

## Chapter 4 – Zoning District Overlays

### 4.000 AGGREGATE RESOURCE

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- 4.010 Purpose. The purpose of this district is to promote the public health, safety, and general welfare, all in accordance with applicable state statutes, administrative rules, the statewide planning goals and the City’s Comprehensive Land Use Plan. The regulation of uses within this district is designed to:
- A. Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market.
  - B. Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;
  - C. Recognize the potential for future changes in the character of the area in which the extraction site may be located, and allow for periodic modification of restrictions which may be placed upon the extraction operations in recognition of these changes; and
  - D. Recognize mineral and aggregate extraction as a temporary use dependent to a large degree upon market conditions and resource size, and that reclamation and the potential for future use of the land for other activities must also be considered.
- 4.012 Permitted Uses. No building, structure, or land shall be used, and no building or structure shall be hereafter erected, altered, or enlarged in this district, except for the following uses:
- A. Any use permitted in the underlying district.
  - B. Extraction of mineral or aggregate resource including the storage, stockpiling, distribution, and sale thereof.
  - C. Installation and operation of plants, or apparatus for rock crushing and cement treatment of minerals excavated at the site, including screening, blending, washing, loading, and conveying of materials.
  - D. Mining and processing of geothermal resources.
  - E. Structures and facilities for the repair, maintenance, and storage of equipment or supplies, office spaces, or guards, as are reasonably necessary for the conduct of the proposed use.
- 4.013 Approval Criteria. An applicant may seek approval of an Aggregate Resource Overlay Zone pursuant to the Type III process. The applicant shall demonstrate that the following standards are met:
- A. An economic deposit of the mineral resource proposed to be extracted exists.

- B. Adverse impacts on the surrounding areas with regard to each of the following have been, or can be mitigated:
  - 1. Access and traffic.
  - 2. Screening, landscaping, lighting, and visual appearance.
  - 3. Air, water, and noise pollution.
  - 4. Insurance and liability.
  - 5. Excavation depths, lateral support, and slopes.
  - 6. Blasting and other vibration causing actions;
  - 7. Safety and security.
  - 8. Phasing program.
  - 9. Reclamation, so as to permit development of the site in accordance with the underlying zone.
- C. The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement.
- D. Setbacks for the proposed operations are appropriate for the nature of the use and the area where the use is to be conducted.
- E. Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies regulating mineral extraction. If local land use approval is required to obtain such approval, the applicant must demonstrate that such approval is feasible and likely and the land use approval may be conditioned on issuance of all required approvals or permits. No extraction shall occur until all required permits are obtained.

4.014 Additional Requirements.

- A. **Setbacks.** The minimum setback shall be the setbacks required in the underlying district unless the approval authority determines that greater setbacks are necessary to protect the health, safety, and general welfare.
- B. **Water Pollution Control.** Contamination or impairment of the groundwater table, streams, rivers, or tributary bodies thereto shall not be permitted as a result of the extraction or processing activities. All operations and related activities shall be subject to the

applicable laws, rules, and regulations of the Department of Environmental Quality.

- C. Air Pollution Control. Control of air, dust, odors, and other pollutants shall be subject to the laws, rules, and regulations of the Department of Environmental Quality.
- D. Excavation. Excavation made to a water-producing depth creating lakes and ponds shall be deep enough or otherwise designed to prevent stagnation and development of an insect breeding area or back-filled with a material that will not impair the groundwater quality.
- E. Control of Operation Time. Operation times shall be limited from 7:00 a.m. to 6:00 p.m., except for such activities as office operations, machinery repair, and equipment upkeep. However, in time of public or private emergency, as determined by the City Council, the operating time limits may be waived.
- F. Access Roads. All access to the site shall be by route approved by the approval authority.
- G. Screening. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views, where possible, within five (5) months after extraction activities commence. Views to be screened include, but are not limited to, garbage and trash collection stations, truck loading areas, stockpiles, and washing and loading equipment.
- H. Off-Street Parking. Off-street parking and loading shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.
- I. Design Review. Design review is required for all proposed land uses within this district.
- J. Underlying District. Unless expressly provided otherwise in this Section 4.000, other restrictions and limitations shall be as required in the underlying district.

4.015 Compliance with State Requirements. Notwithstanding Sections 4.012 - 4.014, applications to add an aggregate site to the City's inventory of Goal 5 significant aggregate sites, and authorization to mine such a site will be reviewed using the standards and process described in OAR 660-23-0180 (1) (2)(3) and (5)(7) and (8).

**4.100 AIRPORT LANDING FIELD ALF**

4.110 Purpose. In order to carry out the provisions of this overlay district, there are hereby created and established certain zones which include all of the land lying beneath the airport imaginary surfaces as they apply to the Portland-Troutdale Airport. Such zones are shown on the current Airport Approach and Clear Zone Map. Further, this overlay district is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety, and welfare of the people of the City of Troutdale and Multnomah County.

4.111 Compliance. In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay district. In the event of any conflict between any provisions of this overlay district and the primary zoning district, the more restrictive provision shall apply.

4.112 Permitted Uses within the Airport Approach Safety Zone.

- A. Farm uses, excluding the raising and feeding of animals which would be adversely affected by aircraft passing overhead.
- B. Landscape nurseries, cemeteries, or recreation areas which do not include buildings or structures.
- C. Roadways, parking areas, and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these areas by a minimum of fifteen (15) feet.
- D. Pipelines.
- E. Underground utility wires.

