

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1122

Amending County Land Use Code, Plans and Maps to Adopt Troutdale's Recent Land Use Code, Plan and Map Revisions Related to Industrial Zoning, Stormwater Management and Public Utilities in Compliance with Metro's Functional Plan, and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions be in compliance with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Troutdale (City) amended the urban services agreement to include an agreement that the City of Troutdale would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Troutdale.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Troutdale Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600003407) (IGA).
- e. The Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and maps in compliance with Metro's Functional Plan by Ordinance 1110 (02/21/2008).
- f. Since the adoption of Ordinance 1110, the City's Planning Commission recommended the land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibit 1. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps, and land use code chapters are amended to include the City land use code, plan, guideline and map amendments, attached as Exhibit 1 and effective on the same date as the respective Troutdale ordinance:

Exhibit No.	Ordinance	Effective Date
1	Ordinance Amending Chapters 3, 5, 7 and 8 of the Troutdale Development Code pertaining to Industrial Zoning Districts, Stormwater Management and Public Utilities. [Text Amendment No. 39 (City Ord. 792)].	09/26/2008

Section 2. In accordance with ORS 215.427(3), the changes resulting from Sections 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Troutdale Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Troutdale Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION:

September 25, 2008



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

EXHIBIT LIST FOR ORDINANCE

Ordinance Amending Chapters 3, 5, 7 and 8 of the Troutdale Development Code pertaining to Industrial Zoning Districts, Stormwater Management and Public Utilities. [Text Amendment No. 39 (City Ord. 792)].

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-ROM from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

ORDINANCE NO.792

AN ORDINANCE AMENDING CHAPTERS 3, 5, 7 AND 8 OF THE TROUTDALE DEVELOPMENT CODE PERTAINING TO INDUSTRIAL ZONING DISTRICTS, STORMWATER MANAGEMENT AND PUBLIC UTILITIES (TEXT AMENDMENT NO. 39)

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. These proposed TDC amendments generally pertain to the following:
 - Industrial Zoning Districts
 - Stormwater Management
 - Public Utilities
2. Amendments to the industrial zones are necessary to comply with Title 4 of the Metro Urban Growth Management Functional Plan which requires size limitations for certain non-industrial uses in order to better protect industrial lands for industrial uses.
3. Amendments to Chapter 5.800, Stormwater Management, are mainly housekeeping measures to update the citations for certain reference documents, to clarify language, and to improve the order and structure of the chapter.
4. A new chapter 5.1100, Public Improvements, is being added to the Development Code in order to more clearly establish procedures and standards for installation of public improvements, such as public streets, water, sewer and stormwater systems.
5. Amendments to section 7.180 of the Land Division Chapter update and clarify what utilities are subject to undergrounding requirements. They also clarify that undergrounding is required for the installation of new utilities and converting any existing overhead utilities when a subdivision is built.
6. Because some developments occur on unplatted lots, which are not subject to the land division chapter, it is necessary to repeat the undergrounding requirement in Chapter 8 so that it applies to development projects under site and design review.
7. Public need is satisfied because the industrial zone amendments brings the TDC into compliance with the Metro Urban Growth Management Functional Plan as it relates to protection of industrial lands for industrial type uses. These protective measures not only help ensure that there are adequate lands available for industrial uses, but they also reduce conflicts between trucks and passenger vehicles that are forced to share roads when retail and office uses are located in industrial areas. The stormwater management amendments satisfy public need because, among other things, they spell out developer responsibilities for both upstream and downstream

drainage that could be impacted by a proposed development. The amendments pertaining to public infrastructure improvements and utility undergrounding satisfy public need by providing uniform and consistent standards within the development code and with the Troutdale Municipal Code on these topics.

8. The amendments will not adversely affect the health, safety and welfare of the community because size limitations on retail, office and related uses in the outlying industrial zones force large scale commercial uses to locate closer to where people live which should reduce travel distances for consumers to reach these uses and will reduce potential transportation conflicts.

9. The amendments being proposed do not conflict with any goals or policies from the Troutdale Comprehensive Plan.

10. Notice of the public hearing has been provided in accordance with applicable law, including Measure 56 notice to property owners within the industrial zones because the proposed amendments to the industrial zones limit or prohibit land uses previously allowed.

11. The Planning Commission conducted a public hearing on these amendments on June 18, 2008 and has recommended that the City Council adopt them.


