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## Development Code

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City of Troutdale- Last Updated July 31, 2006

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**TROUTDALE DEVELOPMENT CODE**  
**ORDINANCE NO 491**  
**ADOPTED BY THE TROUTDALE CITY COUNCIL ON DECEMBER 9, 1986**

Adopted	Adopting the City's Development Ordinance and Zoning District Map Ordinance 491 (12/9/86) Effective January 9, 1987
Text Amendment 1	Fence Height on Major Arterials and State Highways Ordinance 494 (6/9/87) Effective July 9, 1987
Text Amendment 2	Adopting Development Standards Ordinance 498 (7/14/87) Effective August 13, 1987
Text Amendment 3	Solar Access Definitions Ordinance 508 (3/24/88) Effective September 1, 1988
Text Amendment 4	Solar Access for New Development Ordinance 509 (3/24/88) Effective September 1, 1988
Text Amendment 5	Solar Balance Point Standards Ordinance 510 (3/24/88) Effective September 1, 1988
Text Amendment 6	Flood Hazard Prevention Ordinance 515 (9/13/88) Effective September 13, 1988
Text Amendment 7	Light Industrial and General Industrial Districts Ordinance 517 (10/25/88) Effective November 24, 1988
Text Amendment 8	Off-Street Parking Restrictions Ordinance 518 (10/25/88) Effective November 24, 1988
Text Amendment 9	Projections into Required Yards Ordinance 531 (11/14/89) Effective November 14, 1989
Text Amendment 10	Manufactured Home Parks Ordinance 539 (3/13/90) Effective April 12, 1990
Text Amendment 11	Site Improvements and Off-Street Parking for Manufactured Home Parks

- Ordinance 538 (2/13/90)  
Effective March 12, 1990
- Text Amendment 12    Periodic Review and Adoption as the 1990 Troutdale Development Code  
Ordinance 550 (8/14/90)  
Effective September 25, 1990
- Text Amendment 13    MPMU Standards  
Ordinance 585 (9/22/92)  
Effective October 22, 1992
- Text Amendment 14    Manufactured Dwellings as Infill Development within the R-5 Zoning District  
Ordinance 589 (1/12/93)  
Effective February 11, 1993
- Text Amendment 15    Notice Procedures Consistent with ORS 197.763(3) and DLCD  
Ordinance 591 (1/26/93)  
Effective February 25, 1993
- Text Amendment 16    Flood Hazard, Water Quality, Erosion Control and Hillides  
Ordinance 607 (7/12/94)  
Effective August 11, 1994
- Text Amendment 17    Manufactured Dwellings as Infill Development on All Single-Family Lots of Record  
Ordinance 611 (8/9/94)  
Effective September 8, 1994
- Text Amendment 18    Transportation Planning Rule Requirements  
Ordinance 622 (3/14/95)  
Effective April 13, 1995
- Text Amendment 19    Off-Site Signs  
Ordinance 623 (3/28/95)  
Effective April 27, 1995
- Text Amendment 20    Expedited Land Divisions  
Traffic Management Measures in Local Streets  
Uses Allowed in the Central Business District  
Procedures to Amend the Comprehensive Plan, Development Code and Zoning Map  
Public Hearing Process for Land Use Decisions  
Ordinance 638 (1/25/96)  
Effective February 23, 1996  
Reclassify Certain Properties from CBD Subarea "B" to CBD Subarea "A"  
Ordinance 639 (1/25/96)

- Text Amendment 21      Effective February 23, 1996  
Design Standards for Central Business District Subarea “D”  
Ordinance 643 (9/10/96)  
Effective October 10, 1996
- Text Amendment 22      Other Permit and Issue Determinations  
Home Occupation in a Residential District  
Repeal Solar Access for New Development  
Add Bed and Breakfast Inn Standards  
Repeal Solar Access Definitions  
Repeal Design Standard Tables for Collector Streets, Neighborhood  
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Ordinance 653 (8/12/97)  
Effective September 12, 1997
- Text Amendment 23      Adopting the Town Center Plan  
Ordinance 658 (2/10/98)  
Effective March 12, 1998  
Readopting the Town Center Plan  
Mixed Office/Housing District  
Ordinance 661 (6/23/98)  
Effective July 23, 1998
- Text Amendment 24      Industrial Zoning Districts  
Ordinance 660 (4/28/98)  
Effective May 28, 1998
- Text Amendment 25      Off-Street Parking and Loading  
Ordinance 664 (7/14/98)  
Effective August 13, 1998
- Text Amendment 26      Size Limitations for Retail Stores in Certain Commercial Districts  
Ordinance 669 (2/9/99)  
Effective March 4, 1999
- Text Amendment 27      Compliance with Metro Functional Plan Title 1 and 6 Requirements  
Ordinance 690 (6/27/00)  
Effective July 27, 2000
- Text Amendment 28      Compliance with Metro Urban Growth Functional Plan Title 3  
Pertaining to Water Quality and Flood Management  
Ordinance 702 (10/25/00)  
Effective November 24, 2000
- Text Amendment 29      Adopting New Sign Standards  
Ordinance 687 (6/13/00)  
Effective June 13, 2000

- Text Amendment 30    Nonconforming Uses  
 Variances  
 Public Deliberations and Hearings  
 Ordinance 705 (4/10/01)  
 Effective May 10, 2001
- Text Amendment 31    Multiple-Family Residential Design Standards  
 Ordinance 716 (4/9/02)  
 Effective May 9, 2002
- Text Amendment 32    Industrial Zoning Districts  
 Ordinance 724 (10/8/02)  
 Effective November 8, 2002
- Text Amendment 33    Single-Family Residential Zoning Districts  
 Central Business District  
 Mixed Office/Housing  
 Congregate Housing  
 Accessory Structures  
 Home Occupations  
 Stormwater Management  
 Off-Street Parking  
 Ordinance 731 (5/27/03)  
 Effective June 26, 2003
- Text Amendment 34    Sign Code  
 Ordinance 738 (10/28/03)  
 Effective November 27, 2003
- Text Amendment 35    Land Division  
 Ordinance 748 (4/13/04)  
 Effective May 13, 2004
- Text Amendment 36    Definitions  
 Dimensional Standards and/or Setbacks for Apartment Residential,  
 Neighborhood Commercial, Community Commercial, Central  
 Business District, and Mixed Office/Housing  
 Clear Vision Area  
 Uses and/or Density Standards for Apartment Residential,  
 Neighborhood Commercial, Central Business District, Mixed-  
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 Signs  
 Off-Street Parking and Loading  
 Landscaping and Screening  
 Ordinance 770 (1/24/06)  
 Effective February 23, 2006

Ordinance 775 (4/11/06)  
Effective May 11, 2006

Ordinance 779 (5/9/06)  
Effective May 23, 2006

Text Amendment 37    Off-Street Parking and Loading  
Sign Code  
Ordinance 7 (9/12/06)  
Effective October 12, 2006



## CHAPTER 1 - INTRODUCTORY PROVISIONS

- 1.010 Title. This ordinance shall be known as the Troutdale Development Code (TDC) of 1990. [Adopted by Ord. 550, ef. 9/25/90]
- 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. [Adopted by Ord. 550, ef. 9/25/90]
- 1.020 General Definitions. As used in this code, the following words and phrases shall have the following meanings:
- .01 Abutting. Adjoining with any common boundary line(s).
  - .02 Access. The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property of use.
  - .03 Accessway. Paved pathways which provide direct and continuous pedestrian and/or bicycle passage through blocks. Accessways are designed to provide continuous pedestrian/bicycle routes by connecting a public street to another street or residential area, neighborhood activity center, industrial or commercial center, transit facility, park, school, open space, or trail system.
  - .04 Accessory Residential Unit. A second dwelling unit either within or added to a detached single-family dwelling that includes separate kitchen, bathroom, and sleeping area(s).
  - .05 Accessory Structure. A non-residential structure 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 12 inches in height, play structures, or other structures detached from the primary structure determined to be similar by the Director.
  - .06 Accessory Use. A non-residential use of a structure serving purposes clearly incidental to the principal use.
  - .07 Adjacent. Adjacent means near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as adjacent.
  - .08 Adult Foster Home (AFH). Any family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage, with exclusions as noted in ORS 443.715.
  - .09 Aggregate Resource. Any and all rock, sand, soil, or gravel product extracted for commercial, industrial, or construction use from natural deposits.
  - .10 Alley. A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

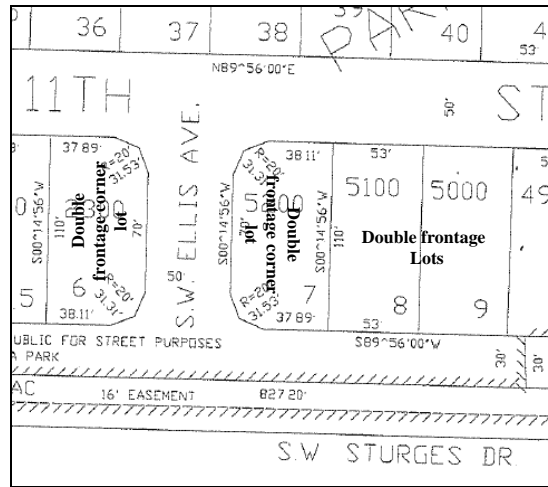
- .11 Apartment Building. See Dwelling, Multiple-Family.
- .12 Apartment Unit. An individual dwelling unit within a multiple-family dwelling, or constructed above, below, behind, or beside another use, including mixed-use dwellings.
- .13 Attached Residential Dwelling. See Dwelling, Attached.
- .14 Automobile Wrecking Yard. See Junk Yard.
- .15 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.
- .16 Bike Lane. A portion of a street or shoulder designated for use by bicycles through the application of a paint stripe.
- .17 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.
- .18 Boarding, Lodging, or Rooming House. Any building, or portion thereof, containing not more than five guestrooms where rent is paid.
- .19 Building, Height of. The vertical distance from the average grade to the highest point of the roof of the building.
- .20 Carpool/Vanpool. A group of two or more commuters who share the ride to and from work, school, or other destinations.
- .21 Child Care Facility. See Day Care Facility.
- .22 City Administrator. The appointed chief administrative officer of the City who is responsible for the administration of all City ordinances, and who may make final determinations on all administrative decisions made by the Director or designated official.
- .23 Clear Vision Area. The area near intersections of roadways and ingress/egress points where a clear field of vision is necessary for public safety.
- .24 Clinic. A building, or portion of a building, containing one or more offices for providing medical, dental, or psychiatric services not involving overnight housing of patients.
- .25 Clustering. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.
- .26 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.

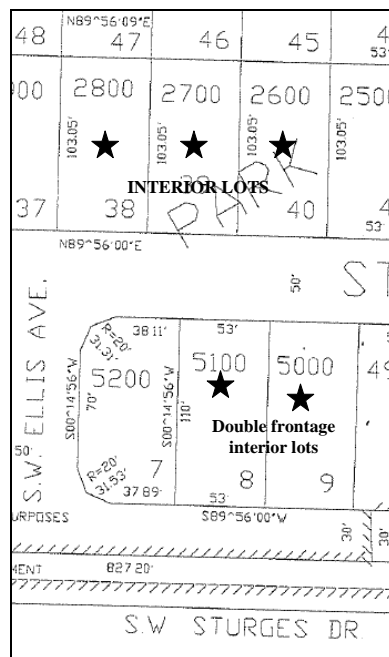
- .27 Congregate Housing. Housing for retirement-age citizens and their spouses or the surviving spouse, the developmentally disabled, or handicapped persons, which provides a minimum of services to accommodate the needs of residents. Such a facility usually includes separate apartments, with or without kitchens, a communal dining facility, housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents. Congregate housing may include assisted living facilities and services.
- .28 Corporate Headquarters. A complex of buildings whose purpose is to be the administrative center of a business enterprise. Corporate headquarters may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child care facilities.
- .29 Day Care, Certified, or Group Day Care Home. A day care facility 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 12 children.
- .30 Day Care, Family Provider. A day care facility providing care in the provider's home in the family living quarters for six or fewer children full-time, with up to four additional full- or part-time children when school is not in session during the regular school year. During the summer when school is not in session, there may be up to four additional part-time children of any age in care, and shall be in care no more than four hours per day. There shall be no more than ten children at any given time, including the provider's children.
- .31 Day Care Center or Day Care Facility. Any facility providing full-time care to more than 12 children in a structure other than a single-family residential dwelling.
- .32 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.
- .33 Development Permit. A permit issued for decks, accessory structures, and similar structures which requires zoning approval, but does not require a building permit.
- .34 Director. The appointed city official who is responsible for the administration of community development and related ordinances.
- .35 Distribution Center. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

- .36 Dwelling, Attached (rowhouse and townhouse). A building containing four or more dwelling units, each of which has its own front and rear access to the outside with its own front and rear yard. No unit may be located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Each unit may be on a separate lot.
- .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.
- .44 Family. An individual, two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.
- .45 Flex-Space Building. A building constructed with large floorplates, having open spaces that can be partitioned off for specific tenants as needed.
- .46 Floor Area. The area of all floors included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and exterior courts.
- .47 Frontage. The portion of a parcel of property abutting a public or private street.
- .48 Four-Plex. See Dwelling, Attached.

- .49 Grade. The grade shall be as defined in the Uniform Building Code, as adopted by the City.
- .50 Group Home. See Residential Facility and Residential Home.
- .51 Heliport. A landing site for helicopters accessory to a use not located at the Portland-Troutdale Airport.
- .52 Home Occupation. An accessory use conducted entirely within a building that is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- .53 Hotel/Motel. A building, or group of buildings, containing six or more guestrooms used for transient residential purposes which may include ancillary restaurant uses.
- .54 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.
- .55 Kennel or Other Animal Boarding Place. Any premises where five or more dogs over one 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 or more cats or other animals are bred, boarded, or offered for sale as a commercial business.
- .56 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.
- .57 Loading Space. An off-street space or berth used for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials.
- .58 Lot. A unit that is created by a subdivision of land.
- .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.

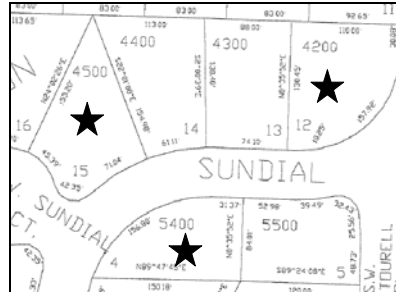


- .61 Lot, Interior. A lot other than a corner lot. An interior lot can be a double frontage lot.



- .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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 622, ef. 4/13/95; Amended by Ord. 658, ef. 3/12/98; Repealed and reamended by Ord. 661, ef. 7/23/98; Amended by Ord. 705, ef. 5/10/01; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 724, ef. 11/8/02; Amended by Ord. 770, ef. 2/23/06]

### 1.030 Airport Overlay Definitions.

- .01 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.
- .02 Airport Hazard. Any structure, tree, or use of land which exceeds height limits established by the airport imaginary surfaces.
- .03 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.
- .04 Clear Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation.
- .05 Conical Surface. Extends one foot upward for each 20 feet outward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the primary surface of each visual and utility runway or 10,000 feet for all non-precision instrument runways other than utility at 150 feet above the airport elevation), and upward extending to a height of 350 feet above the airport elevation.
- .06 Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the primary surface of each visual or utility runway and 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.
- .07 Noise Impact. Noise levels exceeding 55 Ldn.
- .08 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.
- .09 Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 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 250 feet for utility runways having

only visual approaches, 500 feet for utility runways having non-precision instrument approaches, and 500 feet for other than utility runways.

- .10 Transitional Zones. Extend one foot upward for each seven 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 150 feet above the airport elevation (horizontal surface).
- .11 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. [Adopted by Ord. 550, ef. 9/25/90]

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

- .01 Appeal. A request for a review of the Director's interpretation of any provision of this code or request for a variance from requirements of chapter 4.600, Flood Management Area, of this code.
- .02 Area of Special Flood Hazard (100-Year Flood Plain). The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) always includes the letter A or V.
- .03 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.)
- .04 Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year" flood.
- .05 Basement. Any area of the building having its flood subgrade (below ground level) on all sides.
- .06 Conservation Easement. An easement applied to environmentally sensitive lands including, but not limited to, lands identified as hillsides, wetlands, flood plains, 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.

- .07 Construction, Start of. Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, paving a parking lot, installation of piles, 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; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundation; erection of temporary forms; or installation of accessory buildings on the property, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- .08 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.
- .09 Department of Environmental Quality (DEQ) Water Quality Standards. DEQ water quality standards are the numerical criteria or narrative condition needed in order to protect an identified beneficial use.
- .10 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 flood plains, the elevation of the 25-year storm or the edge of mapped flood-prone soils or similar methodologies.
- .11 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 chapters 4.300, Vegetation Corridor and Slope District, 4.600, Flood Management Area, 5.600, Erosion Control and Water Quality Standards, and 5.800, Stormwater Management, of this code.
- .12 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 does not include the following:

- a. Stream enhancement or restoration projects approved by the Oregon Division of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, the City, or Multnomah County.
  - b. Farming practices and farm use, as defined in the Oregon Revised Statutes, which were actively occurring prior to December 1999, and all modifications to existing buildings. Construction of new buildings associated with farm practices and farm uses are subject to the requirements of section 5.080, Agricultural Use Permitted, and subsection 5.611(E) of this code.
- .13 Disturb. Any manmade changes to the existing physical status of the land which are made in connection with development. The following uses are excluded from the definition:
- a. Enhancement or restoration of the Water Quality Resource Area.
  - b. Planting native cover identified in the Metro Native Plant List.
- .14 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.
- .15 Engineer. A registered professional engineer licensed by the State of Oregon.
- .16 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.
- .17 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.
- .18 Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook. The reference authority for erosion control, abbreviated as “The Handbook”, published by the City of Portland Bureau of Environmental Services and Unified Sewerage Agency of Washington County. The most current edition shall be used. The Community Development Director and Public Works Director may also develop regulations and procedures in accordance with “The Handbook” to implement erosion control measures as needed.
- .19 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.
- .20 Excavation. Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated.
- .21 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.
- .22 FIRM. See Flood Insurance Rate Map.
- .23 Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- a. The overflow of inland or tidal waters; and/or
  - b. The unusual and rapid accumulation of runoff of surface waters from any source.
- .24 Flood Insurance Rate Map (FIRM). The official map of a community for which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- .25 Flood Insurance Study. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- .26 Flood Management Area. All lands contained within the 100-year flood plain, flood area, 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.
- .27 Flood Plain. The land area identified and designated by the U.S. Army Corps of Engineers, Oregon Division of State Lands (DSL), Federal Emergency Management Agency, or the City that has been, or may be, covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods.
- .28 Flood Plain, 100-Year. See Base Flood.
- .29 Floodway. The portion of a watercourse required for the passage or conveyance of a given storm event as identified and designated on the Flood Insurance Rate Map as produced by the Federal Emergency Management Agency. The floodway



shall include the channel of the watercourse and the adjacent flood plain that must be reserved in an unobstructed condition in order to discharge the base flood without increasing the flood levels by more than one foot.

- .30 Joint Fill Permit/404 Removal/Fill Permit. A permit issued jointly by the Oregon Division 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 Division of State Lands.
- .31 Lowest Floor. 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 the flood hazard regulations.
- .32 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.
- .33 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.
- .34 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.
- .35 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.

- .36 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.
- .37 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.
- .38 Perennial Streams. All primary and secondary perennial waterways mapped by the U.S. Geological Survey, having year-round flow.
- .39 Practicable. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.
- .40 Protected Water Features, Primary. Includes:
- a. Title 3 wetlands.
  - b. Rivers, streams (creeks or brooks) and drainages downstream from the point at which 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.
- .41 Protected Water Features, Secondary. Includes intermittent streams and seeps downstream of the point at which 50 acres are drained and upstream of the point at which 100 acres are drained to that water feature.
- .42 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.
- .43 Resource. A functioning natural system such as a wetland or stream.
- .44 Riparian. Those areas associated with streams, lakes, and wetlands where vegetation communities are predominately influenced by their association with water.
- .45 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.

- .46 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.
- .47 Site. The lot, or contiguous lots, under the same ownership that are subject to a development permit or erosion control plan.
- .48 Slope District. Slopes of 25% or greater throughout the City that have a minimum horizontal distance of 50 feet. Engineered slopes associated with public streets or roads are not included.
- .49 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.
- .50 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).
- .51 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.
- .52 Stockpile. Onsite storage of any soil, sand, gravel, clay, mud, debris, vegetation, refuse, or any other material, organic or inorganic, in a concentrated state.
- .53 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.
- .54 Stream Bank, Top of. See Bankfull Stage.
- .55 Structure. A building or other improvement that is built, constructed, or installed.
- .56 Substantial Improvement.
  - a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either:
    - 1. Before the improvement or repair is started; or
    - 2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

- b. The term does not, however, include either:
  1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- .57 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.
- .58 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.
- .59 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 Metro Native Plant List, and is on file in the Community Development Department.
- .60 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 25% or greater throughout the City, except engineered slopes associated with public streets or roads.
- .61 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 Metro Native Plant List.
- .62 Vegetation, Native. Any vegetation native to the Portland Metropolitan Area or listed on the Metro Native Plant List.
- .63 Water Features. See Protected Water Features, primary and secondary.
- .64 Water Quality Resource Area. The vegetation corridor and the adjacent water feature as established in Title 3 of the Metro Urban Growth Management Functional Plan.
- .65 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.

- .66 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.
- .67 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 Division 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 Division 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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 607, ef. 8/11/94; Amended by Ord. 702, ef. 11/24/00]
- 1.050 Solar Access Definitions.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 653, ef. 9/12/97]
- 1.060 Sign Definitions.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 687, ef. 6/13/00]
- 1.060 Erosion Control and Water Quality Definitions.  
[Adopted by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]
- 1.070 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. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 1.060 by Ord. 607, ef. 8/11/94]

- 1.080 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. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 1.070 by Ord. 607, ef. 8/11/94]

**CHAPTER 2 - PROCEDURES FOR DECISION-MAKING**

2.000 Types of Procedures for Taking Public Action. Three separate procedures are established for processing development applications (quasi-judicial) and one procedure is established for public actions (legislative) which do not involve land use permits or require consideration of a plan amendment, land use regulation, or city policies. These are Types I-III and Type IV respectively (see Table 2.00 below):

Table 2.00  
DECISION-MAKING PROCEDURES

<p><u>Type I Procedure</u> (Objective decisions)</p> <p>Little, if any, discretion required</p> <p>Because of minimal or no effect on others, issuance of permits is not dependent upon involving others</p>	<p><u>Type II Procedure</u> (Objective decisions)</p> <p>Little, if any, discretion required</p> <p>Application of the standards may require knowing of some effect upon others</p> <p>Nearby property owners invited to respond to a tentative decision</p>
<p><u>Type III Procedure</u> (Complex or subjective decisions)</p> <p>Discretion required</p> <p>Possible significant effect on some persons or broad effect on a number of persons</p> <p>In addition to the applicant, others affected are invited to present information</p>	<p><u>Type IV Procedure</u> (Complex or subjective decisions)</p> <p>Discretion required</p> <p>Possible significant effect on some persons or broad effect on a number of persons</p> <p>In addition to the applicant, others affected are invited to present information</p>

[Adopted by Ord. 550, ef. 9/25/90]

2.010 Procedures for Processing Permits.

- A. An application shall be processed under a Type I, II, III, or IV procedure as they are described in sections 2.090 to 2.120 of this chapter. The differences between the procedures are generally associated with the different nature of the decisions as described in Table 2.00.
- B. When an application and proposed development is submitted, the Director shall determine the type of procedure the code specifies for its processing and the potentially affected agencies. When there is a question as to the appropriate type procedure, the application proposal shall be resolved in favor of the higher type number. An application shall be processed under the highest numbered procedure required for any part of the development proposal. [Adopted by Ord. 550, ef. 9/25/90]

- 2.020 Coordination of Permit Procedure. The Director shall be responsible for the coordination of the permit application and decision-making procedure, and shall issue any necessary permits to an applicant whose application and proposed development is in compliance with the provisions of this code. Sufficient information shall be submitted to resolve all determinations that require furnishing notice to persons other than the applicant. In the case of a Type II or III procedure, an applicant may defer submission of details demonstrating compliance with standards where such detail is not relevant to the approval under those procedures. Before issuing any permits, the Director shall be provided with the detail required to establish full compliance with the requirements of this code. [Adopted by Ord. 550, ef. 9/25/90]
- 2.030 Pre-Application Conference. The applicant or authorized representative shall request that the Director arrange a pre-application conference, unless the applicant and Director agree that the conference is not needed. The conference shall be held within 15 days of the request. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the code, provide for an exchange of information regarding applicable elements of the Comprehensive Land Use Plan and development requirements, arrange such technical and design assistance which will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Director, if requested by the applicant, shall provide the applicant with a written summary of the conference within five days of the conference. The summary should include confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the criteria and standards which may apply to the approval of the application. [Adopted by Ord. 550, ef. 9/25/90]
- 2.040 Application Materials. An application shall consist of the materials specified in this section, plus any other materials required by this code.
- A. A completed application form.
  - B. An explanation of intent, stating the nature of the proposed development, reasons for the request, pertinent background information, information required by this code, and other information that may have a bearing in determining the action to be taken.
  - C. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property.
  - D. Legal description of the property affected by the application.
  - E. List of affected property owners.
    - 1. Type II - All owners of property directly abutting and adjacent to the parcel identified in an application.
    - 2. Type III - All owners of properties within 250 feet of the property boundaries of the parcel identified in an application.
    - 3. Type IV - All owners of parcels proposed for a change.



- F. Additional information required by other sections of this code because of the type of development proposal or the area involved. [Adopted by Ord. 550, ef. 9/25/90]

2.050 Submission of Application. Application materials shall be submitted to the Director who shall have the date of submission indicated on each copy of the materials submitted. Within 15 working days from the date of submission, the Director shall determine whether an application is complete. If the Director determines that the application is incomplete or otherwise does not conform to the provisions of this code, the Director shall immediately notify the applicant by mailing or otherwise conveying an explanation to the applicant of what information is missing, and allowing the applicant to submit the missing information. The application shall be deemed complete upon receipt of the missing information. When an application is deemed complete and in conformance with the provisions of this code, the Director shall accept it and note the date of acceptance and the approvals needed for approving the request on the required copies. If the applicant refuses to submit the missing information, the application shall be deemed complete for the purposes of satisfying the requirements of ORS 227.178(1) on the 31st day after the application was first submitted. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

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

- A. Transmit one copy of the application, or appropriate parts of the application, to each referral agency for review and comment, including those responsible for determination of compliance with state and federal requirements. If the referral agency does not comment within ten days, it is presumed to have no comment unless an extension of up to ten days is requested by the agency and granted by the Director. The Director shall grant an extension only if the application involves unusual circumstances or if due to circumstances related to a Type III or IV procedure.
- B. Transmit an application involving approval by others for disposition as provided by the applicable sections of this code. The Director shall, whenever feasible, consolidate action on approvals.
- C. If a Type III procedure is required, provide for notice and hearing as set forth in Chapter 16, Public Deliberations and Hearings, of this code. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

2.070 Development Decision.

- A. Within 30 days of the date of accepting an application not involving approval by others, or within ten days of receiving required approval by others, the Director shall grant or deny the request. The decision of the Director shall be based upon the application, evidence, comments from referral agencies, and approvals required by others. The Director shall notify the applicant and, if required, others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Chapter 16, Public Deliberations and Hearings, of this code.

- B. The Director shall approve a development if he finds that applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of this code.
- C. The Director shall deny the development if required approvals are not obtained or the application otherwise fails to comply with code requirements. The notice shall describe the reason for denial. [Adopted by Ord. 550, ef. 9/25/90]

2.080 Action on Resubmission of Denied Application. Within one year from the date of final determination denying an application, an applicant may make appropriate alterations to a proposal and resubmit it with payment of any additional fees required. If a previously denied application is resubmitted within one year, previous approvals need not be reconsidered unless the Director finds that changed conditions or changes in the proposal warrant such reconsideration. [Adopted by Ord. 550, ef. 9/25/90]

2.090 Type I Procedure.

- A. Under the Type I procedure, an application shall be processed without a need for public hearing or notification of other property owners. As provided for by other provisions of this code, the nature of the development proposed may require a technical review committee to determine compliance with standards. When that is required, the action of the Director to approve or deny the development will include implementation of the determination of the committee.
- B. A decision of the Director or committee under the Type I procedure may be appealed by an affected party or referred by the Director in accordance with Chapter 16, Public Deliberations and Hearings, of this code except that, a review of a Type I decision is a review of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Director or committee. [Adopted by Ord. 550, ef. 9/25/90]

2.100 Type II Procedure.

- A. Except as provided by Chapter 16, Public Deliberations and Hearings, of this code, under the Type II procedure, an application shall be processed without a need for a public hearing. If the Director determines, taking into account the determination of a technical review committee, if applicable, that the development proposal appears to meet the required standards, the Director shall mail notice of the proposal for which approval is forthcoming pursuant to Chapter 16, Public Deliberations and Hearings, of this code. The notice shall summarize the standards and facts that justified the decision and shall be sent to the persons designated to receive notice by the relevant sections of this code. The notice shall invite persons to submit information relevant to the standards that are pertinent to the proposal within ten days, giving reasons why the application should or should not be approved, or proposing modifications the person believes are necessary for approval according to the standards. The notice also shall advise the person's right to appeal the decision on the proposed development if the person's concerns are not resolved.

- B. If the Director or committee contemplates that persons other than the applicant can be expected to question the application's compliance with the code, the Director or committee may initiate a public hearing. The Director shall set a date for the public hearing and mail notice pursuant to Chapter 16, Public Deliberations and Hearings, of this code to the persons designated to receive notice by the relevant sections of this code. At the public hearing, the applicant and interested persons may present information and arguments relevant to the proposal, including reasons why the application should be approved or denied, or proposing modifications the person believes necessary for approval.
- C. The Director or committee shall review any information received under subsection (A) or (B) of this section, make a finding of any points in dispute, and make a decision on the application by approving, conditionally approving, or denying the application. A decision of the Director or committee may be appealed by the applicant, referred by the Director, appealed by a person who responded to the notice or, if a hearing was conducted, appealed by a party to the hearing. The procedure for the appeal is in accordance with Chapter 16, Public Deliberations and Hearings, of this code, except that review of a Type II decision is a review of the record supplemented by oral commentary relevant to the record presented by parties to the prior deliberations. [Adopted by Ord. 550, ef. 9/25/90]

#### 2.110 Type III Procedure.

- A. Under the Type III procedure, an application is scheduled for public hearing pursuant to Chapter 16, Public Deliberations and Hearings, of this code before the Planning Commission which may approve, approve with conditions, or deny an application. The form of notice and persons to receive notice are as required by the relevant sections of this code. At the public hearing, the staff, applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved, or proposing modifications and the reasons the person believes the modifications are necessary for approval. The Planning Commission may attach certain development or use conditions beyond those warranted for compliance with the standards in granting an approval if the Planning Commission determines the conditions are necessary to avoid imposing burdensome public service obligations on the City, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the City, and to otherwise fulfill the criteria for approval. If the application is approved, the Director will issue any necessary permits when the applicant has complied with the conditions set forth in the final order and other requirements of this code.
- B. A decision of the Commission may be appealed by a party to the hearing in accordance with Chapter 16, Public Deliberations and Hearings, of this code. [Adopted by Ord. 550, ef. 9/25/90]

#### 2.120 Type IV Procedure. The City Council is the decision-making body under this procedure. Actions taken under this procedure may be either quasi-judicial or legislative. This procedure is for situations that do not involve approval of specific development proposals or when consideration of a development proposal requires consideration of a plan

amendment, adoption of a land use regulation, or a master development plan required by an MPMU Regional Mixed Use Plan designation.

- A. The Type IV procedure is for use where indicated in this code. Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Chapter 16, Public Deliberations and Hearings, of this code and this section before the Planning Commission. The form of notice and persons to receive notice are as required by the relevant sections of this code. At the public hearing the staff and interested persons may present testimony relevant to the proposal. If pertinent, they may give information on whether the proposal does or does not meet appropriate criteria and standards for approval, or their proposals for modifications they consider necessary for approval. If criteria are involved, the Planning Commission shall make a finding for each of the criteria applicable, including whether the proposal conforms to criteria found in the Comprehensive Land Use Plan. A written report and recommendation shall be submitted to the City Council.
- B. If the Planning Commission has recommended against a legislative proposal, or has failed to act on a legislative proposal, the City Council may terminate further consideration of the proposal. For a proposal on which the Planning Commission has made a favorable recommendation, and for other proposals that have not been terminated, the City Council shall conduct a public hearing pursuant to Chapter 16, Public Deliberations and Hearings, of this code. The Director shall set a date for the hearing. The form of notice and persons to receive notice are as required by the relevant sections of this code. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission, make final arguments why the matter should or should not be approved and, if approved, the nature of the provisions to be contained in approving action. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

2.130 Legislative Enactments Not Restricted. Nothing in this chapter shall limit the authority of the City Council to make changes in zoning districts or requirements as part of some more extensive revision of the Comprehensive Land Use Plan or the implementing ordinances. Nothing in this chapter shall relieve a use or development from compliance with other applicable laws. [Adopted by Ord. 550, ef. 9/25/90]

2.140 Expedited Land Division. A land division shall be processed pursuant to the expedited land division procedures set forth in ORS Chapter 197 if:

- A. The land division qualifies as an expedited land division as that term is defined in ORS Chapter 197; and
- B. The applicant requests the land division to be processed as an expedited land division. [Adopted by Ord. 638, ef. 2/23/96]

### CHAPTER 3 - ZONING DISTRICTS

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

3.000 Zoning District Outline.

SYMBOL	DISTRICT NAME	MINIMUM LOT SIZE
<b>LOW-DENSITY RESIDENTIAL</b>		
R-20	Single-Family Residential	20,000 sq. ft. per single-family dwelling
R-10	Single-Family Residential	10,000 sq. ft. per single-family dwelling
R-7	Single-Family Residential	7,000 sq. ft. per single-family dwelling
<b>MEDIUM-DENSITY RESIDENTIAL</b>		
R-5	Single-Family Residential	5,000 sq. ft. per single-family dwelling
R-4	Attached Residential	4,000 sq. ft. per single-family dwelling and 3,500 sq. ft. per two-family dwelling
<b>HIGH-DENSITY RESIDENTIAL</b>		
A-2	Apartment Residential	2,000 sq. ft. (average) per dwelling unit
<b>COMMERCIAL/INDUSTRIAL</b>		
NC	Neighborhood Commercial	
CC	Community Commercial	
GC	General Commercial	
CBD	Central Business District	
MO/H	Mixed Office/Housing	
IP	Industrial Park	
LI	Light Industrial	
GI	General Industrial	

<b>ZONING MAP OVERLAYS</b>	
AR	Aggregate Resource
ALF	Airport Landing Field
CR	Community Resource Protection
VECO	Vegetation Corridor and Slope District
FH	Flood Hazard and Water Quality
CH	Congregate Housing
PD	Planned Development
FLMA	Flood Management Area
TC	Town Center

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 702, ef. 11/24/00]

3.005 Zoning District Map.

- A. The Zoning District Map and all amendments to the map shall remain on file in the City Recorder’s office.
- B. The boundaries of all districts are established as shown on the Zoning District Map.

- C. Zoning district boundary lines are intended to follow property lines; lot lines; centerlines of streets, alleys, streams, or railroads; or the extension of such lines except where reference is made on the map to a street line, political boundary, or other designated line by dimensions shown on said map.
- D. The exact location of zoning district boundary lines shall be interpreted by the Director or designated official.
- E. Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall be subject to all regulations of the extended zoning district or districts. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

**3.010 SINGLE-FAMILY RESIDENTIAL R-20**

3.011 Purpose. This district is intended primarily for single-family detached dwellings at the lowest development density provided for in this code. Such density is considered appropriate in areas developed at this density level or lower, and where natural features such as slope, flood plain, soil condition, etc., make these areas difficult to serve or inefficient to develop at higher densities. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 731, ef. 6/26/03]

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

- A. Single-family detached dwellings.
- B. Accessory residential units subject to the provisions of chapter 5.1000, Accessory Residential Units, of this code.
- C. Residential homes (ORS 197.660[2]; ORS 443.400-443.825).
- D. Parks and playgrounds.
- E. Livestock, poultry, small animals, greenhouses, and nurseries as accessory uses, provided no retail or wholesale business sales office is maintained on a lot of less than two acres, and provided no poultry or livestock, other than household pets, shall be housed within 100 feet of any residence other than a dwelling on the same lot.
- F. Utility facilities, minor.
- G. Bed and breakfast inns subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code.
- H. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 731, ef. 6/26/03]

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

- A. Community service uses.
- B. Day care centers in association with an established community service use.
- C. Guest or parental residence and servant's quarters.
- D. Utility facilities, major.
- E. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

3.014 Lot Size, Dimensional, and Density Standards.

- A. Lot Size, Width, Depth, and Frontage.
1. Minimum lot size: 20,000 square feet per dwelling unit.
  2. Minimum lot width: 70 feet, and 70 feet at the front setback line.
  3. Minimum lot depth: 100 feet.
  4. Minimum lot frontage: 20 feet.
- B. Setbacks.
1. Front yard setback: Minimum of 30 feet.
  2. Side yard and street side yard setback: Minimum of ten feet.
  3. Rear yard setback: Minimum of 25 feet.
  4. Projections into setbacks: See chapter 5.020, Exceptions to Yard Requirements, of this code.
  5. Accessory structures in setback areas: See chapter 5.010, Accessory Structures in Required Yards, of this code.
- C. Height Limitation. No structure shall exceed 35 feet in height.
- D. 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 50,000 square foot parcel:
- Allowed density is 1 dwelling per 20,000 square feet.
  - A 50,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
  - Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.] [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 731, ef. 6/26/03]

### 3.015 Additional Requirements.

- A. Design review and landscaping is required for all uses except single-family detached dwellings.
- B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code.



- D. Single-family detached dwellings are allowed when the proposal is consistent with the following standards:
1. All applicable standards of this district.
  2. Department of Environmental Quality-approved water supply systems.
  3. Department of Environmental Quality-approved individual subsurface sewage disposal systems.
- E. All single-family detached dwellings shall utilize at least six of the following design features:
1. Dormers.
  2. Recessed entries.
  3. Cupolas.
  4. Bay or bow windows.
  5. Window shutters.
  6. Offsets on building face or roof (minimum 12").
  7. Gables.
  8. Covered porch entry.
  9. Pillars or posts.
  10. Eaves (minimum 6").
  11. Tile, shake, or architectural composition roofing.
  12. Horizontal lap siding.
- F. Manufactured homes shall comply with the following standards:
1. Be multi-sectional and enclose a space of not less than 1,000 square feet.
  2. Foundations for manufactured homes shall comply with current Oregon Administrative Rules regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight inches nor more than 12 inches above grade. If the manufactured home is placed on a basement, the 12-inch limitation shall not apply.
  3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three feet in height for each 12 feet in width.

4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the state code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage constructed of like materials, where such is consistent with the predominant construction of immediately surrounding dwellings.
7. The towing tongue, axles, wheels, and traveling lights shall be removed from the manufactured home when installed or within 30 days of delivery to site.
8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts, or a structure designated Community Resource (CR), by the City.
9. The manufactured home shall be connected to the City's public water supply and public sewer, or as authorized under subsections (D)(2) and (3) of this section.
10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home, or remove the foundation, manufactured home accessory structures, and other structures on the property and disconnect sewer, water, and other utilities within 30 days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 731, ef. 6/26/03]

**3.020 SINGLE-FAMILY RESIDENTIAL R-10**

3.021 Purpose. This district is intended primarily for single-family detached dwellings in a low-density residential neighborhood environment. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 731, ef. 6/26/03]

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

- A. Single-family detached and zero lot line dwellings.
- B. Accessory residential units subject to the provisions of chapter 5.1000, Accessory Residential Units, of this code.
- C. Duplex dwellings when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
- D. Residential homes (ORS 197.660[2]; ORS 443.400-443.825).
- E. Parks and playgrounds.
- F. Utility facilities, minor.
- G. Bed and breakfast inns subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code.
- H. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 731, ef. 6/26/03]

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

- A. Community service uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Duplex dwellings on the same lot at intersections of any two streets of at least neighborhood collector status. Lot size must comply with R-10 requirements.
- D. Nursing homes.
- E. Congregate housing, subject to the provisions of chapter 4.400, Congregate Housing, of this code.
- F. Utility facilities, major.
- G. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 731, ef. 6/26/03]

### 3.024 Lot Size, Dimensional, and Density Standards.

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

1. Minimum lot size: 10,000 square feet.
2. Minimum lot width: 70 feet and 70 feet wide at the front setback line.
3. Minimum lot depth: 100 feet.
4. Minimum lot frontage: 20 feet.

#### B. Setbacks.

1. Front yard setback: Minimum of 20 feet.
2. Side yard and street side yard setback: Minimum of ten feet.
3. Rear yard setback: Minimum of 20 feet.
4. Projections into setbacks: See chapter 5.020, Exceptions to Yard Requirements, of this code.
5. Accessory structures in setback areas: See chapter 5.010, Accessory Structures in Required Yards, of this code.

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

#### D. 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 25,000 square foot parcel:

- Allowed density is 1 dwelling per 10,000 square feet.
- A 25,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.] [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 731, ef. 6/26/03]

### 3.025 Additional Requirements.

- #### A. Design review and landscaping is required for all uses except single-family detached and zero lot line dwellings, and duplex dwellings on separate lots. The design standards of chapter 8.200 of this code apply to duplex dwellings on a single lot.

- B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code.
- D. All single-family detached and zero lot line dwellings and duplex dwellings on separate lots shall utilize at least six of the following design features:
  - 1. Dormers.
  - 2. Recessed entries.
  - 3. Cupolas.
  - 4. Bay or bow windows.
  - 5. Window shutters.
  - 6. Offsets on building face or roof (minimum 12").
  - 7. Gables.
  - 8. Covered porch entry.
  - 9. Pillars or posts.
  - 10. Eaves (minimum 6").
  - 11. Tile, shake, or architectural composition roofing.
  - 12. Horizontal lap siding.
- E. Manufactured homes shall comply with the following standards:
  - 1. Be multi-sectional and enclose a space of not less than 1,000 square feet.
  - 2. Foundations for manufactured homes shall comply with current Oregon Administrative Rules regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight inches nor more than 12 inches above grade. If the manufactured home is placed on a basement, the 12-inch limitation shall not apply.
  - 3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three feet in height for each 12 feet in width.

4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the state code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage constructed of like materials, where such is consistent with the predominant construction of immediately surrounding dwellings.
7. The towing tongue, axles, wheels, and traveling lights shall be removed from the manufactured home when installed or within 30 days of delivery to site.
8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts, or a structure designated Community Resource (CR), by the City.
9. The manufactured home shall be connected to the City's public water supply and public sewer.
10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home, or remove the foundation, manufactured home accessory structures, and other structures on the property and disconnect sewer, water, and other utilities within 30 days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 731, ef. 6/26/03]

### 3.030 SINGLE-FAMILY RESIDENTIAL R-7

- 3.031 Purpose. This district is intended primarily for single-family detached dwellings in a low-density residential neighborhood environment. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 731, ef. 6/26/03]
- 3.032 Permitted Uses. The following uses and their accessory uses are permitted in the R-7 district:
- A. Single-family detached and zero lot line dwellings.
  - B. Accessory residential units subject to the provisions of chapter 5.1000, Accessory Residential Units, of this code.
  - C. Duplex dwellings when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
  - D. Duplex dwellings on the same lot at intersections of any two streets of at least neighborhood collector status as approved by the Planning Commission, or on lots in a subdivision approved for single lot duplex development.
  - E. Residential homes (ORS 197.660[2]; ORS 443.400-443.825).
  - F. Parks and playgrounds.
  - G. Utility facilities, minor.
  - H. Bed and breakfast inns subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code.
  - I. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 731, ef. 6/26/03]
- 3.033 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-7 district:
- A. Day care centers.
  - B. Golf courses (excluding miniature golf courses or driving ranges).
  - C. Nursing homes.
  - D. Congregate housing, subject to the provisions of chapter 4.400, Congregate Housing, of this code.
  - E. Community service uses.
  - F. Utility facilities, major.