4.113 Conditional Uses. The following uses are permitted as conditional uses within the airport approach safety zone:

- A. A structure or building accessory to a permitted use.
- B. Single-family dwellings, mobile homes, duplexes, and multiple-family dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the Deed and Mortgage Records of Multnomah County a Hold Harmless Agreement and Navigation and Hazard Easement, and submits them to the airport sponsor and City.
- C. Commercial and industrial uses, when authorized in the primary zoning district, provided the use does not result in the following:
  - 1. Creation of electrical interference with navigational signals or radio

communication between the airport and aircraft.

2. Difficulty for pilots to distinguish between airport lights or others.
  3. Impairment of visibility.
  4. Creation of bird strike hazards.
  5. Endangerment or interference with the landing, taking off, or maneuvering of aircraft intending to use the airport.
  6. Attraction of a large number of people.
- D. Buildings and uses of a public works, public service, or public utility nature.

4.114 Additional Requirements and Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the airport imaginary surfaces as defined in Section 1.030, Airport Overlay Definitions, of this Code.
- B. No place of public assembly shall be permitted in the airport approach safety zone.
- C. No structure or building shall be allowed within the clear zone.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. No glare-producing materials shall be used on the exterior of any structure located within the airport approach safety zone.
- F. New development shall demonstrate compliance with applicable provisions of the Troutdale Airport Wildlife Hazard Management Plan.
- G. Additional Submission Requirements - Conditional Uses.
  1. Map showing property boundary lines as they relate to the airport imaginary surfaces.
  2. Map showing location and height of all existing and proposed buildings, structures, utility lines, and roads.
  3. Statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operating of the landing facility.

**4.200 HISTORIC LANDMARK PROTECTION HL**

- 4.210 Purpose. The purpose of this Section is to provide procedures to identify, designate, and preserve historic resources including buildings, structures, sites, objects, or districts, which are of historical, architectural, or cultural significance to the community, and to provide appropriate means for their protection and preservation consistent with state preservation laws. The City and the Historic Landmarks Commission shall support the enforcement of all state laws relating to historic preservation.
- 4.220 Applicability. The historic landmark protection standards of this Chapter apply to designated historic landmarks listed in the table of Section 4.230 of this Chapter and to historic resources listed on the National Register of Historic Places whether or not that resource is designated a historic landmark by the City. No provision of this Chapter shall be construed to prevent the ordinary repair or maintenance of a historic landmark or historic resource on the National Register of Historic Places when such action does not involve a change in design, materials, or appearance. No provision in this Chapter shall be construed to prevent the alteration, demolition, or relocation of a historic landmark or historic resource listed on the National Register of Historic Places when the Building Official certifies that such action is required for the public safety. At his or her discretion, the Building Official may find that a historic landmark or historic resource on the National Register of Historic Places does not meet current building Code but is not dangerous as defined by that Code.
- 4.230 Troutdale Historic Resource Inventory. The Troutdale historic resource inventory is kept in a City database compatible with the State Historic Preservation Office system. Additions to the historic resource inventory may be made by City staff and the Historic Landmarks Commission at any time. The historic resources listed in the following table are designated historic landmarks:

<i>#</i>	<i>Historic Resource</i>	<i>Street Address</i>	<i>Date Built</i>	<i>Notes</i>
1.	Harlow House	726 E. Historic CRH	1900	On the NRHP
2.	Troutdale Methodist Episcopal Church	302 SE Harlow St.	1895	On the NRHP
3.	Alfred Baker Copper Beech Tree	Stark & Troutdale Rd.	c. 1883	
4.	Althaus House (2 <sup>nd</sup> ) & Black Walnut Trees	4220 S. Troutdale Rd.	1929	
5.	Douglass Pioneer Cemetery	Hensley & Troutdale Rd.	c. 1880	
6.	Mountain View Pioneer Cemetery	N of SE Stark, E. of 257 <sup>th</sup> Ave & W. of Beaver Creek	c. 1863	
7.	Oregon White Oak Tree	3645 SE Harlow Court	n.d.	
8.	Troutdale Railroad Depot	473 E. Historic CRH	1907	
9.	Strebin House <sup>1</sup>	2720 S Troutdale Road	1951	Mid-Century
10.	Cedar Place <sup>2</sup> (Emil Olsen House)	2611 S Troutdale Road	1907	American Four-Square
11.	McGinnis House <sup>3</sup>	324 SE Kibling Ave.	1903	Craftsman Bungalow

CRH = Columbia River Highway

NRHP – National Register of Historic Places

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<sup>1</sup> added by action of the HLC on April 30, 2014

<sup>2</sup> added by action of the HLC on April 30, 2014

<sup>3</sup> added by action of the HLC on April 30, 2014

**4.300 VEGETATION CORRIDOR AND SLOPE DISTRICT VECO**

4.310 Purpose. The purpose of these standards is to promote the public health, safety, and general welfare. Provisions under this Chapter are designed to:

- A. Restrict or prohibit uses, activities, or development which is damage-prone or damage-inducing to the land or water quality.
- B. Require uses vulnerable to landslides, including public facilities which serve such uses, to be protected at the time of initial construction.
- C. Maintain land and water quality by minimizing erosion and sedimentation, and by restricting or prohibiting development, excavation, and vegetation removal on vegetation corridors and slopes associated with primary and secondary protected water features, and on slopes of twenty-five percent (25%) or greater not directly associated with a protected water feature.
- D. To comply with the provisions of Title 3 of the Metro Urban Growth Management Functional Plan and Statewide Planning Goal 6, Air, Water, and Land Resources Quality, and Statewide Planning Goal 7, Areas Subject to Natural Disasters and Hazards.
- E. Substantially comply with the provisions of Title 13 of the Metro Urban Growth Management Functional Plan to protect regionally significant fish and wildlife habitat in compliance with Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, as it pertains to natural resources.