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

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

YEAS: 4

NAYS: 1 Councilor Canfield

ABSTAINED: 0


Paul Thalhofer, Mayor
August 29, 2008
Date


Debbie Stickney, City Recorder

Adopted: August 26, 2008

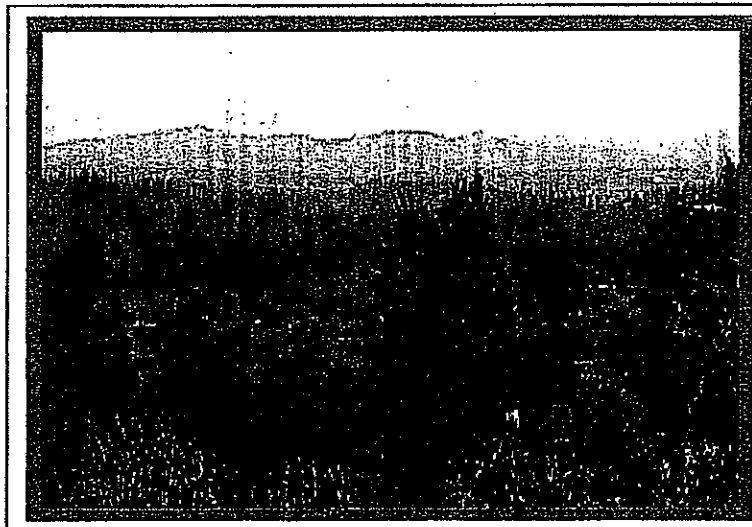


CITY OF TROUTDALE

Proposed Amendments to the Troutdale Development Code (Text Amendment No. 39)

Pertaining to:

- Industrial Zoning Districts
- Stormwater Management
- Public Utilities



Recommended by the Citizens Advisory Committee on April 2, 2008
Recommended by the Troutdale Planning Commission on June 18, 2008
Troutdale City Council Public Hearing July 22, 2008 and August 26, 2008

CHAPTER 3 - ZONING DISTRICTS**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. Offices, services, and retail commercial uses are permitted in compliance with Title 4 of the Metro Urban Growth Management Plan.

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, subject to the provisions of subsection 3.155(D) of this chapter.
- B. Research, experimental, or testing laboratories.
- C. Assembly of electrical appliances, electronic instruments and devices, computer components and peripherals, and personal communication service devices.
- D. Trade or commercial schools, whose primary purpose is to provide training to meet industrial needs.
- E. Business parks, subject to the provisions of subsection 3.155(D) and 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.

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, subject to the provisions of subsection 3.155(D) of this chapter.
- C. Bars, taverns, or cocktail lounges in conjunction with a restaurant.
- D. Retail, wholesale, and discount sales and services subject to the provisions of subsection 3.155(D) of this chapter.
- E. Banks or savings and loan associations, subject to the provisions of subsection 3.155(D) of this chapter.
- F. Medical and dental clinics, subject to the provisions of subsection 3.155(D) of this chapter.
- 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.

3.154 Dimensional Standards.

- A. Lot Size and Coverage.
 - 1. Minimum lot width: 150 feet.
 - 2. Maximum 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.
- D. Lot Area. Division of lots or parcels are permitted as follows:
1. Lots or parcels 50 acres or smaller in size may be divided into any number of smaller lots or parcels.
 2. Undeveloped lots, parcels, or tracts larger than 50 acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one lot, parcel, or tract of at least 50 acres in size. If a land division results in more than one lot, parcel, or tract of 50 acres or greater in size, only one of those 50+ acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least 50 acres in size.
 3. Developed lots or parcels 50 acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city so long as at least 40 percent of the net area of the lot or parcel has already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by subsection 3.175(D) of this chapter.
 4. Notwithstanding parts (2) and (3) of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to right-of-ways for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

3.155 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.
- D. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; banks; restaurants; and retail, wholesale, and discount sales and service shall not exceed 5,000 square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed 20,000 square feet.

3.160 LIGHT INDUSTRIAL**LI**

- 3.161 Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with little outdoor storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have no nuisance factors such as bright yard lights, continuous noise or objectionable odors. Professional offices and limited retail sales are permitted in compliance with Title 4 of the Metro Urban Growth Management Functional Plan. Uses within the LI District may be located adjacent to residential uses with appropriate buffering.
- 3.162 Permitted Uses. The following uses and their accessory uses are permitted in the LI district:
- A. Secondary manufacturing, except any use having the primary function of storing, utilizing, or manufacturing toxic or hazardous materials.
 - 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.
 - C. Distribution centers.
 - D. Airport and related uses as defined by the Airport Planning Rule (OAR 660-013-0100), including airport supportive commercial and industrial uses such as maintenance facilities, hangars, aircraft tie-downs, passenger parking, and flight schools.
 - E. Warehouses.
 - F. Utility facilities, minor.
 - G. Research and development companies, experimental or testing laboratories.
 - H. Trade or commercial schools whose primary purpose is to provide training to meet industrial needs.
 - I. Public parks, parkways, trails, and related facilities.
 - J. One caretaker residence.
 - K. Corporate headquarters.
 - L. Professional offices, subject to the provisions of subsection 3.165(E) of this chapter.
 - M. Medical and dental clinics, subject to the provisions of subsection 3.165(E) of this chapter.
 - N. Product sales, service, and/or display accessory to any manufacturing, fabricating,