- G. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 731, ef. 6/26/03]

3.034 Lot Size, Dimensional, and Density Standards.

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

1. Minimum lot size: 7,000 square feet for a single-family detached and zero lot line dwellings and for each unit of a duplex dwelling on separate lots; 10,000 square feet for duplex dwellings on the same lot.
2. Minimum lot width: 60 feet and 60 feet wide at the front setback line.
3. Minimum lot depth: 80 feet.
4. Minimum lot frontage: 20 feet.

B. Setbacks.

1. Front yard setback: Minimum of 20 feet.
2. Side yard and street side yard setback: Minimum 7½ feet and ten feet on corner lots abutting a street.
3. Rear yard setback: Minimum of 20 feet.
4. Projections into setbacks: See chapter 5.020, Exceptions to Yard Requirements, of this code.
5. Accessory structures in setback areas: See chapter 5.010, Accessory Structures in Required Yards, of this code.

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

D. 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 17,500 square foot parcel:

- Allowed density is 1 dwelling per 7,000 square feet.
- A 17,500 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.] [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 731, ef. 6/26/03]



### 3.035 Additional Requirements.

- A. Design review and landscaping is required for all uses except single-family detached and zero lot line dwellings, and duplex dwellings on separate lots. The design standards of chapter 8.200 of this code apply to duplex dwellings on the same lot.
- B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code.
- D. All single-family detached and zero lot line dwellings and duplex dwellings on separate lots shall utilize at least six of the following design features:
  - 1. Dormers.
  - 2. Recessed entries.
  - 3. Cupolas.
  - 4. Bay or bow windows.
  - 5. Window shutters.
  - 6. Offsets on building face or roof (minimum 12").
  - 7. Gables.
  - 8. Covered porch entry.
  - 9. Pillars or posts.
  - 10. Eaves (minimum 6").
  - 11. Tile, shake, or architectural composition roofing.
  - 12. Horizontal lap siding.
- E. Manufactured homes shall comply with the following standards:
  - 1. Be multi-sectional and enclose a space of not less than 1,000 square feet.
  - 2. Foundations for manufactured homes shall comply with current Oregon Administrative Rules regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight inches nor more than 12

inches above grade. If the manufactured home is placed on a basement, the 12-inch limitation shall not apply.

3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three feet in height for each 12 feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the state code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage constructed of like materials, where such is consistent with the predominant construction of immediately surrounding dwellings.
7. The towing tongue, axles, wheels, and traveling lights shall be removed from the manufactured home when installed or within 30 days of delivery to site.
8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts or a structure designated Community Resource (CR), by the City.
9. The manufactured home shall be connected to the City's public water supply and public sewer.
10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home, or remove the foundation, manufactured home accessory structures, and other structures on the property and disconnect sewer, water, and other utilities within 30 days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 731, ef. 6/26/03]

**3.040 SINGLE-FAMILY RESIDENTIAL R-5**

3.041 Purpose. This district is intended primarily for single-family detached dwellings in a medium-density residential neighborhood environment. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]

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

- A. Single-family detached and zero lot line dwellings.
- B. Duplex dwellings, when each dwelling unit is situated on an adjoining but separate lot of record.
- C. Accessory residential units, subject to the provisions of chapter 5.1000, Accessory Residential Units, of this code.
- D. Manufactured home parks, subject to the provisions of chapter 5.900, Manufactured Home Parks, of this code.
- E. Residential homes (ORS 197.660[2]; ORS 443.400-443.825).
- F. Parks and playgrounds.
- G. Utility facilities, minor.
- H. Bed and breakfast inns subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code.
- I. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 589, ef. 2/11/93; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 716, ef. 5/9/02]

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

- A. Day care centers.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Nursing homes.
- D. Congregate housing, subject to the provisions of chapter 4.400, Congregate Housing, of this code.
- E. Community service uses.
- F. Utility facilities, major.
- G. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]

### 3.044 Lot Size, Dimensional, and Density Standards.

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

1. Minimum lot size: 5,000 square feet for single-family detached and zero lot line dwellings, and non-residential uses; 4,000 square feet for each unit of a duplex dwelling.
2. Minimum lot width: 50 feet and 50 feet wide at the front setback line for single-family detached and zero lot line dwellings, and non-residential uses. For duplex dwellings: 40 feet and 40 feet wide at the front setback line.
3. Minimum lot depth: 70 feet.
4. Minimum lot frontage: 20 feet.

#### B. Setbacks.

1. Front yard setback: Minimum of 20 feet.
2. Side yard and street side yard setback: Minimum of five feet and ten feet on corner lots abutting a street. For duplex dwellings, common walls shall be located on the common property line with each dwelling situated on its own lot.
3. Rear yard setback: Minimum of 15 feet.
4. Projections into setbacks: See chapter 5.020, Exceptions to Yard Requirements, of this code.
5. Accessory structures in setback areas: See chapter 5.010, Accessory Structures in Required Yards, of this code.

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

#### D. 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 12,500 square foot parcel:

- Allowed density is 1 dwelling per 5,000 square feet.
- A 12,500 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is  $0.8 \times 2$  which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.] [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 589, ef. 2/11/93; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 716, ef. 5/9/02]

3.045 Manufactured Dwelling (Infill) Requirements.  
[Adopted by Ord. 589, ef. 2/11/93; Repealed by Ord. 611, ef. 9/8/94]

3.045 Additional Requirements.

- A. Design review and landscaping is required for all uses except single-family detached and zero lot line dwellings, and duplex dwellings on separate lots. The design standards of chapter 8.200 of this code apply to residential uses. Development on lots within the Town Center Overlay District must conform to the applicable standards of chapter 4.700, Town Center, of this code.
- B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code.
- D. All single-family detached and zero lot line dwellings, and duplex dwellings on separate lots shall utilize at least six of the following design features:
  - 1. Dormers.
  - 2. Recessed entries.
  - 3. Cupolas.
  - 4. Bay or bow windows.
  - 5. Window shutters.
  - 6. Offsets on building face or roof (minimum 12").
  - 7. Gables.
  - 8. Covered porch entry.
  - 9. Pillars or posts.
  - 10. Eaves (minimum 6").
  - 11. Tile, shake, or architectural composition roofing.
  - 12. Horizontal lap siding.
- E. Manufactured homes shall comply with the following standards:
  - 1. Be multi-sectional and enclose a space of not less than 1,000 square feet.
  - 2. Foundations for manufactured homes shall comply with current Oregon Administrative Rules regulations. Homes shall be placed on an excavated

and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight inches nor more than 12 inches above grade. If the manufactured home is placed on a basement, the 12-inch limitation shall not apply.

3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three feet in height for each 12 feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the state code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage constructed of like materials, where such is consistent with the predominant construction of immediately surrounding dwellings.
7. The towing tongue, axles, wheels, and traveling lights shall be removed from the manufactured home when installed or within 30 days of delivery to site.
8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts or a structure designated Community Resource (CR), by the City.
9. The manufactured home shall be connected to the City's public water supply and public sewer.
10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home, or remove the foundation, manufactured home accessory structures, and other structures on the property and disconnect sewer, water, and other utilities within 30 days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 3.045 by Ord. 589, ef. 2/11/93; Renumbered from 3.046 and amended by Ord. 611, ef. 9/8/94; Amended by Ord. 716, ef. 5/9/02]

**3.050 ATTACHED RESIDENTIAL R-4**

3.051 Purpose. This district is intended primarily for attached residential dwellings in a medium-density residential environment. [Adopted by Ord. 550, ef. 9/25/90]

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

- A. Attached, duplex, and triplex dwellings.
- B. Single-family detached and zero lot line dwellings.
- C. Manufactured home parks, subject to the provisions of chapter 5.900, Manufactured Home Parks, of this code.
- D. Residential homes (ORS 197.660[2]; ORS 443.400-443.825).
- E. Residential facilities (ORS 197.660[1]; ORS 443.400-443.460).
- F. Parks and playgrounds.
- G. Utility facilities, minor.
- H. Bed and breakfast inns subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code.
- I. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 716, ef. 5/9/02]

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

- A. Day care centers.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Nursing homes.
- D. Congregate housing, subject to the provisions of chapter 4.400, Congregate Housing, of this code.
- E. Community service uses.
- F. Utility facilities, major.
- G. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]

### 3.054 Lot Size, Dimensional, and Density Standards.

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

1. Minimum lot size: 4,000 square feet for single-family detached dwellings and zero lot line dwellings, and for non-residential uses; 3,500 square feet per unit for duplex, triplex, and attached dwellings when on one lot; 3,500 square feet for duplexes, and the end units of triplex and attached dwellings on separate lots; 3,000 square feet for the interior units of triplex and attached dwellings on separate lots.
2. Minimum lot width: 40 feet and 40 feet wide at the front setback line for those uses requiring a 4,000 square foot minimum lot size; 35 feet wide at the front setback line for those uses requiring a 3,500 square foot minimum lot size; 30 feet wide at the front setback line for those uses requiring a 3,000 square foot minimum lot size.
3. Minimum lot depth: 70 feet.
4. Minimum lot frontage: 20 feet.

#### B. Setbacks.

1. Front yard setback: Minimum of 20 feet.
2. Side yard and street side yard setback: Minimum of five feet and ten feet on corner lots abutting a street. Duplex, triplex, and attached dwellings on individual lots and zero lot line dwellings shall have a common wall located on a common property line.
3. Rear yard setback: Minimum of 15 feet.
4. Projections into setbacks: See chapter 5.020, Exceptions to Yard Requirements, of this code.
5. Accessory structures in setback areas: See chapter 5.010, Accessory Structures in Required Yards, of this code.

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

#### D. 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 10,000 square foot parcel:

- Allowed density is 1 dwelling per 4,000 square feet.



- A 10,000 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.
- Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.] [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 716, ef. 5/9/02]

### 3.055 Additional Requirements.

- A. Design review and landscaping is required for all uses except detached single-family and zero lot line dwellings, and duplex dwellings on separate lots. The design standards of chapter 8.200 of this code apply to residential uses. Development on lots within the Town Center Overlay District must conform to the applicable standards of chapter 4.700, Town Center, of this code.
- B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of section 8.225, Off-Street Parking, Garages, and Carports, and Chapter 9, Off-Street Parking and Loading, of this code.
- D. All single-family detached and zero lot line dwellings, and duplex dwellings on separate lots shall utilize at least six of the following design features:
  - 1. Dormers.
  - 2. Recessed entries.
  - 3. Cupolas.
  - 4. Bay or bow windows.
  - 5. Window shutters.
  - 6. Offsets on building face or roof (minimum 12").
  - 7. Gables.
  - 8. Covered porch entry.
  - 9. Pillars or posts.
  - 10. Eaves (minimum 6").
  - 11. Tile, shake, or architectural composition roofing.
  - 12. Horizontal lap siding.
- E. Manufactured homes shall comply with the following standards:
  - 1. Be multi-sectional and enclose a space of not less than 1,000 square feet.

2. Foundations for manufactured homes shall comply with current Oregon Administrative Rules regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight inches nor more than 12 inches above grade. If the manufactured home is placed on a basement, the 12-inch limitation shall not apply.
3. The manufactured home shall have a pitched roof. The minimum slope shall not be less than a nominal three feet in height for each 12 feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the state code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage constructed of like materials, where such is consistent with the predominant construction of immediately surrounding dwellings.
7. The towing tongue, axles, wheels, and traveling lights shall be removed from the manufactured home when installed or within 30 days of delivery to the site.
8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts or a structure designated Community Resource (CR), by the City.
9. The manufactured home shall be connected to the City's public water supply and public sewer.
10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home, or remove the foundation, manufactured home accessory structures, and other structures on the property and disconnect sewer, water, and other utilities within 30 days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]

**3.060 APARTMENT RESIDENTIAL A-2**

3.061 Purpose. This district is intended primarily for multiple-family (apartments) and attached dwellings in a high-density residential environment. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]

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

- A. Multiple-family dwellings (apartments).
- B. Attached, duplex, and triplex dwellings when the dwellings are on the same lot.
- C. Residential facilities (ORS 197.660[1]; ORS 443.400-443.460).
- D. Parks and playgrounds.
- E. Utility facilities, minor.
- F. Bed and breakfast inns subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code.
- G. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 716, ef. 5/9/02]

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

- A. Single-family detached and zero lot line dwellings.
- B. Attached, duplex, and triplex dwellings when the dwellings are on separate lots.
- C. Residential homes (ORS 197.660[2]; ORS 443.400-443.825).
- D. Day care centers.
- E. Congregate housing, subject to the provisions of chapter 4.400, Congregate Housing, of this code.
- F. Golf courses (excluding miniature golf courses or driving ranges).
- G. Professional offices or clinics on arterial or collector streets.
- H. Nursing homes.
- I. Boarding, lodging, or rooming houses.
- J. Community service uses.
- K. Utility facilities, major.

- L. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]

### 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.

<b>DENSITY STANDARDS</b>		
<b>Type of Residential Use</b>	<b>Minimum Lot Area</b>	<b>Maximum Lot Coverage</b>
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
<b>Multiple-Family Dwellings</b>	<b>Minimum Lot Area</b>	<b>Maximum Lot Coverage</b>
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 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.]

D. Setbacks.

1. Front yard setback: Minimum of 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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 770, ef. 2/23/06]

### 3.065 Additional Requirements.

- A. Design review and landscaping is required for all uses except detached single-family and zero lot line dwellings, and duplex dwellings on separate lots. The design standards of chapter 8.200 of this code apply. Development on lots within the Town Center Overlay District must conform to the applicable standards of chapter 4.700, Town Center, of this code.
- B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.
- C. Landscaping and screening will be provided on each site according to the standards of Chapter 11, Landscaping and Screening, of this code. All areas of a multiple-family, attached, duplex, or triplex dwelling site not occupied by paved roadways, parking, walkways, patios, or buildings shall be landscaped.

- D. Recreational facilities for multiple-family or attached dwelling developments of six units or more on one tax lot shall be provided in accordance with the regulations of section 8.235, Recreation Areas, of this code.
- E. Off-street parking spaces shall be provided in accordance with the requirements of section 8.225, Off-Street Parking, Garages, and Carports, and Chapter 9, Off-Street Parking and Loading, of this code. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]



**3.100 NEIGHBORHOOD COMMERCIAL NC**

3.101 Purpose. This district is intended for convenience retail and service establishments of limited scale to serve primarily the needs of nearby residents, rather than the City as a whole. Such uses shall be physically and visually compatible with adjacent residential development through appropriate use of landscaping, access, parking, signs, and architectural design. [Adopted by Ord. 550, ef. 9/25/90]

3.102 Siting Criteria. Neighborhood commercial sites may be located in residential areas provided:

- A. No commercial establishments exist or are planned within a minimum half-mile radius.
- B. A neighborhood commercial site does not exceed three acres.
- C. Each site has access to a street of at least a collector status.
- D. Each site does not include more than one quadrant of an intersection. If more than one quadrant is requested, the applicant must show that undue traffic congestion will not result. [Adopted by Ord. 550, ef. 9/25/90]

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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 669, ef. 3/4/99; Amended by Ord. 770, ef. 2/23/06]

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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 770, ef. 2/23/06]

### 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  $0.8 \times 2$  which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.] [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 770, ef. 2/23/06]

### 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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 770, ef. 2/23/06]

**3.110 COMMUNITY COMMERCIAL CC**

3.111 Purpose. This district is intended for the shopping needs of several neighborhoods in locations easily accessible to such neighborhoods. [Adopted by Ord. 550, ef. 9/25/90]

3.112 Siting Criteria. A CC district may be established where:

- A. No commercial establishments exist, or are planned, within a minimum half-mile radius from the proposed site.
- B. Direct access to at least a minor arterial street is provided.
- C. A community commercial site does not exceed 20 acres. [Adopted by Ord. 550, ef. 9/25/90]

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

- A. Any use permitted in the Neighborhood Commercial (NC) district except for single-family detached dwellings, duplex, triplex, attached, and multiple-family dwellings.
- B. 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 shops, shoe repair stores, groceries, dressmaking or tailoring shops, photography studios, florist shops, book or stationary stores, gift shops, and art supply stores.
- C. Banks or savings and loan associations.
- D. Laundromat/dry cleaning establishments.
- E. Medical or dental clinics or laboratories.
- F. Motels or hotels.
- G. Newsstands.
- H. Restaurants (including drive-through) or taverns.
- I. Studios for art, dance, etc.
- J. Professional offices.
- K. Utility facilities, minor.
- L. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 669, ef. 3/4/99; Amended by Ord. 779, ef. 5/23/06]

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

- A. Retail stores or businesses, exceeding 60,000 square feet of gross floor area per building or business.
- B. Automotive service stations where no repair work is conducted.
- C. Motion picture theaters.
- D. Secondhand stores with all merchandise displayed and stored completely within a building.
- E. Community service uses.
- F. Utility facilities, major.
- G. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 669, ef. 3/4/99]

### 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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 770, ef. 2/23/06]

### 3.116 Additional Requirements.

- A. Design review and landscaping is required for all uses.

- 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. [Adopted by Ord. 550, ef. 9/25/90]

**3.120 GENERAL COMMERCIAL GC**

3.121 Purpose. This district is intended for more intensive commercial uses in addition to those provided for in the Neighborhood Commercial (NC) and Community Commercial (CC) districts. [Adopted by Ord. 550, ef. 9/25/90]

3.122 Permitted Uses. The following uses and their accessory uses are permitted in the GC district:

- A. Any use permitted in the NC or CC district except for single-family detached dwellings, duplex, triplex, attached, and multiple-family dwellings, and except that retail stores or businesses are not limited to 60,000 square feet of gross floor area.
- B. Amusement enterprises, including pool halls, bowling alleys, and boxing arenas, theaters, auditoriums, printing, lithographing, or publishing.
- C. The following uses, if conducted within a completely enclosed building with all outside storage of merchandise, supplies, or work areas screened from the public right-of-way and adjacent residential, apartment, and NC districts, are permitted: Automotive service stations, carpenter shops, cabinet shops, upholstery, plumbing shops, lumber yards (retail sales only), automotive repair, painting and incidental body and fender work, sign painting shops, tire shops, animal hospitals, and boarding kennels.
- D. Accessory uses customarily incidental to any of the above uses when located on the same lot, provided that such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or similar causes.
- E. Utility facilities, minor.
- F. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 669, ef. 3/4/99; Amended by Ord. 779, ef. 5/23/06]

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

- A. Wholesale distribution outlets, including warehousing.
- B. Off-street parking, and storage of truck tractors and/or semi-trailers.
- C. Heliport landings.
- D. Outdoor stadiums and race tracks.
- E. Automobile and trailer sales areas.
- F. Community service uses.
- G. Utility facilities, major.

H. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90]

3.124 Dimensional Standards.

A. 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: Five feet on a through street or a corner lot abutting a street.
4. Rear yard setback: None, except property abutting a residential zoning district shall have the same rear yard setback as required by the abutting district, but in no case shall be less than 15 feet.
5. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the additional yard or setback requirements in such cases shall be determined based upon the Comprehensive Land Use Plan and applicable ordinances and standards.
6. Minimum street frontage: 50 feet.

B. Height Limitation. The maximum height of a structure shall be 45 feet. [Adopted by Ord. 550, ef. 9/25/90]

3.125 Additional Requirements.

- A. Design review and landscaping is required for all uses.
- 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. [Adopted by Ord. 550, ef. 9/25/90]



**3.130 CENTRAL BUSINESS DISTRICT CBD****3.131 Purpose.**

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 638, ef. 2/23/96; Amended by Ord. 653, ef. 9/12/97; Repealed by Ord. 658, ef. 3/12/98; Re-repealed by Ord. 661, ef. 7/23/98]

**3.132 Dimensional Standards – Subareas A, B, C and D.**

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 643, ef. 10/10/96; Repealed by Ord. 658, ef. 3/12/98; Re-repealed by Ord. 661, ef. 7/23/98]

**3.133 Landscaping Requirements.**

[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 658, ef. 3/12/98; Re-repealed by Ord. 661, ef. 7/23/98]

**3.134 Additional Requirements.**

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 643, ef. 10/10/96; Repealed by Ord. 658, ef. 3/12/98; Re-repealed by Ord. 661, ef. 7/23/98]

**3.131 Purpose.** This district is intended to provide for retail, personal, professional, business and industrial services within the Town Center (TC). [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]

**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.
- C. Multiple-family dwellings.
- D. Museums, theaters, galleries, or studios for art, dance, and photography.
- E. Parking garages or parking lots.
- F. Personal services including, but not limited to, medical or dental clinics, small animal veterinary clinics, pharmacies, professional offices, general business offices, savings and loan companies, or other financial institutions.
- G. Restaurants (excluding fast food with drive-through), taverns, or lounges.
- H. Retail stores with 15,000 square feet or less of gross floor area.
- I. Service, sales, and repair including, but not limited to, computers, electronics, business machines, bicycles, appliances, scientific or musical instruments, locksmiths, or gunsmiths.
- J. Water-oriented recreational facilities.
- K. Utility facilities, minor.

- L. Bed and breakfast inns (but not subject to the provisions of chapter 5.500, Bed and Breakfast Inn, of this code). [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 731, ef. 6/26/03; Amended by Ord. 770, ef. 2/23/06]

3.133 Conditional Uses. The following uses are permitted as conditional uses in the CBD:

- A. Assembly or limited manufacturing uses.
- B. Community service uses, except that a government building that serves exclusively as an office building shall be considered the same as professional offices and general business offices.
- C. Congregate housing subject to the provisions of chapter 4.400, Congregate Housing, of this code.
- D. Nursing homes.
- E. Grocery stores and convenience stores without gasoline pumps.
- F. Retail stores with more than 15,000 square feet of gross floor area.
- G. Utility facilities, major. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 731, ef. 6/26/03]

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 2<sup>nd</sup> Street extended west to its intersection with 257<sup>th</sup> Avenue from 257<sup>th</sup> 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 (A)(2) of this section.
2. For the area between Historic Columbia River Highway and 2<sup>nd</sup> Street extended west to its intersection with 257<sup>th</sup> Avenue from 257<sup>th</sup> 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. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 731, ef. 6/26/03; Amended by Ord. 770, ef. 2/23/06; Amended by Ord. 775, ef. 5/11/06]

- 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 2<sup>nd</sup> Street extended west to its intersection with 257<sup>th</sup> Avenue from 257<sup>th</sup> Avenue to the SE Sandy Street right-of-way. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 731, ef. 6/26/03; Amended by Ord 770, ef. 2/23/06]

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. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 731, ef. 6/26/03; Amended by Ord. 770, ef. 2/23/06]
- 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.] [Adopted by Ord. 770, ef. 2/23/06]

**3.140 MIXED OFFICE/HOUSING DISTRICT MO/H**

- 3.141 Purpose. This district is intended to provide a compatible mix of office, employment, and housing opportunities in close proximity to the Troutdale Central Business District. The MO/H district is intended to promote a compact development form consistent with the Troutdale Town Center Plan. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]
- 3.142 Permitted Uses. The following uses and their accessory uses are permitted in the MO/H district provided they are conducted wholly within a completely enclosed building, except off-street parking and loading:
- A. Professional offices.
  - B. Medical or dental clinics or laboratories.
  - C. Personal service uses with a maximum gross floor area of 2,000 square feet and provided in conjunction with residential development. The maximum square footage shall be considered a use limitation.
  - D. Galleries or studios for art, dance, etc.
  - E. Day care facilities.
  - F. Attached, duplex, and triplex dwellings either on the same lot or on separate lots.
  - G. Multiple-family dwellings (apartments).
  - H. Apartment units in conjunction with a commercial use.
  - I. Detached single-family dwellings provided on the same lot in conjunction with another permitted use.
  - J. Congregate housing, subject to the provisions of chapter 4.400, Congregate Housing, of this code.
  - K. Nursing homes.
  - L. Residential facilities.
  - M. Parks and playgrounds.
  - N. Utility facilities, minor.
  - O. Other uses similar in nature to those listed above. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 731, ef. 6/26/03]
- 3.143 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the MO/H district:

- A. Personal service uses with a gross floor area greater than 2,000 square feet or not provided in conjunction with residential development.
- B. Retail uses and restaurants with a maximum gross floor area of 15,000 square feet, except that retail uses and restaurants located within a building that existed prior to March 10, 1950 shall be subject to a maximum gross floor area of 40,000 square feet. The maximum square footage shall be considered a use limitation.
- C. Community service uses.
- D. Utility facilities, major.
- E. Other uses similar in nature to those listed above. [Adopted by Ord. 658, ef. 3/12/98; Repealed, readopted, and amended by Ord. 661, ef. 7/23/98]

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. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 770, ef. 2/23/06]

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. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 731, ef. 6/26/03; Amended by Ord. 770, ef. 2/23/06]

**3.150 INDUSTRIAL PARK IP**

- 3.151 Purpose. This district is intended for a mix of clean, 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 development. [Adopted by Ord. 550, ef. 9/25/90]
- 3.152 Permitted Uses. The following uses and their accessory uses are permitted in an IP district, provided they are conducted wholly within a completely enclosed building, except off-street parking and loading, and public park uses:
- A. Professional offices.
  - B. Research, experimental, or testing laboratories.
  - C. Assembly of electrical appliances, electronic instruments and devices, computer components, radio and phonographs, including the manufacture of small parts, such as coils, condensers, and transformers.
  - D. Trade or commercial schools.
  - E. Business parks, provided the businesses within the park are permitted or conditional uses allowed within the IP district.
  - F. Delicatessen shops, subject to the following requirements:
    - 1. The delicatessen shop is located within a building which houses another permitted use.
    - 2. No drive-through window is permitted.
    - 3. Inside seating area shall not exceed 50% of the shop's gross floor area or 150 square feet, whichever is the lesser.
  - G. Utility facilities, minor.
  - H. Public parks, parkways, trails, and related facilities.
  - I. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98]
- 3.153 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in an IP district, provided they are conducted wholly within a completely enclosed building, except off-street parking and loading, and major utility facilities:
- A. Hotels/motels or convention facilities.

- B. Restaurants with or without drive-through window service.
- C. Bars, taverns, or cocktail lounges in conjunction with a restaurant.
- D. Retail, wholesale, and discount sales and services, not to exceed 60,000 square feet of gross leasable area. The maximum square footage shall be considered a use limitation.
- E. Banks or savings and loan associations.
- F. Medical and dental clinics.
- G. Convenience stores, not to exceed 3,500 square feet in size.
- H. Assembly or limited manufacturing uses when located and arranged according to a plan providing for aesthetic or other conditions in harmony with the neighborhood.
- I. Community service uses.
- J. Utility facilities, major.
- K. Child care facilities, kindergartens, and similar facilities in conjunction with a permitted use or an approved conditional use.
- L. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98]

3.154 Dimensional Standards.

- A. Lot Size and Coverage.
  - 1. Minimum lot width: 150 feet.
  - 2. Lot coverage: 50% of the site.
- B. Setbacks.
  - 1. Front yard setback: Minimum of 20 feet.
  - 2. Side yard setback: Minimum of 15 feet.
  - 3. Street side yard setback: On a corner lot, the side yard shall be a minimum of 15 feet on the side abutting a street.
  - 4. Rear yard setback: Minimum of 10 feet.
  - 5. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way

widths, and the additional yard or setback requirements in such cases, shall be determined based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

- C. Height Limitation. The maximum height of a structure shall be 35 feet. The Planning Commission may determine that a greater height is in keeping with the general character of the district and the surrounding area. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98]

3.155 Additional Requirements.

- A. Design review and landscaping is required for all uses in the IP district.
- 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. [Adopted by Ord. 550, ef. 9/25/90]

**3.160 LIGHT INDUSTRIAL LI**

3.161 Purpose. This district is intended for light, clean industries usually of a manufacturing or storage nature with little outdoor storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have no nuisance factors such as bright yard lights, continuous noise or objectionable odors. Wholesale and limited retail sales are permitted. These uses may be located adjacent to residential or commercial uses with appropriate buffering. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 724, ef. 11/8/02]

3.162 Permitted Uses. The following uses and their accessory uses are permitted in the LI district:

- A. Secondary manufacturing, except any use having the primary function of storing, utilizing, or manufacturing toxic or hazardous materials.
- B. Processing facilities, except any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar, or yeast, but not including wineries or breweries.
- C. Distribution centers.
- D. Airport and related uses, including airport supportive commercial and industrial uses such as maintenance facilities, hangars, aircraft tie-downs, passenger parking, and flight schools.
- E. Warehouses.
- F. Utility facilities, minor.
- G. Research and development companies, experimental or testing laboratories, and trade or commercial schools.
- H. Public parks, parkways, trails, and related facilities.
- I. One caretaker residence.
- J. Corporate headquarters.
- K. Professional offices.
- L. Medical and dental clinics.
- M. Product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use, provided the sales, service, and/or display area does not exceed 15% of the gross floor area.
- N. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98; Amended by Ord. 724, ef. 11/8/02]

3.163 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within a LI district:

- A. Heliports accessory to permitted or approved conditional uses.
- B. Retail, wholesale, and discount sales and services, including restaurants, banks, dry-cleaners, and similar establishments, with or without drive-up or drive-through window service, subject to the standards listed in section 3.165, Additional Requirements, of this chapter.
- C. Community service uses.
- D. Utility facilities, major.
- E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.
- F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.
- G. Motels or hotels, including banquet rooms, conference, or convention centers.
- H. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.
- I. Child care facilities, kindergartens, and similar facilities.
- J. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98; Amended by Ord. 724, ef. 11/8/02]

3.164 Dimensional Standards.

- A. Setbacks.
  - 1. Front yard setback: Minimum of 20 feet.
  - 2. Side yard setback: Minimum of ten feet.
  - 3. Rear yard setback: None.
  - 4. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of 50 feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.
  - 5. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

- B. Height Limitation. The maximum height for any structure shall be 45 feet unless otherwise limited by the Federal Aviation Administration. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 724, ef. 11/8/02]

3.165 Additional Requirements.

- A. Design review is required for all uses in the LI district.
- 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. Retail, wholesale, and discount sales and service are limited in size as follows:
  - 1. The maximum floor area of a single retail, wholesale, or discount sales or service business shall be 60,000 square feet.
  - 2. No one use shall exceed 15% of the gross leasable area of an industrial flex-space building or Corporate Headquarters, and the cumulative area of all retail, wholesale, and discount sales and services use within such building shall not exceed more than one-half of the gross leasable area of the building.
- E. Development is subject to compliance with any applicable overlay zoning district standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 724, ef. 11/8/02]

**3.170 GENERAL INDUSTRIAL GI**

3.171 Purpose. This district is 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 nuisance factors such as noise and odor, and the generation of truck, shipping, or rail traffic. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 724, ef. 11/8/02]

3.172 Permitted Uses. The following uses and their accessory uses are permitted in the GI district:

- A. Primary manufacturing.
- B. Any permitted use within the LI zoning district.
- C. Use of toxic or hazardous materials in the manufacturing process, and temporary storage of toxic or hazardous material by-products.
- D. Freight and trucking firms.
- E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.
- F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.
- G. Utility facilities, major and minor, except for the following which require conditional use approval: sanitary landfills, recycling centers, and transfer stations, sewage treatment plants and lagoons, and telecommunication towers or poles.
- H. Marinas.
- I. Marine Industrial/Marine Service Facilities.
- J. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98; Amended by Ord. 724, ef. 11/8/02]

3.173 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within the GI district:

- A. Child care facilities, kindergartens, and similar facilities.
- B. Community service uses.
- C. Concrete or asphalt manufacturing plants.
- D. Sanitary landfills, recycling centers, and transfer stations.



- E. Sewage treatment plants and lagoons.
- F. Telecommunication towers and poles.
- G. Junk yards.
- I. Residential dwelling/hangar mixed uses when the hangars are served by a taxiway with direct access to the Troutdale Airport Runway. The use shall be subject to the following requirements:
  - 1. Approval from the Port of Portland.
  - 2. Approval from the Federal Aviation Administration.
  - 3. No separate accessory structures are allowed.
- I. Heliports accessory to permitted or approved conditional uses.
- J. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.
- K. Commercial uses within industrial flex-space buildings, subject to the standards listed in section 3.175, Additional Requirements, of this chapter.
- L. Processing facilities whose principal use involves the rendering of fats, the slaughtering of fish or meat, or the fermentation of foods such as sauerkraut, vinegar, and yeast, but not including wineries or breweries, which are permitted outright per subsection 3.172(B) of this chapter.
- M. The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations.
- N. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98; Amended by Ord. 724, ef. 11/8/02]

### 3.174 Dimensional Standards.

- A. Setbacks.
  - 1. Front: 20 feet.
  - 2. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.
  - 3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of 50 feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential or apartment district shall be required.

4. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.
- B. Height Limitation. None, unless otherwise limited by the Federal Aviation Administration. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 724, ef. 11/8/02]

3.175 Additional Requirements.

- A. Design review and landscaping is required for all uses in the GI district.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code.
- D. Commercial uses within industrial flex-space buildings are subject to the following standards:
  1. No one commercial use shall exceed 15% of the gross leasable area of a flex-space building, and the cumulative area of all such uses shall not exceed more than one-half of the gross leasable area of a building, or 60,000 square feet, whichever is less.
  2. Drive-throughs and drive-up service windows are not permitted.
- E. Development is subject to compliance with any applicable overlay zoning district standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 724, ef. 11/8/02]

**3.180 OPEN SPACE OS**

- 3.181 Purpose. The district is intended to provide and preserve open space areas. [Adopted by Ord. 550, ef. 9/25/90]
- 3.182 Applicability. In addition to other areas which may be so zoned by the City, this district shall apply to publicly owned parklands. [Adopted by Ord. 550, ef. 9/25/90]
- 3.183 Permitted Uses. The following uses and their accessory uses are permitted in the OS district:
- A. Parks or playgrounds.
  - B. Picnic grounds.
  - C. Wildlife and nature preserves.
  - D. Nature trails and/or bikeways.
  - E. Utility facilities, minor.
  - F. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]
- 3.184 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the OS district:
- A. Boat ramps.
  - B. Swimming facilities.
  - C. Community gardens.
  - D. Ball fields.
  - E. Tennis courts.
  - F. Community service uses.
  - G. Utility facilities, major.
  - H. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]
- 3.185 Development Criteria. Development criteria shall include, but are not limited to, the following:
- A. OS district uses shall be compatible with adjacent land uses.
  - B. Picnic grounds and parking facilities shall be equipped with trash receptacles.

- C. OS districts shall be maintained by the City if publicly owned; by the owner(s) if privately owned. [Adopted by Ord. 550, ef. 9/25/90]

**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 ORS 215, 517, and 522, Department of Land Conservation and Development Statewide Planning Goals 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, and 6, Air, Water, and Land Resources Quality, 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. [Adopted by Ord. 550, ef. 9/25/90]

4.011 Justification.

- A. There is a need to conserve and protect known mineral and aggregate resources for present and future generations.
- B. There is a need to promote healthy and visually attractive environments, and to reduce conflicts between different land uses.
- C. There is a need to plan and implement strategies to reclaim mineral and aggregate land for other uses which comply with the City's Comprehensive Land Use Plan.
- D. There is a need to provide regulations in accordance with Department of Land Conservation and Development Statewide Planning Goals and other applicable state, federal, and local laws. [Adopted by Ord. 550, ef. 9/25/90]

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 watchman, as are reasonably necessary for the conduct of the proposed use. [Adopted by Ord. 550, ef. 9/25/90]

4.013 Approval Criteria. The Planning Commission shall find that:

- A. An economic deposit of the mineral resource proposed to be extracted exists.
- B. There is a proposed reclamation plan which is in conformance with the Comprehensive Land Use Plan and the underlying district.
- C. Adverse impacts on the surrounding areas with regard to 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; and
  - 9. Reclamation.
- D. 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.
- E. Setbacks for the proposed operations are appropriate for the nature of the use and the area where the use is to be conducted.

- F. Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies having jurisdiction over mineral extraction, and the applicable requirements in ORS Chapters 517 and 522 as codified in 1986, have been complied with. [Adopted by Ord. 550, ef. 9/25/90]

#### 4.014 Additional Requirements.

- A. Setbacks. The minimum setback shall be the setbacks required in the underlying district unless the Planning Commission 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 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 shall be waived.
- F. Access Roads. All access to the site shall be by route approved by the Planning Commission.
- G. Screening. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views, where possible, within five 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. Other restrictions and limitations shall be as required in the underlying district.

- K. Reclamation Plan. This plan shall be consistent with the City's land use planning policies. The plan shall be prepared at a scale of not less than 1"=400', with topographic contour intervals of not less than five feet. [Adopted by Ord. 550, ef. 9/25/90]



**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. [Adopted by Ord. 550, ef. 9/25/90]
- 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. [Adopted by Ord. 550, ef. 9/25/90]
- 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 15 feet.
  - D. Pipelines.
  - E. Underground utility wires. [Adopted by Ord. 550, ef. 9/25/90]
- 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 Planning Division.
  - 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.  
[Adopted by Ord. 550, ef. 9/25/90]

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. 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.  
[Adopted by Ord. 550, ef. 9/25/90]

**4.200 COMMUNITY RESOURCE PROTECTION CR**

4.210 Purpose. The purpose of this section is to provide procedures to protect and preserve structures, sites, and objects which represent a historical or cultural resource to the community, and to provide appropriate means for their protection and preservation. [Adopted by Ord. 550, ef. 9/25/90]

4.211 Area of Application. A CR designation may be applied to any site or structure in any zone. The application of the CR designation shall be considered on a case-by-case basis, based upon the criteria set forth in this section. Any use, renovation, maintenance, or other alteration proposal shall be reviewed as required depending upon the requested program for preservation. [Adopted by Ord. 550, ef. 9/25/90]

4.212 Designation Procedure.

- A. Any person may request designation as a community resource for any specific site, structure, or object. That person shall be considered the applicant and shall be required to pay all fees, including costs of any studies or special reports associated with the application. Applications shall be considered a zone change and shall be reviewed as a Type IV procedure. In addition to any other notice required, the property owner shall be notified by certified mail of any pending action when the property owner is not the applicant.
- B. No building, alteration, demolition, or removal permits for any structure or site shall be issued while an application or any appeal is pending.
- C. The Planning Commission and City Council shall use the following criteria and standards to evaluate whether a particular object, site, or structure merits a CR designation:
  1. Association with historic or famous events; or
  2. Unique architectural design or mode of construction because of:
    - a. Representative character of a period or style of architecture or method of construction; or
    - b. Extraordinary or unusual architectural merit by reason of design, detail, use of materials, or craftsmanship; or
    - c. Identification as the work of an architect, designer, or master builder whose individual work has influenced development in the nation, state, or community; or
    - d. Age of resource; or
  3. Inclusion in an official Register of Historic Places; or
  4. Relationship to the broad cultural history of the nation, state, or community; or

5. Identification with a person or persons who have significantly contributed to the history of the city; or
  6. Identification as a unique object representing an aesthetic or educational feature of the community.
- D. The property owner may offer evidence on the effect of a CR designation on the use of the property including the economic impact, loss of revenue or valuation, costs of renovation and maintenance, ease of marketing, and so on. The Planning Commission and City Council must weigh any individual inconvenience against the importance to the community of maintaining the resource in whole or in part.
- E. The decision of the Planning Commission and City Council shall identify the significance of the resource, what feature or features of the resource should be preserved and protected, and how that should be accomplished according to section 4.213, Program to Preserve the Resource, of this chapter. [Adopted by Ord. 550, ef. 9/25/90]
- 4.213 Program to Preserve the Resource. The Planning Commission and City Council shall determine the most appropriate means to preserve and protect the feature or features of the resource determined to be significant. The program may include any of the following or any other program determined to be appropriate:
- A. Site or Structure Preservation. The City Council, upon a recommendation from the Planning Commission, may determine that the site or structure is so important as a community resource that it should be preserved as nearly as possible in its original condition.
    1. Permitted uses.
      - a. In any site or structure designated CR, all uses permitted outright in the underlying district shall be permitted.
      - b. In addition, the Planning Commission may authorize any use as a conditional use which can be shown to contribute to the preservation or reuse of the site or structure, subject to the criteria of chapter 6.300, Conditional Use, of this code.
    2. Alterations.
      - a. The Director may approve any application for a building permit for interior remodeling or ordinary maintenance and repair of any exterior architectural feature that does not involve a change in design, material, or appearance. If the proposed work involves a change in design, material, or appearance, or is beyond the normal scope of maintenance and repair, the Director may refer the application to the Planning Commission for additional review.
      - b. The Director may authorize emergency repairs, or any construction, reconstruction, demolition, or removal of any architectural features

identified by the building official as necessary to protect the public from unsafe or dangerous conditions.

- c. Any proposal for construction, alteration, or renovation for any site or structure designated CR shall be referred to the Planning Commission and reviewed using the criteria in Chapter 9, Off-Street Parking and Loading, of this code and, as guidelines, the standards of the Secretary of the Interior for Rehabilitation of Historic Structures.
3. Demolition.
    - a. The Director shall refer any request for demolition of a site or structure designated CR to the Planning Commission as a Type III quasi-judicial procedure.
    - b. The Planning Commission shall consider the application at a public hearing within 45 days of filing. The Planning Commission shall make a recommendation based upon the criteria in section 4.212, Designation Procedure, of this chapter. The importance to the public of retaining the object, site, or structure shall be weighed against the hardship to the owner and any potential hazard to the public if the site or structure is to be retained.
    - c. The decision of the Planning Commission shall be forwarded to the City Council for action. The City Council shall consider the record from the meeting of the Planning Commission, and any additional evidence not available at the Planning Commission hearing, at a public hearing within 30 days of the Planning Commission's action. The City Council shall make written findings to support any decision. If the City Council determines that the public need is best served by granting a demolition permit, it may order a photographic or other record be made by the property owner, and it may require that certain features be preserved for reuse, or that a sign be installed to identify the site and its significance.
    - d. When a request for demolition is approved, the CR designation shall be removed and so noted in the Comprehensive Land Use Plan and Inventory.
  - B. Identification. A sign, in a form approved by the Director, may be placed by the property owner, or with the property owner's permission, to identify the site or structure as a community resource. The sign shall state the name of the resource and briefly describe its significance. The sign shall be subject to requirements of Chapter 10, Signs, of this code.
  - C. Archival Record. The City Council may order the preparation of a file, to include where appropriate, photographs, measured drawings, site or structure plans, maps, narrative, and any other pertinent documentation. The file shall be kept in the archives of the City as a permanent record.