4.311 Applicability. These standards apply to all development in the Vegetation Corridor and Slope District as defined in Section 1.040, Vegetation Corridor and Slope District, and Water Quality and Flood Management Definitions, of this Code and to the Metro Title 13 Habitat Conservation Areas of all City-owned and Metro-owned parks and greenspaces as shown on the Metro Title 13 Habitat Conservation Area map. The vegetation corridor, inclusive of the wetland areas identified on the U.S. Department of the Interior, Fish and Wildlife Service National Wetland Inventory 1988 (NWI), are generally mapped on the Metro Title 3 map. Metro's Title 3 and Title 13 maps are used as reference only. Not all wetlands recognized by the Oregon Division of State Lands are mapped on either the NWI or Title 3 map.

- A. Specific determination of the vegetation corridor and slope district shall be made at the time of a development proposal. The final boundary shall be based on a topographical and slope analysis provided by a professional licensed surveyor in the State of Oregon, and a wetland delineation, if applicable, submitted by a qualified wetland specialist. The Oregon Division of State Lands must approve delineations of wetlands under their jurisdiction. The City will keep a record of all surveys and wetland delineations as revisions to the local copy of the Title 3 map. The survey will be used instead of the Title 3 map to determine the vegetation corridor width. The City will submit this information to Metro for future updates of the Title 3 map.



1. The vegetation corridor is the minimum buffer width to be established between development and a protected water feature as defined in Section 1.040, Vegetation Corridor and Slope District, and Water Quality and Flood Management Definitions, of this Code. The vegetation corridor width is determined by following the methods established in Sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this Chapter.
  2. The slope district consists of slopes of twenty-five percent (25%) or greater that have a horizontal distance of fifty (50) feet or greater in any area of the City.
  3. Exceptions:
    - a. Engineered slopes associated with public streets.
    - b. Development of lots within subdivisions platted with conservation easements and/or buffers specified on that plat that are less than those specified in Section 4.316, Width of Vegetation Corridor, of this Chapter. Development on the lot within said subdivision shall still be subject to all other applicable development standards of this Code.
- B. Properties within the vegetation corridor and slope district may also be within Chapter 4.500, Flood Management Area, of this Code, and subject to the development standards therein.
- C. Warning and Disclaimer of Liability. The degree of landslide protection required by this Chapter is considered reasonable for regulatory purposes and is based on common engineering and scientific practices. Landslides may occur notwithstanding compliance with these standards and may occur in areas outside the vegetation corridors and on slopes less than twenty-five percent (25%). This Chapter does not imply that compliance with these standards will assure that property will be free from significant mass movement or landslide damage. This Chapter shall not create City liability for damage resulting from reliance on the provisions of this Chapter or any administrative decision lawfully made thereunder.

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

- A. Permitted Uses within the Vegetation Corridor and Slope District.
1. Low-impact outdoor recreation facilities, including but not limited to: multi-use paths, accessways, trails, picnic areas, or interpretive and educational displays and overlooks that include benches and outdoor furniture as designated by the Troutdale Parks Plan, or as approved with a land use application, and in compliance with Subsection 4.315(D)(1) or 4.315(D)(2) of this Chapter, as applicable.

2. Removal of refuse and unauthorized fill.
3. Removal of nuisance or invasive plant species, or planting of approved vegetation species on the Metro Native Plant List subject to the approval of a removal/revegetation plan prepared by a licensed landscape architect, landscape designer, botanist, or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation in compliance with Chapter 5.600, Erosion Control and Water Quality Standards, of this Code. The Metro Native Plant List will be kept on file at the Community Development Department.
4. Removal of trees in compliance with Subsection 4.315(A)(3) of this Chapter.
5. Expansion of existing streets and public utility facilities or construction of new streets and public utility facilities necessary to support permitted development outside the vegetation corridor and on slopes less than twenty-five percent (25%) in compliance with Subsection 4.315(C) of this Chapter.
6. Routine repair and maintenance of existing structures (conforming and nonconforming uses), streets, driveways, utilities, accessory uses, and other existing development on the site (including landscaped yards, decks, patios, boat ramps, etc.) if the development existed prior to the effective date of these standards.
7. Any permitted use in the underlying zoning district developed in compliance with Section 4.315, Development Standards, of this Chapter. For City-owned or Metro-owned parks and greenspaces, any use consistent with an adopted master plan for that park or greenspace and developed in compliance with Section 4.315, of this Code.
8. Construction of stormwater quality facilities in compliance with the standards of Section 5.700, of this Code.
9. Engineered retaining walls, or similar manmade walls are allowed to protect existing structures upon a determination from a licensed engineer that earth movement threatens the structural integrity of the building. Engineered retaining walls are not allowed to create land for new construction, or to prevent the earth movement of property that is not developed.
10. Rehabilitation or replacement of a structure that is damaged or destroyed to any extent, whether it is partially or fully within the vegetation corridor and slope district, in compliance with Subsection 4.315(E) of this Chapter. Any structure or use deliberately removed or demolished may not be rehabilitated or replaced except as provided for in Subsection 4.315(A) of this Chapter.
11. Any development that must implement a Federal Aviation Administration (FAA)

compliant wildlife hazard management plan on property owned by the Port of Portland or within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, and removal of trees that interfere with the landing or takeoff flight path of aircraft at the Troutdale Airport or otherwise interferes with the safe operation of the airport as determined by the Port of Portland. The removal of trees that interfere with the operation of the Troutdale Airport is only subject to implementation of either an on-site or off-site mitigation plan in accordance with the standards of TDC 4.315A(3)(c).