or processing use, provided the sales, service, and/or display area does not exceed 15% of the gross floor area, or 3,000 square feet, whichever is less.

- O. Wineries and breweries.
- P. Other uses similar in nature to those listed above.

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

- A. Heliports accessory to permitted or approved conditional uses.
- B. Retail, wholesale, and discount sales and services, including restaurants, banks, dry-cleaners; and similar establishments, with or without drive-up or drive-through window service, subject to the provisions of subsection 3.165(E) of this chapter.
- C. Community service uses.
- D. Utility facilities, major.
- E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.
- F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.
- G. Motels or hotels, including banquet rooms, conference, or convention centers.
- H. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.
- I. Child care facilities, kindergartens, and similar facilities.
- J. Other uses similar in nature to those listed above.

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.
- C. Lot Area. Division of lots or parcels are permitted as follows:
1. Lots or parcels 50 acres or smaller in size may be divided into any number of smaller lots or parcels.
 2. Undeveloped lots, parcels, or tracts larger than 50 acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one lot, parcel, or tract of at least 50 acres in size. If a land division results in more than one lot, parcel, or tract of 50 acres or greater in size, only one of those 50+ acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least 50 acres in size.
 3. Developed lots or parcels 50 acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city so long as at least 40 percent of the net area of the lot or parcel has already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by subsection 3.165(E) of this chapter.
 4. Notwithstanding parts (2) and (3) of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to right-of-ways for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

3.165 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. Development is subject to compliance with any applicable overlay zoning district standards.
- E. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; and retail, wholesale, and discount sales and services shall not exceed 5,000 square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed 20,000 square feet.

3.170 GENERAL INDUSTRIAL**GI**

3.171 Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor storage of materials and products. These industries are likely to create minor air and water pollution, as well as nuisance factors such as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with Title 4 of the Metro Urban Growth Management Functional Plan.

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.

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 provisions of subsection 3.175(D) 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.
- 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.

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.
- C. Lot Area. Division of lots or parcels are permitted as follows:
 - 1. Lots or parcels 50 acres or smaller in size may be divided into any number of smaller lots or parcels.
 - 2. Undeveloped lots, parcels, or tracts larger than 50 acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one lot, parcel, or tract of at least 50 acres in size. If a land division results in more than one lot, parcel, or tract of 50 acres or greater in size, only one of those 50+ acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least 50 acres in size.
 - 3. Developed lots or parcels 50 acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city so long as at least 40 percent of the net area of the lot or parcel has already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by subsection 3.175(D) of this chapter.
 - 4. Notwithstanding parts (2) and (3) of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to right-of-ways for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

3.175 Additional Requirements.

- A. 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 5,000 square feet of gross leasable area and the cumulative area of all such uses shall not exceed 20,000 square feet of the gross leasable area of a single flex-space building or of multiple buildings that are part of the same development project.
 - 2. Drive-throughs and drive-up service windows are not permitted.
- E. Development is subject to compliance with any applicable overlay zoning district standards.

CHAPTER 5 - OTHER ISSUES AND PROCEDURES

There are no changes prior to chapter 5.800.

5.800 STORMWATER MANAGEMENT

STMA

5.810 Purpose. The purpose of the stormwater management standards is to protect water quality by providing adequate facilities for the management of stormwater or floodwater runoff, and to prevent the degradation of, and promote the enhancement of, primary or secondary protected water features, floodplains, wetlands, and groundwater.

5.820 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. 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 Maps and Flood Insurance Studies published for the City and the City's Urban Planning Areas, and the National Wetlands Inventory Map.
- D. Wetland determinations made by the Oregon Department of State Lands record in the Community Development Department.
- E. The current edition of the City of Troutdale's "North Troutdale Storm Drainage Master Plan".
- F. The current edition of the City of Troutdale's "South Troutdale Storm Drainage Master Plan".