- D. Facade Easements. The City may accept facade easements for all or part of a structure as a method for retaining the original appearance of that structure which has been determined to be architecturally significant, or other methods deemed appropriate by the Planning Commission. [Adopted by Ord. 550, ef. 9/25/90]

**4.300 HILLSIDE**

**HS**

**4.310 – 4.316**

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]

### 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 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 Goals 6, Air, Water, and Land Resources Quality, and 7, Areas Subject to Natural Disasters and Hazards.  
[Adopted by Ord. 702, ef. 11/24/00]

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. 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 map is 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 25% or greater that have a horizontal distance of 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 4.600, 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 on rare occasions in areas outside the vegetation corridors and may occur on slopes less than 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. [Adopted by Ord. 702, ef. 11/24/00]

#### 4.312 Uses within the Vegetation Corridor and Slope District.

- A. Permitted Uses within the Vegetation Corridor and Slope District.
  1. Open space, trails, walkways, and bike paths, as designated by the Troutdale Parks Plan, or as approved with a land use application, and in compliance with subsection 4.315(D) of this chapter.
  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 dead or dying trees that are an imminent danger to public safety as determined by the Director.

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 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.
  8. Construction of stormwater quality facilities in compliance with the standards of section 5.840, Design Standards, 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.
- 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.
  6. Outside storage of hazardous materials as defined by the Department of Environmental Quality.

7. Expansion of nonconforming uses. [Adopted by Ord. 702, ef. 11/24/00]

4.313 Approval Procedures. Permits are required for all uses within this district:

- A. Administrative Review. A 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 I Procedure. New development for a single-family dwelling within the vegetation corridor and slope district shall be reviewed under the Type I site and design review procedure only if the proposed use or structure meets all of these conditions:
  - 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 5.800, 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 shall approve plans for any permitted use in the underlying zoning district requiring a building 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 6.220, Type II Variance, of this code. An affirmative finding must be made, with or without conditions, for each variance criteria. [Adopted by Ord. 702, ef. 11/24/00]

4.314 Submission Requirements. For the purpose of minimizing sedimentation of protected water features, maintaining water quality, and minimizing erosion and landslide hazards where development is proposed within the vegetation corridor and slope district, the Director shall require submission of 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 or developer shall be responsible for submitting such information with a land use application, or in the case of single-family construction, submitted with the construction plans.
  - 1. Grading and erosion control plan. The grading and erosion control plan for the development shall comply with the *Technical Guidance Handbook, Erosion Prevention and Sediment Control Plans*, by the City of Portland

Bureau of Environmental Services and the Unified Sewerage Agency of Washington County, 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-foot intervals.
  - b. At least three slope measurements along the affected water feature shall be made, at no more than 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 administered by the City.
- B. A hydrology, geology, and soils report of the site in accordance with the following:
1. Prepared by a licensed professional 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 5.800, 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. [Adopted by Ord. 702, ef. 11/24/00]

4.315 Development Standards. Permitted uses in the vegetation corridor and slope district are to be developed in compliance with the following development standards:

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 6.220, Type II Variance, of this code, a maximum of 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 6.220, 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 50% from the underlying zoning district setback dimension where necessary to avoid construction on slopes of 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 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 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.
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 Director, Site and Design Review Committee, or Planning Commission 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 construction plans, and shall be implemented prior to issuance of a Certificate of Occupancy.
  - 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 4.600, Flood Management Area, 5.600, Erosion Control and Water Quality Standards, and 5.800, 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 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 5.800, 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.

1. A gravel walkway or bike path shall not be constructed closer than ten 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 of the trail may be within 30 feet of the protected water feature.
2. A paved walkway or bike path shall not be constructed closer than ten 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 of the trail may be within 30 feet of the protected water feature.
3. A walkway or bike path shall not exceed ten feet in width.

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 4.600, Flood Management Area, 5.600, Erosion Control and Water



Quality Management, and 5.800, 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. [Adopted by Ord. 702, ef. 11/24/00]

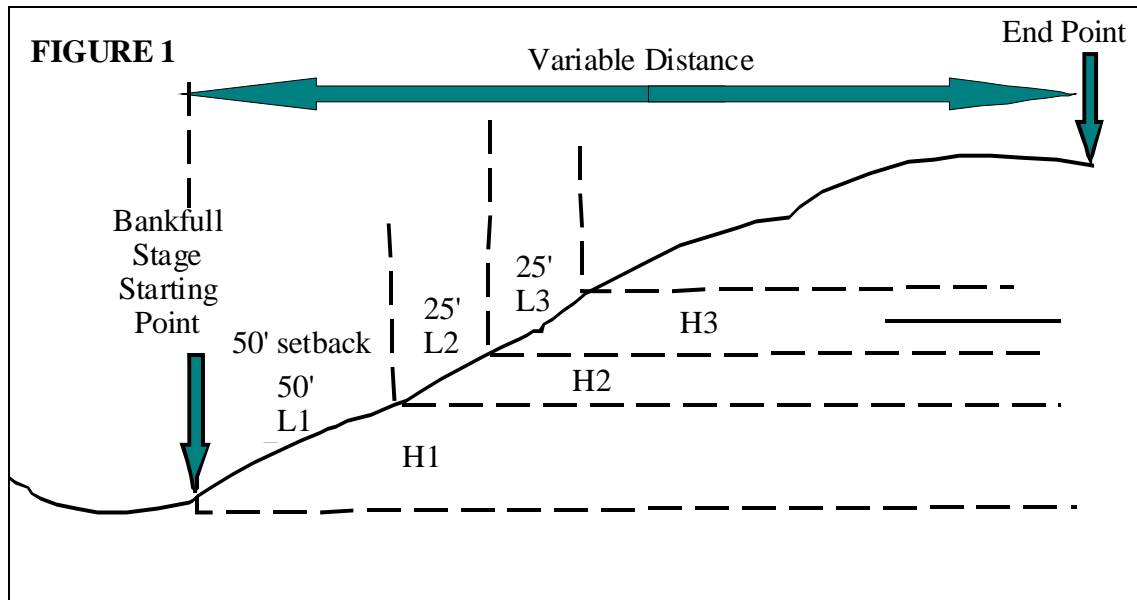
4.316 **Width of Vegetation Corridor.**

Protected Water Feature	Slope Adjacent to Protected Water Feature <sup>1</sup>	Starting Point for Measurements from Water Feature	Minimum Width of Vegetation Corridor <sup>2&amp;3</sup>
Primary Protected Water Features	<25%	Edge of bankfull stage or two-year storm level. Delineated edge of Title 3 wetland.	50 feet
Primary Protected Water Features	≥25% for less than 150 feet <sup>3</sup>	Edge of bankfull stage or two-year storm level. Delineated edge of Title 3 wetland.	Distance from starting point of measurement to top of ravine (break in ≥25% slope) <sup>4</sup> , plus 50 feet <sup>5</sup>
Primary Protected Water Features	≥25% for 150 feet or more <sup>3</sup>	Edge of bankfull stage or two-year storm level. Delineated edge of Title 3 wetland.	200 feet <sup>4</sup>
Secondary Protected Water Features	<25%	Edge of bankfull stage or two-year storm level.	15 feet
Secondary Protected Water Features	≥25% <sup>3</sup>	Edge of bankfull stage or two-year storm level.	50 feet

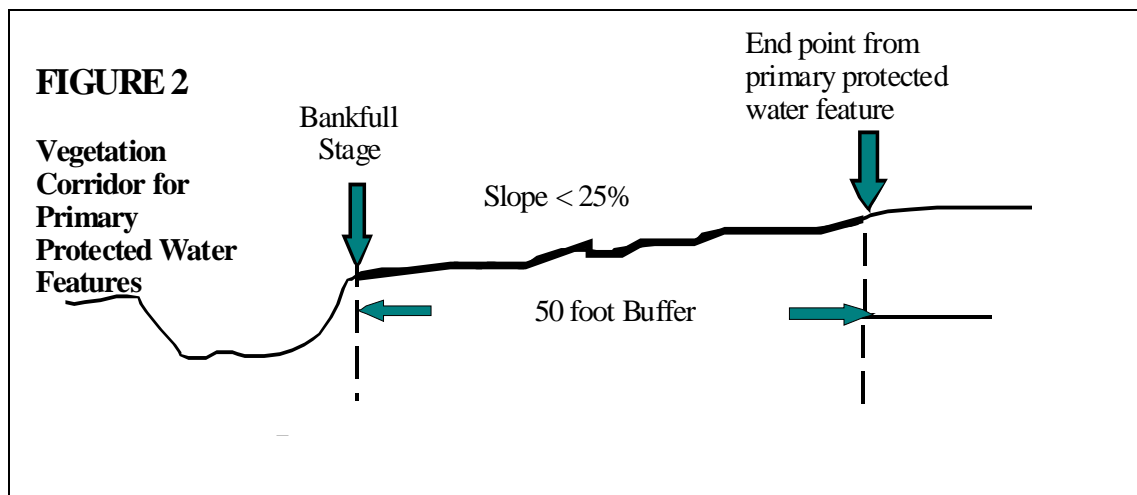
- 1 At least three slope measurements, evenly spaced along the frontage adjacent to the protected water feature, shall be made, at no more than 100-foot increments.
- 2 These minimum setbacks may be affected by other overlay standards.
- 3 Vegetation corridors in excess of 50 feet for primary protected water features, or in excess of 15 feet for secondary protected water features, apply on steep slopes only in the *uphill* direction from the protected water feature.
- 4 Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the slope that is ≥25% (see Figures 4 and 5 in section 4.317 of this chapter). If a slope of ≥25% continues beyond 200 feet, the development standards of this chapter continue to apply until the break in slope.
- 5 A maximum reduction of 25 feet may be permitted in the width of vegetation corridor beyond the break in slope if a geotechnical report demonstrates that the slope is stable. To establish the width of the vegetation corridor, measure in 25-foot increments from the minimum setback away from the water feature until the slope is less than 25% (top or ravine). [Adopted by Ord. 702, ef. 11/24/00]

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

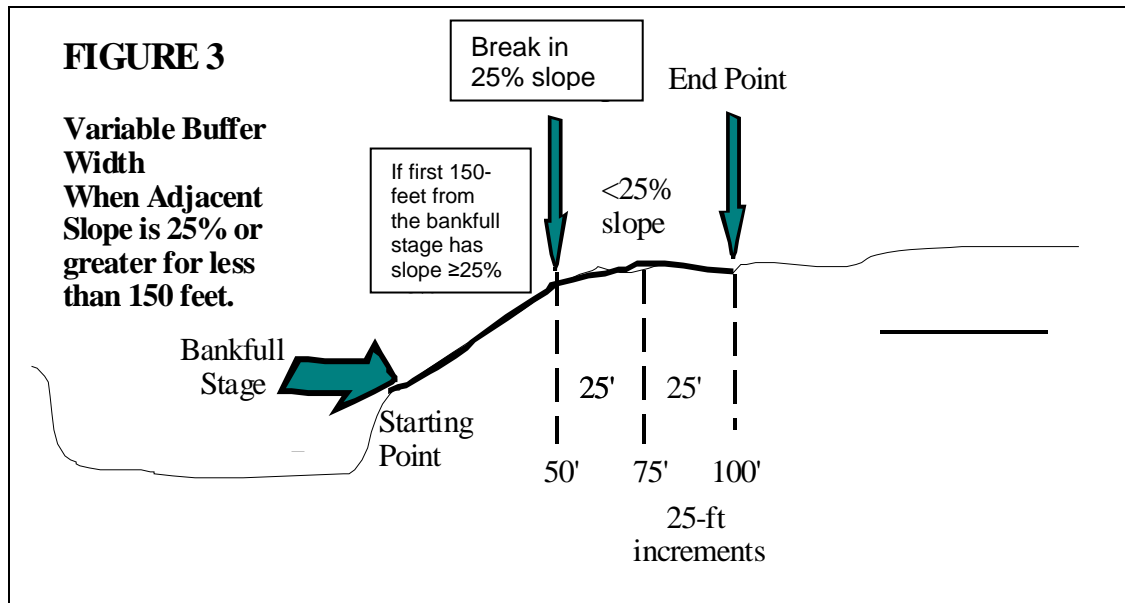
**Figure 1.** How to measure slopes. Measure 50 feet horizontally (L1) from the bankfull stage and determine the slope ( $H1/L1$  is the difference in elevation divided by the difference in horizontal distance multiplied by 100).



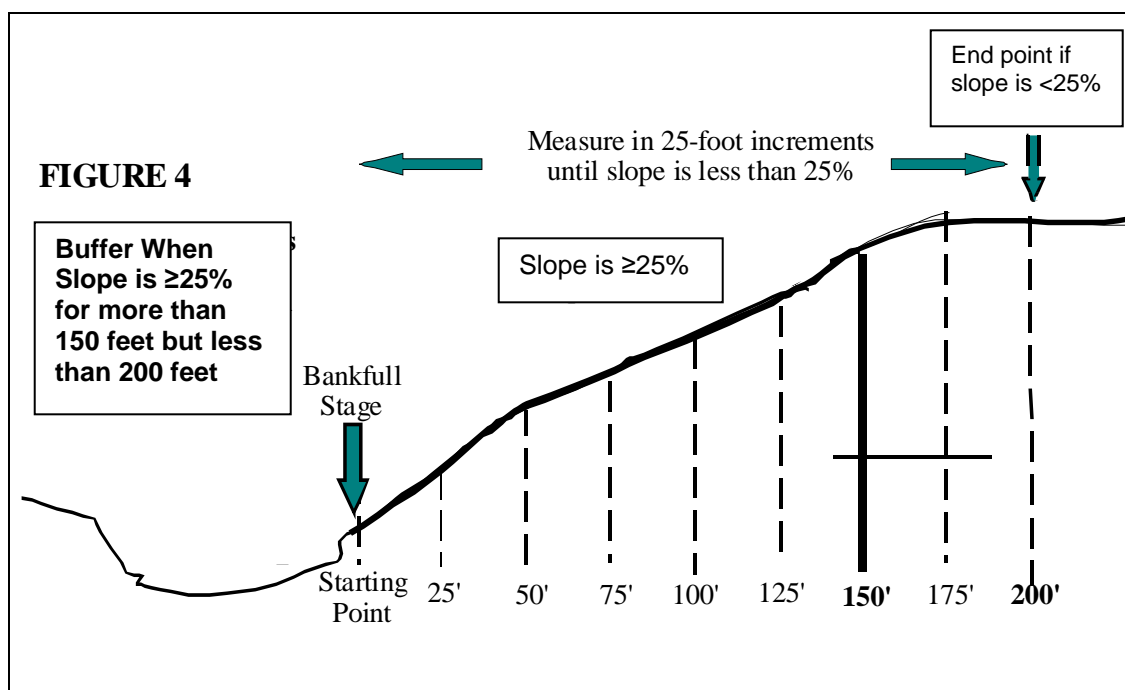
**Figure 2.** If the slope in this 50-foot area is less than 25%, the corridor width is 50 feet from the bankfull stage.



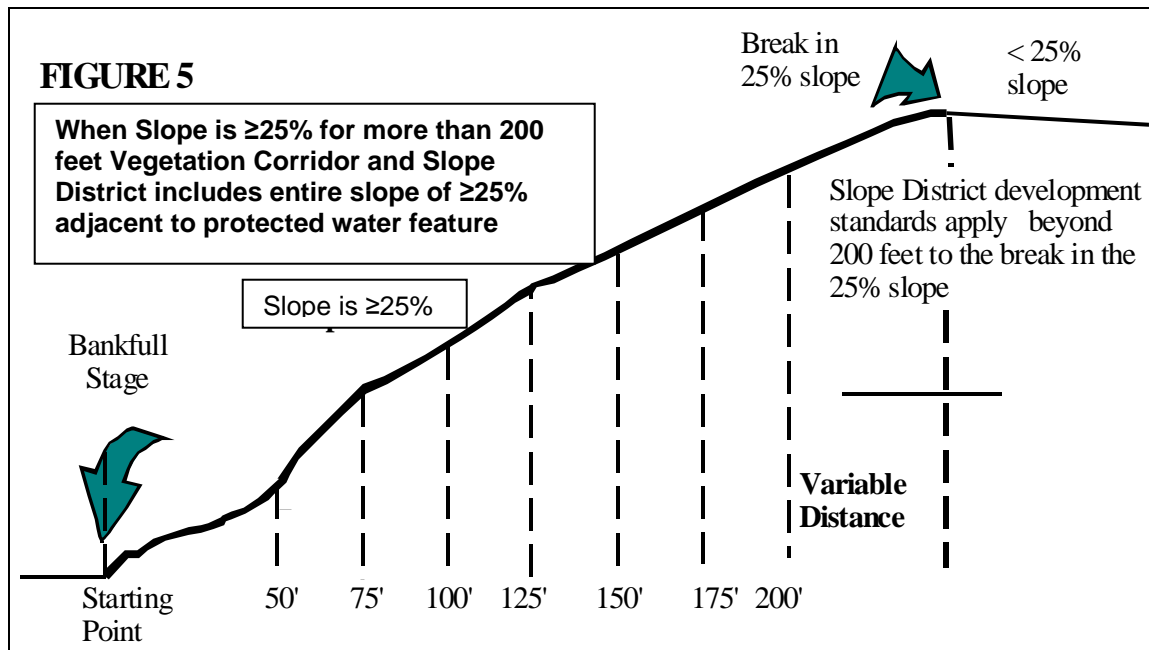
**Figure 3.** If the slope adjacent to the protected water feature is 25% or greater for less than 150 feet, measure horizontally in increments of 25 feet until the slope is *less than* 25% ( $H2/L2 < 25\%$ ) and add 50 feet. This is a variable end point. The vegetation corridor may be 50-, 75-, 100-,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



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



**Figure 5.** When you reach 200 feet from the top of the bank and the slope continues to be  $\geq 25\%$  beyond the 200 feet, continue measuring until the break in the  $\geq 25\%$  slope. No additional setback will be required beyond the break in slope.



Advantages:

1. Provides protection for slopes of 25% and greater, yet corridor widths can be varied to fit a number of different situations. Development on slopes in excess of 25% beyond the vegetation corridor as determined by the table in section 4.316, Width of Vegetation Corridor, of this chapter and the preceding 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. [Adopted by Ord. 702, ef. 11/24/00]

**4.400 CONGREGATE HOUSING CH**

4.410 Purpose. The purpose of this district is to provide housing alternatives for elderly or handicapped persons. The standards set forth in this section are intended to ensure that congregate housing developments provide a minimum of services and facilities to accommodate the needs of the residents, and to relieve any possible detrimental effects of the development on surrounding properties. [Adopted by Ord. 550, ef. 9/25/90]

4.411 Justification. This overlay recognizes that housing for senior citizens and handicapped persons customarily has less impact on surrounding properties than typical multiple-family developments providing the same number or fewer units, and therefore, deserves special consideration. [Adopted by Ord. 550, ef. 9/25/90]

4.412 [Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 731, ef. 6/26/03]

4.413 Density Standards. The maximum number of units allowed in a congregate housing facility shall be 50% above the standard density of the underlying zoning district. [Adopted by Ord. 550, ef. 9/25/90]

4.414 Dimensional Standards. The setbacks and height limitations shall be in compliance with the standards of the underlying zoning district. [Adopted by Ord. 550, ef. 9/25/90]

4.415 Additional Requirements.

- A. Age Restriction. Congregate housing is intended for persons 55 years of age and older, or handicapped persons.
- B. Any principal or accessory use allowed in the zoning district may be provided. These uses shall be primarily for residents and guests.
- C. Community Space. All complexes shall have a minimum of 15 square feet of community space for social and recreational opportunities per occupant, based on one person per bedroom. Community space may include, but is not limited to:
  - 1. Game rooms, meeting rooms, music rooms, or craft rooms.
  - 2. Congregate dining facilities. Complexes with or without kitchen facilities in each unit may include congregate dining facilities providing regular daily meals for residents. Areas used as congregate dining areas may be applied to the minimum community space requirements.
- D. Laundry and Storage. A minimum of ten square feet of general storage area (80 cu. ft.), other than regular kitchen, bedroom, and linen storage, shall be provided within each unit. Complexes which do not include laundry facilities in the units shall have adequate laundry facilities accessible to all tenants.
- E. Design Standards. The design of the building, and the site and landscaping plans, shall be subject to review. Special considerations for this use may include, but are not limited to:

1. Compatibility in style, color, materials, and scale with the general character of the neighborhood.
  2. Defining semi-public, semi-private, and private spaces.
  3. Minimizing barriers to handicapped or elderly persons.
  4. Security and protection for residents.
- F. Landscaping Requirements. A minimum of 25% of the site shall be landscaped.
- G. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this code. [Adopted by Ord. 550, ef. 9/25/90]

**4.500 PLANNED DEVELOPMENT PD**

4.510 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. [Adopted by Ord. 550, ef. 9/25/90]

4.511 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. Other uses approved as part of the general plan.
4. Accessory buildings and uses. [Adopted by Ord. 550, ef. 9/25/90]

4.512 Areas of Application. Commercial, Industrial, and Residential. The Planned Development process may be applied in any zone to all commercial and industrial uses, and all residential uses for site-constructed housing, subject to requirements of the underlying district, the land division regulations, and sections 4.513, Dimensional Standards, and 4.514, General Requirements, of this chapter. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]

4.513 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 four acres of contiguous land, unless the Planning Commission finds that property of less than four acres is suitable as a Planned Development by virtue of its unique character, topography, or landscaping features, or by virtue of its qualifying as an isolated problem area as determined by the Planning Commission. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]

#### 4.514 General Requirements.

A. **Compatibility with Neighborhood.**

1. The Planned Development shall present an organized arrangement of buildings, facilities, open spaces, and improvements such as recreation facilities, landscaping, and fencing to ensure compatibility with the Comprehensive Land Use Plan and the area in which it is to be located.
2. 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. Open space shall be provided for the recreational and leisure use of the individuals occupying the Planned Development, and 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.
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 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 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 general plan and program.
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 25% 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; 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 general plan. Each such stage shall be substantially complete within itself.
- 2. The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 716, ef. 5/9/02]

4.515 Procedure. An application for a Planned Development shall be a Type IV quasi-judicial procedure. [Adopted by Ord. 550, ef. 9/25/90]

4.516 Approval Criteria. An application may be approved, approved with conditions, or denied based upon substantial conformance with the following criteria:

- A. The proposed development complies with the Comprehensive Land Use Plan and is compatible with the surrounding area or its proposed future use.
- B. That exceptions from the standards of the underlying district are warranted by the design and amenities such as usable common open space, cluster development, etc.
- 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.
- D. That the proposed development can be substantially completed within four years following approval. [Adopted by Ord. 550, ef. 9/25/90]

4.517 Planned Development Process Outline.

- A. Pre-Application Conference.

- B. Submittal of Tentative Plan.
    - 1. Tentative plan sketch.
    - 2. Program narrative.
    - 3. Supplemental data.
    - 4. Payment of fees.
    - 5. Submission of property ownership list.
  - C. Acceptance of application or return for completion of supplemental data.
  - D. Review of tentative plan by Director, staff, and affected agencies.
  - E. Referral to Planning Commission with staff recommendations.
  - F. Recommended approval, approval with conditions, or denial by Planning Commission at a scheduled public hearing.
  - G. Submission of tentative plan and program to City Council with recommended action.
  - H. Submission of general plan and program. Review by staff to check for compliance with tentative plan approval and any conditions required.
  - I. Referral to Planning Commission with staff recommendations.
  - J. Recommended approval, or approval with modifications/conditions, by the Planning Commission at a scheduled public hearing.
  - K. Submission of general plan and program to City Council for action.
  - L. Submission of final plan and program to the Planning Division for review of compliance with approved general plan.
  - M. Subdivision of property and dedication of streets, if necessary.
  - N. Recordation of public site dedications and development rights prior to issuance of any building permits. [Adopted by Ord. 550, ef. 9/25/90]
- 4.518 Pre-Application Conference. Pursuant to section 2.030, Pre-Application Conference, of this code, prior to submission of a tentative plan the proponent shall request the Director to arrange a pre-application conference, unless the Director finds that a conference is not needed. The proponent shall submit to the Director a tentative sketch of the proposed development. The sketch shall be drawn to scale which shall be noted on the plan. The following information shall be provided:

- A. Names and right-of-way widths of all streets within 150 feet of the proposed development.
- B. Scale of drawing, north arrow, and date; a scale of 1"=100' is preferred.
- C. Proposed land uses and number of units by type of units.
- D. Natural features (such as trees, streams, and rock outcroppings).
- E. Approximate size of lots, if a land division is involved.
- F. Proposed street pattern with right-of-way widths.
- G. All contiguous holdings of the owner, including land in the "same ownership", with an indication of the portion which is proposed to be divided. [Adopted by Ord. 550, ef. 9/25/90]

4.519 Tentative Plan.

- A. Submission Requirements. The proponent shall submit an application with applicable fees to the Planning Commission for approval in principal. The tentative plan shall consist of 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. Procedures.
  - 1. The Planning Commission shall review the tentative 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.
  - 2. The City Council shall consider the tentative plan and program at a public hearing and take action based upon action recommended by the Planning Commission.
  - 3. Approval of the tentative 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.
  - 4. Tentative Plan Expiration Date. Within one year following the effective date of approval of a tentative plan, the general 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 tentative plan. The Director may, upon written request by the subdivider, grant an extension of the expiration date of up to six 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 tentative

plan, and after finding that no other development approval would be affected.

- C. 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. Site analysis diagram.
  6. Land division plan if the land is to be divided.
  7. Applicant's statement of the goals and objectives of the planned development.
  8. Proposed ownership pattern.
  9. Operation and maintenance proposal, i.e., homeowners association, co-op, or other similar organization.
  10. 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.
  11. Applicant's statement of how the proposed Planned Development complies with the applicable Comprehensive Land Use Plan policies.
  12. Applicant's demonstration of substantial contractual interest in the land.
  13. That adequate financing can be demonstrated to be available to the applicant to assure substantial completion of the proposal.
  14. 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.
  15. General timetable of development. [Adopted by Ord. 550, ef. 9/25/90]

#### 4.520 General Plan and Program.

- A. Procedure. After receiving approval of the tentative plan, the applicant shall have a general plan and program prepared. Upon receipt of the petition accompanied by the general plan, the Planning Commission shall hold another public hearing.
- B. General Information. The general plan shall contain the following elements:
1. The general plan shall be in conformance with the approved tentative plan.
  2. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.
  3. Location, widths, 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 500 feet of the boundaries of the development.
  4. Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
  5. Proposed sewers or other disposal facilities, water mains, and other underground utilities.
  6. A tentative subdivision plan if the property is proposed to be divided.
  7. A land use plan indicating the uses planned for the development.
  8. 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.
  9. Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
  10. A traffic flow map showing the circulation pattern within, and adjacent to, the proposed development.
  11. Location and dimensions of pedestrian walkways, malls, trails, or easements.
  12. Location, arrangement, number, and dimensions of automobile garages and parking spaces, width of aisles, bays, and angle of parking, if any.
  13. Location, arrangement, and dimensions of truck loading and unloading spaces and docks, if any.
  14. Tentative architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance, and number of dwelling units, if applicable.

15. 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.
  16. The approximate locations, height, and materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included.
  17. The stages, if any, of the development construction. Such stages shall be clearly marked on the general development plan.
  18. Narrative statement of the goals and objectives of the Planned Development.
  19. A completed market analysis, if required by the Planning Commission.
  20. Evidence of resources available to develop the project.
  21. 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.
  22. Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.
  23. Drafts of appropriate restrictive covenants and documents providing for the maintenance of any common open space, required dedications or reservations, public open spaces, and any dedications of development rights.
- B. Approval of General Plan and Program. The City Council may approve the general plan with or without modifications as recommended by the Planning Commission.
- C. Expiration. If substantial construction or development, as determined by the Director, has not taken place within four years from the date of approval of the general plan, the Planning Commission shall review the Planned Development permit 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 remove the Planned Development designation on the subject. [Adopted by Ord. 550, ef. 9/25/90]
- 4.521 Final Plan. Following approval of the general plan by the City Council, the applicant shall prepare a final plan which shall be submitted to the Planning Division to check for compliance with the approved general 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.
- E. An approved PD shall be identified on the Zoning Districts Map in addition to the existing underlying district. For example, if a PD is approved in an area zoned R-10, the symbol identifying the PD area shall be shown as R-10PD on the Zoning Districts Map. [Adopted by Ord. 550, ef. 9/25/90]

#### 4.522 Changes and Modifications.

- A. Major Changes. Major changes in the general 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.
  - 1. Minor changes in the general plan may be approved by the Director, provided that such changes:
    - a. Do not increase the residential densities.
    - b. Do not change boundaries.
    - c. Do not change any use.
    - d. Do not change the location or amount of land devoted to specific land uses.
  - 2. 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. [Adopted by Ord. 550, ef. 9/25/90]

#### 4.523 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. [Adopted by Ord. 550, ef. 9/25/90]



**4.600 FLOOD HAZARD**

**FH**

4.610 – 4.632

[Adopted by Ord. 550, ef. 9/15/90; Renumbered from 5.610 by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]

4.633 – 4.634

[Adopted by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]

**4.600 FLOOD MANAGEMENT AREA****FLMA**

4.610 Purpose. The purpose of this chapter is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions or degradation of water quality in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money and costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; streets; and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- I. Maintain and improve water quality;
- J. Minimize erosion and loss of native vegetation;
- K. Maintain wetlands, including swamps, marshes, bogs, and similar areas within the City, because wetlands help to maintain water quality and flood storage capacities; and
- L. Avoid any increase in base flood elevations as a result of development. [Adopted by Ord. 702, ef. 11/24/00]

4.611 Methods of Reducing Flood Losses and Maintaining Water Quality. In order to accomplish the purpose of this chapter, this section includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters.
- D. Controlling filling, grading, dredging, and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.
- F. Maintaining and reintroducing approved vegetation which minimizes erosion and helps to maintain and improve water quality. [Adopted by Ord. 702, ef. 11/24/00]

#### 4.612 Applicability.

- A. This chapter shall apply to all development of land within the Flood Management Area within the planning jurisdiction of the City.
- B. The 100-year flood plain has been mapped generally by the Federal Insurance Administration in a scientific and engineering report entitled, *The Flood Insurance Study for the City of Troutdale, Oregon*, dated August 3, 1998, as amended, with accompanying Flood Insurance Rate Map (FIRM), Community Panel Number 410184 0005D, dated August 3, 1998, as amended, published by the Federal Emergency Management Agency (FEMA). Metro has included the flood hazard areas from the Flood Insurance Rate Map and areas inundated by flooding in 1996 on the Title 3 map. The Title 3 maps, the Flood Insurance Study, and the Flood Insurance Rate Map are adopted for reference only. The applicant for development within this area shall be responsible for precisely establishing base flood elevations and delineating the boundaries of the Flood Management Area based upon site-specific field surveys and delineations certified by a licensed surveyor. Contested base flood elevations are to be reviewed under the provisions of subsection 4.613(C) of this chapter. The City will keep a record of all surveys, delineations, and any Letter of Map Amendments (LOMA) approved by the Federal Emergency Management Agency, as revisions to the local copy of the Title 3 map. The City will submit this information to Metro for future updates of the Title 3 map. A field survey shall consist of the following:
  - 1. 100-year flood plain boundaries, and the base flood elevation as measured from mean sea level (MSL).
  - 2. The 1996 flood boundaries, and the base flood elevation as measured from means sea level.
  - 3. Floodway boundaries as determined by datum available from any of the following agencies: the Federal Emergency Management Area, the U.S. Army Corps of Engineers, Metro, or the Oregon Division of State Lands.
  - 4. The name, location, and dimensions of affected streams or rivers, and the bankfull flow or the two-year storm level.

5. The area comprising the vegetation corridor as established by sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this code.
6. Wetlands that are determined significant by the Oregon Division of State Lands or have the following characteristics. All wetland determinations made prior to development must be reviewed and acknowledged by the Oregon Division of State Lands prior to issuance of City permits. The characteristics shall be determined by a qualified scientist.
  - a. The wetland is fed by surface flows, sheet flows, or precipitation; has evidence of flooding during the growing season; at least 60% of the area is vegetation; and is over one-half acre in size; or, the wetland qualifies as having “intact water quality function” under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
  - b. The wetland is in the Flood Management Area; has evidence of flooding during the growing season; is five acres or more in size; and has a restricted outlet or no outlet; or, the wetland qualifies as having “intact hydrologic control function” under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
  - c. The wetland, or a portion of the wetland, is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of “water quality limited water body” in OAR Chapter 340, Division 41 (1996).
- C. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This code shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any damages that result from reliance on this code or any administrative decision lawfully made hereunder. [Adopted by Ord. 702, ef. 11/24/00]

4.613 Interpretation of Flood Insurance Rate Map Boundaries and Edge of Bankfull Flow or Two-Year Storm Level.

- A. The Director shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). In the interpretation and application of this chapter, all provisions shall be:
  1. Considered as minimum requirements;

2. Judged by established historical facts of flooding as known by, or made known to, the governing body;
  3. Deemed neither to limit nor repeal any other powers granted under state statutes; and
  4. Defined in section 1.040, Vegetation Corridor and Slope District, and Water Quality and Flood Management Definitions, of this code.
- B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with section 4.612, Applicability, of this chapter, the City may obtain, review, and reasonably utilize any base flood elevation and floodway data available from the developer or property owner, or a federal, state, or other source, in order to manage development within the Flood Management Area.
- C. Contested Boundaries. A person contesting the location of the boundary has the opportunity to submit a Letter of Map Amendment directly to the Federal Emergency Management Agency to change the Flood Insurance Rate Map mapping of their property. If a land use application is submitted before a Letter of Map Amendment is approved by the Federal Emergency Management Agency, the application will be processed under the standards of this chapter. [Adopted by Ord. 702, ef. 11/24/00]

4.614 Uses Within the Flood Plain but Outside the Floodway, Wetlands.

- A. Prohibited Uses.
1. Any prohibited use in the underlying zoning district.
  2. Excavation, fill, or vegetation removal without an approved land use permit.
  3. Expansion of legal nonconforming uses.
  4. Outside storage of hazardous materials as defined by the Department of Environmental Quality.
- B. Permitted Uses.
1. Any use permitted in the underlying zoning district subject to the standards for development outlined in section 4.617, Development Standards, of this chapter. Exception: No new land divisions will be approved for properties exclusively within the Flood Management Area.
  2. Open space, trails, walkways, and bike paths as designated by the Troutdale Parks Plan, or as approved with a land use application and in compliance with subsection 4.315(D) of this chapter.
  3. Removal of refuse and unauthorized fill.

4. Removal of nuisance or invasive plant species, and/or the restoration of approved plant species on the Metro Native Plant List kept on file at the Community Development Department.
5. Removal of dead or dying trees that are an imminent danger to public safety as determined by a certified arborist or the equivalent.
6. Construction of new public roadways and public utilities necessary to support permitted development within and outside the Flood Management Area, subject to the standards of section 4.617, Development Standards, of this chapter and the construction standards on file in the Public Works Department.
7. New culverts, stream crossings, and transportation projects may be permitted if designed as balanced cut and fill projects, or designed to not significantly raise the design flood elevation, and in compliance with the standards of section 4.617, Development Standards, of this chapter. Such projects shall be designed to minimize the area of fill in Flood Management Areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.
8. Excavation and fill required for the construction of detention facilities or structures, and other facilities such as levees specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable land.
9. Emergency bank stabilization necessitating immediate action during a flood event to prevent the loss of an existing structure, or to repair a bank damaged during a natural flooding event.
10. Routine repair and maintenance of existing structures (conforming and nonconforming uses), streets, driveways, utilities, 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.
11. Rehabilitation or replacement of a structure that is damaged or destroyed to any extent, whether it is partially or fully within the Flood Management Area, and in compliance with section 4.619, Prescribed Conditions for the Rehabilitation or Replacement of Pre-Existing Structures, of this chapter. Any structure or use deliberately removed or demolished may not be restored, replaced, or rebuilt, except in compliance with all applicable provisions of the Development Code, and federal, state, and county regulations. [Adopted by Ord. 702, ef. 11/24/00]

#### 4.615 Uses within the Floodway and Wetlands.

- A. Prohibited Uses within the Floodway and Wetlands. Unless specifically permitted under this section, the following uses are prohibited within floodways and wetlands:
1. Manmade structures.
  2. Vegetation removal, fill, or excavation.
  3. Private road construction.
  4. Alterations and relocations of the watercourses of Arata, Salmon, or Beaver Creeks, the Sandy and Columbia Rivers, or the watercourse of any unnamed perennial or intermittent stream for private use, except as provided for in subsection (B)(13) of this section and section 4.617(S) of this chapter.
  5. Fill of wetlands without both an approved land use application and an approved Joint Fill Permit issued by the Oregon Division of State Lands and the U.S. Army Corps of Engineers.
  6. Storage of uncontained hazardous materials as defined by the Department of Environmental Quality.
  7. Expansion of nonconforming uses.
- B. Permitted Uses within the Floodway and Wetlands. The following uses are permitted subject to review under the standards for development of section 4.617, Development Standards, of this chapter:
1. Open space, trails, walkways, and bike paths, as designated by the Troutdale Parks Plan, or as approved with a land use application.
  2. Removal of refuse and unauthorized fill.
  3. Removal of nuisance or invasive plant species, and/or the restoration of approved plant species on the Metro Native Plant List kept on file at the Community Development Department.
  4. Removal of dead or dying trees that are an imminent danger to public safety as determined by a certified arborist or the equivalent.
  5. 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.
  6. Construction, expansion, and/or maintenance of public roadways and public utility facilities necessary to support permitted development.

7. Maintenance of existing private roadways and utilities to serve existing development.
8. Excavation and fill required for the construction of detention facilities or structures and other facilities such as levees specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable lands.
9. New culverts, stream crossings, and transportation projects necessary to implement the City's Transportation System Plan or other development permitted under this chapter, and meeting the specifications of the Oregon Department of Fish and Wildlife construction standards.
10. Permanent bank stabilization necessary to preserve an existing structure. Exception: Bank stabilization is not permitted for development on a vacant lot of record.
11. Emergency temporary bank stabilization necessitating immediate action during a flood event to prevent the loss of an existing structure in compliance with the standards set forth in section 4.617, Development Standards, of this chapter.
12. Fill of wetlands is permitted only when processed concurrently with a land use application for site and design review, land division, a planned development application, or a conditional use. A joint fill permit may be applied for prior to application for a land use permit. However, if a joint fill permit is approved by the Oregon Division of State Lands and the U.S. Army Corps of Engineers prior to applying for the land use application, in no instance may fill proceed until the final decision for the land use application has been made by the City.
13. Alteration of watercourses to accommodate public projects administered by the Sandy Drainage Improvement Company or its successor, or the City, and in compliance with subsection 4.617(S) of this chapter. [Adopted by Ord. 702, ef. 11/24/00]

4.616 Permit Required. A permit is required for development within the Flood Management Area.

A. Level of Review:

1. A Type I site and design review is required for the following:
  - a. Removal of non-native plants and planting of approved native plant species.
  - b. Construction of a single-family dwelling, including the placement of a manufactured home. An elevation certificate and the information required in subsection (B)(2) of this section shall be submitted with the construction plans. Single-family dwellings and manufactured homes



shall be built in compliance with the applicable development standards in section 4.617, Development Standards, of this chapter.

- c. Construction of an accessory structure as defined in section 5.010, Accessory Structures in Required Yards, of this code.
  - d. Grading or fill activity less than 50 cubic yards outside of the floodway or wetlands.
2. A Type II site and design review shall be processed for all other permitted or excepted uses requiring only a Type II site and design review in the underlying zoning district, or as listed in this chapter.
  3. A Type III site and design review shall be processed for uses requiring a Type III review in the underlying zoning district, and for all special variances requested from the standards of this chapter.
  4. A Type IV site and design review shall be processed for any proposed alteration of a watercourse of any perennial or intermittent streams.
- B. Submission Requirements. A Type II, III, or IV site and design review application for development within the Flood Management Area shall include the following:
1. Topographic survey. Where development, excavation, or vegetation removal is proposed within the Flood Management Area, an on-the-ground topographical survey shall be prepared for the entire site. The survey shall show trees or tree clusters, existing roads, utilities, and structures with two-foot contours. The survey maps shall be provided by the property owner or applicant for development approval.
  2. Base flood elevation data. Where base flood elevation data is provided through the City's Flood Insurance Study, or by other means as permitted in this chapter, the developer shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, including the placement of a manufactured home, and whether or not the structure contains a basement. This information shall be provided on a City flood hazard permit form.
    - a. For all new or substantially improved, elevated, or floodproofed structures, verify and record the actual elevation (in relation to mean sea level).
    - b. Review of building permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source as authorized in subsection 4.613(B) of this chapter, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where

available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

3. Hydrology and soils report. This report shall include information on the hydrological activities of the site, the effect of hydrologic conditions on the proposed development, and any hydrological or erosion hazards. This report shall also include characteristics of the soils on the site, suitability for development, its carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution, and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. The report shall be prepared by a professional engineer registered in Oregon.
4. Grading plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, post-grading, and finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including, but not limited to, locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. 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.
5. Vegetation report. This report shall consist of a survey of existing vegetation, whether it is native or introduced, and how it will be altered by the proposed development. Measures for enhancement of the site, including revegetation with approved plant species, will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. The vegetation report shall be prepared by a landscape architect, landscape designer, botanist, or arborist with specific knowledge of approved plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation. The contractor for installation and maintenance will be responsible for replacing any approved plant species that do not survive the first two years after planting. [Adopted by Ord. 702, ef. 11/24/00]

4.617 Development Standards. The land use application shall establish through the use of narrative, site plans, and professional reports, the following:

- A. New development, including additions or alterations to existing structures in the Flood Management Area may be allowed, provided that:

1. The applicant shall demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Flood Management Area than the one proposed.
  2. If no such reasonably practicable alternative design or method of development exists, the project shall be designed in compliance with applicable sections of subsection (F) of this section, so that the impacts on the Flood Management Area are the least necessary and the plans shall include restoration, replacement, or rehabilitation of the vegetation corridor or wetlands associated with the Flood Management Area.
  3. The applicant shall provide mitigation to ensure that impacts to the functions and values of the vegetation corridor and integrity of the slope will be mitigated or restored to the extent practicable.
- B. A professional engineer registered in Oregon must certify that the development will not result in any increase in flood levels during the occurrence of the base flood discharge, and that water quality will not be adversely affected.
- C. As applicable, the development must be authorized by the Oregon Division of State Lands, U.S. Army Corps of Engineers, Oregon Department of Fish and Wildlife, and Federal Emergency Management Agency. The applicant shall obtain and submit a copy of all required state and federal permits for any proposed development in the Flood Management Area, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
- D. Unless otherwise authorized under the provisions of this chapter, the development shall comply with the underlying zoning district dimensional standards and the minimum vegetation corridor as established in sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this code.
- E. Protect the water quality resource and Flood Management Area functions and values from uncontained areas of hazardous materials as defined by the Department of Environmental Quality water quality standards.
- F. Limit impervious surface areas in the Flood Management Area.
1. The impervious surface of the development may not exceed 30% of the flood plain area, provided the standards of this code are met. Exception: Public roads necessary to serve the transportation needs of the City may exceed 30% of the Flood Management Area.
  2. Clustering of houses and multiple-family units, zero lot line developments, and/or modifications to setbacks may be approved under the Type II procedure in order to accommodate the density permitted within the underlying zoning district and not exceed the impervious surface limitation of 30% of the Flood Management Area on the site.