12. Development identified in an approved District Plan, including, but not limited to development within the Troutdale Riverfront Renewal Area, in compliance with Metro Code Section 3.07.1330.b.4(a).
- B. Prohibited uses within the vegetation corridor and slope district, unless specifically permitted under Subsection (A) of this Section.
1. Manmade structures.
  2. Vegetation removal, except as allowed in Subsection (A)(3) of this Section.
  3. Private utility and road construction, including development of individual sewage disposal systems including, but not limited to, septic tanks.
  4. Excavation.
  5. No new partitions, subdivisions, or property line adjustments within the industrial, commercial, or residential zoning districts shall be approved on land that is exclusively within the vegetation corridor and slope district, or that results in creating a new lot exclusively within the district unless the new lot is approved and accepted for public ownership.
  6. Outside storage of hazardous materials as defined by the Department of Environmental Quality.
  7. Expansion of nonconforming uses.
- C. Exempt Development. The following uses and activities are exempt from the requirements of this Chapter:
1. Water dependent development.
  2. The following activities conducted by the Sandy Drainage Improvement Company (SDIC) or its successor or designee: Routine operations, repair, maintenance, reconfiguration, rehabilitation, or replacement of existing drainage and flood control facilities, and existing related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways,

utilities, accessory uses (such as off-load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch clearing, including tree removal and tree cutting, within the hydraulic cross-section in existing stormwater conveyance drainageways, or other water quality and flood storage projects applicable to existing facilities and required to be undertaken pursuant to ORS Chapters 547 or 554, or Titles 33 or 44 of the Code of Federal Regulations, shall be exempt from these standards, provided that:

- a. These activities are conducted by the Sandy Drainage Improvement Company (SDIC) or its successor or designee;
  - b. The activities are consistent with all other applicable local, state, and federal laws and regulations;
  - c. The activities do not encroach closer to a surface stream or river, wetland, or other body of open water than existing operations and development;
  - d. Disturbed areas are replanted with vegetation and no bare soils remain after project completion. The planting of native vegetation and removal of invasive non-native or noxious vegetation is encouraged; invasive non-native or noxious vegetation shall not be planted; and
  - e. The SDIC or its successor submits an annual report to all local permitting agencies in which the district operates describing the projects the district completed in the previous year and how those projects complied with all applicable federal and state laws and requirements.
3. Operation, maintenance, and repair of manmade water control facilities such as irrigation and drainage ditches, constructed ponds or lakes, wastewater facilities, and stormwater pretreatment facilities.

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

- A. **Administrative Review.** A Type I site development application shall be obtained for uses listed in Subsection 4.312(A) of this Chapter not requiring a building, plumbing, electrical, or right-of-way permit.
- B. **Type II Procedure.** A single-family dwelling within the vegetation corridor and slope district shall be reviewed under the Type II procedure and comply with the following:
  1. That development standards are met as prescribed under Section 4.315, Development Standards, of this Chapter and provisions are made for vegetation corridors as provided for in Sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected

Water Features, of this Chapter.

2. That adequate protection is utilized to minimize landslide and erosion hazards, consistent with Chapters 5.600, Erosion Control and Water Quality Standards, and 5.700, Stormwater Management, of this Code, and that the reports as required in Section 4.314, Submission Requirements, of this Chapter have been certified by a licensed engineer.
- C. Type II Procedure. The Site and Design Review Committee or Director shall review plans for any permitted use in the underlying zoning district requiring a building permit, plumbing, electrical, or right-of-way permit, other than a single-family dwelling, under the Type II site and design review land use application.
- D. Type III Procedure. A variance from the standards of this Chapter shall be a Type III procedure. The Planning Commission shall review variances to this Chapter pursuant to Section 6.1300, Type III Variance, of this Code. An affirmative finding must be made, with or without conditions, for each variance criteria.

4.314 Submission Requirements. An application for a development approval shall include the following information:

- A. Site Development Application. A site development application, for the purpose of implementing this Chapter, shall consist of a grading and erosion control plan and a water quality plan. The applicant shall be responsible for submitting such information with a land use application.
1. Grading and erosion control plan. The grading and erosion control plan for the development shall comply with the City's *Construction Standards for Public Works Facilities*, appropriate standards of the Sandy Drainage Improvement Company, this Chapter, and Chapter 5.600, Erosion Control and Water Quality Standards, of this Code. The grading plan shall include information on terrain (two foot contours), drainage, direction of drainage flow, location of surface and subsurface devices, retaining walls, water wells, dams, sediment basins, storage reservoirs, gas pipeline easements, or other in-ground utilities, either public or private, which may be affected by the proposed grading operations.
    - a. A current topographical survey shall be prepared for the entire site. The contours shall be at two (2) foot intervals.
    - b. At least three (3) slope measurements along the affected water feature shall be made, at no more than one hundred (100) foot increments.
    - c. The contour maps identifying slope percentages shall be prepared and certified by a licensed professional. The mapping shall depict the width of the vegetation corridor as established in Sections 4.316, Width of Vegetation

Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this Chapter. The vegetation corridor width will vary from site to site.

