-4) and Single-Family Residential (R-5).

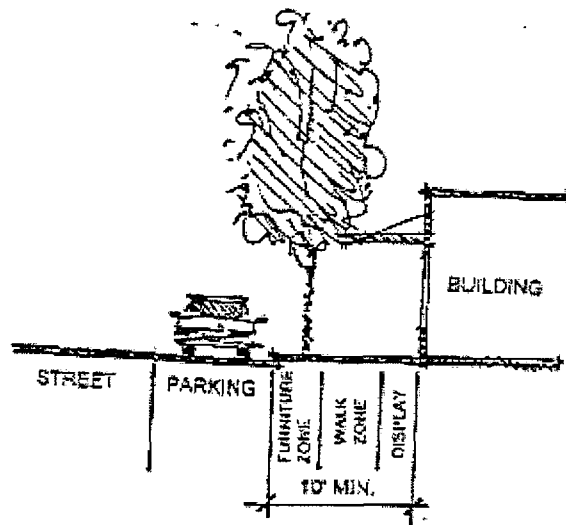
1. Front yard setback for residential units: Minimum of 15 feet to the front façade; minimum of ten feet to the front porch; minimum of 20 feet to the garage door with a driveway from the public street.
2. Minimum street frontage: 20 feet, except that for lots specifically created for the construction of individual duplex, triplex, or attached dwelling units, the minimum street frontage shall be 16 feet.

4.750 Commercial Design Review. Site and design review shall be required for all commercial uses within the TC district. Site and design review shall be conducted in accordance with Chapter 8, Site Orientation and Design Standards, of this code.

- A. CBD Design Standards. The Design Standards for CBD, listed in Appendix A of this code shall apply to the CBD zoning district with the following exception. If a design standard refers to the relationship of a site or building to Historic Columbia River Highway, but the subject property does not abut Historic Columbia River Highway, then the standard shall be applied to at least one 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/Treatment Plant Site. New commercial development on the sewage treatment plant site shall meet the following design standards:
 1. The drive or street through the outlet mall site to the 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.



There are no further changes until subsection 4.780(C)(2).

4.780 Street Design and Streetscapes. The following design standards shall apply within the Town Center district:

C. Streetscapes. To encourage pedestrian-oriented streetscapes, the following standards shall apply:

2. Garages.

a. For single-family detached and zero lot line dwellings on lots of 3,000 square feet or greater in area or 30 feet or wider at the front setback line, and for duplex, triplex, or attached dwellings on separate lots greater than 3,000 square feet in area or 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 feet behind the front door of the residence or by compliance with the following standards:

- i. The garage door width is 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 feet deep. The porch may encroach within the required front yard setback a maximum of five 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 window on the ground floor that allows visibility of the street.

- b. Garages on lots less than 3,000 square feet in area, or on lots less than 30 feet wide at the front setback line, or on lots having a slope of 20% or greater at the street access shall be setback a minimum of five 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 feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and
 - iii. There is at least one window on any floor that faces the street and allows visibility of the street.
- c. For all other residential uses, garages shall comply with the standards of section 8.225, Off-Street Parking, Garages, and Carports, of this code.

There are no further changes until section 4.790.

4.790 Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of the underlying zoning district and with section 8.225, Off-Street Parking, Garages, and Carports, and Chapter 9, Off-Street Parking and Loading, of this code as applicable. Except for residential units on individual lots, no use shall be permitted to exceed the required minimum amount of off-street parking by more than ten percent; however, each use shall be allowed at least one parking space in excess of the minimum amount required. When the underlying zoning district requires no off-street parking spaces, no use shall be permitted to exceed the minimum number of parking spaces as indicated for that use within Chapter 9, Off-Street Parking and Loading, of this code by more than ten percent. In computing the maximum number of off-street parking spaces allowed, if the ten percent figure contains a fraction, then the number shall be rounded up to the next higher whole number.

There are no further changes to Chapter 4.

CHAPTER 5 – OTHER ISSUES AND PROCEDURES

There are no changes prior to subsection 5.010(B)(7).