3. The Director may grant an administrative variance of up to 50% of any dimensional standard in the underlying zoning district where necessary to avoid construction within the Flood Management Area.
- G. Maintain flood storage capacity. Balanced cut and fill is required for permitted development in the Flood Management Area. Excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.
1. All fill placed at or below the design flood elevation in the Flood Management Area shall be balanced with at least an equal amount of soil material removal. The development shall be designed to minimize development within the Flood Management Area and amount of fill necessary.
  2. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.
  3. The cumulative effect of any proposed development shall not increase the water surface elevation of the base flood. Onsite flood storage capacity shall not decrease as a result of development, vegetation removal, or excavation. A “no-rise” certification is required for any permitted development within the floodway pursuant to section 60.3(d)(3) of the National Flood Insurance Program.
    - a. The “no-rise” supporting data and a copy of the engineering certification must be submitted to, and reviewed by, the City prior to approval of development, and the data shall be submitted with the site and design review application.
    - b. The “no-rise” certification and supporting technical data must stipulate no impact on the 100-year flood elevations, floodway elevations, or floodway widths at the new cross-sections and at all existing cross-sections anywhere in the model.
    - c. A sample “no-rise” certification is available in the Community Development Department.
- H. Residential Construction.
1. Elevate structures. The minimum finished floor elevations for all new or substantially improved residential structures in the Flood Management Area shall be at least one foot above the design flood elevation, as confirmed by the Federal Emergency Management Agency and/or the U.S. Army Corps of Engineers. A Federal Emergency Management Agency National Flood Insurance Program elevation certificate shall be submitted with the construction plans. The elevation certificate shall include the elevation of the lowest floor (including basement). The elevation certificate shall be certified by a land surveyor, engineer, or architect who is authorized by state or local law to certify elevation information for construction within specific

flood hazard areas. The City shall maintain the elevation certificates for public inspection.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other devices provided that they permit the automatic entry and exit of floodwaters.
- I. **Manufactured Homes.** All manufactured homes to be placed within, or substantially improved within, special flood hazard area zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (P) of this section.
- J. **Recreational Vehicle Parks.** Approved recreational vehicle parks (RV Parks) built within special flood hazard area zones A1-30, AH, and AE as shown on the Community Flood Insurance Rate Map panel, are subject to the following standards:
  1. The RV is built on a single chassis.
  2. The RV is 400 square feet or less in area when measured at the largest horizontal projection.
  3. The RV is self-propelled or permanently towable by a light duty truck.
  4. The RV is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
  5. The RV is fully licensed and ready for highway use (street legal), on its wheels or jacking system, and attached to the site only by quick disconnect type utilities (water, electricity, sewer) and security devices, and having no permanent attached additions.
  6. The occupancy of the RV site is for fewer than 180 consecutive days.

7. The RV “pads” shall be paved with asphaltic concrete or comparable, and have a special water quality facility for the collection of the stormwater from the site.
  8. The RV “pads” shall be wide enough to accommodate a trailer parked next to the towing vehicle or be long enough to accommodate both towing vehicle and trailer.
  9. National Flood Insurance Program regulations (reference Code of Federal Regulations (CFR) 60.3(c)(14)(iii)) require that if a recreational vehicle does not meet the criteria of this subsection, then the vehicle must “meet the elevation and anchoring requirements for manufactured homes”, pursuant to subsection 4.616(B)(2) of this chapter and subsection (I) of this section.
- K. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to no less than one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be floodproofed so that below the base floor level the structure is watertight with walls substantially impermeable to the passage of water. A floodproofing certificate shall be filed with the City following the form and procedure established by the Federal Emergency Management Agency.
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, in accordance with standards established by the Federal Emergency Management Agency and the National Flood Insurance Program.
  3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of National Flood Insurance Program regulations (CFR 60.3(c)(4) and (5)) based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the City.
  4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (H)(2) of this section.
  5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood elevation will be rated as one foot below).
- L. Remove temporary fills. Temporary fills permitted during construction shall be removed prior to issuance of a Certificate of Occupancy or release of any bond issued for the development.

- M. Preserve and/or restore the vegetation corridor within the disturbed areas, and retain the existing tree canopy as established in sections 4.316, Width of Vegetation Corridor, and 4.317, Methods for Determining Vegetation Corridors Next to Primary Protected Water Features, of this chapter. An enhancement plan for disturbed areas shall be prepared and implemented to stabilize slopes to prevent landslides on slopes and sedimentation of water features. This plan shall provide for the replanting and maintenance of approved plant species designed to achieve pre-disturbance conditions.
- N. Maintain or reduce stream temperatures.
- O. Minimize erosive velocities, nutrient, and pollutant loading into water. Use filtering, infiltration, and natural water purification for stormwater runoff in compliance with the Erosion Control and Water Quality Standards of chapter 5.600 of this code. The applicant's engineering plans shall certify that runoff and sedimentation from the site will comply with the standards of chapter 5.600, Erosion Control and Water Quality Standards, of this code.
- P. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- Q. Construction Materials and Methods.
  - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - 3. Electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - 4. No construction materials or methods may be used within the flood plain that would impair or damage water quality or native vegetation.
  - 5. All development shall have adequate drainage provided to reduce exposure to flood damage and maintain water quality.
- R. Utilities and Roads.
  - 1. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable, and comply with the Oregon Department of Fish and Wildlife construction standards.
  - 2. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
  4. Onsite waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding.
  5. Utility and road placement shall occur outside the floodway and vegetation corridor unless the utility or road is necessary to serve permitted development, and there is no reasonable alternative.
  6. Water quality facilities shall comply with the siting and construction standards of chapter 5.800, Stormwater Management, of this code.
- S. For any alterations or relocations of a watercourse, the City shall obtain the required authorization and permits from the Oregon Department of Land Conservation and Development, Oregon Division of State Lands, U.S. Army Corps of Engineers, Oregon Department of Fish and Wildlife Service, Federal Emergency Management Agency, and other affected agencies, as applicable. The flood carrying capacity of the altered or relocated watercourse shall not be diminished and shall be maintained.
- T. Subdivision Proposals. If a variance is approved to allow subdivision of land that is exclusively within the Flood Management Area, in addition to compliance with the underlying zoning district standards and this chapter, the construction of the subdivision shall be subject to the following additional criteria:
1. All subdivision proposals shall be consistent with the need to minimize flood damage.
  2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
  4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is less. [Adopted by Ord. 702, ef. 11/24/00]

4.618 Flood Management Area Variance Procedures.

- A. The Director may grant an administrative variance of up to 50% of any dimensional standard in the underlying zoning district where necessary to avoid construction within the Flood Management Area.
- B. The Planning Commission shall hear and decide requests for variances from the dimensional standards of this chapter and the maximum impervious surface area



in accordance with the City's participation in the National Flood Insurance Program.

- C. Variances shall only be issued upon consideration of the purpose of this chapter. The Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.
- D. As a participant in the National Flood Insurance Program, the City is not authorized to grant a variance from the requirement to elevate or floodproof structures in accordance with state and federal regulations, whichever is most restrictive.
- E. The City cannot grant a variance from the special flood hazard designation assigned by the Federal Emergency Management Agency to a site. However, a property owner may request a Letter of Map Amendment (LOMA), a Letter of Map Revision (LOMR) or a Letter of Map Change (LOMC) from the Federal Emergency Management Agency.
- F. In approving variance applications, the Planning Commission shall consider all technical evaluations, relevant factors, and standards specified in other sections of this chapter and other chapters of this code, and make affirmative findings, with or without conditions, for each of the following criteria:
  - 1. A showing of good and sufficient cause that the need for the variance is not of the applicant's making and will not result in a use of the site that is not otherwise permitted in the underlying zoning district.
  - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant and is the minimum necessary to grant relief. The test being that there is no possible relief from the current tax rate on an undeveloped lot currently being zoned for the denied use, and that the owner has attempted to sell the property within the past six months to conservation agencies or the City for the taxable value of the property, as determined by the Multnomah County Tax Assessor's Office.
  - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of, the public, or conflict with existing local laws and ordinances.
  - 4. The safety of access to the property in times of flood for ordinary and emergency vehicles. [Adopted by Ord. 702, ef. 11/24/00]

4.619 Prescribed Conditions for the Rehabilitation or Replacement of Pre-Existing Structures.

- A. The structure was in existence within the district prior to November 24, 2000.
- B. The use is allowed in the underlying zoning district at the time the application is made to rehabilitate or replace the structure.

- C. A permit is applied for in accordance with subsection 4.616(A) of this chapter.
- D. The rehabilitation or replacement is rebuilt on the same footprint of the original structure and does not increase the impervious area within the 100-year flood plain.
- E. The rehabilitation or replacement satisfies the standards of subsections 4.617(B), (C), (G), and (H), (I) or (K) as applicable, and (L) – (R) of this chapter; the applicable standards of chapters 5.600, Erosion Control and Water Quality Standards, and 5.800, Stormwater Management, of this code; and federal, state, or county standards. [Adopted by Ord. 702, ef. 11/24/00]

**4.700 TOWN CENTER****TC**

- 4.705 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. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]
- 4.710 Purpose and Intent. The purpose of this district is to encourage the downtown Troutdale area to grow as a diverse and viable town center consistent with the Metro 2040 Growth Concept for town centers. 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. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]
- 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:
- A. Single-Family Residential (R-5).
    - 1. Eliminated permitted uses: Manufactured home parks.
    - 2. Additional conditional uses: Triplex and attached dwellings when each unit is situated on a separate lot of record.
  - B. Attached Residential (R-4).
    - 1. Eliminated permitted uses: Manufactured home parks.
    - 2. Additional conditional uses: Manufactured homes.
  - C. Apartment Residential (A-2).
    - 1. Additional permitted uses: Single-family detached and zero lot line dwellings, except that manufactured homes require a conditional use permit; 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. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 770, ef. 2/23/06]

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.] [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 770, ef. 2/23/06]

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).

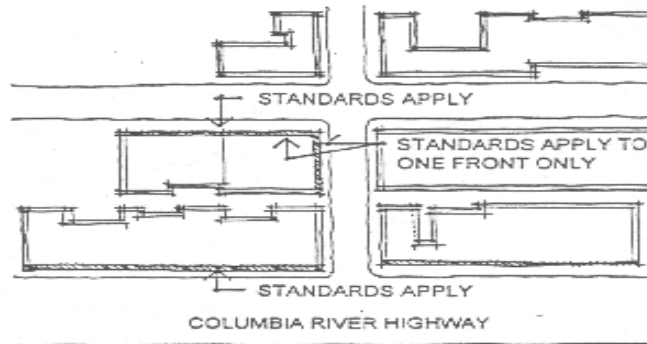
1. The CBD standards for lot width, lot depth, and lot area shall apply for residential development.
2. Minimum street frontage: 20 feet.
3. No front yard or street side yard setback is required.

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

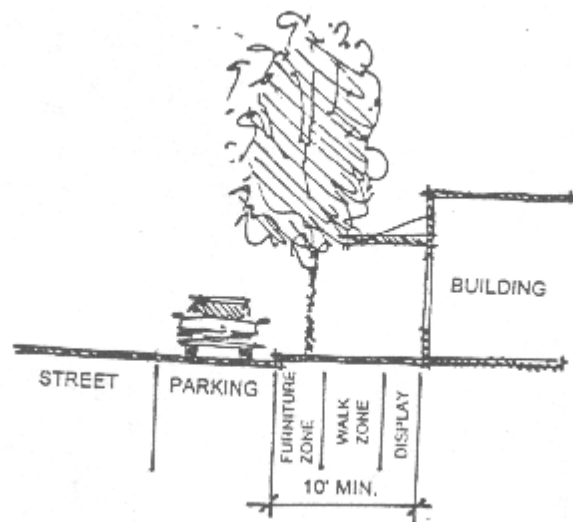
1. Front yard setback for residential units: Minimum of 15 feet to the front façade; minimum of ten feet to the front porch; minimum of 20 feet to the garage door with a driveway from the public street.
2. Minimum street frontage: 20 feet, except that for lots specifically created for the construction of individual duplex, triplex, or attached dwelling units, the minimum street frontage shall be 16 feet. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 770, ef. 2/23/06]

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.



[Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 770, ef. 2/23/06]

4.760 Residential Design Review. All residential development other than detached single-family, zero lot line, and duplex dwellings on separate lots shall be subject to site and

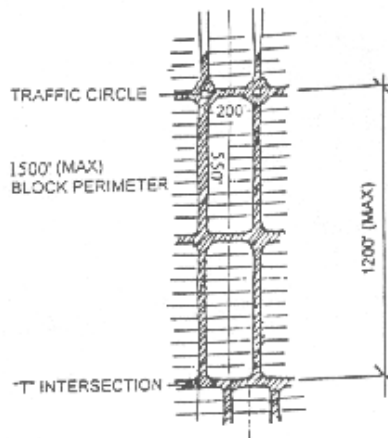
design review and design standards specified in chapter 8.200 of this code. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 716, ef. 5/9/02]

4.770 **Signs.**

[Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Repealed by Ord. 687, ef. 6/13/00]

4.780 **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 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.

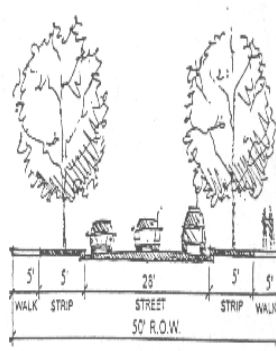


- B. **Street Termination.** Unless impractical due to efficiency of street layout and design, topography, or other site constraints of the property being developed, new street sections shall be no longer than 1,200 feet without providing a jog, a deflected view, traffic island, or a point of termination, such as a “T” intersection.
- C. **Streetscapes.** To encourage pedestrian-oriented streetscapes, the following standards shall apply:
1. Fences and walls greater than 3½ feet in height shall be prohibited in front yards. If fences or walls greater than 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 feet wide.
  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.
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 28 feet, with sidewalks set back and separated from the street by a planting strip of five 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 20 feet in width and shall be encouraged as a means of providing vehicle access to development. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 770, ef. 2/23/06]

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. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 770, ef. 2/23/06]

4.795 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 4.750-4.780 of this chapter are practical for individual developments. The Director is authorized to grant administrative adjustments to these design standards upon making the following written findings:
1. The adjustment is justified due to unique site conditions.
  2. The proposal will be consistent with the desired character of the area.
  3. Any impacts from the adjustment are mitigated to the extent practical.

- B. When, in the Director's opinion, an adjustment to a design standard is not justified, the request shall be handled as a variance in accordance with the procedures of chapter 6.200, Variance, of this code. The Director's decision to adjust a specific standard is a Type II decision under section 2.100, Type II Procedure, of this code and may be appealed to the Planning Commission as specified in Chapter 16, Public Deliberations and Hearings, of this code. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]

## CHAPTER 5 - OTHER ISSUES AND PROCEDURES

### 5.000 OTHER PERMIT AND ISSUE DETERMINATIONS

#### 5.010 Accessory Structures.

- A. **Building Permit Required.** A building permit is required for any accessory structure over 200 square feet in size or over 10 feet in height. An accessory structure not requiring a building permit shall be required to have a development permit.
- 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:
1. Accessory structures shall comply with the setback requirements for the main building except where specifically modified by this section.
  2. No accessory structure shall be located in a required front yard setback.
  3. No accessory structure shall encroach on an active easement of record. An active easement is an easement containing one or more public utilities. Small plants and shrubs, perimeter fences, and concrete or asphaltic pavement shall not constitute accessory structures. An accessory structure may encroach on an inactive easement (those not containing a public utility), provided required building setbacks are met, or a variance to the setback standard has been approved.
  4. An accessory structure may be constructed as close as three feet to a rear property line, provided that it does not encroach on an active easement. For purposes of this subsection, the measurement shall be applied to projecting building features, if any, such as eaves, rain gutters, or other similar features.
  5. An accessory structure of 120 square feet or less in size may be constructed as close as three feet to a side property line provided that it does not encroach on an active easement. For purposes of this subsection, the measurement shall be applied to projecting building features, if any, such as eaves, rain gutters, or other similar features.
  6. An accessory structure on a corner lot shall meet a minimum street side yard setback of ten feet except for private vehicle storage. Accessory structures for private vehicle storage which have an entrance from the street side yard shall have a minimum street side yard setback of 20 feet.
  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.

8. No single accessory structure may exceed 1,000 square feet in area.
9. The maximum height of a detached accessory structure shall be the height of the primary dwelling or 20 feet, whichever is less, provided the accessory structure meets the side and rear yard setbacks of the underlying zone. A detached accessory structure which does not meet the underlying side and rear yard setbacks shall not exceed 10 feet in height.
10. For purposes of these regulations, solariums, greenhouses, garages, or other enclosed areas which are attached to the residential structure shall not be considered accessory. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 705, ef. 5/10/01; Amended by Ord. 731, ef. 6/26/03; Amended by Ord. 770, ef. 2/23/06]

#### 5.020 Exceptions to Yard Requirements.

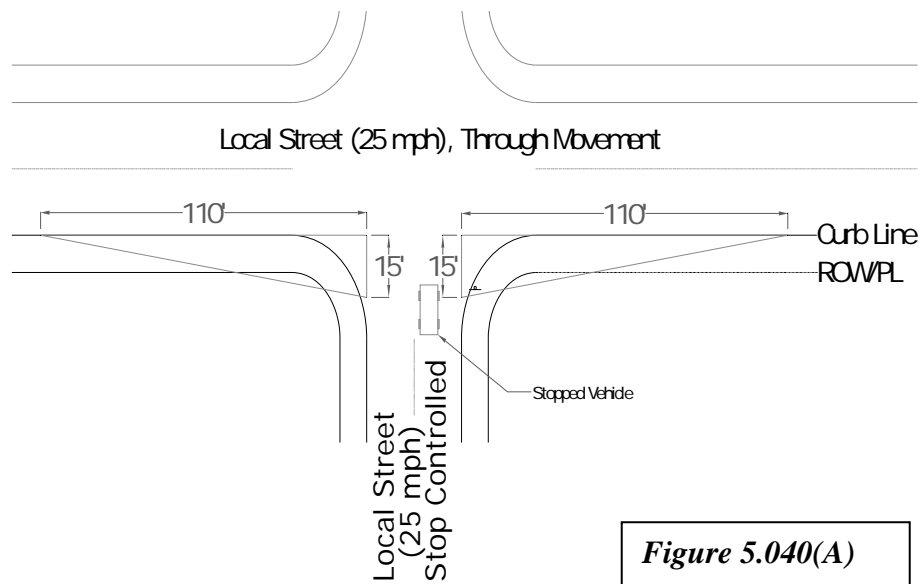
- A. **Established Building Lines.** If a previous building line has been established, the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback 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.** The following building features may project into required yards, as listed below:
  1. Architectural appendages including, but not limited to, bay windows, planters, awnings, eaves, or other similar features may project into front and rear yard setbacks no more than five feet, and into side yard setbacks no more than 2½ feet. Architectural appendages may project no more than 18 inches into inactive easements along side and rear property lines, provided required building setbacks standards are met, or a variance to the setback standard has been 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 feet.
  3. Open fire escapes may project into required front and rear yard setbacks no more than five feet and into side yard setbacks no more than 2½ feet.
  4. Chimneys shall not project more than 2½ feet into any required yard. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

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 such as penthouses or roof structures and used for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the

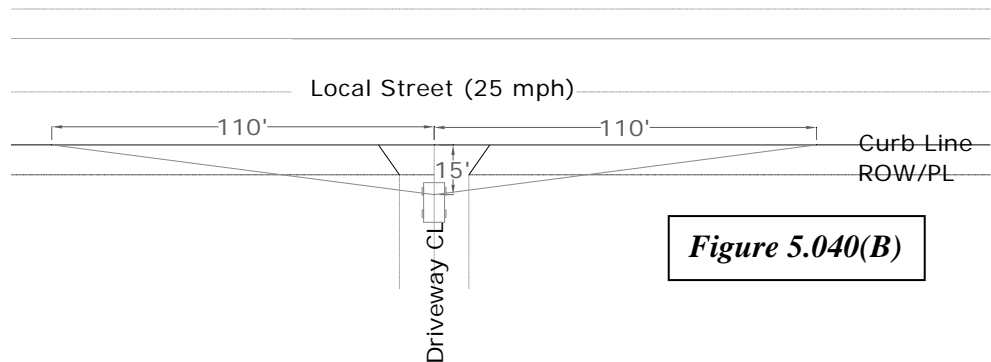
building; fire or parapet walls; skylights; windmills; towers; steeples; flagpoles; chimneys; smokestacks; radio and television antennae; telecommunication towers or poles; water tanks; or similar structures. No penthouse, roof structure, or any space above the height limitation shall be allowed for the purpose of providing additional floor space. Such structures shall be located at least 20 feet from any property line. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

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.
- E. The foregoing provisions shall not apply to the following:
1. A public utility pole, signal pole, light pole, or other utility appurtenances.

2. A tree trimmed (to the trunk) to a line at least eight 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 feet or more above the ground with supports that do not obstruct the clear vision area.
  8. A signalized intersection.
- F. Buildings and uses in existence at time of passage of this code (December 9, 1986) are considered nonconforming and may continue as specified in chapter 5.300, Nonconforming Uses, of this code.
- G. Any obstruction maintained in violation of this section shall be abated pursuant to Chapter 17, General Provisions, of this code. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 770, ef. 2/23/06]

#### 5.050 Fences and Windscreens.

- A. Fences - Residential.
1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersection streets, shall not exceed three feet in height within the clear vision area.
  2. Fences in a required front yard. The height of a fence or retaining wall in a required front yard shall not exceed 3½ feet.
  3. Fences - side and rear yards. The height of a fence or retaining wall, or the combined height of both when a fence is placed upon a retaining wall in a required side street, side or rear yard, shall not exceed six feet.
  4. Sight-obscuring hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Trees separated by at least 15 feet apart may grow to any height.
  5. Front yard fences for existing dwellings on major arterials. The height of a fence in a required front yard for an existing dwelling (constructed prior to

6/9/87) facing a major arterial shall not exceed a height of six feet outside the clear vision area.

6. Front yard fences for existing dwellings on Crown Point Scenic Highway east of the Sandy River Bridge. The height of a fence in a required front yard for an existing dwelling facing Crown Point Scenic Highway (constructed prior to 6/9/87) shall not exceed a height of six feet outside the clear vision area.

B. Fences - Commercial/Industrial.

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersection streets, shall not exceed three feet in height within the clear vision area.
2. Fences in a required front yard. The height of a fence or retaining wall in a required front yard shall not exceed 3½ feet.
3. Fences - side and rear yards. The height of a fence or retaining wall in a required side street, side or rear yard, or adjacent to a side or rear property line shall not exceed eight feet.
4. Sight-obscuring hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Trees separated by at least 15 feet apart may grow to any height.

C. Fence and/or Wall Height. Fence and/or wall height shall be measured from the ground to the top of the fence, retaining wall, or the combination of the two from the property on which the fence and/or retaining wall is located.

D. Fence Regulations for Recreational Areas. Any recreational court may be enclosed by a wire fence not exceeding 12 feet in height, provided that no part of the court fence is within 20 feet of any street.

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.

F. Wire Fences.

1. Barbed wire fencing may be permitted for agricultural, community service, commercial, or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of six feet above the finished ground surface, and does not extend over a public way. The maximum height shall not exceed eight feet.



2. No electrically charged or sharp pointed fencing (other than barbed wire fencing) shall be constructed or maintained within the city limits.
- G. Windscreens. A windscreen, used to reduce the wind velocity at exterior doors, may be constructed on the north or east side of a residential building only. The screen shall not exceed six feet in height nor extend more than eight feet into a required front yard setback area. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 770, ef. 2-23-06]
- 5.060 Decks.
- A. Decks 12-30 inches in elevation require a development permit to ensure that no encroachment onto easements of record, violation of required setbacks, or violation of other provisions of this code occur.
  - B. Decks greater than 30 inches in height require a building permit for structural review and development review to ensure that no encroachment onto easements of record, violation of required setbacks, or violations of other provisions of this code occur. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.070 Temporary Structures. 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, provided a temporary permit is first obtained under the Type I procedure for a period not to exceed one year. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.080 Agricultural Use Permitted. Agricultural uses shall be permitted as an interim use under the Type I procedure on parcels one acre in size or larger. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.090 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 may be 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 sign per street frontage of the property on which the street side sales is located. Signs shall not exceed 24 square feet in size.
  - C. A business license for street side sales is valid for a period not to exceed 60 days. At the end of the 60-day period, the structure (including any mobile unit) from which the street side sales is conducted, shall be removed from the property.
  - D. Written permission of the property owner must be submitted with the business license application.

- E. Street side sales are not permitted to have automobile drive-up window service.
- F. An application for a street side sales business may be denied on the grounds that the nature or location of the business activity would endanger persons or property such that the business activity is a menace to the health, safety, and general welfare of the city.
- G. Denial of a street side sales business may be appealed in accordance with Chapter 5.04, Business Licenses, of the Troutdale Municipal Code. [Adopted by Ord. 653, ef. 9/12/97]

**5.100 HOME OCCUPATION IN A RESIDENTIAL DISTRICT HO**

5.110 Purpose. The purpose of this section is to provide for occupations in residential districts in a manner that will ensure that they are utilized only as accessory uses incidental to the primary residential use of the premises upon which they are located. A business license may be granted for a home occupation, provided the use is not inconsistent with, or disruptive to, the normal residential usage of the premises; will not cause external effects which are detrimental to neighboring properties; and is compatible with the characteristics of the residential district. Special regulations govern home occupations classified as certified group day care, family day care provider, licensed adult foster home, residential home, residential facility, or residential care facility. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

5.120 General Requirements for All Home Occupations.

- A. There shall be no exterior indication of the home occupation, no exterior signs shall be used, and no on-site advertising visible from the exterior shall be used which informs the public of the address of the home occupation.
- B. No home occupation shall be permitted which is objectionable due to noise, smoke, dust, odor, glare, traffic attraction, vibration, or other disturbing influences greater than that of other residential properties in the vicinity.
- C. If hazardous materials are used or stored on the premises of a home occupation, a Materials Safety Data Sheet shall be provided with the business license application.
- D. Use and storage of hazardous materials in conjunction with a home occupation must be approved by the local fire and emergency service agency. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

5.130 Operational Standards - Businesses. Business home occupations shall be limited to those activities which are customarily carried on within a dwelling or accessory structure, and which are operated entirely within a building by a member of the family residing in the dwelling unit as a clearly secondary and incidental use of such property. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. No nonresidential employees or any persons other than members of the family residing within the dwelling shall engage in a home occupation therein except as provided for under sections 5.140 through 5.190 of this chapter.
- B. Customer and client contact shall be primarily by telephone, mail, or in their homes and places of business, and not on the premises of the home occupation. No sale of merchandise shall be made on the premises.
- C. No more than 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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 731, ef. 6/26/03]
- 5.140 Operational Standards - Certified Group Day Care. A certified day care facility (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:
- A. Provide care for no more than 12 children.
  - B. Be located in a building constructed as a single-family dwelling.
  - C. Be licensed by Children's Services Division as a day care provider.
  - D. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.150 Operational Standards - Family Day Care Provider. A family day care facility (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:
- A. Provide care in the provider's home in the family living quarters for six or fewer children full-time, with up to four additional full- or part-time children when school is not in session during the regular school year.
  - B. During the summer when school is not in session, have no more than four additional part-time children of any age in care.
  - C. The four additional children shall be in care no more than four hours per day.
  - D. There shall be no more than ten children at any given time, including the provider's children.
  - E. Comply with all other applicable City, County, and State requirements. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.160 Operational Standards - Licensed Adult Foster Home. An adult foster home (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:
- A. Provide care for five or fewer adults who are not related to the provider by blood or marriage, with exclusions as noted in applicable state law.
  - B. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 5.170 Operational Standards - Residential Home. A residential home (as defined under applicable state law) may be established in any residential district. The home

occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide residential care for five or fewer unrelated physically or mentally handicapped persons.
- B. May include residential space for staff persons who are not related to each other or to any other home resident.
- C. Comply with all other applicable City, County, and State requirements. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

5.180 Operational Standards - Residential Facility. A residential facility (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide care in a residential facility for six to fifteen unrelated physically or mentally handicapped, or elderly, persons.
- B. Staff members may not exceed two in number. These staff members need not be related to each other or to any other facility resident.
- C. Be authorized by the Planning Commission through a conditional use permit.
- D. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

5.190 Operations Standards - Residential Care Facility. A residential care facility (as defined under applicable state law) may be established in any medium-density residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide residential care for six or more physically handicapped or socially dependent individuals in one or more buildings on contiguous properties.
- B. Be authorized by the Planning Commission through a conditional use permit.
- C. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

5.200 Establishing and Maintaining a Home Occupation.

- A. Issuance of Business License. A home occupation shall be required to have a business license in order to operate within the City.
- B. If, in the opinion of the applicant, the Director has acted arbitrarily or capriciously in withholding or revoking a business license for a home occupation, the applicant may request an interpretation of the code by the Planning Commission. In such cases, the dwelling to be used for home occupation shall be open for inspection to

the staff or Planning Commission on any day between 8:00 a.m. and 10:00 p.m. during the review of the decision.

- C. The City shall not issue a business license until the home occupation is approved by the Director. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

5.210 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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

- 5.300 NONCONFORMING USES** **NC**
- 5.310 Use of a Development.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]
- 5.320 Continuation of a Nonconforming Development or Use.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]
- 5.330 Completion of a Nonconforming Development or Use.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]
- 5.340 Termination of a Nonconforming Development or Use.  
[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 687, ef. 6/13/00; Repealed by Ord. 705, ef. 5/10/01]
- 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 chapter. [Adopted by Ord. 705, ef. 5/10/01]
- 5.310 Expansion of a Nonconforming Use. A nonconforming use may be expanded by up to 20% in floor area of each structure or, in those cases not involving structures, up to ten percent in land area, provided the Planning Commission approves the expansion pursuant to a Type III procedure. Expansion of a use beyond either of these limitations shall require a zoning map amendment or zoning district text amendment that permits the use. The provisions of this section shall not apply within any overlay district which specifically prohibits the expansion of a nonconforming use. In approving a nonconforming use expansion, the Planning Commission may attach reasonable conditions, restrictions, or safeguards to mitigate potential adverse impacts which may result by reason of the approved nonconforming use expansion. [Adopted by Ord. 705, ef. 5/10/01]
- 5.315 Approval Criteria for Expansion of a Nonconforming Use. The Planning Commission may approve the expansion of a nonconforming use if the following criteria are met:
- 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;
  - B. The expansion will not result in serious conflicts between the nonconforming use and existing or permitted conforming uses in the area;

- 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. [Adopted by Ord. 705, ef. 5/10/01]
- 5.320 Reconstruction of a Damaged Nonconforming Use. A nonconforming use, or a structure containing a nonconforming use, that has been damaged by any cause may be reconstructed if the reconstruction costs are less than 75% of the real market value as indicated by the records of the County Assessor. 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 reconstruct the use or structure to the condition it existed in prior to it being damaged. Reconstruction is subject to review under a Type II procedure. Reconstruction shall begin within 12 months of the date the damage was done and shall be completed within 12 months of the date the reconstruction began. If reconstruction does not occur within these timeframes, the nonconforming use shall be considered terminated and shall not be reestablished. [Adopted by Ord. 705, ef. 5/10/01]
- 5.325 Destruction of a Nonconforming Use. When a nonconforming use, or a structure containing a nonconforming use, is damaged by any cause to an extent the reconstruction costs would equal or exceed 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. [Adopted by Ord. 705, ef. 5/10/01]
- 5.330 Discontinuance of a Nonconforming Use. When a nonconforming use or any part thereof is discontinued for a period of at least 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. [Adopted by Ord. 705, ef. 5/10/01]
- 5.335 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. Expansion of a nonconforming structure or development which increases the degree of nonconformity is prohibited unless the Planning Commission approves the expansion



pursuant to a Type III procedure. In approving the expansion of a nonconforming structure or development, the Planning Commission may attach reasonable conditions, restrictions, or safeguards to mitigate potential adverse impacts which may result by reason of the approved nonconforming structure or development.-[Adopted by Ord. 705, ef. 5/10/01]

5.340 Approval Criteria for Expansion of a Nonconforming Structure or Development. The Planning Commission may approve the expansion of a nonconforming structure or development if 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, applied to the property and nonconforming structure or development, are not typical of the general conditions in the surrounding area;
- 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;
- 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. [Adopted by Ord. 705, ef. 5/10/01]

5.345 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 75% of the real market value as indicated by the records of the County Assessor. 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 is subject to review under a Type II procedure. Reconstruction shall begin within 12 months of the date the damage was done and shall be completed within 12 months of the date the reconstruction began. If reconstruction does not occur within these timeframes, the nonconforming structure or development shall be considered terminated and shall not be reestablished. [Adopted by Ord. 705, ef. 5/10/01]

5.350 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 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. 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. [Adopted by Ord. 705, ef. 5/10/01]

- 5.355 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. [Adopted by Ord. 705, ef. 5/10/01]
- 5.360 Sale of Nonconforming Use or Structure. The ownership of property classified as nonconforming may be transferred without affecting the right to continue such nonconformity. [Adopted by Ord. 705, ef. 5/10/01]
- 5.365 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. [Adopted by Ord. 705, ef. 5/10/01]

**5.400 CONCEPT DEVELOPMENT PLAN AND SPECIFIC SITE PLAN REQUIREMENTS FOR MPMU DESIGNATIONS MPMU**

5.410 Concept Development Plan. A proponent for any development in an 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 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. 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. [Adopted by Ord. 585, ef. 10/22/92]

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 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. [Adopted by Ord. 585, ef. 10/22/92]

- 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. [Adopted by Ord. 585, ef. 10/22/92]

#### 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 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. [Adopted by Ord. 585, ef. 10/22/92]

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 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. [Adopted by Ord. 585, ef. 10/22/92]

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, widths, 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 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. [Adopted by Ord. 585, ef. 10/22/92]

- 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. [Adopted by Ord. 585, ef. 10/22/92]
- 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. [Adopted by Ord. 585, ef. 10/22/92]
- 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. [Adopted by Ord. 585, ef. 10/22/92]
- 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. [Adopted by Ord. 585, ef. 10/22/92]

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. [Adopted by Ord. 585, ef. 10/22/92]

**5.500 SOLAR ACCESS – NEW DEVELOPMENT**

**SA**

5.510 – 5.516

[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 653, ef. 9/12/97]

**5.520 SOLAR BALANCE POINT (INFILL) STANDARDS**

5.521 – 5.530

[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 653, ef. 9/12/97]

**5.500 BED AND BREAKFAST INN B & B**

- 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. [Adopted by Ord. 653, ef. 9/12/97]
- 5.520 Zoning Districts. The establishment of a bed and breakfast inn is a permitted use within the following zoning districts:
- A. R-20 - Single-Family Residential.
  - B. R-10 - Single-Family Residential.
  - C. R-7 - Single-Family Residential.
  - D. R-5 - Single-Family Residential.
  - E. R-4 - Attached Residential.
  - F. A-2 - Apartment Residential.
  - G. CBD - Central Business District. [Adopted by Ord. 653, ef. 9/12/97; Amended by Ord. 658, ef. 3/12/98; Repealed and reamended by Ord. 661, ef. 7/23/98]
- 5.530 Review Procedures. Bed and breakfast inns shall be processed through a Type II site and design review procedure. [Adopted by Ord. 653, ef. 9/12/97]
- 5.540 Standards for Bed and Breakfast. Bed and breakfast inns are not subject to the home occupation operational standards provided in section 5.130, Operational Standards – Businesses, of this chapter but shall comply with the following standards:
- A. Bed and breakfast inns shall comply with the requirements of the underlying zone and overlay zone, if applicable.
  - B. Bed and breakfast inns must be an accessory use to the primary single-family residence.
  - C. Bed and breakfast inns shall be owner-occupied and shall maintain the characteristics of a single-family dwelling. No separate structures shall be allowed.
  - D. Bed and breakfast inns shall be operated so as not to give the appearance of being a business.
  - E. Bed and breakfast inns may have a maximum of two non-resident employees.
  - F. A maximum of four bedrooms shall be used as part of the bed and breakfast accommodations. Only rooms designed as bedrooms shall be used as guestrooms.

The number of guestrooms shall not be increased through any exterior additions or modifications to the structure.

- G. The duration of each guest's stay at the bed and breakfast inn shall not exceed 15 consecutive days.
- H. In addition to the provisions of Chapter 9, Off-Street Parking and Loading, of this code pertaining to parking standards for single-family dwellings, one additional off-street parking space shall be provided for each guestroom. Required off-street parking shall not be located in a required front or side yard setback area abutting a public street unless located in front of a garage.
- I. One non-illuminated or exteriorly illuminated on-premise sign identifying the name of the bed and breakfast inn and/or operator shall be permitted. The sign shall not exceed six square feet in area. Freestanding signs shall not exceed three feet in height. All signage shall be in keeping with the residential character of the neighborhood. Sign details shall be included with the site and design application for the bed and breakfast use.
- J. The bed and breakfast inn shall obtain and maintain a City Business License and is subject to City Transient Lodging Tax. In addition, bed and breakfast inns shall obtain and maintain all applicable state licenses and permits.
- K. The bed and breakfast inn shall meet all applicable health, fire safety, and building codes. [Adopted by Ord. 653, ef. 9/12/97]

**5.600 FLOOD HAZARD**

**FH**

5.610 – 5.632

[Adopted by Ord. 550, ef. 9/15/90; Renumbered to Chapter 4.600 by Ord. 607, ef. 8/11/94]

**5.600 EROSION CONTROL AND WATER QUALITY STANDARDS EC**

5.610 Purpose. The purpose of these standards is to:

- A. Prevent erosion and restrict the discharge of sediments and other contaminants from entering protected water features, public streets, and the sanitary sewer system during construction.
- B. Require permanent erosion prevention measures including, but not limited to, restoration or enhancement of vegetation corridors (pursuant to sections, 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this code) between the development and the protected water feature. [Adopted by Ord. 607, ef. 8/11/94; Amended by Ord. 702, ef. 11/24/00]

5.611 Applicability. An erosion control and mitigation plan shall be required and approved by the Director, or the Director's representative, under any of the following circumstances:

- A. Prior to final plat approval for any subdivision, in accordance with section 7.100, Final Plat Submission, of this code.
- B. Prior to site orientation and design review, in accordance with Chapter 8, Site Orientation and Design Standards, of this code.
- C. Prior to any activity listed herein, or approval of any building permit, site development application, flood hazard permit, grading permit, or fill permit.
  1. Prior to disturbance of any vegetation, mining, dredging, paving, filling, or grading that disturbs an area of 1,000 square feet or greater outside of the vegetation corridor and slope district or flood hazard area.
  2. Prior to any vegetation removal, mining, dredging, paving, filling, or grading on sites within the vegetation corridor and slope district or flood district areas.
- D. Upon a finding that visible or measurable erosion has entered, or is likely to enter, the public storm and surface water system.
- E. Exemptions:
  1. Farming activities as defined in ORS 30.930 and farm uses defined in ORS 215.203, except construction or reconstruction of buildings on the site associated with farm practices, are exempt from the provisions of this chapter, provided that the specific land area has been cultivated within the last three years.
  2. Construction of residential accessory structures that do not require a building permit that are outside of the vegetation corridor and slope district and the flood hazard area. [Adopted by Ord. 607, ef. 8/11/94; Amended by Ord. 702, ef. 11/24/00]

5.612 Approval Standards.

[Adopted by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]

5.612 Reference Authority. The current edition of the *Technical Guidance Handbook, Erosion Prevention and Sediment Control Plans*, published by the City of Portland Bureau of Environmental Services and the Unified Sewerage Agency of Washington County (hereinafter called “The Handbook”) shall be the primary guide for the City in establishing and reviewing erosion control techniques, methods, and requirements. [Adopted by Ord. 702, ef. 11/24/00]

5.613 Erosion and Sediment Control Plan Submission Requirements.

- A. A site development permit application shall be completed and submitted with the erosion and sediment control plan, and with other applicable land use application forms or building permit forms prior to the start of construction.
- B. Schedule of Installation. A schedule of planned erosion control and revegetation measures shall be provided which sets forth the progress of construction activities and mitigating erosion control measures. The developer shall call for an inspection to certify that erosion control measures are installed in accordance with the approved erosion control plan. [Adopted by Ord. 607, ef. 8/11/94; Amended by Ord. 702, ef. 11/24/00]

5.614 Approval Standards for Erosion Control.

- A. Plans shall show compliance with the standards of “The Handbook” and applicable standards of this code.
- B. Responsibility and Records.
  - 1. The applicant shall be the responsible person, or shall designate a specific person, herein identified as the developer, to be responsible for carrying out the erosion and sediment control plan.
  - 2. The City shall maintain records of erosion and sediment control plans in the Community Development Department.
- C. The duration of exposure of soils shall be kept to a minimum during construction. Exposed soils shall be covered by mulch, use of erosion blankets, sheeting, temporary seeding, or other suitable material following grading or construction, until soils are stabilized and new vegetation has been established. During the rainy season (November 1 through April 30), soils shall not be exposed for more than seven consecutive days. All disturbed land areas which will remain unworked for 21 days or more during construction shall be mulched, seeded, or tarped.
- D. Control Runoff. Ensure that where erosion cannot be completely avoided, the sediment control measures will be adequate to prevent erosion from entering onto public right-of-ways, or into the public stormwater system, surface water system, or protected water feature.



1. During construction, runoff from the site shall be controlled and sediment resulting from soil disturbance shall be retained onsite. Temporary diversions, sediment basins, barriers, check dams, or other methods shall be provided as necessary to hold sediment and runoff.
  2. All such temporary diversions that are in a protected water feature shall be approved by the Oregon Division of State Lands, U.S. Army Corps of Engineers, and/or the Oregon Department of Fish and Wildlife prior to submission of the plan to the City for approval, as applicable.
- E. Limit the Rate of Discharge. In no case shall soil erosion and sediment transported from the site exceed the rate of one ton per acre per year, nor result in more than ten percent cumulative increase in natural stream turbidity, as measured relative to a control point immediately upstream of the turbidity causing activity. However, limited duration activities necessary to address an emergency or to accommodate essential dredging, construction, or other legitimate activities, and that cause the standard to be exceeded, may be authorized, provided all practicable turbidity control techniques have been applied.
- F. Keep Site Clean.
1. No mud, dirt, rock, or other debris shall be deposited upon a public street or any part of a private or public stormwater system or surface water system. Eroded sediment shall be removed immediately from pavement surfaces, offsite areas, and from the surface water management system, including storm drainage inlets, ditches, and culverts. In the event that sediment is inadvertently deposited in a wetland or stream, the developer shall immediately contact the Oregon Division of State Lands and Oregon Department of Fish and Wildlife to implement remedial actions. The developer shall send the Community Development Director copies of correspondence between the Oregon Division of State Lands, the Oregon Department of Fish and Wildlife, and the developer.
  2. The removal of all sediments which are carried into the streets or onto adjacent property are the responsibility of the developer. The developer shall be responsible for cleaning and repairing streets, catch basins, and adjacent properties where such properties are affected by sediments or mud. In no case shall sediments be washed into storm drains, ditches, drainageways, streams, or wetlands. (See also chapter 12.09, Erosion Control, of the Troutdale Municipal Code, related to public facilities.)
- G. Filter Water. Water containing sediment shall not be flushed into the surface water management system, wetlands, or streams without first passing through an approved sediment filtering facility or device.
1. Pollutants such as fuels, lubricants, bitumens, raw sewage, and other harmful materials shall not be discharged into or near rivers, streams, or impoundments, and shall be properly stored and disposed.