- d. The grading plan shall also include a construction phase erosion control plan and a schedule of operations, and shall be prepared by a professional engineer registered in Oregon.
2. Water quality plan. The applicant's engineer shall provide a water quality plan, consistent with the provisions of Chapter 5.600, Erosion Control and Water Quality Standards, of this Code and with the State of Oregon Department of Environmental Quality's National Pollutant Discharge Elimination System (NPDES) program.
- B. A hydrology, geology, and soils report of the site in accordance with the following:
1. Prepared by a qualified, licensed professional such as a geotechnical engineer, and certified by the same.
  2. Includes information on the hydrological activities of the site, the effect of hydrologic conditions on the proposed development, and any hydrological or erosion hazards.
  3. Quantifies the current stormwater volume and rate that leaves the site and shows direction of flow within the site and toward adjoining properties.
  4. Includes recommendations for the engineering and location of onsite detention facilities to meet the standards of Chapter 5.700, Stormwater Management, of this Code.
  5. Depicts all stormwater facilities (swales, detention or retention ponds) existing or proposed, and shows the finished contours and elevations, including all cut and fill slopes and proposed drainage channels.
  6. Describes how the site is suitable for the proposed use, and why there is no practicable alternative to the site.
  7. Includes geological characteristics of the site and identifies any geological hazard that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility.
  8. Includes information on the nature, distribution, and strength of existing soils and an assessment of grading procedures required to impose the minimum disturbance to the existing topography and native vegetation.

- C. **Vegetation Report.** This report shall consist of a survey of existing vegetative cover, whether it is native or introduced. Measures for enhancement or revegetation with approved plant species will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. The revegetation plan shall be prepared by a licensed landscape architect, landscape designer, botanist, or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation, in compliance with Chapter 5.600, Erosion Control and Water Quality Standards, of this Code.

4.315 **Development Standards.** Permitted uses in the vegetation corridor and slope district are to be developed in compliance with the following development standards unless there is an approved District Plan in accordance with Metro Code Section 3.07.1330.b.4(a) for the site. A District Plan shall be prepared and approved prior to, or in conjunction with, the preparation and approval of a master plan for the eventual development of the specific site. The approval criteria for the District Plan are those of Metro Code Section 3.07.1330.b.3.

A. **New Development.**

1. The applicant shall demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the vegetation corridor and slope than the one proposed.
2. If no such reasonably practicable alternative design or method of development exists, new structures and development shall be limited in scale, as specified in this Section, so that the impacts on the vegetation corridor and slope district are the least necessary and the plans shall include restoration, replacement, or rehabilitation of the vegetation corridor and/or slope associated with the site:
  - a. Notwithstanding the provisions of Chapter 6.1300, Type II Variance, of this Code, a maximum of thirty percent (30%) of the total area of the vegetation corridor and slope district on the lot may be used for the development, inclusive of any walkways, driveways, patios, decks, accessory buildings, and similar impervious features.
  - b. Notwithstanding the provisions of Chapter 6.1300, Type II Variance, of this Code, where necessary to avoid construction within the vegetation corridor and slope district, the following provisions are available for lots of record affected by the vegetation corridor and slope district:
    - i. Setbacks may be reduced up to fifty percent (50%) from the underlying zoning district setback dimension where necessary to avoid construction on slopes of twenty-five percent (25%) or greater or within the required vegetation corridor, and otherwise meet the standards of this Chapter.
    - ii. The maximum allowed height within the A-2 zoning district may be

increased to forty-five (45) feet for apartment construction.

- iii. In order to retain the density allowed within the underlying residential zoning district, the minimum lot area may be reduced up to three thousand (3,000) square feet in area if:
    - a) No buildable lot created is within the vegetation corridor and slope district.
    - b) That portion of the original lot remaining within the vegetation corridor and slope district is platted as a separate lot and preserved as open space.
    - c) Covenants, conditions, and restrictions are recorded for the maintenance of the open space lot created exclusively within the vegetation corridor and slope district as provided in this Section.
  - iv. If more than fifty percent (50%) of the lot being developed, partitioned or subdivided is affected by the Vegetation Corridor and Slope District, then the minimum density standard of this Code does not apply.
3. The applicant shall provide mitigation to ensure that impacts to the functions and values of the vegetation corridor and integrity of the slope will be mitigated or restored to the extent practicable.
- a. The existing tree canopy and understory comprised of native plants shall be retained wherever possible outside of the building envelope. A tree preservation and maintenance plan is required to be submitted with the land use application as part of the landscaping plan, or in the case of a single-family dwelling, with the building permit. Only those trees approved for removal by the approval authority may be removed.
  - b. Any disturbed portions of the site shall be restored and enhanced by removing non-native plants and noxious weeds, and restoring the vegetation corridor with native plant species listed on the Metro Native Plant List. Only native grass varieties will be permitted.
  - c. A mitigation and restoration plan shall be submitted with the land use application and shall be implemented prior to issuance of a Certificate of Occupancy, a Certificate of Completion for a subdivision, or the final building inspection, as applicable.
    - i. Required plants and plant densities. An applicant must meet Mitigation Option 1, 2 or 3.



Option 1. Number and type of trees and shrubs that must be planted to qualify as mitigation.

<b>TREE REPLACEMENT MITIGATION OPTION 1</b>	
Size of Tree Removed	Number of Trees and Shrubs to Plant
6 to 12” DBH	1 tree and 1 shrub
13 to 18” DBH	2 trees and 3 shrubs
19 to 24” DBH	3 trees and 6 shrubs
25 to 30” DBH	4 trees and 9 shrubs
Over 30” DBH	5 trees and 15 shrubs

Option 2. The mitigation is calculated based on the size of the area disturbed within the Vegetation Corridor and Slope District. Native trees and shrubs are required to be planted at a rate of one (1) tree and five (5) shrubs for every one hundred (100) square feet of disturbance area. All fractions are rounded to the nearest whole number. Bare ground must be planted or seeded with native grasses or herbs.