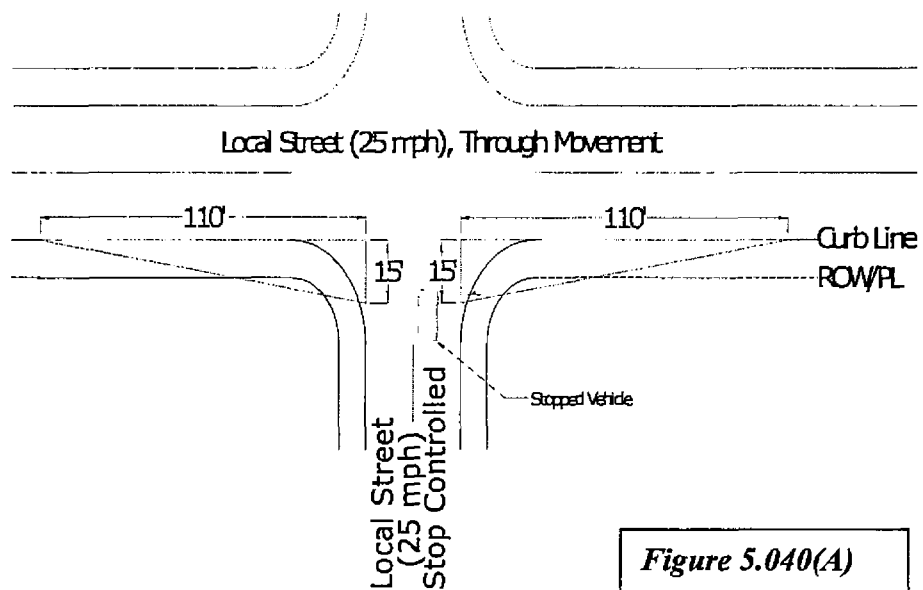
5.010 Accessory Structures.

- B. Regulatory Requirements. No accessory structure shall be erected or maintained, and no existing accessory structure shall be structurally altered, converted, enlarged, moved, or maintained unless such accessory structure is located on the lot in conformance with the following:
 - 7. The cumulative area of detached accessory structures on a residentially zoned lot shall not exceed 25% of the gross lot area, nor 50% of the area of the required rear yard.

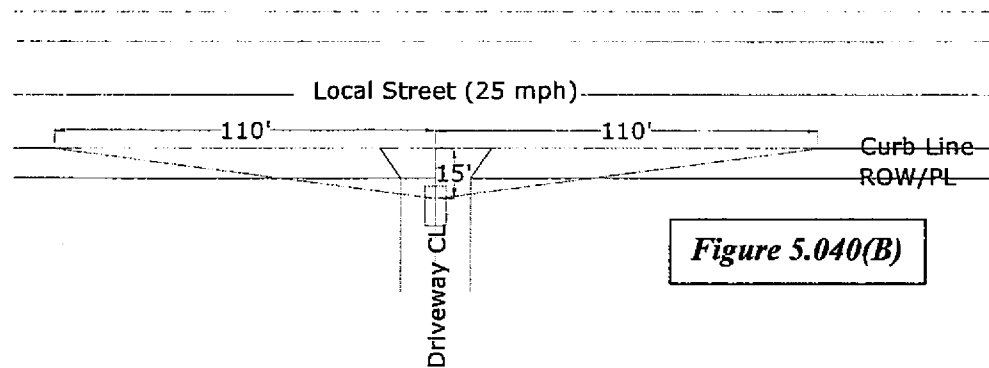
There are further changes until section 5.040.

5.040 Clear Vision Areas.

- A. A clear vision area shall be maintained on each corner of property adjacent to the intersection of two streets, a street and a railroad, and on driveways providing vehicular access to a public way, including alleys.
- 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 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.



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 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 15 feet from the street curb line (see Figure 5.040(B)). Where no curb exists, the edge of street pavement shall be used in lieu of the curb line.