2. Direct discharge of storm and/or construction waters into a protected water feature, including known streams, wetlands, or rivers, is prohibited unless approval is obtained from the Oregon Division of State Lands, U.S. Army Corps of Engineers, and Oregon Department of Fish and Wildlife.
  3. All sediment-laden water from construction operations shall be routed through stilling basins, filtered, or otherwise treated, to reduce the sediment load in the receiving water body.
- H. Control Dust. Troutdale is especially susceptible to wind erosion. Therefore, the Director may require that additional dust control measures be included in the erosion and sediment control plan. Such control measures may include, but are not limited to, the following, and will be enforced depending upon the conditions of the site and weather conditions during construction:
1. Sprinkle with water or apply dust palliatives to access and haul roads and other exposed dust producing areas with water.
  2. Establish a temporary vegetation cover or use mulch as approved by the City.
  3. Hydrate cut and fill surface areas.
  4. Cover the materials in the haul equipment.
- I. Storage. All erodible or toxic materials delivered to the job site shall be covered and protected from the weather and stored according to appropriate health and safety guidelines.
1. Such materials shall not be exposed during storage.
  2. Waste material, rinsing fluids, and other such material shall be disposed of in such manner that pollution of groundwater, surface water, or air does not occur.
  3. In no case shall toxic materials be dumped into drainageways or onto land.
- J. Site Enhancement. In addition to compliance with native vegetation removal and enhancement provisions of chapters 4.300, Vegetation Corridor and Slope District, and 4.600, Flood Management Area, of this code, the developer shall be responsible for enhancement of the vegetation corridor adjacent to protected water features, on slopes of 25% or greater, public and private open spaces, utility easements, and on developed or undeveloped right-of-ways adjacent to and/or affected by the development. Submit a landscape plan showing compliance with the standards of “The Handbook”, and the following:
1. If the vegetation existing prior to site development is non-native or invasive, it shall be replaced with native or non-invasive plant species from the Metro Native Plant List.

2. Work areas on the immediate site shall be carefully identified and marked to reduce potential damage to trees and vegetation. Establish a root protection zone around all existing trees that will be preserved on the construction site, through the use of construction fencing, or equivalent, that clearly marks the protection zone on the site.
3. Trees shall not be used as anchors for stabilizing working equipment.
4. During clearing operations, trees and vegetation shall not be permitted to fall or be placed outside the work area.
5. In areas designated for selective cutting or clearing, care in falling and removing trees and brush shall be taken to avoid injuring trees and shrubs to be left in place.
6. Stockpiling of soil, or soil mixed with vegetation, shall not be permitted on a permanent basis. Topsoil removal for development shall be stockpiled and reused onsite to the degree necessary to restore disturbed areas to their original or enhanced condition, or to assure a minimum of six inches of stable topsoil for revegetation. Additional soil shall be provided, if necessary, to support revegetation. [Adopted by Ord. 607, ef. 8/11/94; Amended by Ord. 702, ef. 11/24/00]

5.615 Plan Implementation Requirements.

[Adopted by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]

5.615 Duration of Maintenance. Continuous maintenance of the erosion and sediment control devices approved with the site development permit application, after development, including revegetation of all graded areas, shall be the responsibility of the developer, subsequent developers, or property owners.

- A. Inspect Erosion Control Measures. During active construction, the developer shall inspect erosion control measures daily during rainy periods. Spot checks will be conducted by the City during construction. In all cases, the developer shall be responsible for maintenance, adjustment, repair, and replacement or erosion control measures to ensure that they are functioning properly without interruption.
- B. Written Records. When required by the Director, the developer shall maintain written records of all site inspections of erosion control measures which shall be provided to the Director upon request.
- C. Call for Inspection. The developer shall call for City inspection, prior to the foundation inspection for any building, to certify that erosion control measures are installed in accordance with the erosion control plan.
- D. Erosion control measures shall be maintained during construction and for one year after development is completed. The Director may, upon a finding that soils are completely stabilized, reduce this period. [Adopted by Ord. 702, ef. 11/24/00]

- 5.616 Special Water Quality Treatment Facilities.  
[Adopted by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]
- 5.616 Correction of Ineffective Measures. If the facilities and techniques approved in the erosion control plan are not effective or sufficient to meet the purpose of this chapter based on an onsite inspection, the Director may require a revised plan.
- A. Upon receiving notice, the developer shall immediately install interim erosion and sediment control measures as specified in “The Handbook” and call within 24 hours for a reinspection.
  - B. The revised erosion control plan shall be provided within five working days if written notification by the Director was required.
  - C. The developer shall implement fully the revised plan within five working days of approval by the Director. [Adopted by Ord. 702, ef. 11/24/00]
- 5.617 Penalties. In addition to those penalties available under section 17.110, Abatement and Penalty, of this code, the Director may enforce the following additional penalties to this chapter:
- A. Issue a stop work order where erosion control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect.
  - B. Refuse to accept any further permit applications until erosion control measures have been installed properly and maintained in accordance with this chapter.
  - C. The owner of the property from which the erosion occurs, together with any person or parties who cause such erosion, shall be responsible for mitigating the impacts of the erosion and for preventing future erosion.
  - D. The City Attorney may institute appropriate action in any court to enjoin development of a site or building project which is in violation of this chapter, or to require conformance with this chapter. [Adopted by Ord. 607, ef. 8/11/94; Renumbered from 5.618 and amended by Ord. 702, ef. 11/24/00]
- 5.618 Security. Except as provided for in subsection (B) of this section, after an erosion control plan is approved by the Director, and prior to the issuance of a grading or building permit, the applicant shall provide a performance bond or other financial guarantee in the amount of 120% of the value of the erosion control measures necessary to stabilize the site and maintain water quality.
- A. Duration. The performance bond shall be in effect for a period of at least one year after the erosion control measures are installed. The performance bond or other financial guarantee shall be released when the Director determines that the erosion control measures are operating adequately. All, or a portion, of the performance bond or financial guarantee may be withheld by the City for a period of up to five years beyond the one year maintenance period, if it has been determined by the Director that the erosion control measures are not operating adequately.

- B. Exemptions. Single-family and two-family residential residences on individual lots shall be exempt from posting a performance bond or other financial guarantee.
  
- C. Conflict. Due to the immediate threat to water quality posed by failure to comply with the strict provisions of the erosion control measures required under this chapter, the provisions of this section shall supersede the more general provisions of sections 17.050, Bond or Cash Deposit, 17.060, Noncompliance with Provisions Under Obligation, and 17.070, Adjusting Bond or Deposit for Future Obligation, of this code, where conflicts exist. [Adopted by Ord. 607, ef. 8/11/94; Renumbered from 5.617 and amended by Ord. 702, ef. 11/24/00]

**5.700 MANUFACTURED HOME SUBDIVISIONS  
AND MH PLANNED DEVELOPMENTS**

**MH**

5.710-5.714

[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 716, ef. 5/9/02]

**5.800 STORMWATER MANAGEMENT****STMA**

5.810 Purpose. The purpose of the stormwater management standards is to prevent the degradation of, and promote the enhancement of, primary or secondary protected water features and groundwater. [Adopted by Ord. 702, ef. 11/24/00; Amended by Ord. 731, ef. 6/26/03]

5.820 Reference Authority.

- A. The current edition of the Stormwater Management Manual, City of Portland Environmental Services and addendums adopted by the Troutdale Public Works Department, is adopted into this code by reference and shall be the guide for requirements and design standards for the water quality facilities. Where conflict exists between this code and any of these documents, the more restrictive shall apply.
- B. The current edition of the City of Troutdale Construction Standards for Public Works Facilities is adopted into this code by reference with respect to the design of catch basins in parking lots and private and public streets. Where conflict exists between this code and any of these documents, the more restrictive shall apply.
- C. 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 Federal Emergency Management Agency's Flood Insurance Rate Map, and the National Wetlands Inventory Map.
- D. Wetland determinations acknowledged by the Oregon Division of State Lands that were submitted with previous land use applications and on record in the Community Development Department.
- E. The "North Troutdale Storm Drainage Master Plan" prepared by David J. Newton Associates, Inc., March 1990. This plan includes Arata and Salmon Creeks.
- F. The "South Troutdale Storm Drainage Master Plan" prepared by KCM and Associated Firms, May 1996. This plan includes Beaver Creek and the Sandy River. [Adopted by Ord. 702, ef. 11/24/00]

5.830 Applicability. The Director shall require water quality treatment and/or detention facilities for stormwater under any of the following:

- A. The site is within the vegetation corridor 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; within the Flood Management Area established in chapter 4.600 of this code; or abuts a protected water feature.
- B. The development occurs on natural slopes of 25% or greater.

- C. The development involves fuel storage or dispensing areas, vehicle wash areas, or vehicle maintenance dismantling areas, more than 2,000 square feet of uncovered impervious parking area, or other development characteristics that may degrade water quality. [Adopted by Ord. 702, ef. 11/24/00; Amended by Ord. 731, ef. 6/26/03]

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, streamback 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. [Adopted by Ord. 702, ef. 11/24/00; Amended by Ord. 770, ef. 2/23/06]

5.850 Security.

[Adopted by Ord. 702, ef. 11/24/00; Repealed by Ord. 770, ef. 2/23/06]

5.860 Penalties. Each violation of any provision of this chapter, or any failure to carry out the conditions of any approval granted pursuant to this chapter, shall be unlawful and a civil infraction subject to the enforcement provisions of section 17.110, Abatement and Penalty, of this code.

- A. Additional Penalties. In addition to those penalties available under section 17.110, Abatement and Penalty, of this code, the Director may refuse to accept any development permit application from the developer or applicant for other land use development; revoke or suspend any development; deny occupancy of the subject property until the stormwater quality facility has been installed properly and

maintained in accordance with this chapter; or recommend to the Police Chief to deny a business license of the developer or applicant.

- B. The owner of the water quality facility, a homeowner's association, or other entity bound to the deed restrictions pertaining to the water quality facility shall be responsible for mitigating the impacts of the erosion and for preventing future erosion.
- C. Upon request of the City Administrator, or at the direction of the City Council, the City Attorney may institute appropriate action in any court to enjoin development of a site or building project which is in violation of this chapter, or to require conformance with this chapter. [Adopted by Ord. 702, ef. 11/24/00; Amended by Ord. 731, ef. 6/26/03]

**5.900 MANUFACTURED HOME PARKS****MHP**

- 5.910 Purpose. A single-family residential manufactured home park is intended for manufactured homes on separate spaces within a manufactured home park. The purpose of these provisions is to extend the opportunity for low and moderately priced single-family homes, to ensure a high-quality living environment within manufactured home parks, to ensure that manufactured homes in manufactured home parks are safe and durable, and to protect property values within and adjacent to manufactured home parks.
- 5.920 Establishment of a Manufactured Home Park. A manufactured home park may be established as a permitted use in the R-5 and R-4 residential districts.
- 5.930 Locational Criteria. Access to manufactured home parks shall be from abutting public streets. No manufactured home space shall have direct vehicular access to a street bordering the park.
- 5.940 Density, Minimum Site Size, and Dimensions of Park. All manufactured home parks shall meet the following minimum requirements:
- A. The minimum size of a manufactured home park shall be one acre.
  - B. The number of permitted units allowed in a manufactured home park shall not exceed the density permitted in the underlying zone.
  - C. Minimum park street frontage - 100 feet.
  - D. Minimum park depth - 150 feet.
- 5.950 Standards and Criteria. Manufactured home parks must comply with the following standards and criteria:
- A. Perimeter setback and buffer area.
    - 1. A perimeter setback and buffer area of at least 20 feet shall be provided. This area shall remain unoccupied by any structure, street, parking, or driveway area, except that private street entrances may cross the perimeter buffer where necessary to provide access to the park.
    - 2. Within that portion of the perimeter setback and buffer area which abuts a public street right-of-way, screening shall be achieved through one of the following:
      - a. A three-foot high earthen berm with 75% of the area planted with evergreen and deciduous trees, shrubs, and groundcover arranged so as to achieve an effective sight and sound buffer of at least six feet in height to screen the park at the time of completion.
      - b. A six-foot high decorative masonry wall, wooden fence, and a combination of evergreen and deciduous trees, shrubs, and

groundcover arranged so as to achieve an effective sight and sound buffer to screen the park at time of completion.

3. Within that portion of the perimeter setback and buffer area which abuts adjacent parcels, a sight-obscuring wooden fence or a decorative masonry wall at least six feet in height shall be installed to screen the park from adjacent properties.
- B. Dimensional standards - per space.
1. Front yard - 10 feet.
  2. Rear yard - 20 feet, if not abutting a perimeter strip.
  3. Side yard - 7.5 feet.
  4. Minimum distance between dwellings - 15 feet.
  5. Lot coverage - Not to exceed 75%.
- C. Minimum dwelling requirements.
1. All manufactured homes shall have a gross floor area of at least 600 square feet.
  2. Any manufactured home established under this code shall have been manufactured after June 15, 1976 and bear the Oregon Department of Commerce "Insignia of Compliance" indicating conformance with construction standards promulgated by the U.S. Department of Housing and Urban Development.
  3. Any manufactured home built before June 15, 1976 may be permitted if the owner obtains certification from the Oregon Department of Commerce that the home conforms with the U.S. Department of Housing and Urban Development construction standards.
- D. Landscaping/open space/recreation areas. All required landscaped areas shall comply with the general landscaping and vision clearance standards of this code and the City's Development Standards.
1. A minimum of 20% of the manufactured home park area shall be reserved for open space.
  2. Such open space may include the perimeter setback and buffer area, and improved outdoor recreation facilities.
  3. Ten percent of the manufactured home park area shall be reserved and developed for common recreation space or structure.

4. Streets, access drives, parking lots, and unoccupied portions of manufactured home spaces shall not be considered open space.
- E. Public facilities and services.
1. All developments are subject to the applicable requirements of the Development Standards and Public Facilities Standards.
  2. If a manufactured home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants within 500 feet of such space or structure. Each fire hydrant shall be located along a vehicular way.
- F. Mail delivery. Each manufactured home space shall be provided with a mailbox located on each manufactured home space or in a central mail station designed as an integral part of the manufactured home park, or in a stand containing clustered (four or more) mailboxes located near the dwellings being served.
- G. Accessory structures. Each manufactured home space shall be provided with an accessory storage building with 100 square feet of enclosed floor area. All such storage buildings within the park shall be of uniform design and constructed of the same materials. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.
- H. Sidewalks/pedestrian pathways. A system of sidewalks or pathways shall be installed linking all manufactured home spaces, recreation areas, parking lots, and common buildings. This system may consist of conventional sidewalks paralleling the street, or an independent network of pathways. The system shall be linked with the sidewalks along perimeter streets bordering the manufactured home park. Pedestrian pathways and sidewalks shall be paved with a durable all-weather surface no less than four feet in width.
- I. Internal circulation system/parking. Internal roads and driveways shall be designed to provide safe and convenient access to manufactured home spaces and other facilities in the manufactured home park for service and emergency vehicles, but shall not be designed to encourage outside traffic to traverse the development.
1. All interior roadways shall be designed and constructed in accordance with the standards established by OAR 814-28-060(8) for manufactured home park roads and streets.
  2. Pavement width. All interior streets shall have a minimum pavement width of 24 feet, exclusive of any pedestrian circulation systems.
  3. Curbs shall be installed on both sides of interior streets if built with a raised crown. If streets are built with an inverted crown, curbs are not required.

4. Dead-end (cul-de-sac) streets shall serve no more than 18 manufactured home sites and have a minimum turning radius of 40 feet.
  5. On-street parking shall be prohibited. Off-street parking and loading facilities shall be provided in accordance with the requirements of Chapter 9 of this code.
  6. Required resident off-street parking spaces may be provided either on the manufactured home space or in an off-street parking bay within 100 feet from the dwelling served.
  7. Guest parking shall be provided in off-street parking bays in close proximity to the dwelling units served.
  8. Off-street parking shall be provided for all non-residential uses within the manufactured home park at the rate provided for in the City's off-street parking standards. These parking spaces shall be provided within 100 feet of the non-residential use.
  9. Recreational vehicles such as camping trailers, boats, campers, motor homes, and other such vehicles shall be parked or stored within an area specifically designated for such use and enclosed by a six-foot high sight-obscuring wooden fence or decorative masonry wall with a gate.
  10. Off-street loading bays and maneuvering areas shall be provided for all uses receiving delivery vehicles on a regular basis in conformance with City standards.
- K. Signs. Park identification signs shall comply with the City sign regulations. In addition, the following standards apply:
1. Each manufactured home park shall provide one sign immediately inside the main entrance identifying the location of all interior streets and drives, visitor parking areas, storage areas, all manufactured home sites by number, and all other buildings and structures within the park, provided that the face of the sign does not exceed City standards, and is either backlighted or indirectly lighted.
  2. Each manufactured home site shall have a sign not larger than one square foot identifying the number of each manufactured home site.
  3. Traffic control signs shall be installed as required by the City or other governmental agency.
  4. Lighting, utility system, decks, play areas, park sanitation, and maintenance. Requirements not specified within this section shall be those specified in OAR 814-23 and 814-28.

5.960 Manufactured Home Installation Standards.

- A. Prior to the occupancy of any manufactured home space, the owner of the manufactured home park shall obtain a certificate of occupancy from the City.
- B. Wheels shall be removed from the manufactured home upon placement within a manufactured home park. Hubs and axles may remain.
- C. All manufactured homes shall be skirted and tied down in accordance with state standards.

5.970 Manufactured Home Park Maintenance. The manufactured home park shall be maintained in a neat appearance at all times. Except for fully functioning vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park. All approved on-site improvements shall be the ongoing responsibility of the owner of the park. The owner shall be responsible for the maintenance of all landscaping which shall be maintained in good condition in order to present a healthy, neat, and orderly appearance that is free of refuse and debris. [Adopted by Ord. 550, ef. 9/25/90]

## 5.1000 ACCESSORY RESIDENTIAL UNITS

- 5.1010 Purpose. The purpose of this section is to provide standards for the establishment of an accessory residential unit. An accessory residential unit is a second dwelling unit either within or added to a detached single-family dwelling. This section is intended to enable an accessory unit to function as a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom, and sleeping area. [Adopted by Ord. 690, ef. 7/27/00]
- 5.1020 Review Procedures. Accessory residential units shall be processed through a Type II site and design review procedure. [Adopted by Ord. 690, ef. 7/27/00]
- 5.1030 Standards for Accessory Residential Units. Accessory residential units shall comply with the following standards:
- A. An accessory residential unit shall only be allowed in conjunction with a detached single-family dwelling with a gross floor area of at least 1,800 square feet on a lot within a subdivision recorded after July 27, 2000.
  - B. An accessory residential unit shall comply with the building setbacks and height requirements of the underlying zone and overlay zone, if applicable.
  - C. One accessory residential unit shall be allowed in conjunction with the primary dwelling at the time of its original construction or by converting existing living area or adding floor area. An attached garage does not qualify as living area. No separate, freestanding accessory residential unit, including the conversion of a detached garage or detached carport, shall be permitted.
  - D. An accessory residential unit shall not exceed 750 square feet in area and shall not have more than one bedroom or sleeping room.
  - E. Only one entrance shall be located on the front of the primary dwelling or any portion of the primary dwelling abutting a street, unless the dwelling contained additional entrances before the accessory residential unit was created.
  - F. One off-street parking space, in addition to that which is required for the primary dwelling, shall be provided for the accessory residential unit. All designed parking spaces shall comply with Chapter 9, Off-Street Parking and Loading, of this code.
  - G. In order to maintain an architectural character similar to the primary dwelling, the accessory residential unit shall have siding and roofing materials and exterior paint colors that match the siding and roofing materials, and exterior paint colors of the primary dwelling.
  - H. Public facilities must be adequate to serve the primary dwelling and accessory residential unit, as determined by the Public Works Department.
  - I. An accessory residential unit shall meet all applicable health, fire safety, and building codes. [Adopted by Ord. 690, ef. 7/27/00]



**CHAPTER 6 - PERMITS AND PROCEDURES****6.000 ANNEXATION****AN**

- 6.010 Annexation Criteria. A proposal to annex territory to the City shall be conducted under the Type IV procedure with supplements or modifications required to comply with state law. When an annexation proposal has been initiated and the Director has determined the territory is eligible for annexation, it shall be referred to the Planning Commission. The Commission shall base its recommendation to the City Council on whether the following criteria have been met:
- A. The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in conditions have occurred which render the Comprehensive Land Use Plan inapplicable to the annexation.
  - B. Inclusion of the territory within the City would be consistent with the purpose served by the City. [Adopted by Ord. 550, ef. 9/25/90]
- 6.020 City Council Review. The City Council shall make affirmative findings on the two criteria if it proceeds with the annexation. However, proceedings may be terminated by the Council at any time. [Adopted by Ord. 550, ef. 9/25/90]
- 6.030 Designation of Annexed Property. Territory annexed to the City shall remain subject to the land development regulations of the County until changed by the City. Such change may be entirely or partially carried out as a part of the annexation proceedings if included in the Type IV proceedings of the City Council. Within 30 days after the effective date of annexation, the Director shall report on any further steps that appear necessary to have the annexed territory fully subject to the provisions of this code, and shall initiate appropriate action to have those steps carried out. If the City Council finds it is important to the protection or implementation of City policies, interim regulations may be applied in the annexed area until more permanent action can be taken. [Adopted by Ord. 550, ef. 9/25/90]

**6.100 VACATION VA**

6.110 Vacation Criteria. A proposal to vacate a street, 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. [Adopted by Ord. 550, ef. 9/25/90]

6.120 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. [Adopted by Ord. 550, ef. 9/25/90]

6.130 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. [Adopted by Ord. 550, ef. 9/25/90]

**6.200 VARIANCE MV**

6.210 Type I Variance Procedure.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]

6.220 Type II Variance Procedure.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]

6.230 Authority to Grant a Type I Variance.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]

6.240 Type III Special Variance Procedure.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]

6.250 Authority to Grant a Type II Special Variance.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]

6.205 General Provisions.

- A. The variance procedures are intended to allow modifications of specific standards contained within this code where difficulties exist which render compliance with the standards impractical and such compliance would create unnecessary hardship to the owner or user of land or buildings.
- 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. [Adopted by Ord. 705, ef. 5/10/01]

6.210 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. [Adopted by Ord. 705, ef. 5/10/01]

6.215 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, 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;

- B. The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare;
  - 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 and the resulting hardship. [Adopted by Ord. 705, ef. 5/10/01]
- 6.220 Type II Variance. The Director may grant a variance under the Type II procedure if the request involves only the expansion or reduction of a quantifiable provision in this code by more than ten percent, but not more than 30%, and the criteria in section 6.215 of this chapter are met. [Adopted by Ord. 705, ef. 5/10/01]
- 6.225 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 30%, or if this request is referred to the Planning Commission in accordance with section 6.235 of this chapter and the criteria in section 6.215 of this chapter are met. [Adopted by Ord. 705, ef. 5/10/01]
- 6.230 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, 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. The provision to be waived is unreasonable and unwarranted due to the specific nature of the proposed development. [Adopted by Ord. 705, ef. 5/10/01]
- 6.235 Referral to Planning Commission. The Director may refer any variance request involving the expansion or reduction of a quantifiable provision of this code by 30% or less to the Planning Commission if the Director determines that a higher level of review is justified given the complexity or controversial nature of the request. A variance that is referred to the Planning Commission shall be considered in accordance with section 6.225 of this chapter. [Adopted by Ord. 705, ef. 5/10/01]

**6.300      CONDITIONAL USE      CU**

- 6.310      Purpose. This section provides for uses specified in the zoning districts as conditional uses. A conditional use permit may be considered under the Type III procedure provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Land Use Plan. [Adopted by Ord. 550, ef. 9/25/90]
- 6.320      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 shall be subject to Planning Commission approval after a public hearing. [Adopted by Ord. 550, ef. 9/25/90]
- 6.330      Application. A written application for a conditional use by a property owner or authorized representative 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. [Adopted by Ord. 550, ef. 9/25/90]
- 6.340      Approval Criteria. The Planning Commission may approve an application, approve with modifications, or deny an application for a conditional use after a hearing. 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 for consideration as a conditional use.
  - B.      The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.
  - C.      The proposed use of the site is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
  - D.      The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
  - E.      The proposed use will provide adequate open space, landscaping, and aesthetic design to mitigate any possible adverse effect on surrounding properties and uses.
  - F.      The proposed use will not result in use of the land for any purpose which may create, or cause to be created, any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to public health, safety, and welfare.

- G. The proposal satisfies the goals and policies of the Comprehensive Land Use Plan which apply to the proposed use, as well as the purposes of this section and applicable provisions of this code.
- H. Owners of property within 250 feet of the boundary of the subject property have been notified of the hearing. [Adopted by Ord. 550, ef. 9/25/90]

6.350 Conditions. 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
  - 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. [Adopted by Ord. 550, ef. 9/25/90]

- 6.360 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. [Adopted by Ord. 550, ef. 9/25/90]
- 6.370 Expiration. Approval of a conditional use permit shall be void after two years, or such lesser time as the Planning Commission may specify, unless substantial construction has taken place. However, the Planning Commission may grant a one-year extension if the applicant requests such an extension before the expiration of the initial time limit. [Adopted by Ord. 550, ef. 9/25/90]
- 6.380 Building Permit. A building permit for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Commission. Any change in the approved plan shall be submitted to the Planning Commission as a new application. [Adopted by Ord. 550, ef. 9/25/90]
- 6.390 Revocation. A conditional use permit shall be subject to revocation by the Planning Commission if the application is found to include false information, or if the conditions of approval have not been complied with or are not being maintained.
- A. The Planning Commission shall hold a public hearing in order for the applicant to show cause why the permit should not be revoked.
  - B. 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 days after the time specified.
  - C. Reapplication for a conditional use which has been denied or revoked cannot be made within one year after the date of the Planning Commission's action, except that the Planning Commission may allow a new application to be considered if there is new evidence or a change in circumstances. [Adopted by Ord. 550, ef. 9/25/90]

## CHAPTER 7 - LAND DIVISION

7.010 Purpose. To provide for an orderly division of land, uniform monumentation, and provision of public services. [Adopted by Ord. 550, ef. 9/25/90]

7.020 Division of Land.

- A. No land shall be divided prior to approval of a minor partition, major partition, or subdivision in accordance with this code. If a land division application is submitted that does not involve other proposed development, the application shall state the intended form of future development for the resulting land parcels. This intended future development will be considered in conjunction with the land division processing just as though the subdivider were intending to proceed with the future development.
- B. No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard, or setback requirements of the zoning district.
- C. Land division is processed by approving a tentative plat prior to approval of the completed land division plat or map. Where a Type II or III procedure is required for land division approval, that procedure shall apply to the tentative plat approval. As long as there is compliance with the approved tentative plat, the Director shall have authority to approve final plats and maps for land divisions in conjunction with developments. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.030 Procedures.

- A. Type I Land Division (Lot Line Adjustment). Lot line adjustments shall be a Type I procedure if the resulting parcels comply with standards of this code and section 7.040, Approval Criteria, of this chapter.
- B. Type I Land Division (Minor Partition). Minor partitioning shall be a Type I procedure if the land division does not create additional public streets and the resulting parcels comply with standards of this code and section 7.040, Approval Criteria, of this chapter.
- C. Type II Land Division (Major Partition). A major partition shall be a Type II procedure when satisfactory street conditions exist and the resulting parcels comply with standards of this code and section 7.040, Approval Criteria, of this chapter. Satisfactory street conditions exist when the Director determines one of the following:
  - 1. An existing street or a new proposed street need not continue beyond the land to be partitioned in order to complete an appropriate street system or to provide access to adjacent property.



2. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Land Use Plan or an officially adopted City street plan.
- D. Type II Land Division (Minor Revised Plat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) is existing and no extension or reconstruction/realignment is necessary, the replat does not increase the allowable density, the resulting parcels comply with standards of this code and section 7.040, Approval Criteria, of this chapter, and the replat involves no more than six lots.
  - E. Type III Partition. A major partition shall be a Type III procedure if unsatisfactory street conditions exist. The Director shall determine if unsatisfactory conditions exist based on one of the following criteria:
    1. An existing street or a new proposed street will be extended beyond the parcels to be partitioned to complete a street system or provide access to adjacent property.
    2. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Land Use Plan or officially adopted City street plan.
  - F. Type III Land Division (Major Revised Plat). A major replat involves the realignment of lot lines (including a re-subdivision of six or more lots, even if the replat does not increase the allowable density). All parcels resulting from the replat must comply with the standards of this code and section 7.040, Approval Criteria, of this chapter. Any replat involving the creation, extension, or modification of a street shall be processed as a major replat.
  - G. Type III Land Division (Subdivision). Creation of a subdivision shall be a Type III procedure. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.040 Approval Criteria. An application may be approved, approved with conditions, or denied based upon applicable criteria.

- A. An application shall comply with the following criteria:
  1. All applicable statutory provisions.
  2. The City's Comprehensive Land Use Plan, Development Code and all other applicable laws of this City, appropriate agency, or jurisdiction.
  3. The City's Transportation System Plan, Parks and Greenway Plan, Capital Improvements Plan, and any other applicable Plan adopted by the City.
  4. The *City of Troutdale Construction Standards for Public Works Facilities*.
- B. The subdivider shall demonstrate that the street, parcel, and block pattern proposed meets the following criteria:

1. Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.
2. Street right-of-ways, pavement widths, and sidewalks shall be adequate to accommodate the type and volume of anticipated traffic.
3. Public utilities, including water, sewer, and stormwater drainage to serve the proposed subdivision can be provided in accordance with the *City of Troutdale Construction Standards for Public Works Facilities*.
4. Residential areas shall be protected from potential nuisance from a proposed commercial or industrial subdivision, to the extent feasible or possible, by providing extra depth in parcels backing up on existing or potential developments, a landscaped buffer strip, and other similar measures.
5. Physical limitations of the site such as flood or slide hazard, natural features, or any other constraint shall be accommodated within the design of the proposed land division. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.050 Land Division Process Outline.

- A. Pre-application conference.
- B. Submittal of application.
  1. Tentative plat sketch.
  2. General plan and program narrative.
  3. Supplemental data.
  4. Payment of fees.
  5. Submission of property ownership list.
- C. Acceptance of application, or return for completion or supplemental data.
- D. Review of tentative plat by the Director, staff, and affected agencies.
- E. Provision for extension of time for review.
- F. Approval, denial, or approval with conditions by the Director for Type I and II land divisions.
- G. Referral to Planning Commission with staff recommendations for Type III land division.
- H. Approval, denial, or approval with conditions by the Planning Commission at the scheduled public hearing.

- I. Transmittal of final plat with changes as conditioned.
- J. Submittal of construction drawings and project development inspection fee.
- K. Approval of construction drawings.
- L. Provision of adequate performance guarantee.
- M. Preconstruction conference.
- N. Commencement of construction.
- O. Inspection of improvements.
- P. Acceptance of constructed public improvements.
- Q. Warranty of workmanship and materials.
- R. Plat acceptance (may occur after subsection (L) of this section). [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.060 Pre-Application Conference. Pursuant to section 2.030, Pre-Application Conference, of this code, prior to submission of a tentative plat the subdivider shall request the Director to arrange a pre-application conference unless the subdivider and the Director agree that the conference is not needed. The subdivider shall submit to the Director a tentative sketch of the proposed development. The sketch shall be drawn to scale which shall be noted on the plan. The following information shall be provided:

- A. Names and right-of-way widths of all streets within 150 feet of the proposed development.
- B. Scale of drawing, legend, north arrow, and date; a scale of 1"=100' is preferred.
- C. Proposed land uses and number of units by type of units.
- D. Natural features (such as trees, streams, and rock outcroppings).
- E. Approximate sizes of lots.
- F. Proposed street pattern, including both public and private streets, with right-of-way widths.
- G. All contiguous holdings of the owner including land in the "same ownership", with an indication of the portion which is proposed to be divided. The following information is not required but is helpful in reviewing the project:
  - 1. Ground elevations shown by contour lines at two-foot vertical intervals.
  - 2. All property lines within 250 feet of the proposed development. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.070 Application for Tentative Plat. The subdivider of a partition or subdivision shall submit an application, appropriate fees, copies of a tentative plat, and copies of all other supplementary material as may be required to indicate the general program and objectives of the project. The tentative plat should present all relevant graphic data to scale.

- A. Format. The tentative plat shall be drawn on a sheet 18"x24" in size and at a scale of no less than 1"=50' nor more than 1"=100'. The application shall include one copy of a scaled drawing of the proposed subdivision and one copy of the conceptual utility layout on 8½"x11" sheets suitable for reproduction.
- B. Data Requirements.
1. Proposed subdivision name. The proposed name must be reviewed and approved by the Multnomah County Division of Assessment and Taxation and cannot duplicate or resemble the name of any other subdivision in Multnomah County.
  2. Scale of drawing, legend, north arrow, and date.
  3. Location of the subdivision by section, township, and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
  4. A vicinity map, showing adjacent property boundaries and how the proposed streets may be extended to connect to existing streets.
  5. Names, addresses, and telephone numbers of the owner or owners of the property, designer of the subdivision, surveyor, and the date of the survey.
  6. Street locations, names, alleys, right-of-ways, and pavement widths (existing and proposed) on and abutting the tract.
  7. Easement locations, widths, and purpose of all easements of record (existing and proposed) on or serving the tract.
  8. Locations of collection, conveyance, control, fire suppression, and disposal facilities for storm drainage, sanitary sewers, and water utilities (both existing and proposed, public and private) including service laterals on and abutting the tract. If utilities are not on or abutting the tract, indicate the route and distance to the nearest feasible connection point(s).
  9. Ground elevations shown by contour lines at two-foot vertical intervals. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
  10. Natural features such as rock outcroppings, wetlands, water bodies, and watercourses, including drainage ditches, on and abutting the property; location of all existing trees 6" in diameter or larger; and other significant

wooded areas on the tract. Existing trees 6" in diameter or larger that are proposed for removal shall be indicated.

11. Approximate location of areas subject to periodic inundation or storm sewer overflow; the location of special flood hazard areas inundated by 100-year flood as shown on the Flood Insurance Rate Map (FIRM) for the City; and the location, width, and direction of flow of all watercourses.
12. The location of at least one temporary benchmark within the tract boundaries.
13. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
14. Approximate dimensions of all lots, lot sizes, and proposed lot numbers numbered according to Multnomah County Survey standards.
15. Proposed land use and number of units by type of unit.
16. All parcels of land intended to be dedicated or reserved for public use, with the purpose, conditions, and limitations of such reservations clearly indicated.
17. Proposed development phases, if any.
18. Location of any existing public or private wells or septic systems. Statements of any water rights appurtenant to the subject property and the proposed disposition of such rights.
19. Any other information, as determined by the Director, which is necessary to review the tentative plat, such as a soils report, traffic analysis, or other engineering study. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.080 Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within one year following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request by the subdivider, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plat. [Adopted by Ord. 550, ef. 9/25/90]

7.090 Submission and Review of Final Plat. A final plat shall be filed with the Director for final approval. Within 15 business days of filing, the Director shall determine whether the material conforms with the approved tentative plat and with the applicable requirements of this code. If the Director determines that there is a failure to conform, the subdivider shall be advised and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the Director. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.100 Final Plat Submission. Following approval of the tentative plat, the subdivider shall prepare three originals (drawn on 7-10 mil double-matted polyester drafting film) and two paper prints of the final plat, together with any other supplementary material as may be required to indicate the general program and objectives of the project.

A. Format. The final plat shall be drawn as follows:

1. The final subdivision plat shall be drawn in the manner provided by ORS Chapter 92 as administered by Multnomah County at a scale of 1"=100', with permanent black ink or toner on material (polyester double-matted drafting film 7 mil base thickness) that is 18"x24". If more than one sheet is required, the additional sheets shall be numbered and indexed. No portion of the writing, map, or border shall be closer than one inch to the outer edges of the sheet.
2. Plats shall be drawn in the manner provided by ORS 209.250 for preparation of surveys.

B. Data Requirements. In addition to that specified by law, the following information shall be shown on the plat:

1. Reference points of existing surveys identified, related to the plat by distances and bearing, and referenced to a field book or map as follows:
  - a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
  - b. Adjoining corners of adjoining subdivisions or partitions.
  - c. Other monuments found or established in making the survey of the subdivision or required to be installed by state law.
2. State plane coordinates. Three distinctly remote corners of the subdivision exterior boundary shall be tied to the State of Oregon plane coordinate system.
3. The location, width, and centerline of streets and easements abutting or within the boundaries of the tract.
4. Normal flood plain or high waterline for any creek or other minor body of water or natural drainageway and the 100-year flood line of major water bodies.
5. Tract, lot, or parcel boundary lines; street right-of-ways and centerlines with dimensions; bearings or deflection angles; radii arc points of curvature; and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest second with basis of bearings. Distances shall be shown to the nearest 0.01 feet.

6. The width of the portion of streets being dedicated and the width of existing right-of-ways. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius, cord distance, bearing, and central angle shall be indicated.
7. Easements, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The bearing, and sufficient ties to locate the easement with respect to the subdivision, shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
8. Lot numbers beginning with the number "1" and numbered consecutively in the subdivision.
9. Identification of land to be dedicated as a separate tract for any purpose, either public or private, to distinguish it from lots or parcels intended for sale.
10. The following certificates may be combined where appropriate:
  - a. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
  - b. A certificate with the seal and signature of the surveyor responsible for the survey and final map.
  - c. A certificate signed and acknowledged as above, dedicating to the public all land, easements, and improvements intended for public use.
  - d. The following information shall accompany the plat:
    - i. A copy of any deed restrictions.
    - ii. A copy of any dedication requiring separate documents.
    - iii. Deeds conveying property to the City.
    - iv. Vacation of existing right-of-ways or easements.
11. Approval block for signatures. An approval block labeled City of Troutdale with appropriate date and signature lines for the Director and other signatures as required by law.
12. Reference on plat to the City's case file number. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 748, ef. 5/13/04]

7.110 Submission Responsibilities of the Developer - Final Plat. Prior to review and approval of a final plat, the developer shall obtain a signature thereon by a surveyor licensed or

registered in the State of Oregon certifying that the subdivision plat complies with applicable laws. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.120 Review and Approval of Final Plat. Following receipt of the final plat, the Director shall take the following actions:

- A. Verify that the final plat is in conformance with the approved tentative plat. If necessary, the Director may cause field investigations to be made to verify that the plat survey is sufficiently accurate. If it is determined that there has been a failure to comply, the subdivider shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director.
- B. Sign the plat certifying plat approval.
- C. Notify the subdivider that the approved subdivision plat and accompanying documents are ready to be picked up and delivered to the County Recorder for recording. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.130 Tentative and Final Plats for Major and Minor Partitions.

- A. Standards for major and minor partitions are the same as for subdivision tentative and final plats with the following exceptions:
  - 1. Data requirements do not include a “proposed name” for the partition but must reference the “Plat No.” and City case file number.
  - 2. “Proposed improvements” need be shown only where applicable.
- B. Standards for major and minor partitions may be modified by the Director to reduce or eliminate non-essential requirements when warranted by the application. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.140 Approval Signatures for Final Partition Plat. Following review and approval of a final partition plat, the Director shall:

- A. Review Plat for Accuracy. The Director may cause a field investigation to be made to verify that the plat survey is sufficiently accurate. If it is determined that there has been a failure to comply, the subdivider shall be notified and afforded an opportunity to make corrections.
- B. When the plat is found to conform, it shall be signed and dated by the Director to certify that it is approved.
- C. Notify the subdivider that the partition plat and accompanying documents have been approved and are ready to be picked up and delivered to the County Recorder for recording. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]



- 7.150 Effective Date for Final Subdivision or Partition Plat Approval. The approval process for a land division shall become final upon the recording of the approved plat, under ORS 92.120(1), and for a partition, upon the recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place prior to processing of the final plat. The documents effectuating a subdivision or partition shall become null and void if not recorded with the County Recorder within one year following approval. [Adopted by Ord. 550, ef. 9/25/90]
- 7.160 Changes to Approved Plat. A change in an approved plat or plan that affects the street layout, reserved public use areas, or lotting shall require reapplication and review as provided in this section for a new application. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]
- 7.170 Vacation of Plats. A plat, or portion of a plat, may be vacated by its owner anytime prior to the sale of any lot by a written instrument declaring such a plat vacated and seeking approval of the same by the Planning Commission, provided such instrument does not abridge or destroy any public rights in any of its public uses, improvements, streets, or alleys. Such instrument shall be executed, acknowledged or approved, and recorded or filed, in the same manner as a plat. When lots have been sold, a plat may be vacated provided all owners of lots in such plat approve of the vacation. [Adopted by Ord. 550, ef. 9/25/90]
- 7.180 Design Requirements.
- A. Character of the Land. Land which the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the subdivider and approved by the Planning Commission, upon recommendation of the Director, to solve the problems created by the unsuitable land conditions. Such land shall be set aside as separate tracts for uses as shall not involve such a danger.
  - B. Water Facilities. Waterlines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, hydrants, service laterals, meter boxes, and other required appurtenances shall be in accordance with the standards of the Fire District, the City, and the State.
  - C. Underground Utilities. All subdivisions or major partitions shall be required to install underground utilities including, but not limited to, electrical, cable television, and telephone wiring. The utilities shall be installed and easements provided pursuant to the requirements of the utility company. Electric power transmission lines, or primary feeder lines, and transformer vaults shall be underground.

D. Street Trees.

1. Developers of proposed nonresidential subdivisions shall be required to prepare a street tree planting plan prior to submission of the final plat. It will be the developer's responsibility to install street trees, as indicated on the approved plan.
2. Developers of proposed residential subdivisions shall be required to pay the City a street tree assessment in accordance with the fee schedule adopted by resolution of the City Council. The City will be responsible for planting the trees at the time the residential lots are occupied.
3. Street trees shall be maintained by the property owner in conformance with Chapter 13.10, Trees, of the Troutdale Municipal Code.

E. Lot Design.

1. Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with this code.
2. Lot dimensions. The lot dimensions shall comply with the minimum standards of this code. When lots are more than double the minimum required area for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
3. The lot or parcel width at the front building line shall meet the requirements of this code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag (panhandle) parcel resulting from the division of an unusually deep land parcel.
4. Double frontage lots and access to lots. Lots both fronting and backing to a street shall be avoided except where necessary to provide separation of residential developments from arterial streets, or to overcome specific disadvantages of topography or orientation. If created, a landscaped, fenced, or screened easement, at least ten feet wide, shall be provided across which there is no right of access to the abutting arterial street.
5. Lots shall avoid deriving access from major or minor arterials. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such streets. Where possible, driveways should be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.
6. Fencing. A subdivider shall be required to furnish and install fencing whenever the Director or Planning Commission determines that a nuisance

or hazardous condition may exist. The fencing shall be constructed according to standards established by the Director. No certificate of completion shall be issued until the fence improvements have been installed.

7. In a location that will not be served by a public sewer, a lot shall have sufficient size to permit compliance with the requirements of the Department of Environmental Quality for sewage disposal by septic tank and tile field, and permit continued reliance on that method of sewage disposal. If the location will not be served by a community water system, a lot shall have sufficient additional size to permit an on-site water supply for each lot without conflict between water supply and sewage disposal facilities.
8. Shared private drives. Shared private drives serving multiple lots may be approved by the Director when the following conditions are met:
  - a. The private drive does not serve more than six dwelling units.
  - b. A homeowner's association, or other mechanism found acceptable to the Director, is created to maintain the drive.
  - c. All utilities, except the private drive or approved stormwater laterals, shall have separate connections to the public system.
  - d. Any utilities or facilities shared by two or more property owners shall meet established City standards.
  - e. Private drives serving two or more residences shall be fully improved with hard surface pavement with a minimum width of:
    - i. 20 feet when accommodating two-way traffic; or
    - ii. Ten feet when accommodating one-way traffic.
9. Flag lots. Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:
  - a. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
  - b. The access strip may not be counted towards the lot size or area requirements.
  - c. The accessway shall have a minimum paved width of ten feet.
- F. Erosion Control. Erosion control shall be provided in accordance with chapter 5.600, Erosion Control and Water Quality Standards, of this code.