Option 3. Discretionary Review. This mitigation plan varies the required number and size of trees and shrubs under Option 1 or Option 2.

- (A) An applicant shall submit the following:
  - (1) A calculation of the number of trees and shrubs that would be required under Option 1 or Option 2.
  - (2) The number and size of trees and shrubs that the applicant proposes to plant.
  - (3) An explanation of why the proposed number and size of trees and shrubs to be planted will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results than the number and size required under Option 1 or Option 2. Such explanation shall be prepared and signed by a qualified, licensed natural resource professional or a licensed landscape architect and shall include discussion of site preparation including soil additives and removal of invasive and noxious vegetation, plant diversity, plant spacing, planting season and immediate post planting care including mulching, irrigation, wildlife protection and weed control.
  - (4) A monitoring and reporting plan for the mitigation site.

- (B) Approval Criteria for Option 3. A request to vary the number and size of trees and shrubs to be planted may be approved if the applicant demonstrates that the proposed planting will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results than the number and size required under Option 1 or Option 2.
- ii. On-site mitigation area. All vegetation planted on the applicant's site must be within the Vegetation Corridor and Slope District or in an area contiguous to the Vegetation Corridor and Slope District; provided, however, that if the vegetation is planted outside of the Vegetation Corridor and Slope District of the site, then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant.
- iii. Off-site mitigation area. Some or all of the vegetation may be planted off-site subject to the following requirements.
- a) The off-site property must lie within the City limits of Troutdale or the Troutdale Urban Planning Area, except for mitigation as a result of development on property owned by the Port of Portland within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, in which case the Port may be permitted to mitigate in the U.S. Forest Service Sandy River Delta Recreation Area, provided that the Port can demonstrate that it is not practicable for the mitigation to occur within the City limits of Troutdale or the Troutdale Urban Planning Area and has entered into a written agreement with the U.S. Forest Service which permits such plantings.
- b) The applicant shall submit a map and accompanying narrative that details the following:
- (i) The number of trees and shrubs that can be planted on-site;
- (ii) The on-site location where those trees and shrubs can be planted;
- (iii) An explanation of why it is not practicable for mitigation to occur on-site;
- (iv) The proposed location for off-site mitigation; and
- (v) Documentation that the applicant can carry out and ensure the success of the mitigation, including documentation that the applicant possesses legal authority to conduct and

maintain the mitigation, and, if the mitigation is not within the Vegetation Corridor and Slope District, documentation that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.

iv. Mitigation Planting Standards.

- a) All trees, shrubs, groundcovers, and grasses shall be from the Metro Native Plant List.
- b) Conifers shall be replaced with conifers.
- c) Plant size. Replacement trees must be at least one-half inch in caliper, measured at six (6) inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one (1) gallon size. Shrubs must be in at least a one (1) gallon container or the equivalent in ball and burlap and must be at least twelve (12) inches in height.
- d) Plant spacing. Trees shall be planted between eight (8) and twelve (12) feet on center and shrubs shall be planted between four (4) and five (5) feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between eight (8) and ten (10) feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.
- e) Plant diversity. Shrubs must consist of at least two (2) different species. If ten (10) trees or more are planted, then no more than fifty percent (50%) of the trees may be of the same genus.
- f) Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.
- g) Tree and shrub survival. A minimum of eighty percent (80%) of the trees and shrubs planted must remain alive on the fifth anniversary of the date that the mitigation planting is completed. Plants that die within five (5) years of the date of planting must be replaced in kind and of sufficient quantity to meet this minimum eighty percent (80%) coverage standard.
- h) Monitoring and reporting. Monitoring of the mitigation plantings is the ongoing responsibility of the property owner. Monitoring

shall continue during the first five (5) years of the date of planting. Monitoring shall consist of the submission of color photographs of the mitigation plantings immediately following completion of the initial planting and then annually between September 1st and 21st for the next five (5) years. Photographs shall be dated and a north arrow included on the photographs. The photographs shall be submitted to the Community Development Department with a cover letter that includes the name and contact information for the current property owner, the land use file number, and the address of the property.

- i) To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:
  - (i) Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.
  - (ii) Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.
  - (iii) Irrigation. Water new plantings one (1) inch per week between June 15th to October 15th, for three (3) years following planting.
  - (iv) Weed control. Remove or control non-native or noxious vegetation throughout maintenance period.
  - (v) Mulching. Mulch new plantings a minimum of three (3) inches in depth and eighteen (18) inches in diameter to retain moisture and discourage weed growth.

d. The portion of the vegetation corridor and slope district that is not disturbed with the use shall be conserved and maintained as open space. This may occur through private ownership; private conditions, covenants, and restrictions; conservation easements enforceable by the City, other public or private nonprofit agency, or where approved by the City Council; dedication to the City; or donation to other appropriate public or private nonprofit agency.

4. The use satisfies all applicable standards of Chapters 4.500, Flood Management Area; 5.600, Erosion Control and Water Quality Standards; and 5.700, Stormwater Management, of this Code.
5. All excavation over three feet in depth shall require submission of an engineering

report addressing the hydrology, geology, and soils of the site as specified in this Chapter. The siting, engineering, erosion control, water quality, and enhancement or revegetation of the site shall comply with the standards of this Chapter. The applicant's engineering plans shall certify that runoff from the site will not increase above pre-development quantity and rate, and that visible and measurable erosion is prevented.