3. The clear vision area for local streets, alleys, and driveways intersecting with a county road shall comply with county standards.
 4. Alternatively, a clear vision triangle may be established by a site-specific analysis conducted by an Oregon Professional Engineer in accordance with the standards set forth in "A Policy on Geometric Design of Highways and Streets" published by the American Association of State Highway and Transportation Officials".
- C. 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 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 as illustrated in Figures 5.040(A) and (B).
- D. Where no yards (setbacks) are required, buildings may be constructed within the clear vision area.

There are no further changes until subsection 5.050(E).

5.050 Fences and Windscreens.

- E. Fence Regulations for Swimming Pool/Hot Tub Areas. A swimming pool, hot tub, or other manmade outside body of water, which has a depth greater than 24 inches shall be enclosed with a fence not less than four feet, and not more than six feet in height. The fence shall not have any openings, holes, or gaps larger than three 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.

There are no further changes until chapter 5.800.

There are no changes prior to section 5.840.

5.840 Design Standards. Water quality facilities for stormwater management, when required, shall be designed, constructed, and sited on the site by the developer to ensure that stormwater runoff is treated onsite prior to discharge into the public storm system, dry-well, street gutters, or any protected water feature. The design shall comply with the standards adopted by the Troutdale Public Works Department.

- A. A bioswale, detention pond, or retention pond is not a protected water feature unless so designated in a wetland mitigation plan.
- B. The water quality facility shall not be placed on land with slopes of 15% or greater, or within:
 - 1. 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 code;
 - 2. A 25-year flood area;
 - 3. A wetland; or
 - 4. A defined floodway area.
 - 5. Exception: A water quality facility may encroach a maximum of 25 feet into the required vegetation corridor associated with a protected water feature if there is no reasonable alternative location on the site. A three-part alternative analysis of subsections 4.315(A)(1)-(3) of this code shall be required.
- C. The water quality facility may be constructed within the 100-year flood plain provided that it:
 - 1. Is outside the area covered by the 25-year flood event;
 - 2. Does not utilize non-native plant species; and
 - 3. Complies with all federal standards pertaining to the National Flood Insurance Program.
- D. Where it is determined by the Troutdale Public Works Department that a more efficient and effective regional site exists within the sub-basin, the water quality facility may be constructed offsite to accommodate anticipated development at the intensity and density of the underlying zoning districts within that sub-basin.
- E. A professional engineer, licensed in Oregon, shall certify that the design of the water quality facility meets or exceeds the standards adopted by the Public Works Department.

- F. The design shall specifically consider source control of pollution, runoff treatment, streambank erosion control, wetland impacts, impacts on water quality sensitive areas, and offsite analysis and mitigation.
- G. An operation and maintenance plan shall be required. This plan shall satisfy the requirements in the guidelines adopted by the Public Works Department.
- H. If the water quality facility is dedicated to the City, all deficiencies of workmanship and materials shall be the responsibility of the developer for two years following acceptance by the City. If the facility is not dedicated to the City, then it shall be the continuing responsibility of the owner.
- I. Runoff from impervious areas used for repair, cleaning, refueling, storing, or servicing of vehicles and machinery shall be treated onsite to remove oil, grease, TSS, and metals, and any other pollutants identified by the Public Works Department.
- J. Drainage easement. A drainage easement shall be required when:
 - 1. Topography or other conditions make it infeasible to include public drainage facilities within existing or proposed public right-of-ways. The easement must provide an area at least 15 feet in width and include vehicular access to the easement area from a public street. The terms and conditions of the easement must be approved by the city; or
 - 2. Surface water from the development discharges onto or across private property, unless the post-development rate of discharge does not exceed the pre-development rate and the location of discharge onto the private property remains unchanged. If the easement contains drainage facilities that are to become public, the terms and conditions of the easement must be approved by the city.

There are no further changes to Chapter 5.

CHAPTER 7 – LAND DIVISION

There are no changes prior to subsection 7.180(G)(4).