## G. Surface Drainage and Storm Sewer Systems.

1. General provisions. No partition or subdivision shall be approved which does not make adequate provisions for storm or floodwater runoff in accordance with chapter 5.800, Stormwater Management, of this code. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Surface water drainage systems shall be approved by the Director of Public Works.
2. Accommodation of upstream drainage areas. Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the upstream drainage area, whether inside or outside of the development, that drains to the subject property. The Director of Public Works shall approve the size of the facility, based on the provisions of the construction standards and specifications, assuming conditions of maximum potential watershed development permitted by this code.
3. Effect on downstream drainage. Where additional runoff incidental to the development of the subdivision will overload an existing drainage facility, approval of the subdivision may be withheld until provisions have been made for improvement of said potential condition.
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.

## H. Sewerage Facilities.

1. General provisions. The subdivider shall install sanitary sewer facilities in a manner prescribed by the Department of Environmental Quality and the Director of Public Works. Where sanitary sewer facilities are not required, an individual disposal system shall be used. The individual disposal system, including the size of the septic tanks, tile fields, or other treatment device, shall be approved by the City of Portland Bureau of Environmental Services.
2. Sizing system. Sanitary sewer systems should be designed for the ultimate tributary population, which should be determined by consideration of the current zoning and Comprehensive Land Use Plan designations. Sewer

capacities should be adequate to handle maximum hourly quantities of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow and must meet city construction standards.

- I. Pedestrian Access. Any Type II land divisions, where further divisions are possible, and all Type III land divisions shall comply with the requirements of section 8.054, Accessways, of this code.
- J. Utility Easements. A minimum five-foot wide utility easement shall be required along the front of all lots. In addition, utility easements will be required for public utilities on private property.
- K. Preservation of Natural Features and Amenities. Existing features which would add value to developments or to the City as a whole such as trees, watercourses, beaches, historical places, and similar irreplaceable assets, shall be preserved in the design of the development. No trees shall be removed from any development nor any change of grade of the land effected until approval of the final plat has been granted. All trees on the site which have been designated to be retained shall be preserved using best management practices as specified in an arborist's report.
- 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.
  1. Topography and arrangements. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers, and to the pattern of existing and proposed land uses.
  2. Local streets. Local streets shall be laid out to conform as much as possible to the topography, permit efficient drainage and utility systems, and require the minimum number of streets necessary to provide convenient and safe access to property. Where the length or design of the street allows or promotes excessive speeds, traffic management measures such as speed humps and traffic circles are encouraged and may be required, if needed, to ensure the safe operation of the street. Local street design shall provide for adequate sight distance at all cross streets and accessway junctions.
  3. Local street connectivity. The City of Troutdale Comprehensive Land Use Plan, Troutdale's Transportation System Plan, and applicable regulations shall be used to identify potential street and accessway connections. Development shall include street plans consistent with the requirements of this code that provide the following:
    - a. For residential and mixed-use developments, local street connections shall be spaced at intervals of no more than 530 feet as measured from the near side right-of-way line, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints

such as major streams and rivers. Local street connections at intervals of no more than 330 feet are preferable in areas planned for the highest density mixed-use development.

- b. Accessways shall be provided for pedestrians, bicycles, or emergency vehicles on a public easement or right-of-way where full street connections are not possible in accordance with subsection (M)(3)(a) of this section, with spacing of no more than 330 feet as measured from the near side right-of-way or easement line, except where prevented by topography barriers, such as railroads or freeways, or environmental constraints such as major streams and rivers. Accessways shall include at least a 15-foot wide right-of-way or easement and a ten-foot wide usable surface.
  - c. Street connections and accessways shall be designed to minimize conflict of movement between the various types of traffic, including pedestrian.
4. Commercial and industrial streets. In commercial and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walkways and parking areas to minimize conflict of movement between the various types of traffic, including pedestrian.
  5. Proposed streets. Proposed streets shall be extended to the boundary lines of the tract to be subdivided. A barricade shall be built at the end of the street by the subdivider in accordance with the *City of Troutdale Construction Standards for Public Works Facilities* and it shall not be removed until authorized by the Director of Public Works.
  6. Blocks. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. However, exceptions to the block width shall be allowed for blocks which are adjacent to arterial streets or natural features. Blocks along arterials or collector streets shall not be less than 500 feet in length, wherever possible. The average perimeter of blocks formed by streets should not exceed 1,500 feet except where street location is restricted by natural topography, wetlands, or other bodies of water.
  7. Access to arterials. When a major partition or subdivision abuts an existing or proposed arterial, access to such streets may be limited by one of the following means:
    - a. The subdivision of lots so as to back onto the arterial and front onto a parallel local street.
    - b. A series of U-shaped streets, short loops, or cul-de-sacs entered from, and designed generally at, right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.

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.
9. Street signs. The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development. The type and location of the street signs and/or traffic safety devices shall be specified by the Director of Public Works.
10. Cul-de-sac. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the City's construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall serve no more than 25 single-family/multiple-family dwelling units, and shall not exceed 200 feet in length as measured to the terminus of the cul-de-sac street, except where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers, prevent street extension that would make the dwelling unit limitation and the street length limitation impractical.
11. Surfacing and improvements. Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the standards of the Oregon Department of Transportation. An overlay of asphaltic concrete, or material approved by the Director of Public Works, shall be placed on all streets within the development. When required by the Director of Public Works, neighborhood traffic management measures shall be constructed in conformance with the City's standards and specifications.
12. Arterial street setback. In residential districts, a building setback line, which shall extend 20 feet back from the right-of-way line of an arterial street or landscaping, fencing, or other method of buffering residential uses from traffic noise, odor, dust, etc., shall be provided adjacent to the arterial. If the use of a buffer strip is selected, no structures may be placed within the buffer.
13. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75° shall not be acceptable. An oblique street should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the Director of Public Works.

14. Street lighting. A complete street light system including, but not limited to, conduits, wiring, junction boxes, transformers, controls, bases, poles, mast arms, and luminaires shall be designed and installed by the subdivider at his/her expense on all streets within or abutting the subdivision. The design must comply with the standards of the Mid-County Lighting District and the standards of the Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting. The Mid-County Lighting District will assume ownership and maintenance responsibility for all street lighting systems within public right-of-ways.
  - a. The design must be reviewed and approved by the Mid-County Lighting District to ensure compliance with its standards and list of acceptable materials. A copy of that written approval document must be provided to the City for its records.
  - b. The design must be included as an integral part of the subdivision construction drawings for review and approval by the City to avoid conflicts with other utilities and structures.

M. Street Standards.

1. Arterials. Arterial streets comprise the regional roadway network and provide for travel between communities. Arterial streets accommodate the full array of travel modes including the regional bikeway system, fixed-route network, goods delivery, and higher volume automobile traffic.
  - a. Principal arterial streets connect to freeways and highways that serve travelers without an origin or destination in the county. This interstate and interregional traffic, including trucks, is in addition to regional traffic traveling between cities and counties, and traffic generated by intensive and higher density land uses along the arterial corridor. The ability to move auto, truck, and regional bicycle traffic is preserved.
  - b. Major arterial streets carry high volumes of traffic between cities in the county as part of the regional trafficway system. Priority may be given to transit- and pedestrian-oriented land uses by way of regional boulevard design treatment. Design and management of major arterial streets emphasizes preservation of the ability to move auto and transit traffic by limiting accesses while also accommodating regional bikeways and pedestrian movements.
  - c. Minor arterial streets are the lowest order arterial facility in the urban regional street network. They typically carry less traffic volume than principal and major arterial streets, but have a high degree of connectivity between communities. Minor arterial streets provide major links in the regional road and bikeway networks, provide for truck mobility and transit corridors, and may serve as significant links in the local pedestrian system, especially where they are designed as community boulevards.



2. Collectors. Collector streets distribute traffic between local streets and the arterial street network. They are not intended to serve trips without an origin or destination inside the county. Collector streets provide for automobile, bicycle, and pedestrian circulation, and basic transit service.
    - a. Major collector streets serve several purposes including linking neighborhoods to the regional system of bicycle and automobile streets, and basic transit service. They typically provide direct access between residential and commercial developments, schools, and parks.
    - b. Neighborhood collector streets provide access primarily to residential land uses and link neighborhoods to higher order roads. They generally have higher traffic volumes than local streets but through or non-local traffic is discouraged.
  3. Local streets. Local streets provide access to abutting land uses and do not serve through traffic. Local streets may be further classified by adjacent land use such as residential, commercial, and industrial. Their primary purpose is to serve local pedestrian, bicycle, and automobile trips in urban areas.
  4. City streets shall be designed in accordance with the *City of Troutdale Construction Standards for Public Works Facilities*.
  5. Streets belonging to other jurisdictions shall be designed in accordance with the standards of the governing jurisdiction.
- N. Transit Facility Design. Any Type II land divisions where further divisions are possible, and all Type III land divisions, shall comply with the requirements of section 8.056, Transit Facility Design, of this code. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 622, ef. 4/13/95; Amended by Ord. 638, ef. 2/23/96; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 748, ef. 5/13/04; Amended by Ord. 770, ef. 2/23/06]
- 7.190 Requirements for Bike and Pedestrian Access. Any Type II land divisions where further divisions are possible, and all Type III land divisions, shall meet the following requirements for future street plan, connections, spacing, and cul-de-sacs:
- A. Future Street Plan. A future street proposal shall be filed by the applicant in conjunction with an application for a subdivision or partition. The proposal shall show the pattern of existing and proposed future streets within the boundaries of the proposed land division and shall include proposed connections to abutting properties. The access spacing standards as specified in subsection 7.180(M) of this chapter shall be considered in determining the need for connections to adjacent properties. Stub streets will be required to avoid landlocking a parcel(s) due to the collector and arterial access spacing standards.
  - B. Connections.
    1. Except as permitted in subsection (E) of this section, all streets, alleys, and pedestrian walkways shall connect to other streets within the development,

existing and planned streets outside the development, and undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools, or other public land within a neighborhood.

2. Where practicable, local roads shall align and connect with other roads when crossing collectors and arterials.
  3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas, and parks.
  4. For residential and mixed-use developments, bicycle and pedestrian connections shall be provided on public easements or right-of-ways when full street connections are not possible, with spacing of no more than 330 feet as measured from the near side right-of-way or easement line, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers.
- C. Spacing. Street layout shall be generally in a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
- D. Cul-de-sacs. Cul-de-sacs and dead end streets or alleys shall only be permitted when the following conditions are met:
1. One or more of the following conditions prevent a required street connection: constrained slope (15% or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property prevents a street connection, or presence of a freeway, limited access highway, or railroad.
  2. An accessway is provided consistent with the standards for accessways.
  3. Cul-de-sacs shall be as short as possible and shall not exceed 200 feet in length as measured to the terminus of the cul-de-sac street, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers that would make the dwelling unit limitation and the street length limitation impractical.
- E. Exemptions.
1. A future street plan specified in subsection (A) of this section is not required for major or minor partitions of residentially zoned land dividing a property into parcels none of which may be redivided under existing minimum lot size standards.
  2. Standards for street connections specified in subsection (B) of this section do not apply to freeways and other highways with full access control.
  3. When these street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out

only design, including median control, may be approved. Where the compliance with the standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection. [Adopted by Ord. 622, ef. 4/13/95; Amended by Ord. 690, ef. 7/27/00]

7.200 Other Sidewalk and Bikeway Standards. New and reconstructed arterials, collectors, neighborhood collectors, and local streets shall meet the following standards:

A. Requirements.

1. Bikeways and sidewalks shall be constructed during the construction or reconstruction of all arterials and collectors, and any neighborhood collector or local street in other than single-family residential developments. On local streets, in areas planned for single-family residential development, sidewalks shall be constructed during home construction.
2. Sidewalks shall be constructed along the frontage of all public streets, and within and along the frontage of all new development or redevelopment.
3. Sidewalks are required on both sides of all new public streets and on both sides of reconstructed public streets, unless there is insufficient right-of-way to permit sidewalks on both sides of the reconstructed street.
4. Where lack of public right-of-way width prevents including sidewalks within the public right-of-way, an easement may be required to provide for all, or part of one or both, sidewalks.
5. If a street is being constructed to an interim standard which does not include bike lanes or sidewalks, interim bikeways or pedestrian walkways shall be provided through construction of paved roadway shoulders at least eight feet in width on arterials and six feet on other streets.

B. Design. Sidewalks shall be designed to parallel streets or to be integrated into an overall site design for the development consistent with the site's topography and vegetative coverage.

C. Sidewalk Construction. Sidewalks shall be constructed to meet the standards found in *City of Troutdale Construction Standards for Public Works Facilities*.

D. Bikeways. Bikeways shall be designed and constructed in accordance with Multnomah County construction standards.

E. Lighting. Lighting of sidewalks and bicycle paths shall be provided in conjunction with construction of new roads, reconstruction of existing roads, and new development. [Adopted by Ord. 622, ef. 4/13/95]

7.350 Guarantee.

A. The subdivider may elect to complete all required public improvements and all other items required as part of the construction drawings and applicable

conditions of approval (hereinafter “improvements”) prior to requesting approval of the final plat. In such case, no performance guarantee will be required. All improvements must be completed in accordance with City standards, inspected, and accepted by the City prior to approval of the final plat. A warranty of workmanship and materials shall be required as specified in section 7.410, Certificate of Completion, of this chapter. All improvements shall remain the property of the subdivider until formally accepted by the City.

- B. If the subdivider elects to file the partition map or subdivision plat prior to the completion and acceptance of the improvements, the subdivider shall secure a surety bond, present a cashier’s check or certified check for deposit with the City, or provide an Irrevocable Letter of Credit with the City as beneficiary as assurance for faithful performance of the required improvements (hereinafter collectively referred to as “financial assurance”). The value of the financial assurance shall be equal to 110% of the estimated value of the improvements. The value of the financial assurance shall not diminish during the life of the instrument. All estimates furnished by the subdivider shall be verified by the Director of Public Works.
- C. In the event the subdivider fails to satisfactorily complete all improvements within the time authorized and the City desires to complete such improvements, the City shall be authorized to use the cashier’s check, certified check, or Irrevocable Letter of Credit to complete the improvements, or to bring an action or claim on the surety bond.
- D. If the amount of the financial assurance exceeds costs and expenses incurred by the City to complete the improvements, the City shall release the remainder. If the amount of the financial assurance is less than the cost and expenses incurred by the City, the subdivider shall be liable to the City for the difference. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.360 Development Inspection Fee. The subdivider shall reimburse the City for the actual cost the City incurs for construction inspection of the improvements within 30 days following receipt of an invoice for such costs. Final acceptance of the improvements shall not occur until all such reimbursements are received by the City. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.370 Construction Drawing Requirements.

- A. General. No public improvements shall be constructed prior to approval of formal construction plans by the Director of Public Works or the Director’s designee. Designs submitted shall be stamped by a registered professional engineer licensed to practice in the State of Oregon.
- B. Submittal Requirements. The subdivider shall submit seven sets of construction drawings that include site grading, erosion control, streets, sanitary sewers, storm sewers, water mains, street lighting, and associated details. Drainage plans shall be accompanied by design calculations (two sets only). Plans shall also include parks and open spaces if public improvements extend into those areas.

## C. Design Plan Format.

### 1. General.

- a. Plans shall be submitted on standard sheets having dimensions of 24"x36" or 22"x34".
- b. A vicinity map shall be located on the first sheet of the plans and shall show the location of the project with respect to the nearest collector or arterial level street and major intersection. The first sheet shall also include an index of all sheets contained in the plans.
- c. A title block shall be placed on each sheet of the plan set in the lower right-hand corner, across the bottom edge of the sheet, or across the right-hand edge of the sheet. The title block shall include the name of the project, the name and address of the owner and engineering firm, the sheet title, the total number of sheets, and the number of that particular sheet.
- d. The seal and signature of the registered professional engineer responsible for preparation of the plans shall appear on each sheet.
- e. A north arrow shall be shown on each plan view sheet of the plans and adjacent to any detail which is not oriented the same as other details on a common sheet. The north arrow shall, whenever practical, be pointing to the top or right side of the page.
- f. Engineering scales of one inch equals 2', 4', 5', or 10' vertically and one inch equals 10', 20', 40' or 50' horizontally shall be used on all drawings except structural or architectural drawings.
- g. Letter size shall not be smaller than 0.10 inches high.
- h. The location and elevation of the nearest National Geodetic Survey, U.S. Geological Survey, Oregon State Highway Division, or Multnomah County benchmark used as the elevation datum shall be shown or described on the plans. At least one permanent monument shall be installed to City standards and its elevation, state plane coordinate or system grid coordinates, and survey tie data supplied to the City with surveyor's certification.
- i. The description and date of all revisions to the plans shall be shown on each sheet affected.
- j. A general legend shall be shown at least once for each set of drawings.
- k. Construction notes shall be detailed when appropriate.

### 2. Plan views shall include:

- a. Street and drainage plan views together, and sanitary sewer and water main plan views together.

- b. All street right-of-ways, property lines, tract boundaries, and easement lines.
  - c. The subdivision or partition lot lines, lot numbers, and street names.
  - d. Location and stationing of all proposed street centerlines, including all horizontal curve data and curb returns data.
  - e. Centerline stationing of all intersecting streets.
  - f. Transition from one typical section to another.
  - g. Street associated details such as sidewalks, wheelchair ramps, street monuments, pedestrian accessways, etc.
  - h. Complete drainage details, including drain pipe locations, pipe sizes, manholes, dry wells, catch inlets, subsurface drains, and outfall or connection details.
  - i. Sanitary sewage collection system showing compliance with the standards of the Oregon Department of Environmental Quality, including sewer pipe locations, pipe sizes, manholes, clean outs, and service line locations.
  - j. Water distribution system as an extension of the existing grid system providing for adequate fire flow and system reliability. Drawings shall show the location of all mains, service lines, meters, valves, fittings, fire hydrants, and appurtenances.
3. Profile views shall include:
- a. Original ground line at centerline, left and right curb lines, and left and right right-of-way lines when cross slopes are significant.
  - b. Centerline of existing streets for a distance of 300 feet each way at intersection with proposed street.
  - c. Vertical alignment of new streets, including stationing, elevations of control points, vertical curve data, and longitudinal slopes for centerline and top of curbs.
  - d. The top of curbs when they deviate from the typical section such as super-elevated sections, offset crowns, cul-de-sacs, eyebrows, and intersection curb returns.
  - e. Extension of the profile of the streets that will be extended in the future (stub streets). The extended profile shall be at least 200 feet for local and collector level streets.
  - f. All existing and proposed drainage facilities, their type, all invert and crown elevations, slopes, materials, and lengths.

- g. All existing and proposed sanitary and storm lines, their type, all invert elevations, slopes, materials, and lengths.
- h. All known utilities which may or may not conflict or interfere with the installation proposed. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.400 Commencement of Construction.

- A. The Director of Public Works shall issue an “Authorization to Commence Construction” upon the subdivider’s completion of the following:
  - 1. The subdivider shall request in writing to the Director of Public Works that he be allowed to commence construction.
  - 2. The subdivider shall pay all outstanding fees, assessments, and liens on the property including, but not limited to, sewer or water assessment, and all taxes on any property being deeded to the City or dedicated to the public.
  - 3. The subdivider shall submit and obtain the City’s approval of the construction drawings.
  - 4. The subdivider shall submit and obtain the City’s approval of a Performance Guarantee in accordance with section 7.350, Guarantee, of this chapter.
- B. No construction shall take place prior to issuance of an “Authorization to Commence Construction”. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04; Amended by Ord. 770, ef. 2/23/06]

- 7.415 Restriction on Issurance of Building Permits. No building permits will be issued until a Certificate of Completion has been issued. [Adopted by Ord. 748, ef. 5/13/04]
- 7.420 Acceptance of Construction Improvements. Operation, maintenance, and repair of improvements that are to become public are the responsibility of the subdivider until the subdivider makes written request to the City for their acceptance and the City Council accepts such improvements by Resolution. Acceptance will not occur until after a Certificate of Completion has been issued and as-built drawings (one mylar set and four copies) have been received by the City. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]



## CHAPTER 8 - SITE ORIENTATION AND DESIGN STANDARDS

- 8.010 Purpose. This section establishes a process for the review of development proposals in order to promote functional, safe, innovative, and attractive development that is compatible with the natural and manmade environment. [Adopted by Ord. 550, ef. 9/25/90]
- 8.020 Applicability. The provisions of this section apply to all zones and uses with the exception of single-family and two-family dwellings, and uses accessory to these dwellings. Site and design review considerations include the layout and design of all existing and proposed improvements including, but not limited to, buildings, structures, parking and circulation areas, outdoor storage, landscaping, service and delivery areas, outdoor recreation areas, retaining walls, cut and fill actions, accessways, pedestrian walkways, and buffering and screening. All applications for site and design review are subject to the requirements of this chapter and other applicable City ordinances. The Director shall refer applicants to the Planning Commission if any variances from the standards are required according to the provisions of chapter 6.200, Variance, of this code. [Adopted by Ord. 550, ef. 9/25/90]
- 8.030 Powers and Duties. Staff shall review all plans for compliance with this code and other applicable regulations of any jurisdiction. Staff may tailor the extent of the review by deleting or combining steps when not warranted by the scale of the development to ensure compliance. [Adopted by Ord. 550, ef. 9/25/90]
- 8.040 Additional Requirements - Site and Design Review. Conditions of approval may be imposed on a development subject to site and design review by advising the applicant of the reasons, in writing, that the conditions are necessary to meet the intent and purpose of the Comprehensive Land Use Plan, this code, and other applicable ordinances. Conditions may include the following:
- A. Include as part of the landscaped area, clearances from specified trees, rocks, water ponds or courses, or other natural features.
  - B. Establish the suitability of the landscape plan by having it prepared by a licensed landscape architect.
  - C. Obtain city engineer's approval of a grading and drainage plan for the collection and transmission of stormwater or groundwater.
  - D. Establish vehicle and pedestrian access facilities with due consideration to size, location, and grade.
  - E. Require dedication of public street right-of-way; a pedestrian way; or an easement for utilities, waterway, slope protection, or open spaces.
  - F. Install sidewalks.
  - G. Support a future street improvement in an agreement that will run with the land.
  - H. Modify elements of the design or proposed materials, color, texture, or shape of a structure, sign, or other feature of the development, providing that a specific

design feature is so inappropriate, incongruous with the surrounding area, or in some other way sufficiently detrimental to the aesthetics, property values, general stability, or other public welfare concern for the area or the City as a whole, that correction is necessary. In requiring modification, an alternate means of solution shall be provided, but the applicant is free to propose other alternatives.

- I. Install an on-site fire hydrant with a protective barricade.
- J. Install lighting for outdoor circulation and parking areas, including approval of the type and placement of the outdoor lighting.
- K. In case of commercial or industrial development, provide access by a frontage road having limited and controlled access onto an arterial street by means of traffic signals, traffic control islands, or other means that will preserve the traffic carrying capacity and safety of the arterial street, and that will avoid the cumulative effect of individual access points directly onto the arterial street.
- L. In the case of development that is not required to provide a frontage road, provide access to a street that intersects an arterial street instead of directly to the arterial street, preserve the traffic carrying capacity and safety of the arterial street, and avoid the cumulative effect of individual access points. [Adopted by Ord. 550, ef. 9/25/90]

#### 8.050 Procedure and Submission Requirements.

- A. Site and design review shall be a Type II procedure. However, the Director shall refer a development proposal to the Planning Commission when the applicant requests variances or exceptions to this code which require a Type III level review. The Director may refer a development proposal which is particularly complex in nature to the Planning Commission for public hearing. Site and design review may also be conducted by the Planning Commission in conjunction with a conditional use application.
- B. Pre-Application Conference. Prior to filing site and design plans, the applicant shall confer with staff. The purpose of this conference is to provide an opportunity for the applicant to describe the proposed development, and for the staff to explain relevant land use policies, ordinances, standards, opportunities, and constraints which may be applicable to the site and type of the proposed development before the applicant has invested substantial time and resources or becomes committed to particular concepts or design solutions. An applicant should submit drawings, sketches, and descriptions that describe the proposed development at the time of pre-application conference.
- C. Filing Plans. A complete application with final drawings for site and design review shall be submitted to the Planning Division. An application shall not be deemed complete unless all information requested is provided and fees paid. Upon completion of a technical review by staff and approval by the Site and Design Review Committee, the site plan and landscape plan shall act as the official approved development plan, and any construction, addition, or extension of the buildings or structures to occur on that site shall be in strict compliance

with the approved site plan. If the property owner finds it necessary to vary from the approved landscape plan, an application shall be filed with the Planning Division requesting an amendment to the approved plan. Plans shall include all items listed below:

1. A project summary shall accompany the application, when deemed necessary, to describe any special circumstances which may require approval of variances or special exceptions by the Planning Commission. In addition, plans shall include the following, which may be combined, as appropriate, onto one or more drawings:
  2. The site analysis will provide the basis for the proper design relationship of the proposed development to the site, adjacent properties, existing manmade improvements (including, but not limited to, buildings and roads), and hillsides (slopes), streams and rivers, and other natural features. A site analysis shall include:
    - a. A fully dimensional vicinity map, drawn to scale, showing property lines of the lot being developed, all right-of-ways (roads and railroad tracks), and property lines of lots within 250 feet of the site.
    - b. A fully dimensional site map, drawn to scale, showing all existing structures, proposed structures, and phasing lines.
    - c. A site survey map showing the following features of the development area within 50 feet of the site is required:
      - i. Roads.
      - ii. Pedestrian and bicycle ways.
      - iii. Utility access.
      - iv. Easements (recorded or unrecorded).
      - v. Fences.
      - vi. Any features which cross property boundaries.
    - d. Depict the natural hazard areas, including potential flood or high groundwater; landslides; erosion, drainageways, and weak foundation soils; all seasonal and perennial streams, creeks, or rivers; marshes or wetland areas; underground springs; wildlife habitat areas; wooded areas; and surface features such as earth mounds and large rock outcroppings.
    - e. Show drainage patterns of the site and adjacent lands for a minimum distance of 250 feet around the perimeter of the site.

- f. Wetlands shall be delineated by a scientist following established State of Oregon procedures, as administered by the Oregon Division of State Lands.
  - g. A contour map based upon an actual field survey. The map shall be at two-foot intervals and delineated by a licensed surveyor if the site is mapped on the Title 3 Water Quality and Flood Management Area Map, has slopes in excess of 25%, or is on the Flood Insurance Rate Map. All other sites may be mapped at five or ten foot intervals. The contour map shall include a delineation of the vegetation corridor and slopes based upon sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this code.
  - h. The location of trees over six inches in caliper diameter as measured at 4½ feet from the ground; wooded areas, significant clumps or groves of trees; and specimen conifers, oaks, and other large deciduous trees.
  - i. In order to establish the pre-development vegetation coverings on sites mapped on the Metro Title 3 Water Quality Resource Areas and Flood Management Overlay District Map, submit either a complete vegetation inventory of the site or a current aerial photograph of the site if the site is mapped on the Title 3 map.
  - j. A hydrology and soils report, for any site subject to review under chapters 4.300, Vegetation Corridor and Slope District, and 4.600, Flood Management Area, of this code.
3. Site plan. The site plan is to show how the site will look after development. The site plan is not the construction plans, which will be submitted following site and design review or conditional use approvals, but may contain some of the elements of a construction plan. Structural calculations for buildings are not reviewed at this stage. The site plan shall be fully dimensional, drawn to scale, and include the following:
- a. The footprint of existing and new buildings, the layout of the parking lot and loading areas, and the points of ingress and egress.
  - b. Boundary lines and dimensions for the property and all proposed lot lines. Future building in phased developments shall be indicated.
  - c. A map key and identification information, including names and addresses of project designers.
  - d. Natural features which will be utilized as part of the required landscaping.
  - e. Location, dimensions, and names of all existing or platted streets or other public ways, easements, railroad right-of-ways, on or adjacent to the property.

- f. The location of at least one protected temporary benchmark, the nearest survey pin of record, and spot elevations when needed.
  - g. Location and dimensions of all existing structures, improvements, or utilities, noting structures to be removed.
  - h. Community resources.
  - i. Approximate location and size of stormwater retention or detention facilities and storm drains.
  - j. Location, exterior dimensions, and calculations of square footage of the footprint of all proposed structures and impervious surfaces.
  - k. Relation to transit, location and dimension of parking and loading areas, pedestrian and bicycle circulation, and related accessways. Individual parking spaces shall be shown.
  - l. Orientation of structures showing windows and doors, entrances and exits.
  - m. Outdoor lighting. The fixtures shall be constructed or fully shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part. The fixtures shall also comply with the requirements of Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting.
  - n. Service areas for waste disposal, recycling, loading, and delivery.
  - o. Location of mailboxes.
4. Grading plan. A preliminary grading plan indicating where, and to what extent, grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals consistent with the natural resource protection section of this ordinance.
  5. Architectural drawings.
    - a. Building elevations.
    - b. Building materials: color and type.
  6. Landscape plan. The landscape plan shall be at the same scale as the site plan. All identification information required on the site plan shall be shown on the landscaping and open space plan. It shall show:
    - a. Property and lot boundaries, and right-of-ways.
    - b. Structures and impervious surfaces, including parking lots.

- c. General landscape development plan, including plant specifications keyed to Plan Map and including botanical names, common names, sizes, numbers, methods of planting and maintenance, the location of existing plants, and groups of plants proposed.
- d. Description of soil conditions and plans for soil treatment such as stockpiling of topsoil, addition of soil amendments, and plant selection requirements relating to soil conditions.
- e. Erosion control, including plant materials and soil stabilization, if any.
- f. Details of automatic irrigation system.
- g. Landscape-related structures such as fences, terraces, decks, patios, shelters, play areas, etc.
- h. Boundaries of open space, recreation, or reserved areas.
- i. Location of pedestrian or bikeway circulation.

7. Signs.

- a. Freestanding signs:
  - i. Location of sign on site plan.
  - ii. Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials, and means or illumination).
- b. Wall or projecting signs:
  - i. Building elevation with location of sign (indicate size, color, materials, and means of illumination).
  - ii. Plot plan showing location of sign on building in relation to adjoining property. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 702, ef. 11/24/00; Amended by Ord. 716, ef. 5/9/02]

8.052 Pedestrian Walkways. All industrial parks, commercial developments, and community service uses shall meet the following requirements for pedestrian walkways:

A. Number and Placement.

- 1. At least one pedestrian walkway shall be provided to each street, other than limited access freeways, abutting the property.
- 2. Pedestrian walkways shall connect building entrances to one another, to public street entrances, and to existing or planned transit stops.

3. Where practicable, on-site walkways shall connect with walkways, sidewalks, bike paths, alleyways, and other bicycle or pedestrian connections on adjacent properties used as, or planned for, industrial parks, commercial, multiple-family, or community service uses.
4. Where practicable, pedestrian walkways and driveways shall provide a direct connection to walkways and driveways on abutting developments.
5. A required walkway or walkway connection need not be provided where another required sidewalk or walkway route provides a reasonably direct alternate route. An alternate route is reasonably direct if the walking distance increases by less than 50%, but not more than 100 feet, over the other required route.
6. Pedestrian walkways are required between those parts of a site that people on the site normally would walk between. Walkways are not required between buildings or portions of a site which are not intended for, or likely to be used by, pedestrians. Such buildings and features include truck loading docks, warehouses not including office/warehouse combinations, automobile sales lots, temporary uses, outdoor storage areas, etc.

#### B. Routing.

1. Pedestrian walkways shall be as direct as possible and avoid unnecessary meandering unless integrated into an overall site design which necessitates meandering.
2. Driveway crossings shall be minimized. Internal parking lot circulation and design shall maintain ease of access for pedestrians from streets and transit stops.
3. The on-site pedestrian circulation system shall connect adjacent streets to the main entrance of the primary structure on the site in the most direct route possible.

#### C. Design.

1. Pedestrian walkways shall be at least five feet in unobstructed width and shall be constructed to sidewalk standards as found in *City of Troutdale Construction Standards for Public Works Facilities*, except for portions of walkways in driveways and other vehicle maneuvering areas which shall be paved with a material different in color, texture, or composition than the surrounding driveway, or striped to city specifications.
2. Walkways bordering perpendicular or angular parking spaces shall be at least eight feet wide unless concrete bumpers, bollards, curbing and landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway.

3. Stairs or ramps shall be provided where necessary to provide a direct route. Walkways without stairs shall have a maximum slope of eight percent and a maximum cross slope of two percent.
- D. ADA Compliance. The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. For example, the maximum slope for walkways subject to ADA is five percent. Walkways up to eight percent slope are treated as ramps with special standards for railings and landings. The ADA applies primarily to the walkway which is the principal building entrance and walkways that connect transit stops to building entrances. Where ADA applies to a walkway, the stricter standards of ADA should apply. [Adopted by Ord. 622, ef. 4/13/95]
- 8.054 Accessways. Any Type II land division where further divisions are possible, Type III land divisions, industrial, commercial, and planned developments along existing and identified future transit routes shall meet the following requirements for accessways:
- A. Pedestrian Accessways to Adjacent Development. Potential pedestrian accessways connecting a proposed development to existing or future development on adjacent properties other than connections via the street system shall be identified. The development application shall designate these connections on the proposed site plan.
  - B. Requirements. Accessways shall be provided in the following situations unless the city determines on the basis of physical constraints, logical development patterns, and similar factors that construction of a separate accessway is infeasible or inappropriate:
    1. When an accessway would reduce walking or cycling distance to an existing or planned transit stop, school, commercial or industrial development, or park by 300 feet and by at least 50% over the other available pedestrian routes and a street connection is not feasible. Other available pedestrian routes include sidewalks and walkways, including walkways within commercial centers, planned developments, and industrial parks. Routes may be across parking lots on adjoining properties if the route is open to public pedestrian use, hard surfaced, and unobstructed, e.g., not through landscaped areas unless step stones are provided.
    2. For cul-de-sacs and dead end streets where a street connection is determined to be infeasible or inappropriate.
    3. For residential and mixed-use developments, bicycle and pedestrian connections shall be provided on public easements or right-of-ways when full street connections are not possible, with spacing of no more than 330 feet as measured from the near side right-of-way or easement line, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers.
  - C. Routing. Accessways shall be located to provide a reasonably direct connection between likely pedestrian destinations. A reasonably direct connection is a route



which minimizes out of direction travel for most of the people likely to use the accessway considering terrain, safety, and likely destinations.

D. Design.

1. Accessways shall include at least a 15-foot wide right-of-way and a ten-foot wide usable surface.
2. Accessways shall be as short as possible, and where possible, straight enough to allow one end of the accessway to be seen from the other.
3. Where possible, accessways shall connect to street intersection corners. Mid-block accessway openings shall be avoided.
4. Stairways shall be at least five feet wide and constructed to current building code specifications.
5. Accessways shall be lighted either by streetlights on adjacent streets or pedestrian scale lighting along the accessway. Lighting shall comply with the requirements of Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting.
6. Bollards or similar devices shall be installed at entry points to prevent vehicles from traveling upon accessways.

- E. Fencing. Fences along accessways shall conform with section 5.050, Fences and Windscreens, of this code. Landscaping along the accessway shall not exceed 50% opacity at maturity. [Adopted by Ord. 622, ef. 4/13/95; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 716, ef. 5/9/02]

8.056 Transit Facility Design. Any Type II land divisions where further divisions are possible, and all Type III land divisions, multiple-family developments, community services uses, and commercial or industrial uses located on an existing or future transit route shall meet the requirements of Tri-Met for transit facilities. Applicants shall consult with Tri-Met to determine necessary transit facility improvements in conjunction with the proposed development. [Adopted by Ord. 622, ef. 4/13/95]

8.058 Building Orientation. All commercial and community service uses, and any industrial use with 50 or more employees, located on parcels within 600 feet of existing or planned transit routes shall meet the following requirements:

A. Building Entrances.

1. Where practicable, buildings shall be oriented on the property in a transit friendly manner. At least one building entrance shall be oriented toward the transit street and shall be accessed from a public sidewalk. Public sidewalks shall be provided adjacent to public streets along the street frontage.
2. Buildings within 30 feet of the transit street shall have an entrance for pedestrians directly from the street to the building interior. This entrance

shall be designed to be attractive and functional, and shall be open to the public during all business hours.

3. All uses in commercial zones must provide a public entrance on the facade of a building nearest to, and facing, a transit street or route. If the lot has frontage on more than one transit street, the building need only have one entrance oriented to a transit street, or to the corner where two transit streets intersect.

B. **Setbacks.**

1. Buildings shall be setback no more than 50 feet from a transit street. Where the site is adjacent to more than one transit street, a building is required to meet the maximum 50-foot setback standard on only one of the streets.
2. Office buildings shall be built a maximum of 50 feet from the sidewalk edge. [Adopted by Ord. 622, ef. 4/13/95]

8.060 **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. [Adopted by Ord. 550, ef. 9/25/90]

8.070 **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. [Adopted by Ord. 550, ef. 9/25/90]

8.080 **Appeal.** The applicability of this chapter to a specific proposal and specific conditions necessary to meet these standards may be appealed to the Planning Commission by the applicant as specified in Chapter 16, Public Deliberations and Hearings, of this code. An appeal must be filed within ten days of the date of the letter of final action. [Adopted by Ord. 550, ef. 9/25/90]

## **8.200 MULTIPLE-FAMILY, ATTACHED, DUPLEX, AND TRIPLEX DWELLING DESIGN STANDARDS**

8.205 Purpose. The purpose of this chapter is to provide general design standards for residential dwellings other than single-family detached, zero lot line dwellings, and duplex dwellings on separate lots. This chapter is intended to promote and ensure that high quality architectural building designs for these types of residential developments are maintained throughout the City. [Adopted by Ord. 716, ef. 5/9/02]

8.210 Applicability. In addition to the development standards of the underlying zoning district or overlay zoning district and applicable sections of Chapter 8, Site Orientation and Design Standards, of this code, the provisions of this chapter apply to all residential dwellings other than single-family detached, zero lot line dwellings, and duplex dwellings on separate lots. This chapter does not apply to apartment units built above, below, or behind the street level floor of a commercial use. [Adopted by Ord. 716, ef. 5/9/02]

### 8.215 General Design Standards.

- A. **Building Entrances**. The primary entrance to buildings that do not have residential units above or below other residential units shall face toward a public or private street, unless the lot configuration, site characteristics, onsite circulation, or other conditions make it impractical to face a building's primary entrance to the street. Exception: a primary entrance is not required to face a street designated as an arterial.
- B. **Building Separation**. Multiple residential buildings on a single tax lot shall be separated at least 15 feet from one another.
- C. **Pedestrian Access and Circulation**.
  - 1. Private streets or driveways greater than 20 feet in length and that serve more than one dwelling unit shall have sidewalks on at least one side that connects to the nearest public street.
  - 2. Each primary entrance to a residential building shall be connected to a sidewalk onsite that connects to either a public street, private street, or driveway.
  - 3. Onsite pedestrian circulation shall be continuous and connect streets abutting the site, ground level entrances, common buildings such as laundry and recreation facilities, parking areas, shared open space and play areas, abutting transit stops, and any pedestrian amenities such as plazas, resting areas, and viewpoints. There shall be at least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage.
  - 4. Vehicle/pedestrian conflicts shall be minimized by providing pedestrian routes that are separated from parking lots, including onsite sidewalks that connect to garbage enclosures or recycling areas and mailboxes. [Adopted by Ord. 716, ef. 5/9/02]

- 8.220 Architectural Elements and Building Facades. The architectural design of each building should impart a feeling of neighborhood scale. Residential units should be designed with vertical and horizontal offsets to break up rooflines, define private outdoor areas, allow greater views, and admit light and air to unit interiors. Large, blank walls shall be avoided. Windows and projecting walls shall be used to break up larger walls in order to establish visual interest.
- A. No wall of a residential building shall exceed a length of 40 feet without a foundation offset of at least four feet for a distance of at least 16 feet.
  - B. The wall of a building that faces a public street shall incorporate architectural features including, but not limited to, at least three of the following:
    - 1. Porches.
    - 2. Balconies.
    - 3. Dormer windows.
    - 4. Recesses/alcoves.
    - 5. Unique entry areas, such as porticos or atriums.
  - C. The same level of architectural design and quality of materials shall be applied to all sides of the building.
  - D. The following window detail shall be incorporated into the building design:
    - 1. Windows shall account for at least 15% of any rear or front building elevation no matter what the building's orientation on the lot is.
    - 2. Windows shall account for at least 10% of any side building elevation no matter what the building's orientation is.
    - 3. All windows shall have outer casings or frames.
  - E. Garages, carports, and accessory structures should maintain the same level of design, aesthetic quality, and architectural compatibility as the residential structure(s).
  - F. Roofline offsets shall be provided at intervals of 40 feet or less to create variety in the massing of structures and relieve the effect of a single, long roof. Roofline offsets shall be a minimum four-foot variation either vertically from the gutter line, or horizontally.
  - G. The rooflines of attached dwellings shall be multi-gabled or have varied parapets over every unit's main entrance.
  - H. Rooflines, porches, and doors shall have trim. [Adopted by Ord. 716, ef. 5/9/02]

- 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. [Adopted by Ord. 716, ef. 5/9/02; Amended by Ord. 770, ef. 2/23/06]
- 8.230 Outdoor Private Space. Outdoor private space is required for each residential unit of multiple-family, attached, duplex, and triplex dwellings.
- A. Each ground level dwelling unit shall have an attached accessible outdoor private space of not less than 60 square feet in area. Individual outdoor areas for ground level units must be visually screened from each other by walls, fences, or vegetation screening that is at least six feet high and totally sight-obscuring.
  - B. Each upper level unit shall have an attached outdoor private space, such as a balcony, of not less than 60 square feet in area. The area shall be enclosed, screened, or otherwise designed to provide privacy from adjacent units by walls, building offsets, or similar sight-obscuring screening. [Adopted by Ord. 716, ef. 5/9/02]
- 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 2<sup>nd</sup> Street extended west to its intersection with 257<sup>th</sup> Avenue from 257<sup>th</sup> Avenue to the SE Sandy Street right-of-way. [Adopted by Ord. 716, ef. 5/9/02; Amended by Ord. 770, ef. 2/23/06]

#### 8.240 Authority to Adjust Standards.

- A. Because of the diverse topography, parcel configurations, and site characteristics within the city, it is neither practical nor feasible to uniformly apply these design standards to all development projects. The Director shall use reasonable discretion in determining whether the standards in sections 8.215-8.235 of this chapter are practical for individual developments. The Director is authorized to grant administrative adjustments to these design standards upon making the following written findings:
  - 1. The adjustment is justified due to unique site conditions.
  - 2. The proposal will be consistent with the desired character of the area.
  - 3. Any impacts from the adjustment are mitigated to the extent practical.
- B. When, in the Director's opinion, an adjustment to a design standard is not justified, the request shall be handled as a variance in accordance with the procedures of chapter 6.200, Variance, of this code. The Director's decision to adjust a specific standard is a Type II decision under section 2.100, Type II Procedure, of this code, and may be appealed to the Planning Commission as specified in Chapter 16, Public Deliberations and Hearings, of this code. [Adopted by Ord. 716, ef. 5/9/02]