- B. Addition or alteration of development in the vegetation corridor and on slopes of twenty-five percent (25%) and greater may be allowed provided that it meets the standards of Subsections (A)(1) – (3) of this Section, as applicable, and the following:
1. The addition or alteration is allowed in the underlying zoning district.
  2. The addition or alteration does not encroach closer to the protected water feature than the existing structures, roadways, driveways, or accessory uses and development.
  3. The addition or alteration satisfies the other applicable standards of this Chapter, and Chapters 5.600, Erosion Control and Water Quality Standards, and 5.700, Stormwater Management, of this Code.
- C. Construction of public utilities and public streets not included in the review of the tentative plat shall be processed as a Type II site and design review land use application and shall be subject to the following approval criteria, provided that it meets the standards of Subsections (A)(1) – (3) of this Section, as applicable, and the following:
1. The application shall declare a need for a public street or public utility crossing of the vegetation corridor and slope district.
  2. All grading and improvement plans for such public street, including necessary accessory engineered slopes and utility extensions underneath the street, shall be submitted with the application.
  3. The location of the public street or public utilities is proper in relation to adjacent uses, the development of the community, and to the various elements and objectives of the Comprehensive Land Use Plan and the Transportation System Plan.
  4. The public street or public utility will not be materially detrimental to the character of the neighborhood, nor will it endanger the public health, safety, and general welfare.
  5. It has been demonstrated that the public street will improve and enhance traffic circulation in a manner advantageous to the public convenience and welfare.

6. The establishment of the proposed public street will not impede the normal and orderly development and improvement of surrounding property for permitted uses.
  7. Adequate drainage devices, landscaping, and other necessary appurtenances will be provided to City standards.
  8. Alternative designs for street access have been evaluated and examined, and have been determined to be infeasible.
- D. Approval Standards for Walkways and Bike Paths and other Low-Impact Outdoor Recreation Facilities.
1. Within the VECO of any property other than City-owned or Metro-owned parks and greenspaces.
    - a. A gravel walkway or bike path shall not be constructed closer than ten (10) feet from the boundary of the protected water feature. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of ten percent (10%) of the trail may be within thirty (30) feet of the protected water feature.
    - b. A paved walkway or bike path shall not be constructed closer than ten (10) feet from the boundary of the protected water feature. For any paved walkway or bike path, the width of the vegetation corridor must be increased by a distance equal to the width of the path. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of ten percent (10%) of the trail may be within thirty (30) feet of the protected water feature.
    - c. A walkway or bike path shall not exceed ten (10) feet in width.
  2. Within the VECO or within mapped Habitat Conservation Areas of City-owned or Metro-owned parks and greenspaces:
    - a. Shall contain less than five hundred (500) square feet of new impervious surface or such other area as may be proposed to obtain federal funding or to comply with AASHTO standards; and,
    - b. Trails for pedestrians or bicycles shall be constructed using non-hazardous, pervious materials, with a maximum width of not to exceed (1) the width necessary for federal funding, if utilized, (which is currently ten [10] feet) for regionally significant or federally funded trails, and two (2) on other trails, the greater of the width recommended under applicable AASHTO standards for the expected type and volume of use, or four (4) feet.

- E. Prescribed Conditions for the Rehabilitation or Replacement of Pre-Existing Structures.
1. The structure was in existence prior to November 24, 2000.
  2. The use is allowed in the underlying zoning district at the time the application is made to rehabilitate or replace the structure.
  3. The rehabilitation or replacement is rebuilt on the same footprint of the original structure.
  4. The rehabilitation or replacement satisfies the applicable standards of Chapters 4.500, Flood Management Area; 5.600, Erosion Control and Water Quality Management; and 5.700, Stormwater Management, of this Code, and other applicable federal, state, or county standards.
  5. A site development application is submitted in accordance with Section 4.314, Submission Requirements, of this Chapter.

4.316 Width of Vegetation Corridor.

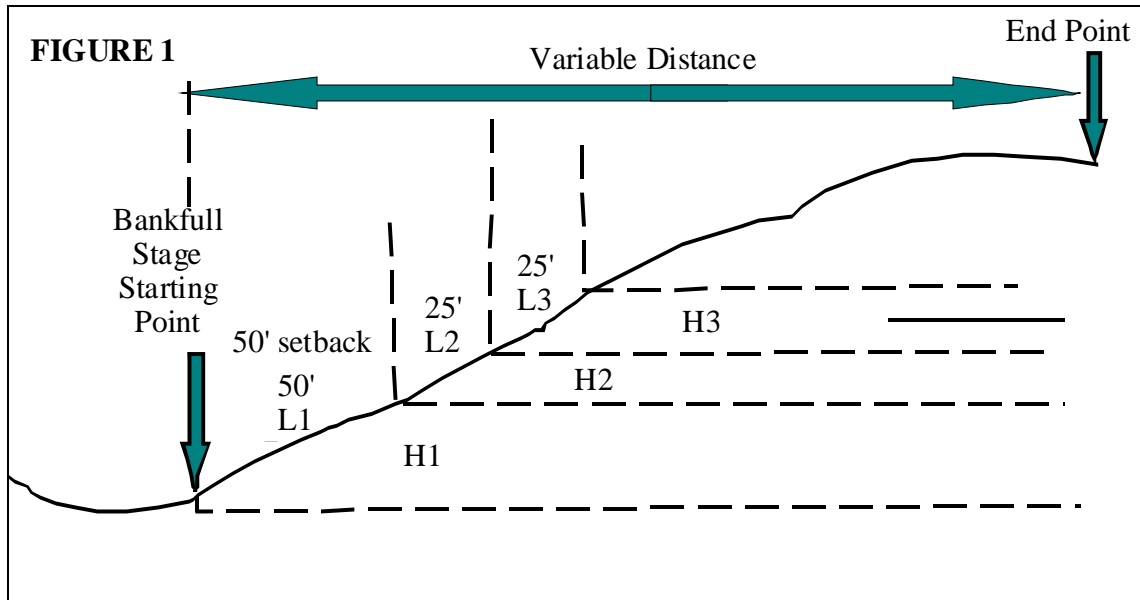
<b><i>Protected Water Feature</i></b>	<b><i>Slope Adjacent to Protected Water Feature <sup>1</sup></i></b>	<b><i>Starting Point for Measurements from Water Feature</i></b>	<b><i>Minimum Width of Vegetation Corridor <sup>2&amp;3</sup></i></b>
Primary Protected Water Features	<25%	Edge of bankfull stage 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).*