5.830 Applicability. No land use action shall be approved which does not make adequate provisions for stormwater or floodwater runoff. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Water quality treatment for stormwater is required under any of the following:

- A. The site contains vegetation corridor established in Chapter 4.300, Vegetation Corridor and Slope District, of this code; is next to or drains directly to a

protected water feature(s) as defined by this code; or the site drains to or is within the Flood Management Area established in chapter 4.600 of this code.

- 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.
- D. There is 2,000 square feet or more of uncovered impervious parking area and/or streets.
- E. Other development characteristics exist that may degrade water quality.

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. The water quality facility shall be designed as follows:
 - 1. Water quality facilities shall be located on land with slopes of 15% or less.
 - 2. Up to 30% 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 code may be used for the water quality facility.
 - 3. The water quality facility may be constructed within the 100-year flood plain provided that:
 - a. The Base Flood Elevation is established for areas of Special Flood Hazard Area Zone A.
 - b. It is outside the area covered by the 25-year flood event.
 - c. The water quality is not within a defined floodway area.
 - d. It utilizes native plant species.
 - e. The design complies with applicable federal standards pertaining to the National Flood Insurance Program.
 - f. It is outside of wetlands.

- B. 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.
- C. 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.
- D. 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.
- E. An operation and maintenance plan shall be required. This plan shall satisfy the requirements in the guidelines adopted by the Public Works Department.
- F. 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.
- G. 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.
- H. Detention facilities for control of stormwater and floodwater runoff shall be designed and constructed in accordance with the Construction Standards for Public Works Facilities.
- I. 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 public facilities, based on provisions of the construction standards and specification, assuming conditions of maximum potential watershed development permitted by this code.
- J. Effect on downstream drainage. The applicant may be required to perform a downstream analysis to determine where runoff incidental to the development will overload an existing drainage facility. Where additional runoff incidental to the development will overload an existing drainage facility, approval of the land use action may be withheld until provisions have been made for improvement of said potential condition.
- K. 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.
3. Required by the Sandy Drainage Improvement Company for a drainage way under its jurisdiction on the subject site, and for a drainage way to which the stormwater runoff is conveyed.

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.

There are no further changes until chapter 5.1100.

5.1100 PUBLIC IMPROVEMENTS

- 5.1110 Purpose. The purpose of this section is to establish procedures and standards for installation of public improvements. No public improvements shall be constructed prior to approval of formal construction plans by the Director of Public Works or the Director's designee.
- 5.1120 Applicability. These standards apply to any land division requiring public improvements and any other development requiring public improvements valued at \$10,000 or more.
- 5.1130 Standards.
- A. Public improvements as part of an approved land division shall be constructed in accordance with the provisions of Chapter 7, Land Division, or this Code.
 - B. Whenever a development other than a land division includes public improvement(s) valued at \$10,000 or more, the developer must submit construction drawings for the public improvements in accordance with the requirements set forth in Section 7.370 of this Code.
 - C. Construction may not begin on the public improvements until the construction drawings are approved and an Authorization to Commence Construction is issued by the Public Works Department.
 - D. The public improvements shall be completed prior to issuance of building permits for the site.
 - E. Acceptance of the public improvements shall occur only after the requirements in Sections 7.410 and 7.420 of this Code have been met. Responsibility for the operation, maintenance, and repair of the public improvements remains with the developer until their acceptance by the City.

CHAPTER 7 - LAND DIVISION

There are no changes prior to section 7.180(C).

7.180 Design Requirements.

C. Underground Utilities.

1. New installations: All subdivisions or partitions shall be required to install underground utilities including, but not limited to, natural gas, electric power, and telecommunications facilities to serve the subdivision or partition. The utilities shall be installed and easements provided pursuant to the requirements of the utility company. Electric power transmission lines, including primary feeder lines, and transformer vaults shall be underground.
2. Underground conversions: All subdivisions or partitions shall be required to convert existing overhead utilities within or abutting such subdivision or partition to underground in accordance with Chapter 12.11 of the Troutdale Municipal Code.

There are no further changes until subsection (J).

- J. Utility Easements. A minimum six-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.

There are no further changes to Chapter 7.

CHAPTER 8 - SITE ORIENTATION AND DESIGN STANDARDS

There are no changes prior to section 8.059.

- 8.059 Utility Undergrounding. Development subject to site and design review shall be required to install underground utilities including, but not limited to, natural gas, electric power, telecommunications facilities to serve the development and to convert existing overhead utilities to underground in accordance with Chapter 12.11 of the Troutdale Municipal Code.

There are no further changes to Chapter 8.