**CHAPTER 9 - OFF-STREET PARKING AND LOADING**

9.000 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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 664, ef. 8/13/98]

9.010 Residential Off-Street Parking Space Requirements. The minimum and maximum off-street parking space requirements are as follows:

<b>Type of Use</b>	<b>Minimum</b>	<b>Maximum</b>
Single-family dwelling or manufactured dwelling	One space per dwelling unit	No maximum
Two-family dwelling or multiple-family dwelling	Two spaces per dwelling unit plus one space per three dwelling units for guest parking	No maximum
Sorority, fraternity, or dormitory	One space per two occupants	One space per occupant
Residential hotel, rooming or boarding house; bed and breakfast; hotel or motel	One space per guestroom or suite	Two spaces per guestroom or suite
Manufactured home park	One space per manufactured home site, plus one space per three home sites for guest parking at a convenient location	No maximum
Planned development	In addition to the requirements for dwelling units, one space per two dwelling units for guest parking at a convenient location	No maximum

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 611, ef. 9/8/94; Amended by Ord. 664, ef. 8/13/98]

9.020 Commercial Off-Street Parking Space Requirements. The minimum and maximum off-street parking space requirements are as follows:

Type of Use	Minimum	Maximum
General retail or personal service, including shopping centers and grocery stores	4.1 spaces per 1,000 square feet of gross floor area	6.2 spaces per 1,000 square feet of gross floor area
General retail with bulky merchandise, such as a furniture/appliance store	Two spaces per 1,000 square feet of gross floor area	Three spaces per 1,000 square feet of gross floor area
Auto, boat, or trailer sales, or nursery	One space per 1,000 square feet of gross floor area	Two spaces per 1,000 square feet of gross floor area
General, professional, or banking office	2.7 spaces per 1,000 square feet of gross floor area	4.1 spaces per 1,000 square feet of gross floor area
Banking office with drive-up window	4.3 spaces per 1,000 square feet of gross floor area	6.5 spaces per 1,000 square feet of gross floor area
Medical or dental office, or clinic	3.9 spaces per 1,000 square feet of gross floor area	5.9 spaces per 1,000 square feet of gross floor area
Eating or drinking establishment	Ten spaces per 1,000 square feet of gross floor area	19.1 spaces per 1,000 square feet of gross floor area
Eating or drinking establishment with drive-up window	Eight spaces per 1,000 square feet of gross floor area	12.4 spaces per 1,000 square feet of gross floor area
Theater, racetrack, stadium, or similar use	One space per four seats or eight-foot bench length	1.5 spaces per four seats or eight-foot bench length
Bowling alley	Two spaces per lane	Three spaces per lane
Sports club/recreation facilities, including health club, gymnasium, skating rink, or dance hall	4.3 spaces per 1,000 square feet of gross floor area	6.5 spaces per 1,000 square feet of gross floor area
Amusement park	One space per 100 square feet of recreation area	1.5 spaces per 100 square feet of recreation area
Service station	0.5 space per 1,000 square feet of gross lot area	One space per 1,000 square feet of gross lot area

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 664, ef. 8/13/98]



9.030 Institutional, Public, and Semi-Public Uses Off-Street Parking Space Requirements. The minimum and maximum off-street parking space requirements are as follows:

<b>Type of Use</b>	<b>Minimum</b>	<b>Maximum</b>
Child care center or kindergarten	One space per two employees, plus one space per five children	1.5 spaces per two employees, plus two spaces per five children
School: elementary, junior high, or middle school	Two spaces per teacher	Three spaces per teacher
School: high or college, university, or trade school	0.2 space per number of students and staff	0.3 space per number of students and staff
Library or museum	2.5 spaces per 1,000 square feet of gross floor area, plus one space per two employees	Three spaces per 1,000 square feet of gross floor area, plus 1.25 spaces per two employees
Church, chapel, mortuary, or auditorium	One space per four seats or seven feet of bench length	Two spaces per four seats or seven feet of bench length
Nursing or convalescent home	0.5 space per bed for patients and residents	One space per bed for patients and residents
Congregate housing facility	One space per three residents	1.5 spaces per three residents
Hospital	1.5 spaces per bed	Two spaces per bed
Golf course	Six spaces per hole	Eight spaces per hole

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 664, ef. 8/13/98]

9.040 Industrial Off-Street Parking Space Requirements. The minimum and maximum off-street parking space requirements are as follows:

<b>Type of Use</b>	<b>Minimum</b>	<b>Maximum</b>
Storage, warehouse, or manufacturing establishment; air, rail, or trucking freight terminal	One space per employee on the largest shift	1.5 spaces per employee on the largest shift

[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 664, ef. 3/4/99]

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. [Adopted by Ord. 664, ef. 8/13/98; Amended by Ord. 770, ef. 2/23/06]

9.050 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. [Adopted by Ord. 550, ef. 9/25/90]

9.055 Reduction of Required Parking Spaces.

- A. Any existing or proposed use subject to minimum off-street parking requirements and located within 400 feet of an existing transit route may reduce the number of required parking spaces by up to ten percent by providing a transit stop and related amenities including a public plaza, pedestrian sitting areas, or additional landscaping, provided such landscaping does not exceed 25% of the total area dedicated for transit-oriented uses.
- B. Required parking spaces may be reduced at a ratio of one parking space for each 100 square feet of transit amenity space provided above and beyond the minimum required by this code.
- C. 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. [Adopted by Ord. 622, ef. 4/13/95]

9.060 Landscaping and Screening.

- A. Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than ten percent 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 20 parking spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters which have a minimum width of five feet and be at least 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 8, Site Orientation and Design Standards, of this code.
- D. Wheel stops, bumper guards, or other methods to protect landscaped areas shall be provided. 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 80% opaque when viewed horizontally from between two and eight 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 years after installation. [Adopted by Ord. 550, ef. 9/25/90]

9.070 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 erodable 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, as such events are defined in section 10.015 of this code, 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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 731, ef. 6/26/03; Amended by Ord. 781, ef. 10/12/06]

9.080 Drainage. Parking areas, aisles, and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public right-of-ways, and abutting private property. [Adopted by Ord. 550, ef. 9/25/90]

9.090 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, Outdoor Lighting. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 622, ef. 4/13/95; Amended by Ord. 716, ef. 5/9/02]

9.100 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 25% to account for shared parking between adjacent businesses and services.
- C. Required parking facilities of two 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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 664, ef. 8/13/98]

9.110 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 20 feet for a two-way drive or 12 feet for a one-way drive, but in either case not less than the full width of the approach for the first 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 feet.
- C. Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of 12 feet for their entire length and width, but such clearance may be reduced in parking structures. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 622, ef. 4/13/95]

9.120 On-Site Circulation.

- A. Groups of more than three parking spaces shall be permanently marked.
- B. Except for a single-family or two-family dwelling, groups of more than three 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. [Adopted by Ord. 550, ef. 9/25/90]

9.130 Public Transit Facilities.

[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 622, ef. 4/13/95]

9.130 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. The required minimum number of bicycle parking spaces shall be five percent of the automobile parking spaces for the use. In no case shall less than one space be provided.
- 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 2½'x6', and when covered, provide vertical clearance of at least seven feet. An access aisle of at least five 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 in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a “rack”) upon 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.
- 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 streetside sales and temporary uses, such as fireworks stands and Christmas tree sales, and single-family and two-family residences, are exempt from these standards. [Adopted by Ord. 622, ef. 4/13/95]

9.140 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 20 feet of any front, side street, or rear property line and within five feet of any side property line. Screening shall be maintained to obscure all parking from the property lines.
- 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 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. [Adopted by Ord. 550, ef. 9/25/90]

9.150 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. [Adopted by Ord. 550, ef. 9/25/90]

- 9.160 Handicapped Parking Facilities. The required number of handicapped parking spaces shall be in conformance with the State of Oregon Structural Specialty Code, Chapter 11 Accessibility. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 664, ef. 8/13/98]
- 9.165 Carpool and Vanpool Parking. New industrial, commercial, and community service developments with 50 or more employees shall meet the following requirements for carpool and vanpool parking:
- A. Number/Marking. At least ten, but not less than one, percent of the 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. [Adopted by Ord. 622, ef. 4/13/95]
- 9.170 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. [Adopted by Ord. 550, ef. 9/25/90]
- 9.180 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 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 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. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 664, ef. 8/13/98]

9.190 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 feet in width by 25 feet in length and shall have an unobstructed height of 14 feet.
- C. Loading areas shall be screened from public view, public streets, and adjacent properties.
- 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 25 students. [Adopted by Ord. 550, ef. 9/25/90]

9.200 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. [Adopted by Ord. 550, ef. 9/25/90]

9.210 Off-Street Parking Construction. Required parking spaces shall be improved and available for use at the time of final building inspection. [Adopted by Ord. 550, ef. 9/25/90]



**CHAPTER 10 - SIGNS**

- 10.010 Signs Permitted in All Districts – Exempt from Permits.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 687, ef. 6/13/00]
- 10.020 Signs Permitted in All Districts – Exempt from Permits but Subject to Regulation.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 687, ef. 6/13/00]
- 10.030 The Following Signs Require Permits and Are Subject to Regulation.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 687, ef. 6/13/00]
- 10.040 Residential Signs.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 687, ef. 6/13/00]
- 10.050 Commercial and Industrial Signs.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 687, ef. 6/13/00]
- 10.060 General Provisions.  
[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 623, ef. 4/27/95; Repealed by Ord. 687, ef. 6/13/00]
- 10.005 Title. This chapter shall be known as “The Troutdale Sign Code”. [Adopted by Ord. 687, ef. 6/13/00]
- 10.010 Purpose. This chapter is being adopted to protect the health, safety, property, and welfare of the public; provide a neat, clean, orderly, and attractive appearance of the community; improve the effectiveness of signs; provide for safe construction, location, erection, and maintenance of signs; prevent proliferation of signs and sign clutter; and minimize adverse visual safety factors to travelers on public highways and private areas open to public travel. To achieve this purpose it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public right-of-ways, and private areas open to public travel. This chapter shall be construed to carry out this purpose. [Adopted by Ord. 687, ef. 6/13/00]
- 10.015 Definitions. For purposes of this chapter, certain terms, phrases, and words shall be construed as follows: Words used in the present tense include the future; the singular tense includes the plural and vice-versa; the word “shall” is always mandatory and the word “may” is discretionary; and the masculine gender includes the feminine and vice-versa. The following terms shall mean:
- .01 A-Frame Sign. A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.
  - .02 Awning. A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or non-rigid materials.
  - .03 Banner Sign. A sign made of fabric or other non-rigid material with no enclosing framework.
  - .04 Bench Sign. A sign on an outdoor bench.

- .05 Boundaries of the Site. The area inside the legal lot lines of a site and does not include any property in a public right-of-way.
- .06 Commercial or Industrial Sales Event Sign. A freestanding or banner sign erected and maintained by a business occupant in a developed commercial or industrial site when the business occupant is participating in a special sales event on the developed site where the sign is erected.
- .07 Commercial, Industrial, or Multiple-Family Real Estate Sign. A freestanding or banner sign erected and maintained by the owner or lessor of a developed commercial, industrial, or multiple-family residential site, when the owner or lessor of the site is selling or leasing the property, building, or portions thereof, within the site.
- .08 Commercial or Industrial Subdivision Monument. A freestanding sign or a monument that sits on the ground at the entry of a commercial or industrial subdivision and is erected or maintained by the owner or developer of the subdivision, or by an individual lot owner within the subdivision.
- .09 Community Event. An activity or program that is sponsored by, or offered with assistance from, the City in connection with a community group including, but not limited to, the Chamber of Commerce or Historical Society.
- .10 Community Event Sign. A freestanding or banner sign that is erected and maintained by a community group no more than 21 days before a community event occurs.
- .11 Directly Illuminated Lighting. Exposed lighting or neon tubes on the sign face.
- .12 Directional Sign. A sign located within the boundaries of a site and near areas where pedestrians, cyclists, or vehicles travel, and that is intended to inform people of what direction to travel.
- .13 Electronic Display System. A full color animated and video display board of television quality in which the rate of change is electronically programmed.
- .14 Electronic Message Center. A sign that uses changing lights to form a written message, or messages, in which the sequence of messages and rate of change is electronically programmed.
- .15 Event of Citywide Interest. A meeting, activity, or gathering of people that is not a community event or a special event, as defined in this section, and that the Troutdale City Council has determined to be of citywide interest because attendance is open to the citizens of Troutdale and it will provide a public benefit.
- .16 Event of Citywide Interest Sign. A temporary freestanding or banner sign that is erected and maintained by an organization holding an event of citywide interest.
- .17 Externally Illuminated Lighting. The light source is separate from the sign and is directed so as to shine on the sign.

- .18 Filing. Depositing the item which is being filed in the U.S. mail, postage prepaid and accurately addressed to the City, or leaving a copy of the item that is being filed at City Hall during work hours. For purposes of this chapter, a document is “filed” on the date it is postmarked or received at City Hall, whichever occurs first.
- .19 Flags. Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or similar entity.
- .20 Freestanding Sign. A sign on a frame, pole, or other support structure that is not attached to any building.
- .21 Freeway Sign. A freestanding sign that is located within 800 feet south and 1,000 feet north of the center median of Interstate 84, and that is more than 24 feet in height, with a sign face of more than 150 square feet.
- .22 Gross Wall Area. The entire area encompassed by the plane of a wall, including windows and doors.
- .23 Height. The vertical distance measured from grade to the highest point of the sign or sign structure.
- .24 Historical Marker. A plaque or sign erected and maintained on property, a building, or structure by an organization that is recognized for routinely identifying sites, buildings, or structures of historical value.
- .25 Informational Sign. A sign that is located within 20 feet of an entrance or exit, a walkway, a public telephone, or a public restroom.
- .26 Internally Illuminated Lighting. The light source is concealed within the sign.
- .27 Lighting. Direct, external, or internal illumination.
- .28 Maintenance. Normal care needed to keep a sign functional such as cleaning, oiling, and changing light bulbs.
- .29 Master Directory Sign. A wall sign located at the end of a building cluster located in the Central Business District (CBD). A freestanding sign located within, or immediately adjacent to, a parking lot in the CBD.
- .30 Menu Board. A sign placed at the head of a drive-up service lane of a food service establishment that includes a two-way speaker system for taking motorists’ food orders.
- .31 Open House Sign. A sign pertaining to a single-family residential unit that is being sold, during the time the unit is open for showing.
- .32 Owner or Lessor. An individual, corporation, partnership, or other legal entity that holds title to the property, is named as the lessor in a lease agreement regarding the property, or a designated agent for the same.

- .33 Permanent Banner Sign. Any banner sign that is not allowed as a temporary sign under section 10.040, Temporary Signs That Require Permits, of this chapter, or that does not qualify as an exempt sign under section 10.025 of this chapter.
- .34 Permanent Sign. A sign attached to a building, structure, or the ground in a manner requiring a permit, and made of materials intended for more than short term use including, but not limited to, freestanding signs, freeway signs, wall signs, and awning signs.
- .35 Political Sign. A sign that is erected no more than 60 days before a local election and removed within seven days after that election.
- .36 Portable Sign. A sign that is freestanding in design, easily movable, made of durable material as opposed to non-durable material such as cardboard, paper, fabric or pliable plastic, and is not affixed to the ground or to any part of a building.
- .37 Projecting Sign. A sign, other than a wall sign, that projects from, and is supported by, a roof or wall of a building or structure and is generally at right angles to the building.
- .38 Property Owner. The property owner of the site where the sign is located, as shown in Multnomah County deed records.
- .39 Repair. Mending or replacing broken or worn parts with comparable materials. Repairs may be made with the sign in position or with the sign removed.
- .40 Real Estate Sign. A wall sign or a freestanding sign that is located within the boundaries of property that is for sale, lease, or rent.
- .41 Residential Subdivision Monuments. A freestanding sign or a monument that sits on the ground at the entry of a residential subdivision and is erected or maintained by the owner or developer of a residential subdivision, homeowners association, or similar organization.
- .42 Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other minor projections.
- .43 Roof Sign. Any sign erected upon or over the roof of any building or structure.
- .44 Sale Sign. A sign made of paper, plastic, cardboard, or similar material and attached to a wooden stake that is erected and owned by an individual who is participating in a yard sale, garage sale, rummage sale, moving sale, or other occasional sale of personal items. For purposes of this definition, individual means a person who is not applying for a sign permit or erecting a sign for the primary purpose of selling commercial goods.
- .45 Searchlights. An apparatus on a swivel that projects a strong, far-reaching beam of light.

- .46 Sign. Any materials placed or constructed so they can be viewed from a right-of-way or another property and that conveys a message or image, and includes the sign structure, display surface, and all component parts of a sign.
- .47 Sign Copy. The message or image conveyed by a sign.
- .48 Sign Face Area. The total display surface area of the sign. When the dimensions of a sign are specified, the term includes the frames or cabinets surrounding a sign; the electronic message center; any base material or supporting structure, unless none of the base material or supporting structure is related to the message or image being portrayed in the sign; and all individual pieces or panels that, when placed together, convey a message or image.
- .49 Sign Owner. The owner of the sign as determined by looking at the sign.
- .50 Site. The area, tract, parcel, or lot of land owned by, or under the lawful control of, one distinct ownership. Abutting platted lots under the same ownership shall be considered one site.
- .51 Special Event. A fundraiser or similar activity that is sponsored by a non-profit organization including, but not limited to, car washes, breakfasts, dinners, and auctions.
- .52 Special Event Sign. A freestanding or banner sign that is erected and maintained by a non-profit organization conducting a special event.
- .53 Sporting Event. An event conducted by or sponsored by a sanctioned sports organization.
- .54 Street Frontage. The portion of a site that abuts a public street.
- .55 Subdivision. A site with four or more lots.
- .56 Subdivision Sale Sign. A freestanding or banner sign erected or maintained by the owner of a subdivided site when the lots in the subdivision are being sold, and less than 90% of the lots in the site have been sold.
- .57 Supporting Structure. A structure specifically intended for supporting or containing a sign.
- .58 Temporary Sign. A sign that is not permanently attached to a building, structure, or the ground, and that is intended to remain for no more than the period of time specified in this chapter for a particular temporary sign. Temporary signs include, but are not limited to, an A-frame sign, banner sign, real estate sign, open house sign, political sign, community event sign, commercial or industrial sales event sign, special event sign, sale sign, subdivision sale, portable sign, or a sign made of non-durable materials such as cardboard, paper, fabric, or pliable plastic. Some temporary signs, such as A-frame and portable signs, are temporary by design, construction, and how they are used, but are permitted for an indefinite period of time and ,therefore, may be permanent in duration.

.59 Wall Sign. A sign that is attached to, and extended no more than within 18 inches from a wall, or painted on a wall, of a building.

.60 Window Sign. A sign located in the inside display area of a business window. [Adopted by Ord. 687, ef. 6/13/00; Amended by Ord. 738, ef. 11/27/03; Amended by Ord. 781, ef. 10/12/06]

10.020 General Provisions. All signs in the City of Troutdale shall comply with the general provisions of this section and, where applicable, with the provisions of sections 10.025 through 10.065 inclusive. Signs shall not be restricted by content. Signs are usually and customarily used to advertise the sale of goods or services, or to identify occupants or activities that occur on the site or in the City in general.

A. Permits Required. Except as provided in section 10.025, Sign Permit Exemptions, of this chapter, a permit is required to erect, replace, construct, or alter a sign. A permit shall be issued by the Director if the applicant files an application, filing fee, and plans which demonstrate full compliance with all provisions of this chapter and other applicable city regulations.

1. The Director shall provide the applicant a written decision granting or denying the application for a sign permit. The decision shall explain the reasons why the application was granted or denied. If the application is denied, the decision shall also include an explanation of the applicant's appeal rights. A decision to deny shall be mailed to the address on the application by regular mail.

2. If the Director denies the application for a sign permit, the applicant may appeal the Director's decision by filing a written appeal with the Director within ten days of the date on the Director's decision.

3. The appeal shall identify the decision that is being appealed and explain why the decision is wrong.

4. Upon receipt of a timely appeal, the Director shall process the appeal in accordance with section 10.080, Appeal and Hearing Procedure, of this chapter.

B. Sign Maintenance. All signs shall be maintained in a safe condition. Maintenance of a sign shall not require a sign permit. All signs that have become damaged and pose a danger to the public shall be repaired or removed.

C. Location.

1. Except as otherwise provided in this chapter, all signs shall comply with the building setback requirements of the underlying zoning district. The setback requirement for a freestanding sign shall be measured from the signboard.

2. All signs shall be located entirely within the boundaries of a site unless specifically authorized by this chapter.

3. All signs must be installed in compliance with section 5.040, Clear Vision Areas, of this code, as well as the regulations of this chapter.

- D. Construction. All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in this chapter.
- E. Lighting. Signs may be externally, internally, or directly illuminated, subject to the following:
1. Temporary signs shall not be illuminated.
  2. Lighted signs shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.
  3. All externally illuminated signs that measure seven feet or more from ground level to the top edge of the sign shall be illuminated from above. Externally illuminated signs shall comply with the requirements of Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting.
  4. An electronic message center may be incorporated into one freestanding sign or freeway sign within the boundaries of the site, provided that:
    - a. The electronic message center does not exceed three square feet in area for a freestanding sign or 60 square feet for a freeway sign.
    - b. The electronic message center shall be integrated into the design of the sign.
  5. Searchlights may be used by any commercial enterprise, provided that:
    - a. The searchlight may only be used once in any calendar year for up to a maximum of seven days.
    - b. The beam of the searchlight may not flash against any building or sweep on arc greater than 45° from vertical.
- F. Sign Face Area. The sign face area shall be determined as follows:
1. The sign face area of signs enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. The sign face area does not include foundations, supports, or other essential structures that are not related to the message and images being posted in the sign.
  2. When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used unless it is clear that the base is not related to the message or image being posted in the sign.
  3. When signs are constructed in individual pieces attached to a building wall, sign face area is determined by a perimeter drawn around all the pieces.

4. For sign structures containing multiple panels oriented in the same direction, the panels together are counted as one sign face.
5. The maximum surface area visible at one time, of a round or three-dimensional sign, is counted to determine the sign face area.
6. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face area unless it is clear that part of the panel is not related to the message or image being posted in the sign. [Adopted by Ord. 687, ef. 6/13/00; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 738, ef. 11/27/03]

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

- A. Public signs constructed or placed in a public right-of-way by, or with the approval of, a governmental agency having legal control or ownership of the right-of-way; signs owned or constructed by the City; signs required by law including, but not limited to, hearing notices; and signs placed in or near a right-of-way by a public utility that are intended to warn the public of danger.
- B. Directional signs, provided that freestanding directional signs shall not exceed five feet in height and 15 square feet in area on one sign face.
- C. Informational signs, or menu boards erected for the convenience of the public and located wholly within the site.
- D. Memorial signs or tablets, names of buildings, and dates of erection when cut into the surface or the facade of the building, or when projecting not more than two inches.
- E. Signs located in the interior of any building, or within an enclosed lobby or court of any building or group of buildings, that are designed and located to be viewed exclusively by patrons of such use or uses.
- F. Painted areas on a wall that are designed and intended as a decorative or ornamental feature, or to highlight a building's architectural or structural features.
- G. Window signs as a part of the inside display area of a business, provided the window sign does not involve use of flashing or blinking lights.
- H. Flags of the U.S., foreign countries, the United Nations, or flags of civic, fraternal, or charitable institutions.
- I. Name plates not exceeding one square foot in size and located on a residential dwelling unit.
- J. City entry sign or monument, plaques, or historical markers erected and maintained by a public authority, recognized historical society, or organization identifying sites, buildings, or structures of recognized historical value.
- K. One temporary real estate sign on property for sale, lease, or rent, provided that:



1. For residential sites containing less than six dwelling units, the maximum sign area, on one sign face, does not exceed 12 square feet and the top of the sign face does not exceed six feet above the ground.
  2. For commercial, industrial, or institutional sites, or for residential sites with six dwelling units or more, the maximum sign area, on one sign face, does not exceed 32 square feet and the top of the sign face does not exceed ten feet above the ground for a freestanding sign, or does not exceed the top of the building on which it is displayed if the sign is attached to a building.
  3. The sign is removed within 15 days after the property is sold, rented, or leased.
- L. Temporary “Open House” real estate signs shall be permitted on private property during daylight hours with the consent of the occupant, provided that the temporary signs are removed prior to sunset the day of the placement.
- M. Temporary sale signs, provided that:
1. A maximum of four signs are displayed for any one sale.
  2. Maximum sign face area, on one sign face, shall not exceed three square feet.
  3. Signs shall not be displayed for more than 72 hours.
  4. Signs shall not be attached to any utility pole or traffic sign pole.
  5. Signs shall not be placed on private property without the permission of the property owner.
  6. Signs shall not be placed in a manner so as to obstruct the public right-of-way.
  7. Signs must be removed at the end of the final day of the sale.
- 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.
- O. Holiday lights and decorations.

- P. Change of sign copy, provided the sign face area is not increased in size.
- Q. Temporary community event signs, provided that:
1. The community group erecting the signs obtains the written consent of the private property owner where a sign is erected and files a copy of the written consent with the City.
  2. The community group erecting the signs obtains written consent from the public agency that owns the right-of-way where a sign is erected. If the City owns the right-of-way, written consent may be obtained by filing an application with the Director. The request shall be granted if the event is a community event as defined in section 10.015, Definitions, of this chapter.
    - a. The Director shall mail the community group a written decision granting or denying the requested consent. The decision shall be mailed to the address on the application by regular mail.
    - b. The decision shall explain the reasons for granting or denying the request. If the request is denied, the decision shall include an explanation of the community group's appeal rights.
    - c. If the Director denies the request, the community group may appeal the Director's decision by filing a written appeal with the Director within ten days of the date on the Director's decision.
    - d. The appeal shall identify the decision that is being appealed and explain why the decision is wrong.
    - e. Upon timely receipt of an appeal, the Director shall schedule the appeal for consideration by the City Council on its next available agenda.
    - f. The City Council's decision on appeal is the City's final decision, which may be reviewed solely and exclusively by writ of review in the manner set forth in state law.
  3. The temporary signs shall be erected and maintained for no longer than 14 days prior to the occurrence of the community event.
  4. The temporary signs shall be removed within three days after completion of the community event.
  5. The temporary signs shall be subject to the following size limitations:
    - a. For a freestanding sign, the maximum sign face area, on one sign face, shall not exceed 32 square feet and height shall not exceed ten feet.
    - b. For a banner sign, the maximum sign face area, on one sign face, shall not exceed 96 square feet.
- R. Temporary special event signs, provided that:

1. The nonprofit organization erecting the signs obtains the written consent of the private property owner where a sign is erected and files a copy with the City.
  2. The nonprofit organization erecting the signs obtains written consent from the public agency that owns the right-of-way where a sign is erected. If the City owns the right-of-way, written consent may be obtained by filing an application with the Director. The request shall be granted if the event is a special event as defined in section 10.015, Definitions, of this chapter.
    - a. The Director shall mail the nonprofit organization a written decision granting or denying the requested consent. The decision shall be mailed to the address on the application by regular mail.
    - b. The decision shall explain the reasons for granting or denying the request. If the request is denied, the decision shall include an explanation of the nonprofit organization's appeal rights.
    - c. If the Director denies the request, the nonprofit organization may appeal the Director's decision by filing a written appeal with the Director within ten days of the date on the Director's decision.
    - d. The appeal shall identify the decision that is being appealed and explain why the decision is wrong.
    - e. Upon timely receipt of an appeal, the Director shall schedule the appeal for consideration by the City Council on its next available agenda.
    - f. The City Council's decision on appeal is the City's final decision, which may be reviewed solely and exclusively by writ of review in the manner set forth in state law.
  3. The temporary signs shall be erected and maintained for no longer than 14 days prior to the occurrence of the special event.
  4. The temporary signs shall be removed within three days after completion of the special event.
  5. The temporary signs shall be subject to the following size limitations:
    - a. For a freestanding sign, the maximum sign face area, on one sign face, shall not exceed 32 square feet and the height shall not exceed ten feet.
    - b. For a banner sign, the maximum sign face area, on one sign face, shall not exceed 96 square feet.
- S. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively is five cubic feet or less in area.

- T. Temporary event of citywide interest signs, provided that:
1. The organization erecting the signs obtains the consent of the private property owner where a sign is erected.
  2. The organization erecting the signs obtains approval from the public agency that owns the right-of-way where a sign is erected. If the City owns the right-of-way, approval must come from the Troutdale City Council after deliberation at a public meeting. The Council's decision shall be based on whether the event is an event of citywide interest.
  3. The temporary signs shall be erected and maintained for no longer than 14 days prior to the occurrence of the event of citywide interest.
  4. The temporary signs shall be removed within three days after completion of the event of citywide interest.
  5. The temporary signs shall be subject to the following size limitations:
    - a. For a freestanding sign, the maximum sign face area, on one sign face, shall not exceed 32 square feet and height shall not exceed ten feet.
    - b. For a banner sign, the maximum sign face area, on one sign face, shall not exceed 96 square feet. [Adopted by Ord. 687, ef. 6/13/00; Amended by Ord. 738, ef. 11/27/03; Amended by Ord. 770, ef. 2/23/06; Amended by Ord. 781, ef. 10/12/06]

- 10.030 Prohibited Signs. The following signs are prohibited and shall be considered nuisances:
- A. Any sign constructed, erected, replaced, altered, repaired, or maintained in a manner not in compliance with this chapter.
  - B. Bench signs.
  - C. Permanent banner signs.
  - D. Roof signs.
  - E. Signs in public right-of-ways other than public signs installed or authorized by a governmental agency or public utility.
  - F. Signs placed or painted on a motor vehicle or trailer that is parked with the primary purpose of providing a sign not otherwise allowed by this chapter.
  - G. Electronic display system.
  - H. Home occupation signs.
  - I. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively exceeds five cubic feet in area.

- J. Any sign that is not exempt, not a lawful nonconforming sign, or that was not erected, constructed, or placed in accordance with a permit. [Adopted by Ord. 687, ef. 6/13/00; Amended by Ord. 738, ef. 11/27/03]

10.035 Nonconforming Signs. Signs that have been lawfully erected prior to the date this code is adopted that do not conform to the regulations of this chapter are nonconforming signs and may continue to exist, subject to the following provisions:

- A. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.
- B. Signs that are moved, replaced, or structurally altered shall be brought into conformance with this chapter.
- C. A nonconforming sign that is damaged shall not be repaired if the estimated expense of repairing the sign exceeds 50% of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within 90 days of the date the sign was damaged.
- D. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is 50% or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, if such repairs and restoration are started within 90 days of the date the sign was damaged and are diligently pursued thereafter.
- E. Nonconforming signs shall be deemed abandoned when:
  - 1. The site where the sign is located has been vacated for a period of 60 days or more.
  - 2. The nonconforming sign has been damaged and there have not been any diligent attempts to repair it.
- F. Abandoned nonconforming signs shall be removed within 90 days of the date the site was vacated, or within 90 days of the date the sign was damaged if diligent attempts are not being made to repair the sign.
- G. If a nonconforming sign is abandoned, the Director shall send notice to the property owner and sign owner, if the Director is able to determine who the sign owner is by looking at the sign. Notice shall be sent via regular and certified mail, return receipt requested, stating that the sign has been abandoned and must be removed.
  - 1. The notice shall direct that the sign be removed by a specified date and shall inform the property owner and sign owner, if known, of the basis for concluding that the sign has been abandoned. The notice shall also inform the property owner and the sign owner of their appeal rights.

2. A property owner or sign owner who disagrees with the Director's determination that a sign has been abandoned may appeal the Director's notice by filing a written appeal with the Director within ten days of the date on the notice.
  3. The appeal shall identify the notice that is being appealed and explain why the Director's determination is wrong.
  4. Upon timely receipt of an appeal, the Director shall process the appeal in accordance with section 10.080, Appeal and Hearing Procedure, of this chapter.
- H. If the abandoned sign is not removed by the specified date in the Director's notice and the owner has not requested an appeal, or if the sign is not removed within the time specified in the decision rendered following the appeal, the Director shall cause the sign to be removed. The cost of removal shall be entered by the City Recorder on the docket of City liens against the property owner, and shall be collectible in the same manner as liens for public improvements. The Director may also file charges against the property owner or sign owner in Troutdale Municipal Court. [Adopted by Ord. 687, ef. 6/13/00]

10.040 Temporary Signs That Require Permits. The temporary signs listed in this section are allowed in all zoning districts, provided a permit is obtained and the regulations in this chapter are met. The signage shall not be restricted by content, but is usually and customarily used to advertise residential, commercial, and industrial lease spaces, commercial sales, and special events. These temporary signs shall comply with the following provisions:

- A. Permitted Sign Types. Signs shall be limited to the following types:
1. Temporary commercial or industrial sales events signs.
  2. Temporary subdivision sale signs.
  3. Temporary banner signs or freestanding signs.
  4. A-frame signs, and other portable signs, except on residential sites with less than six dwelling units.
- B. Number and Duration of Signs. Temporary signs regulated under this section shall be limited to no more than the following amounts:
1. One temporary commercial or industrial sales event sign per sales event within the boundaries of the site, provided that the total combined time that a commercial or industrial business is permitted to display temporary signs shall not exceed 60 days over a 12-month period from the date the sign permit is issued, and temporary signs shall be removed within seven days after the completion of the special sales event.
  2. One subdivision sale sign within the boundaries of the site, provided that the temporary sign shall be removed when 90% of the lots in the subdivision have

been sold, or 36 months from the date of erection of the sign, whichever occurs first.

3. One temporary banner sign or one temporary freestanding sign within the boundaries of a developed commercial or industrial development with leasable space or leasable units, provided a temporary freestanding sign shall be removed when all spaces or units have been leased, and provided that a temporary banner sign shall only be permitted for an individual business that is soon to open or has been opened for less than two months, or for a soon to open or recently opened (less than two months) commercial or industrial development. A temporary banner sign shall be removed within 60 days of the date that the sign permit is issued.
4. One temporary banner sign within the boundaries of a multiple-family residential development of six units or more with leasable units, provided the multiple-family residential development is soon to open or has been opened for less than two months. A temporary banner sign shall be removed within 60 days of the date the sign permit is issued.
5. One temporary banner or one temporary free-standing sign within the boundaries of a community service use, provided that the total combined time that the community service use is permitted to display temporary signs shall not exceed 60 days over a 12-month period from the date the sign permit is issued.
6. One A-frame sign or one portable sign per business occupant, provided that the sign is located within the boundaries of the site where the business occupant is located.

C. **Sign Size.** Signs shall be subject to the following size limitations:

1. Temporary freestanding sign. (Includes temporary commercial or industrial sales event sign that is freestanding and temporary subdivision sale sign that is freestanding.) Maximum sign face area, on one sign face, shall not exceed 32 square feet and height shall not exceed ten feet.
2. Temporary banner sign. (Includes temporary commercial or industrial sales event sign that is a banner and temporary subdivision sale sign that is a banner.) Maximum sign face area, on one sign face, shall not exceed 96 square feet.
3. A-frame sign or portable sign. Maximum sign face area, on one sign face, shall not exceed ten square feet and height shall not exceed four feet. Within the Central Business District, these signs shall be subject to the area and height limitations of subsection 10.055(B)(6). [Adopted by Ord. 687, ef. 6/13/00; Amended by Ord. 738, ef. 11/27/03]

10.050 **Permanent Signs.**

[Adopted by Ord. 687, ef. 6/13/00; Repealed by Ord. 738, ef. 11/27/03]

- 10.055 Signage within the Central Business District (CBD). In addition to exempt signs regulated by section 10.025 and temporary signs that require permits regulated by section 10.040, the provisions of this section regulate other allowed signs on all land within the Central Business District zoning district.
- A. Permitted Sign Types. Signs in the CBD zoning district shall be limited to the following:
1. Wall signs.
  2. One projecting sign for each building entrance used as a customer entrance.
  3. One master directory wall sign, as described in subsection (B)(3) of this section, per building cluster.
  4. One master directory freestanding sign, as described in subsection (B)(4) of this section, per building cluster.
  5. Rear wall master sign, as described in subsection (B)(5) of this section.
  6. One portable sign, including A-frame signs, per business as described in subsection (B)(6) of this section.
- B. Sign Size, Location, and Design. The signs in the CBD zoning district shall be subject to the following size, location, and design limitations:
1. Wall sign.
    - a. Maximum sign face area, for an individual wall sign, shall not exceed 36 square feet.
    - b. The cumulative allowable area of all signs on one wall shall not exceed ten percent of the gross wall area to which the signs are attached or painted.
  2. Projecting sign.
    - a. The maximum sign face area, for an individual projecting sign, shall not exceed four square feet.
    - b. The lowest portion of a projecting sign shall be no less than 7½ feet above the ground beneath the sign.
  3. Master directory wall sign.
    - a. A designated area shall be provided on the wall at each end of a building cluster for placement of a master directory sign that may list all the businesses within a cluster.
    - b. The sign shall be located between three feet and seven feet above sidewalk elevation.



- c. Individual letters within the sign shall not be higher than three inches.
  - d. The color of the letters within the sign shall be complementary to the building colors.
4. Master directory freestanding sign.
    - a. One freestanding master directory sign not to exceed 12 square feet in area and eight feet in height may be approved per building cluster, provided that the sign is located within, or immediately adjacent to, a parking lot that specifically provides parking for that building cluster.
    - b. The sign shall be compatible with the architectural character of the CBD.
  5. Rear wall master sign.
    - a. Up to 2½ percent of the rear wall of each building may be used for a master sign to extend across connected buildings.
    - b. The sign shall not extend above the rear building facade.
    - c. The rear wall master sign is not subject to the area restrictions of subsection (B)(1) of this section.
  6. Portable sign, including A-frame signs.
    - a. The sign is displayed only during the business hours of the business for which it is permitted.
    - b. The maximum sign face area on one sign face, or the cumulative area of multiple sign faces when there is more than one sign face, shall not exceed ten square feet.
    - c. The top of the sign shall not exceed six feet above the ground, except that A-frame signs shall not exceed four feet in height.
    - d. The sign is located within the boundaries of the site where the business occupant is located.

C. Lighting.

1. Sign illumination shall be by external source only. All externally illuminated signs that measure seven feet or more from the ground level to the top edge of the sign face shall be illuminated from above. Externally illuminated signs shall comply with the requirements of Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting.
2. Projecting signs and portable signs shall not be illuminated. [Adopted by Ord. 687, ef. 6/13/00; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 738, ef. 11/27/03]

10.060 Residential Signs. In addition to exempt signs regulated by section 10.025 and temporary signs that require permits regulated by section 10.040, the provisions of this section regulate other allowed signs on all land within the R-20, R-10, R-7, R-5, R-4, and A-2, zoning districts, and on any site within the Town Center Overlay District, MO/H, NC, CC, and GC zoning districts where the use of the land is characterized as residential. However, the provisions of this section do not apply to residential sites with less than six dwelling units.

A. Permitted Sign Types. Signs shall be limited to the following types:

1. Freestanding signs.
2. Wall signs.
3. Residential subdivision monuments.
4. Awning signs.

B. Number of Signs. The number of signs allowed within the boundaries of a site shall be limited to no more than one of each of the permitted sign types listed in subsection (A) of this section.

C. Sign Size. Signs shall be subject to the following size limitations:

1. Residential subdivision monument.
  - a. Maximum sign area, on one sign face, shall not exceed 36 square feet.
  - b. Height of the monument shall not exceed ten feet.
2. Freestanding sign.
  - a. Maximum sign area, on one sign face, shall not exceed 32 square feet.
  - b. Height shall not exceed six feet.
3. Wall sign. Maximum sign face area shall not exceed ten percent of the gross wall area of the wall to which the sign is attached or painted. In calculating maximum allowable area for the wall sign, the wall shall include all window and wall area.
4. Awning sign.
  - a. The maximum sign face area shall not exceed ten percent of the awning area.
  - b. The sign shall be integrated into the design and material of the awning on which it is located. [Adopted by Ord. 687, ef. 6/13/00; Amended by Ord. 738, ef. 11/27/03]

10.065 Commercial and Industrial Signs. In addition to exempt signs regulated by section 10.025 and temporary signs that require permits regulated by section 10.040, the provisions of this section regulate other allowed signs on all land zoned MO/H, NC, CC, GC, IP, LI, or GI, and any site zoned R-20, R-10, R-7, R-5, R-4, or A-2, where the use of that land is characterized as commercial, industrial, or institutional.

A. Permitted Sign Types. Signs shall be limited to the following types:

1. Freestanding signs.
2. Freeway signs.
3. Wall signs.
4. Awning signs.
5. Commercial or industrial subdivision monuments.

B. Number of Signs. The number of signs allowed within the boundaries of the site shall be limited to no more than the following amounts per development site street frontage:

1. One freestanding sign per development site street frontage except:
  - a. An individual business located on the same lot as two or more businesses, but designed as a separate structure at an intersection of two streets, is permitted one additional freestanding sign subject to the size limitations in subsections (C)(1)(b) and (d) of this section.
  - b. An automotive service station, designed as a separate structure, located on the same lot as two or more businesses, is permitted one additional freestanding sign subject to the size limitations in subsections (C)(1)(c) and (d) of this section.
  - c. For purposes of this regulation, a commercial or industrial subdivision monument shall be considered a freestanding sign.
2. One freeway sign provided that:
  - a. The sign is located within 800 feet south and 1,000 feet north of the center median of I-84.
  - b. The freeway sign is located not less than 500 feet from the next freeway sign.

C. Sign size. Signs shall be subject to the following size limitations:

1. Freestanding sign.
  - a. A freestanding sign may not exceed one square foot of sign area per linear foot of site frontage, provided the maximum sign face area is not

more than 150 square feet. Every site is entitled to a minimum sign face area of 24 square feet. For calculation purposes, corner signs that face more than one street shall be assigned a site frontage by the applicant.

- b. The maximum sign face area for an individual business sign, as described in subsection (B)(1)(a) of this section, shall be 24 square feet.
  - c. The maximum sign face area for an automotive service station sign, as described in subsection (B)(1)(b) of this section, shall be 56 square feet.
  - d. Height shall not exceed 24 feet, except an individual business sign, as described in subsection (B)(1)(a) of this section, shall not exceed 20 feet in height and an automotive service station sign, as described in subsection (B)(1)(a) of this section, shall not exceed eight feet in height.
2. Freeway sign.
    - a. Maximum sign face area, on one sign face, shall not exceed 750 square feet.
    - b. Height shall not exceed 60 feet above the freeway elevation as measured from mean sea level for that portion of the freeway perpendicular to the footing of the freeway sign.
  3. Wall sign.
    - a. Maximum sign face area shall not exceed ten percent of the gross wall area of each wall to which the sign is attached or painted. In calculating maximum allowable area for a wall sign, each face of a building shall include all window, door, and wall area.
    - b. Where two or more uses are located in the same building, the maximum permitted area for all signs may be divided among the uses. A separate wall sign or a joint-use wall sign may be erected, provided that the maximum allowable sign area shall not be exceeded.
    - c. The maximum sign area for an individual wall may be distributed among any number of wall signs.
    - d. The wall sign shall be attached to the wall of the building, shall leave no part of the sign extending above the roofline of the building, and shall be designed as an integral component of the building design.
    - e. No wall sign shall project more than 18 inches from the wall to which it is attached.
  4. Awning sign.
    - a. Maximum sign area shall not exceed ten percent of the awning area.

- b. The sign shall be integrated into the design and material of the awning on which it is located.