7.180 Design Requirements.

G. Surface Drainage and Storm Sewer Systems.

4. Drainage easement. A drainage easement shall be required when:
 - a. Topography or other conditions make it infeasible to include public drainage facilities within existing or proposed public right-of-ways. The easement must provide an area at least 15 feet in width and include vehicular access to the easement area from a public street. The terms and conditions of the easement must be approved by the city; or
 - b. Surface water from the development discharges onto or across private property, unless the post-development rate of discharge does not exceed the pre-development rate and the location of discharge onto the private property remains unchanged. If the easement contains drainage facilities that are to become public, the terms and conditions of the easement must be approved by the city.

There are no further changes until subsection 7.180(L)(8).

- L. Streets. No subdivision or partition shall be approved unless the development has frontage or approved access to an existing or proposed public street. In addition, all proposed public streets shall be designed, improved, and in conformance with the *City of Troutdale Construction Standards for Public Works Facilities*. The Director of Public Works must approve the construction drawings.
8. Curve radius. The curve radius at each local-local street right-of-way intersection shall be in accordance with the *City of Troutdale Construction Standards for Public Works Facilities* unless otherwise approved by the Director of Public Works. The curve radius at each local-county or local-state street right-of-way intersection shall be in accordance with county or state standards, respectively.

There are no further changes until section 7.410.

7.410 Certificate of Completion. The Certificate of Completion shall be issued when the following items are completed:

- A. The Director of Public Works has verified that the required public improvements have been constructed in accordance with the applicable construction drawings, standards, and specifications.
- B. The subdivider has submitted a financial assurance in an amount which is not less than ten percent of the cost of the improvements. The financial assurance shall run for a period of at least two years following issuance of the Certificate of Completion by the City and shall require the subdivider to promptly correct all deficiencies of workmanship and materials within the development for that

period. The City Council may require a larger financial assurance, or require the financial assurance to run for a longer period.

- C. The subdivider has submitted a financial assurance equal to the total estimated cost, guaranteeing the placement of the final lift of asphaltic concrete on all streets constructed with the development. The subdivider shall place the final lift on all streets after 90% of the buildings within the development have received Certificates of Final Inspection or two years have transpired since the issuance of the Certificate of Completion, whichever occurs first.

There are no further changes to Chapter 7.

CHAPTER 8 - SITE ORIENTATION AND DESIGN STANDARDS

There are no changes prior to section 8.225.

8.225 Off-Street Parking, Garages, and Carports. In addition to the standards of Chapter 9, Off-Street Parking and Loading, off-street parking for multiple-family, attached, duplex, and triplex dwellings on a single lot shall include these design standards:

- A. Parking lots may not be located between a multiple-family structure and the right-of-way the structure fronts on.
- B. If there is no parking lot or alley access to attached, duplex, or triplex dwellings, and motor vehicle access is from the street, parking must be either in an attached garage that is set back a minimum of five feet behind the front door of the residential structure, in a detached accessory structure located at least 50 feet from the front property line, or in a parking area at the side or rear of the site, or shall comply with the following standards:
 - 1. The garage door width of the dwelling is 50% or less of the width of the street facing elevation, and does not extend beyond the front door; or
 - 2. The garage door is behind or even with the front door and the dwelling has a roofed front porch, which is at least 1/3 as wide as the front elevation and at least five feet deep. The porch may encroach within the required front yard setback a maximum of five feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and
 - 3. The street facing wall of the dwelling contains at least one window on the ground floor that allows visibility of the street.
- C. Side and rear yard setbacks for parking lots and/or garages shall be the same as the minimum building setbacks of the underlying zoning district or the same as the minimum building setback of any adjacent residential zoning district, whichever is more restrictive. Side and rear yard setbacks based on building height shall not be applied to parking lots or the access driveways.

There are no further changes until section 8.235.

8.235 Recreation Areas.

- A. Recreational facilities or open space areas are required for multiple-family and attached dwelling developments which contain six or more dwelling units on one tax lot. Such recreational facilities and open space areas must be located on the development site or on a lot adjacent to the site. Common recreation areas, whether indoor, outdoor, or both, shall be provided at the rate of at least 200 square feet per dwelling unit. No more than 50% of the required recreation area may be in passive open space. Recreation facilities may include children's play structures and play equipment and shall be located outside of bioswales, detention ponds, steep slopes, or a vegetation corridor as defined in this code. More than one recreation area may be developed on the site. Any play structure exceeding ten feet in height must comply with the underlying zoning district

setbacks.