5. Commercial or industrial subdivision monument.

- a. Maximum sign area, on one sign face, shall not exceed 36 square feet.
- b. Height of the monument shall not exceed ten feet. [Adopted by Ord. 687, ef. 6/13/00; Amended by Ord. 738, ef. 11/27/03]

10.070 Enforcement of Permanent Signs. The Director shall order the removal of any permanent sign erected, replaced, constructed, or altered in violation of the provisions of this chapter.

- A. The order to remove a sign shall be in writing and mailed to the property owner, and the owner of the sign, if the Director is able to determine who the owner of the sign is by looking at the sign. The order shall be sent via regular and certified mail, return receipt requested.
- B. The order shall inform the property owner and sign owner, if known, that the sign violates the regulations in this chapter and must be brought into compliance or be removed within ten days of the date of the order. The order shall also inform the property owner and sign owner the reasons why the Director concluded the sign violates the regulations in this chapter and shall inform them of their appeal rights.
- C. A property owner or sign owner who disagrees with the Director's determination that the sign violates the regulations in this chapter may appeal that determination by filing a written appeal with the Director within ten days of the date on the order.
- D. An appeal shall identify the order that is being appealed and explain why the Director's determination is wrong.
- E. Upon timely receipt of an appeal, the Director shall process the appeal in accordance with section 10.080, Appeal and Hearing Procedure, of this chapter.
- F. If the property owner or sign owner fails to file an appeal or remove a sign within ten days of the date on the Director's order, or within the time provided in the decision rendered following an appeal, the Director shall cause the sign to be removed or may file charges against the property owner or sign owner in Troutdale Municipal Court.
- G. If the Director removes the sign, within three days after the date that the permanent sign has been removed, the Director shall notify the property owner and sign owner that the sign was removed and that the City has the sign.
  - 1. The notice shall be in writing and shall be mailed to the property owner and sign owner via regular and certified mail, return receipt requested.
  - 2. The notice shall inform the property owner and sign owner that they have 30 days to pay the City the costs it incurred in removing the sign and to retrieve the sign, or the City will dispose of the sign.

3. If the property owner or sign owner does not pay the City the costs the City incurred in removing the sign, and retrieve the sign within 30 days of the date on the notice, the City may dispose of the sign.
- H. The costs the City incurs in removing a sign shall be entered on the docket of City liens against the property owner, and shall be collectible in the same manner as liens for public improvements. [Adopted by Ord. 687, ef. 6/13/00]
- 10.075 Enforcement of Temporary Signs. Enforcement of temporary signs not conforming to regulations of this chapter shall be subject to the following provisions:
- A. For temporary signs located on public utility poles, traffic sign poles, or public property, the Director shall order the immediate removal of any temporary sign in violation of the provisions of this chapter.
    1. Within three days after the date that the temporary sign was removed, the Director shall notify the sign owner that the sign has been removed and that the City has the sign, provided the Director is able to determine who the sign owner is by looking at the sign.
    2. The notice shall be in writing and shall be mailed to the sign owner via regular mail.
    3. The written notice shall inform the sign owner:
      - a. The reasons the sign violated the provisions of this chapter.
      - b. That the owner may retrieve the sign within ten days of the date on the notice by paying a \$20 per sign retrieval fee.
      - c. If the owner does not pay the City the retrieval fee and retrieve the sign within ten days, the City will dispose of the sign.
      - d. Violations of this subsection may be referred to Troutdale Municipal Court if the owner disagrees with the City's actions.
  - B. For temporary signs located on privately-owned property in violation of this chapter, the Director shall notify the property owner and the sign owner, if known, via regular mail that the sign violates the regulations in this chapter and must be removed immediately.
    1. The notice shall direct that the sign be removed immediately, and shall inform the property owner and the sign owner of the reasons that the sign violates the regulations in this chapter. The notice shall also inform the property owner and the sign owner of their appeal rights.
    2. A property owner or sign owner who disagrees with the Director's determination that the sign violates the regulations in this chapter may appeal the Director's determination by filing a written appeal with the Director within

ten days of the date on the notice. The written appeal shall identify the decision that is being appealed and explain why the decision is wrong.

3. A property owner or sign owner who files an appeal shall remove the sign pending the outcome of the appeal. If the property owner or sign owner prevails on appeal, the sign may be returned to the location it was in before the Director ordered its removal.
4. Upon timely receipt of an appeal, the Director shall process the appeal in accordance with section 10.080, Appeal and Hearing Procedure, of this chapter.
5. If the property owner or sign owner does not immediately remove a sign the Director has informed them is in violation of this chapter, the Director shall cause the sign to be removed, or the Director may file charges against the property owner or sign owner in Troutdale Municipal Court.
6. Within three days after the date that a temporary sign was removed, the Director shall notify the property owner and sign owner that the sign was removed, and that the City has the sign.
  - a. The notice shall be in writing and shall be mailed to the property owner and sign owner via regular mail.
  - b. The notice shall inform the property owner and sign owner that they may retrieve the sign within ten days of the date on the notice by paying the City a \$20 per sign retrieval fee.
  - c. If the property owner or the sign owner does not pay the City the retrieval fee and retrieve the sign within ten days, the City will dispose of the sign.  
[Adopted by Ord. 687, ef. 6/13/00]

#### 10.080 Appeal and Hearing Procedure.

- A. Upon receipt of a request for appeal, the Director shall promptly notify the hearings officer who shall set a time and place for the hearing at the earliest possible time, and shall promptly notify the person requesting the hearing as to the time and place for the hearing. Notice may be by any means of giving actual notice. Notice may also be given to such persons as the hearings officer may determine to be interested persons.
- B. The person requesting the hearing and the Director may make argument, submit testimony, cross-examine witnesses, and submit rebuttal evidence on the pertinent issues. Any party may be represented by counsel.
- C. If requested by either party, all hearings shall be recorded in a manner that will allow for written transcription to be made, and all materials submitted at the hearing shall be retained by the hearings officer for a period of two years.
- D. Failure of the persons requesting the hearing to appear at the hearing shall constitute a waiver of the right to a hearing.

- E. After the hearing, the hearings officer shall issue and mail a copy of the order determining the question within 15 days from the date of the hearing, or any continuance thereof not to exceed 15 days from the date of the hearing, to the person requesting the hearing and to the Director.
- F. The hearings officer's decision on appeal is the City's final decision, which may be reviewed solely and exclusively by writ of review in the manner set forth in state law. [Adopted by Ord. 687, ef. 6/13/00]



**CHAPTER 11 - LANDSCAPING AND SCREENING**

11.010 Minimum Basic Improvements. These standards apply to developments other than single-family and attached two-family dwelling units.

A. The minimum area of a site to be retained in landscaping shall be as follows:

ZONING DISTRICT OR USE		PERCENTAGE
A-2 - Apartment Residential		25%
MHP - Manufactured Home Park		25%
CBD - Central Business District		5%
MO/H - Mixed Office/Housing District	If residential use is provided	15%
	If no residential use is provided	5%
NC - Neighborhood Commercial		20%
CC - Community Commercial		15%
GC - General Commercial		15%
IP - Industrial Park		15%
LI - Light Industrial		15%
GI - General Industrial		10%

B. In the case of multiple-family residential development, usable recreation areas shall be provided for developments containing more than five dwelling units at the rate of 200 square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation areas shall be considered required landscaping.

C. Except for portions allowed for parking, loading, or traffic maneuvering, a required setback area abutting a public street, and open area between the property line and the roadway in the public street, shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

D. Site-obscuring shrubbery or a berm, wall, or fence shall be placed along a property line between residential, and industrial and commercial zones, and around unsightly areas such as a trash or equipment storage area, or an industrial or commercial activity.

E. Landscaping shall be irrigated by an underground system. Attached two-family dwelling units are exempt.

F. At least 75% of the required landscaped area shall be planted with a suitable combination of trees, shrubs, or evergreen groundcover.

G. Plant Material:

1. Trees shall be species having an average mature spread of crown of greater than 15 feet and trunks which can be maintained in a clean condition with over five feet of clear wood. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread.
2. Trees shall be a minimum of seven feet in overall height or 1½ inches in caliper immediately after planting. Adjacent to any public right-of-way or easement, the following species shall be prohibited: poplar, willow, cottonwood, fruit trees, nut trees, and ailanthus. Selected conifers may be planted adjacent to public right-of-ways or easements if approved by the Director. See the City's list of recommended tree species.
3. Shrubs shall be a minimum of one gallon in size or two feet in height when measured immediately after planting. Hedges, where required to screen and buffer off-street parking from adjoining properties, shall be planted with an evergreen specie maintained so as to form a continuous, solid, visual screen at time of planting.
4. Vines for screening purposes shall be a minimum of one gallon in size or 30 inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
5. Groundcovers used in lieu of turf, in whole or in part, shall be planted in such a manner as to provide complete coverage within one year.
6. Turf areas shall be planted in species normally grown as permanent lawns in Troutdale. Acceptable varieties include improved perennial rye and fescues.

H. Landscaped areas may include architectural features or artificial groundcovers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust (medium coarse), decorative hard paving, and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed 25% of the required landscaped area. Artificial plants are prohibited in any required landscaped area.

I. Existing trees with a trunk diameter of six inches or greater shall be preserved except when removal is specifically authorized by the Site and Design Review Committee and/or the Planning Commission. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 639, ef. 2/23/96; Amended by Ord. 658, ef. 3/12/98; Repealed and reamended by Ord. 661, ef. 7/23/98]

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. [Adopted by Ord. 770, ef. 2/23/06]

11.020 Performance Bond or Security. If weather conditions or other circumstances beyond the control of the developer or owner make completion of the landscaping impossible, an extension of up to six months may be applied for by posting "security" equal to 125% of the cost of the landscaping with the City, assuring installation within six months. "Security" may consist of a performance bond payable to the City, cash, certified check, time certificates of deposit, assignment of a savings account, or other such assurance of access to funds necessary for completion as shall meet the approval of the City Attorney. Upon acceptance of the approved security, the owner may be allowed occupancy for a period of 180 days. If the installation of the landscaping improvement is not completed within 180 days, the City shall have access to the security to complete the installation and/or revoke occupancy. Upon completion of the installation, any portion of the remaining security minus administrative charges of 25% shall be returned to the owner. Costs in excess of posted security shall be assessed against the property, and the City shall thereupon have a valid lien against the property which will come due and payable. [Adopted by Ord. 550, ef. 9/25/90]

- 11.030 Guarantee. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two years. This guarantee shall insure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials. [Adopted by Ord. 550, ef. 9/25/90]

**CHAPTERS 12, 13 AND 14 - RESERVED**

## CHAPTER 15 - AMENDMENTS

### 15.000 GENERAL

#### 15.010 Action under This Code.

- A. Amendments to the Comprehensive Land Use Plan text, Comprehensive Land Use Plan Map, Development Code text, and Zoning District Map shall be processed as a Type IV legislative or quasi-judicial procedure.
- B. Amendments to the Comprehensive Land Use Plan and Development Code text shall be processed as a legislative procedure. These types of amendments may be initiated in any one of the following ways:
  1. By motion of the City Council.
  2. By motion of the Planning Commission.
  3. Private citizens or groups may recommend specific Comprehensive Land Use Plan or Development Code text changes to either the City Council or Planning Commission, but may not initiate a change to either text.
- C. Amendments to the Comprehensive Land Use Plan or Zoning District Maps involving more than four separate ownerships, or more than 15 acres of land, shall be processed as a legislative procedure. These types of map amendments may be initiated in any one of the following ways:
  1. By motion of the City Council.
  2. By motion of the Planning Commission.
  3. By property owners or persons purchasing property under contract filing an application with the City.
- D. Amendments to the Comprehensive Land Use Plan or Zoning District Maps involving four or fewer separate ownerships, or 15 or less acres of land, shall be processed as a quasi-judicial procedure. These types of map amendments may be initiated in any one of the following ways:
  1. By motion of the City Council.
  2. By motion of the Planning Commission.
  3. By property owners or persons purchasing property under contract filing an application with the City.
- E. Amendments may be considered at any time, and may follow or be in conjunction with other amendments. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 638, ef. 2/23/96]

15.020 Hearing Notice.

- A. Legislative Type IV Procedure. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property. Where such mailing or posting is omitted, the Director shall prepare a notice program designed to reach persons believed to have a particular interest, and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.
- B. Quasi-Judicial Type IV Procedure. Notice of a hearing on a quasi-judicial decision shall include a mailing to property owners and a posting of property affected by the decision. Notice shall be in conformance to Chapter 16, Public Deliberations and Hearings, of this code and applicable state law. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 638, ef. 2/23/96]

15.030 Arguments on Policy. In addition to matters pertaining to compliance with criteria and consistency with the Comprehensive Land Use Plan, a person may provide information and opinion regarding the desirable policy of the City relevant to the proposed legislative matter. [Adopted by Ord. 550, ef. 9/25/90]

15.040 Information at Planning Commission Hearing. The Planning Commission shall afford an interested person the opportunity to submit written recommendations and comments in advance of the hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted. [Adopted by Ord. 550, ef. 9/25/90]

15.050 Planning Commission Recommendation. In preparing its recommendation, the Planning Commission shall evaluate the proposal based on the following criteria:

- A. Approval Criteria - Text Amendment. The following criteria shall be used to review and decide amendments to the text of the Comprehensive Land Use Plan or Development Code:
  - 1. For Comprehensive Land Use Plan text amendments, compliance with the Statewide Land Use Goals and related administrative rules.
  - 2. Public need is best satisfied by this particular change.
  - 3. The change will not adversely affect the health, safety, and welfare of the community.
  - 4. In the case of Development Code amendments, the particular change does not conflict with applicable Comprehensive Land Use Plan goals or policies.
- B. Approval Criteria – Comprehensive Land Use Plan Map Amendment. The following criteria shall be used to review and decide both legislative and quasi-judicial Comprehensive Land Use Plan Map amendments:
  - 1. Compliance with applicable Statewide Land Use Planning Goals.

2. Consistency with the applicable goals and policies of the Comprehensive Land Use Plan.
  3. 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.
  4. The Plan provides more than the projected need for lands in the existing land use designation.
  5. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.
  6. 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.
- C. Approval Criteria - Zoning District Map Amendment. The following criteria shall be used to review and determine both legislative and quasi-judicial Zoning District Map amendments:
1. 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.
  2. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
  3. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.
  4. 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.
  5. The amendment will not be detrimental to the general interest of the community. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 638, ef. 2/23/96]

15.060 City Council Action.

- A. The City Council may limit the nature of the information it will receive at a hearing and may establish separate rules for consideration of each of the following:
1. Compliance with the Comprehensive Land Use Plan.
  2. Appropriateness of the legislative process.



3. Recommended action by the Commission including any policy changes or refinements proposed.
- B. After confirming, amending, or reversing the recommendations of the Planning Commission, the City Council may take any of the following steps:
1. Enact or defeat an ordinance on all or part of the proposal under consideration. In taking this step, it shall not be necessary to segregate incidental results that might have been possible to accomplish by administrative action.
  2. If the ordinance is defeated, but some or all of the proposal is found appropriate for administrative processing, the City Council may either act on the matter by the appropriate administrative procedure or refer the matter to the Planning Commission for such action. Unless different notice would be required under the provisions of this code for the Type II, III, or IV administrative action, no further hearing is necessary for the City Council to take administrative action. If different notice is appropriate, or if the matter is referred to the Planning Commission for a decision or recommendation, an additional hearing shall be held.
  3. Refer some or all of the proposal back to the Planning Commission for further consideration. If such referral is subsequently returned, no further hearing need be conducted if the proposal is processed under the City procedure for ordinance enactment.
- C. The City Council may take final action on a proposed amendment to the Zoning District Map by order rather than by ordinance. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 15.130 Limitation on Reapplication. No application of a property owner for a Development Code text, Zoning District Map, Comprehensive Land Use Plan text, or Map amendment shall be considered within the one-year period immediately following a denial of a request for the same property. The hearing body may permit a new application upon making a determination that there is new evidence or a change in circumstances. [Adopted by Ord. 550, ef. 9/25/90]
- 15.140 Effective Date of Text and Map Amendments. All text and map amendments shall take effect 30 days after the date of approval, unless an emergency is declared or a decision is appealed. [Adopted by Ord. 550, ef. 9/25/90]
- 15.150 Updating the Comprehensive Land Use Plan Map and Zoning District Map. It shall be the responsibility of the Director to keep these maps and to make necessary alterations to keep maps up-to-date and current. A copy of all maps, as adopted on or prior to the effective date of this code, shall be retained for reference. Alterations shall be made within 30 days of the effective date of an action authorized by this code that alters a boundary of a zoning district or plan designation, or changes the zoning or plan designation on a parcel or parcels. If a discrepancy is found between the map and a record of the action, the record of the action shall prevail. [Adopted by Ord. 550, ef. 9/25/90]

15.160 Notice of Amendments under Type IV Legislative Procedures.

- A. The City Council shall conduct a hearing to review all land use regulations and Plan amendments as required by OAR Chapter 660, Division 18, Plan and Land Use Regulation Amendment Review Rules.
- B. The hearing shall occur not less than 45 days after notice of the hearing and a copy of the proposal under consideration has been delivered to the Director of the State Department of Land Conservation and Development. The proposal shall contain the text and any supplemental information that City officials believe necessary to inform the Director of the effect of the proposal.
- C. Upon adoption of a Development Code text, Zoning District Map, Comprehensive Land Use Plan text, or Comprehensive Land Use Plan Map amendment, a copy of the text and/or map together with appropriate findings of fact, shall be mailed or otherwise submitted to the Director of the State Department of Land Conservation and Development within five working days after the City Council has taken final action, including adoption of any necessary documentation. If the adopted text differs in substance from the text and/or map submitted previously, the nature of the changes shall be described and submitted with the text.
- D. Participants in the proceedings leading to a land use plan or code amendment who make a written request to receive notice shall be sent notice within five working days of the final decision. The notice shall include the date of the decision, describe the action taken, and list procedures for reviewing and submitting written objections to the findings and/or decision made. [Adopted by Ord. 550, ef. 9/25/90]

**CHAPTER 16 - PUBLIC DELIBERATIONS AND HEARINGS**16.010 Responsibility of Director for Hearings.

- A. Schedule and assign the matter for review and hearing.
- B. Conduct the correspondence of the hearing body.
- C. Give notice.
- D. Maintain a record, and enter into the record, relevant dates such as those of giving notice, hearings, postponement, and continuances, and a summary of action taken by the hearings body.
- E. Prepare minutes to include the decision on the matter heard and the reasons for the decision.
- F. Reduce the decisions of the hearings body to writing within a reasonable time.
- G. Mail a copy of the decision to the party requesting the same upon payment of a reasonable fee, if a fee has been established. [Adopted by Ord. 550, ef. 9/25/90]

16.020 Raising of Issues for Appeal.

[Adopted by Ord. 591, ef. 2/25/93; Renumbered to 16.285 by Ord. 705, ef. 5/10/01]

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

- A. Within 250 feet of the property which is the subject of the notice where the subject property is wholly, or in part, within the Urban Growth Boundary.
- B. Within 250 feet of the property which is the subject of the notice where the subject property is outside the Urban Growth Boundary, and not within a farm or forest zone.
- C. Within 500 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone.
- D. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.020 and amended by Ord. 591, ef. 2/25/93]

16.040 Notice to Interested Parties.

- A. Interested parties such as counties, state agencies, public utilities, etc., which may be affected by the specific development proposal, shall receive notice of the scheduled public hearing.
- B. Area-Wide Proposals. Notices may be mailed, posted, or published, as determined appropriate by the Director and based on the impact of the proposed development, and as required by Chapter 15, Amendments, of this code. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.030 and amended by Ord. 591, ef. 2/25/93]

16.050 Contents of Notice. The notice provided by the City shall:

- A. Explain the nature of the application and the proposed use or uses which could be authorized.
- B. List the applicable criteria from this code and the Plan that apply to the application at issue.
- C. Set forth the street address or other easily understood geographical reference to the subject property.
- D. State the date, time, and location of the hearing.
- E. State that failure of an issue to be raised in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the board based on that issue.
- F. Be mailed at least:
  - 1. Twenty days before the evidentiary hearing; or
  - 2. If two or more evidentiary hearings are allowed, ten days before the first evidentiary hearing.
- G. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.
- H. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
- I. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a reasonable cost.
- J. Include a general explanation of the requirements for submission of testimony and the procedures for conduct of hearings. [Adopted by Ord. 591, ef. 2/25/93; Amended by Ord. 638, ef. 2/23/96]

16.060 Time of Notice.

[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 591, ef. 2/25/93]

- 16.060 Procedure for Mailed Notice. The applicant shall provide a certified list of property owners as required by notice provisions of this code. Unless otherwise provided, addresses for a mailed notice shall be obtained from the County's real property tax records. Unless the address is on file with the Director, a person whose name is not in the tax records at the time of filing of an application, or of initiating other action not based on an application, need not be furnished mailed notice. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this code for notice. In addition to receiving notice as required by the matter under consideration, the Director shall provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.040 by Ord. 591, ef. 2/25/93]
- 16.070 Procedure for Posted or Published Notice.
- A. A posted notice, if required, shall be posted in at least one conspicuous place within the boundary of the parcel under consideration. If the property frontage exceeds 500 feet, one additional notice shall be posted on the property.
  - B. A posted notice, if required, shall be posted in a minimum of three public places within the City boundaries.
  - C. If a published notice is required, it shall be published at least once in a newspaper of general circulation. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.050 by Ord. 591, ef. 2/25/93]
- 16.080 Applicant's Documents and Evidence. All documents or evidence relied upon by the applicant shall be submitted to the local government and made available to the public. [Adopted by Ord. 591, ef. 2/25/93; Amended by Ord. 638, ef. 2/23/96]
- 16.090 Staff Report. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of ORS 227.178. [Adopted by Ord. 591, ef. 2/25/93; Amended by Ord. 638, ef. 2/23/96]
- 16.100 Explanation at Commencement of Hearing. At the commencement of a hearing under a Comprehensive Land Use Plan or land use regulation, a statement shall be made to those in attendance that:
- A. Lists the applicable substantive criteria;
  - B. States that testimony and evidence must be directed toward the criteria described in subsection (A) of this section or other criteria in the Comprehensive Land Use Plan or land use regulations which the persons believes to apply to the decision; and

- C. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and the parties an opportunity to respond to the issue precludes an appeal to the City Council based on that issue. [Adopted by Ord. 591, ef. 2/25/93; Amended by Ord. 638, ef. 2/23/96]
- 16.110 Request to Present Additional Evidence. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Hearings Officer, Planning Commission, or City Council shall grant such request by either continuing the public hearing or leaving the record open for additional written evidence or testimony. A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 227.178 unless the continuance or extension is requested or agreed to by the applicant. [Adopted by Ord. 591, ef. 2/25/93; Amended by Ord. 638, ef. 2/23/96]
- 16.120 Continuance of the Hearing. If the Hearings Officer, Planning Commission, or City Council grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to the new written evidence. [Adopted by Ord. 638, ef. 2/23/96]
- 16.130 Leaving the Record Open. If the Hearings Officer, Planning Commission, or City Council leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the City for an opportunity to respond to new evidence submitted during the period the record is left open. If such a request is filed, the Hearings Officer, Planning Commission, or City Council shall reopen the record pursuant to section 16.150, Reopening a Hearing, of this chapter. [Adopted by Ord. 638, ef. 2/23/96]
- 16.140 Applicant's Right to Submit Final Arguments. Unless waived by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. [Adopted by Ord. 638, ef. 2/23/96]
- 16.150 Reopening a Hearing. When the Hearings Officer, Planning Commission, or City Council reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue. [Adopted by Ord. 591, ef. 2/25/93; Renumbered from 16.120 by Ord. 638, ef. 2/23/96]
- 16.160 Failure to Receive Notice. The failure of the property owner to receive notice as provided in this chapter shall not invalidate such proceedings if the local government can demonstrate, by affidavit, that such notice was given. The notice provisions of this chapter shall not restrict the giving of notice by other means, including posting, newspaper publication, radio, and television. [Adopted by Ord. 591, ef. 2/25/93; Renumbered from 16.130 by Ord. 638, ef. 2/23/96]

- 16.170 Ex Parte Contacts. The general public has a right to have hearing body members free from ex parte contacts in quasi-judicial hearings. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal all ex parte contacts with regard to a matter that comes before the hearing body member at a quasi-judicial proceeding. If ex parte contacts have not impaired the member's ability to make a fair and impartial decision based on the information presented during the quasi-judicial proceeding, the member shall so state and may participate in the hearing and decision. Ex parte contacts with a member of the decision-making body shall not invalidate a final decision or action of the decision-making body, provided that the member receiving the ex parte contact places the substance of the content of the ex parte communication in the record of the hearing, and makes a public announcement of the content of the communication and of the right of the parties to rebut the content of the first hearing where action will be considered or taken. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.100 by Ord. 591, ef. 2/25/93; Amended by Ord. 705, ef. 5/10/01]
- 16.180 Challenges to Impartiality. A party to a quasi-judicial hearing, or a member of the hearing body, may challenge the qualifications of a member of the hearing body to participate in a quasi-judicial hearing or decision. A challenge shall identify the facts and basis for concluding that the member being challenged cannot make a fair and impartial decision due to bias, prejudice, a direct and substantial personal interest in the outcome, or other similar circumstances. Except for good cause shown, a written challenge shall be filed with the Director not less than 48 hours preceding the time set for the quasi-judicial hearing. The Director shall attempt to notify the member being challenged prior to the meeting. The challenge shall be incorporated into the record of the hearing. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.070 by Ord. 591, ef. 2/25/93; Renumbered from 16.140 by Ord. 638, ef. 2/23/96; Amended by Ord. 705, ef. 5/10/01]
- 16.190 Conflicts of Interest. No officer or employee of the City shall participate in a hearing or decision if the officer or employee has an actual conflict of interest as defined by state law, unless otherwise authorized by state law. An officer or employee of the City may participate in a land use hearing or decision if the officer or employee has a potential conflict of interest as defined by state law. Officers and employees shall disclose actual and potential conflicts of interest. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.090, ef. 2/25/93; Renumbered from 16.160 by Ord. 638, ef. 2/23/96; Amended by Ord. 705, ef. 5/10/01]
- 16.200 Disqualification. A Planning Commissioner shall not participate in the discussion or decision on a matter in which any of the following have a direct or substantial financial interest: The Planning Commissioner or the commissioner's spouse, brother, sister, child, parent, father-in-law or mother-in-law; any business in which the commissioner is then serving or has served within the previous two years; or any business with which the member is negotiating for, or has an arrangement or understanding concerning prospective partnership or employment. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.080 by Ord. 591, ef. 2/25/93; Renumbered from 16.150 by Ord. 638, ef. 2/23/96; Amended by Ord. 705, ef. 5/10/01]
- 16.210 Abstention or Disqualification. Except for Type IV hearings conducted by the governing body, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the

motion. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.110 by Ord. 591, ef. 2/25/93; Renumbered from 16.180 by Ord. 638, ef. 2/23/96]

16.220 Rights of Disqualified Member of the Hearing Body.

- A. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by physically joining the audience and vacating the seat on the hearing body. He shall make full disclosure of his status and position at the time of addressing the hearing body and shall not vote.
- B. If all members of a hearing body disqualify themselves, all members present after stating their reasons for abstention or disqualification shall by so doing be re-qualified and proceed to resolve the issues.
- C. Except for Type IV legislative hearings conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.120 by Ord. 591, ef. 2/25/93; Renumbered from 16.190 by Ord. 638, ef. 2/23/96]

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

- A. Mistakes in the original designation or provision.
- B. Change of conditions within the vicinity in which the development is proposed. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.130 by Ord. 591, ef. 2/25/93; Renumbered from 16.200 by Ord. 638, ef. 2/23/96]

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

- A. Before receiving information on the issue, the following shall be determined:
  - 1. Any objections on jurisdictional grounds shall be noted in the record and if there is an objection, the person presiding has the discretion to proceed or terminate.
  - 2. Any abstentions or disqualifications shall be determined.
- B. The person presiding at the hearing may take official notice of known information related to the issue, such as the following:



1. Provisions of the charter or state law, or of an ordinance, resolution, rule, or officially promulgated policy of the City.
  2. Other public records and facts judicially noticeable by law.
- C. Matters officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record; provided, however, that the hearing body may take notice of matters listed in subsection (B) of this section if stated for the record. Any matter given official notice may be rebutted.
- D. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner, and circumstances of such view in the record.
- E. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.
- F. When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff, if opportunity for rebuttal is provided. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.140 by Ord. 591, ef. 2/25/93; Renumbered from 16.210 by Ord. 638, ef. 2/23/96]
- 16.250 Decision. Following the hearing procedure, the hearing body shall approve or deny the application; or, if the hearing is in the nature of an appeal, affirm, reverse, or remand the decision that is on appeal. A decision on a hearing or a land use proposal shall be made within 120 days of the application. If the hearing body and an applicant or appellant agree to an extension, processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but not to exceed six months from the date of the first hearing on the matter. An applicant may request an extension beyond the 120-day legal limit. An applicant whose application has not been acted upon within 120 days after the application was initiated may seek a writ of mandamus to compel a decision on the land use application or issuance of permits, or a determination that approval would violate the City's Plan or land use regulations. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.150 by Ord. 591, ef. 2/25/93; Renumbered from 16.220 by Ord. 638, ef. 2/23/96]
- 16.260 Findings and Order. The hearing body shall prepare findings of fact and an order which shall include:
- A. A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards.
  - B. A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.

- C. The reasons for a conclusion to approve or deny.
  - D. The decision to deny or approve the proposed change with or without conditions. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.160 by Ord. 591, ef. 2/25/93; Renumbered from 16.230 by Ord. 638, ef. 2/23/96]
- 16.270 Record of Proceedings. The secretary to the hearing body shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically.
- A. Testimony shall be transcribed if required for judicial review or if ordered by the hearing body.
  - B. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented, and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.
  - C. The findings and order shall be included in the record.
  - D. A person shall have access to the record of the proceeding at reasonable times, places, and circumstances. A person shall be entitled to make copies of the record at the person's own expense. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.170 by Ord. 591, ef. 2/25/93; Renumbered from 16.240 by Ord 638, ef. 2/23/96]
- 16.280 Request for Review - Appeal of Decision.
- A. Type I or II Procedure. A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within ten days of notice of the decision. The notice of appeal shall indicate the nature of the decision that is being appealed, and the matter at issue will be a determination of the appropriateness of the decision.
  - B. Type III Procedure. A decision of the Planning Commission may be appealed to the City Council by an affected party by filing an appeal within ten days of notice of the decision. The notice of appeal shall indicate the decision that is being appealed.
  - C. Type IV Procedure. A decision of the City Council may be appealed to the Land Use Board of Appeals, or to the legal authority governing land use regulations and issues, by an affected party by filing an appeal within 21 days of notice of the decision. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.180 by Ord. 591, ef. 2/25/93; Renumbered from 16.250 by Ord. 638, ef. 2/23/96; Amended by Ord. 705, ef. 5/10/01]
- 16.285 Raising Issues for Appeal. An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised before the close of the record at the final evidentiary hearing on the proposal. Such issues shall be raised with sufficient specificity to afford the final reviewing body and the parties an adequate opportunity to

respond to each issue. [Adopted by Ord. 591, ef. 2/25/93; Renumbered from 16.020 and amended by Ord. 705, ef. 5/10/01]

#### 16.290 Appeal Requirements

- A. A notice of appeal shall contain:
  - 1. An identification of the decision sought to be reviewed, including the date of the decision.
  - 2. A statement of the interest of the person seeking review and that the person was a party to the initial proceedings.
  - 3. The specific grounds relied upon for review, including an explanation of the errors the person seeking review believes exist in the decision that is being appealed.
- B. An appeal of a decision rendered under a Type I or II procedure shall be limited to a review of the record supplemented by oral arguments relevant to the record presented by parties to the prior deliberations.
- C. An appeal of a decision rendered under a Type III procedure shall automatically be conducted as a de novo review and subject to a de novo hearing. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.190 by Ord. 591, ef. 2/25/93; Renumbered from 16.260 by Ord. 638, ef. 2/23/96; Amended by Ord. 705, ef. 5/10/01]

#### 16.300 Scope of Review.

[Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.200 by Ord. 591, ef. 2/25/93; Renumbered from 16.270 by Ord. 638, ef. 2/23/96; Repealed by Ord. 705, ef. 5/10/01]

#### 16.310 De Novo Hearing.

- A. “De novo hearing” shall mean a hearing by the reviewing body as if the action had not been previously heard, and as if no decision had been rendered, except that the reviewing body may consider all the testimony, evidence, and other material that is in the record.
- B. For purposes of a de novo hearing, the record shall include:
  - 1. A-report prepared by the Director.
  - 2. All prior staff reports, decisions, the application, and any exhibits, materials, reports, letters, memoranda, and stipulations submitted by any party that were received and considered by the decision-maker in reaching the decision under review.
  - 3. The transcript of prior hearings, if previously prepared, or the tapes and minutes from the prior hearings.
- C. At a de novo hearing, the applicant for the land use proposal or permit which is the subject of the appeal shall have the right of final rebuttal to any arguments,

evidence, or testimony raised by an opposing party. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.210 by Ord. 591, ef. 2/25/93; Renumbered from 16.280 by Ord. 638, ef. 2/23/96; Amended by Ord. 705, ef. 5/10/01]

16.320 Review Consisting of Additional Evidence or De Novo Review

[Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.220 by Ord. 591, ef. 2/25/93; Renumbered from 16.290 by Ord. 638, ef. 2/23/96; Repealed by Ord. 705, ef. 5/10/01]

16.330 Reviewing Body Decision. Upon review, the reviewing body may by order affirm, reverse, or modify in whole or in part, a determination or requirement of the decision that is under review. When the reviewing body modifies or renders a decision that reverses a decision of the hearing body, the reviewing body, in its order, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the reviewing body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify it. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 16.230 by Ord. 591, ef. 2/25/93; Renumbered from 16.300 by Ord. 638, ef. 2/23/96; Amended by Ord. 705, ef. 5/10/01]

## CHAPTER 17 - GENERAL PROVISIONS

- 17.010 Authorization of Similar Uses. The Director may rule that a use not specifically named as a permitted or conditional use shall be included, if the use is of the same general type and is similar to the permitted or conditional use. Authorization of similar uses shall be processed under the Type I procedure. [Adopted by Ord. 550, ef. 9/25/90]
- 17.020 Interpretation. It shall be the responsibility of the Director to interpret and apply provisions of this code. [Adopted by Ord. 550, ef. 9/25/90]
- 17.030 Maintenance of Code Requirements. No lot area, yard, or other open space; required off-street parking or loading area; or other site condition existing on or after the effective date of this code, shall be reduced in area, dimension, or size below the minimum required by this code; nor shall any site condition which is required by this code for one development be used to meet a requirement for any other development except as authorized. [Adopted by Ord. 550, ef. 9/25/90]
- 17.040 Residential Lot Size Standards.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 705, ef. 5/10/01]
- 17.050 Bond or Cash Deposit. Before issuing or renewing a development permit, when the applicant has an obligation to construct or improve public facilities to serve the development or to reclaim land such as that due to surface mining operations, the obligation shall either be fulfilled prior to the issuance of the development permit or the applicant shall be required to file with the City Recorder an acknowledgment of the obligation. The acknowledgment shall contain the time within which it is to be met and a surety bond, cash, or negotiable security deposit sufficient to cover the cost of the work as estimated by the Director for the year fulfillment of the obligation is anticipated. The bond shall be conditioned upon the permittee carrying out the obligation and fulfilling the other requirements of this code that bear on the approval of the development. The deposit or bond shall be forfeited to the City if the permittee does not fulfill the requirements. The bond or deposit shall remain in the custody of the City until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to City control. [Adopted by Ord. 550, ef. 9/25/90]
- 17.060 Noncompliance with Provisions under Obligation.
- A. If the Director finds that a permittee is not fulfilling an obligation, the Director shall, in written notice to the permittee and the permittee's surety, specify the details of noncompliance. Unless the Director allows more time for compliance because of circumstances beyond the permittee's control, within 30 days after receiving the notice, the permittee or the permittee's surety shall commence the compliance and proceed diligently to complete fulfillment of the obligation.
  - B. If the permittee or the permittee's surety does not commence the compliance within the 30 days or the additional time allowed by the Director, has so commenced but fails diligently to complete the compliance, or the compliance is otherwise not completed within the time specified in granting the development permit, the City may take the following action:

1. Enter upon the site of the development and carry out the obligation in accordance with the provisions agreed upon under the acknowledgment.
  2. Notify the permittee and the permittee's surety of the permittee's failure to perform as required by this code.
  3. Demand payment from the permittee for the unfulfilled obligation.
  4. If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the City or, if the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup the expense.
- C. If a bond or other security required by section 17.050, Bond or Cash Deposit, of this chapter is not sufficient to compensate the City for expenses necessary to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City and upon the entire contiguous real property of the owner of the land subject to the obligation.
- D. The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the permittee's failure to do the required obligation.
- E. The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property. [Adopted by Ord. 550, ef. 9/25/90]

17.070 Adjusting Bond or Deposit for Future Obligation.

- A. In the case of an obligation to perform at a future date, such as a surface mining reclamation obligation, the amount of bond or deposit shall be adjusted annually to reflect changing estimates of the costs of fulfilling the obligation.
- B. Where the City carries out the obligation because the permittee has failed to do so under section 17.060, Noncompliance with Provisions under Obligation, of this chapter, the City may expend funds only to the extent necessary to complete the obligation. If the amount specified in the notice to the surety is not paid within 30 days after that notice is given the surety, the City shall institute proceedings to recover the amount.
- C. A lien created under this section is prior to all other liens and encumbrances, except that the lien has equal priority with tax liens. [Adopted by Ord. 550, ef. 9/25/90]

17.080 Fees and Deposits. Fees and deposits shall be set and adjusted by City Council resolution. [Adopted by Ord. 550, ef. 9/25/90]

17.090 Conflicting Regulations. Where the conditions imposed by a provision of this code are less restrictive than comparable conditions imposed by any other provisions of this

code or any other ordinance, the provisions which are more restrictive shall govern.  
[Adopted by Ord. 550, ef. 9/25/90]

17.100 Severability. The provisions of this code are severable. If any section, sentence, clause, or phrase of this code is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this code. [Adopted by Ord. 550, ef. 9/25/90]

17.110 Abatement and Penalty.

A. A person violating a provision of this code shall be subject to a fine of not less than \$500 nor more than \$1,000. A violation shall be considered a separate violation for each day it continues.

B. A development in violation of this code, or the use of a development in violation of this code, shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this code, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate, or remove the development or use in violation. [Adopted by Ord. 550, ef. 9/25/90]

17.120 Repeal. Ordinance No. 271-O is repealed. [Adopted by Ord. 550, ef. 9/25/90]

**APPENDIX A  
TROUTDALE DEVELOPMENT CODE**

**DESIGN STANDARDS FOR CENTRAL BUSINESS DISTRICT**

A.101 Purpose.

- A. The purpose of these design standards is to guide the design of buildings constructed in the CBD zoning district to ensure that, through appropriate use of facades, windows, building orientation, and architectural details, new structures and alterations of existing structures are physically and visually compatible with other buildings within the downtown business district. Existing buildings in the downtown area reflect architectural styles that were popular during the early to mid-twentieth century. It is the desire of the City to have buildings conform to architectural styles of this era. The design standards are intended to further define those characteristics that cause buildings to look like they were constructed during this period.
- B. These standards are intended to encourage good quality design in new building construction, enhance street safety, and provide a comfortable street environment by providing features of interest to pedestrians. Good design results in buildings that are in visual harmony with nearby buildings, leading to a central downtown district that is attractive, interesting, active, and safe. These qualities, in turn, contribute to the creation of a downtown core which facilitates easy pedestrian movement and establishment of a rich mixture of uses. [Adopted by Ord. 643, ef. 10/10/96; Amended by Ord. 658, ef. 3/12/98; Repealed and reamended by Ord. 661, ef. 7/23/98]

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 2<sup>nd</sup> Street extended west to its intersection with 257<sup>th</sup> Avenue from 257<sup>th</sup> 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. [Adopted by Ord. 643, ef. 10/10/96; Amended by Ord. 770, ef. 2/23/06]

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 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. [Adopted by Ord. 643, ef. 10/10/96]
- 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. [Adopted by Ord. 643, ef. 10/10/96]
- 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. [Adopted by Ord. 643, ef. 10/10/96]
- 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. [Adopted by Ord. 643, ef. 10/10/96]

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. [Adopted by Ord. 643, ef. 10/10/96]

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 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 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 percent of their Historic Columbia River Highway facades. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments for pedestrian interest and scale. [Adopted by Ord. 643, ef. 10/10/96]

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 feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six 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 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 16 square feet per story or six percent 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 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. [Adopted by Ord. 643, ef. 10/10/96]

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 feet must be maintained at all times. [Adopted by Ord. 643, ef. 10/10/96]

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 foot-candles. Lighting must be a pedestrian scale and the source light must be shielded to reduce glare. [Adopted by Ord. 643, ef. 10/10/96]

A.112 External Storage. The external storage of merchandise and/or materials directly or indirectly related to a business is prohibited. [Adopted by Ord. 643, ef. 10/10/96]

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 feet must be maintained at all times. [Adopted by Ord. 643, ef. 10/10/96]

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. [Adopted by Ord. 643, ef. 10/10/96; Amended by Ord. 770, ef. 2/23/06]

A.115 Signage.

[Adopted by Ord. 643, ef. 10/10/96; Repealed by Ord. 687, ef. 6/13/00]

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. [Adopted by Ord. 643, ef. 10/10/96]

**APPENDIX B  
TROUTDALE DEVELOPMENT CODE**

**SUPPLEMENTAL DEVELOPMENT STANDARDS ALONG 257th AVENUE**

- B.101 Purpose. The purpose of these development standards is to enhance the streetscape associated with 257th Avenue. Currently, 257th Avenue creates a tunnel-like effect as a result of sound walls and fences adjacent to the sidewalk. The location of the sidewalk immediately next to the street puts pedestrians in close proximity to high-volume, high-speed traffic without any landscape buffer. These development standards are intended to promote more pedestrian-friendly site designs by providing a more comfortable street environment for pedestrians. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]
- B.102 Applicability. These development standards apply to new development of properties abutting 257th Avenue between Stark Street and Sturges Drive/Cherry Park Road (North) which meet any of the following criteria:
- A. Any vacant property.
  - B. Redevelopment of any commercial or apartment site that expands the building footprint of an existing structure.
  - C. Any underdeveloped site that undergoes development to a more intensive use (i.e., single-family dwelling to duplex). [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]
- B.103 Standards. In addition to any other standard of this title applicable to the development, the following standards shall also apply:
- A. The sidewalk on 257th Avenue shall be a minimum of nine feet wide.
  - B. A minimum area of five feet in width adjacent to the sidewalk must be landscaped.
  - C. Fences along 257th Avenue must be set back a minimum of five feet from the back of the sidewalk.
  - D. Within the required building setback area along 257th Avenue, the maximum height of a fence or berm, or the combined height of both when a fence is placed upon a berm, shall be 42 inches.
  - E. Sight-obscuring hedges or landscaping shall not exceed a height of 42 inches from ground level. Trees separated by at least 15 feet are not subject to a height limitation.
  - F. Street trees shall be planted in sidewalk tree wells meeting City specifications and spaced every 40 feet. The developer of the property shall be responsible for planting tree varieties approved by the City, or in lieu of the developer planting

the street trees, the developer of the property may pay an assessment to the City to provide for street tree planting. [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by Ord. 661, ef. 7/23/98]