- B. Recreation facilities or open space areas are not required for development within the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Avenue from 257th Avenue to the SE Sandy Street right-of-way.

There are no further changes to Chapter 8.

CHAPTER 9 - OFF-STREET PARKING AND LOADING

There are no changes prior to section 9.045.

9.045 Off-Street Parking within the Town Center Overlay District.

- A. No minimum off-street parking spaces are required for non-residential uses in the Central Business District (CBD) or Mixed Office/Housing (MO/H) zoning districts. Within these zones, a minimum of two 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 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; however, each use shall be allowed at least one parking space in excess of the minimum amount required.

There are no further changes to Chapter 9.

CHAPTER 10 - SIGNS

There are no changes prior to subsection 10.025(N).

10.025 Sign Permit Exemptions. The following signs are allowed in all zoning districts without a permit:

- N. Temporary political signs, provided that:
1. The maximum sign face area, on one sign face, shall not exceed six square feet and the top of the sign shall not exceed four feet above the ground. No sign shall have more than two sign faces.
 2. More than one sign may be mounted on the same support provided the cumulative area of the signs does not exceed six square feet.
 3. The sign is erected and maintained for no longer than 60 days.
 4. The sign is removed within seven days after the election to which it pertains.
 5. Permission of the property owner is obtained.

There are no further changes to Chapter 10.

CHAPTER 11 - LANDSCAPING AND SCREENING

There are no changes prior to section 11.015.

- 11.015 Garbage and Recycling Container Enclosures. All enclosures used to contain garbage and recycling containers at multiple-family, commercial, industrial, or institutional developments must conform to the following minimum standards:
- A. Screening. All enclosures for garbage and recycling containers must be screened from public view. Screening shall consist of six-foot high walls constructed of any of the following materials:
 - 1. Cyclone fencing with slats.
 - 2. Wooden fencing.
 - 3. Concrete blocks.
 - 4. Materials other than the above-mentioned as approved on a case-by-case basis.
 - B. Gates. Gates must meet the following requirements:
 - 1. Must have a latch or some type of device which will keep the gate shut after it is closed. The device can be above or below ground.
 - 2. Must have a mechanism to keep them open during trash removal. The device can be above or below ground.
 - 3. Wheels are not required; however, the hinge must be adequate to support the weight of the gate.
 - C. Base Material/Flooring. The entire base dimension must meet the following requirements:
 - 1. Must be made out of concrete. Concrete shall have a nominal thickness of four inches. Exceptions to the base materials may be approved by the Director where warranted.
 - 2. Must be positively sloped to the drainage system.

There are no further changes to Chapter 11.

**APPENDIX A
TROUTDALE DEVELOPMENT CODE**

DESIGN STANDARDS FOR CENTRAL BUSINESS DISTRICT

There are no changes prior to section A.102.

A.102 Dimensional Standards.

- A. Lot Area, Lot Width, and Lot Depth: As specified in the CBD zoning district.
- B. Setbacks: As specified in the CBD zoning district.
- C. Landscaping: Minimum five percent of site area, except that no minimum landscaping is required for the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Avenue from 257th Avenue to the SE Sandy Street right-of-way.
- D. Building Height: The maximum height of a structure fronting on Historic Columbia River Highway shall be measured above the grade of Historic Columbia River Highway as it occurs adjacent to the lot.

There are no further changes until section A.114.

A.114 Trash and Recycling Storage.

- A. Each structure shall provide for collection of its trash and recyclable materials within the boundaries of each parcel.
- B. All trash collection areas must be located within the structure, or behind the building in an enclosure, in accordance with the provisions of Chapter 11.015, Garbage and Recycling Container Enclosures, of this code.

There are no further changes to Appendix A.