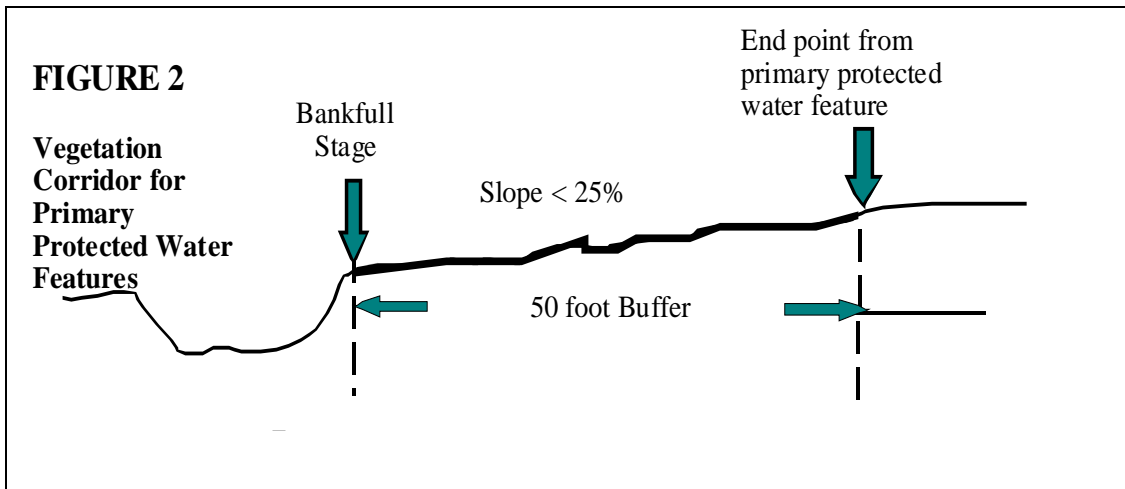


4.317 Method for Determining Vegetation Corridors Next to Primary Protected Water Features.

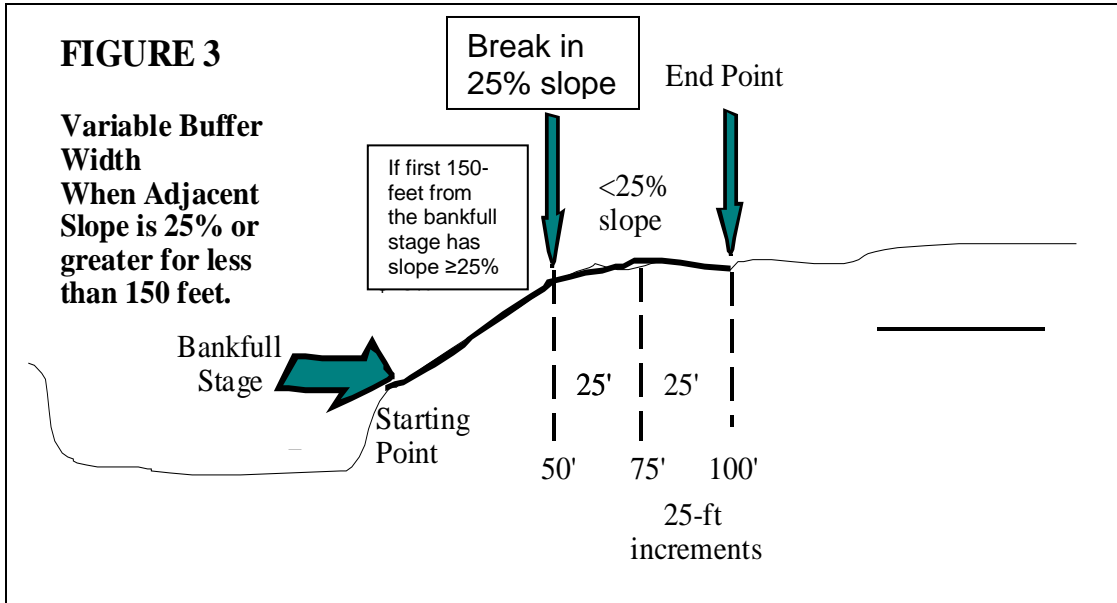
**Figure 1.** How to measure slopes. Measure 50 feet horizontally (L1) from the bankfull stage and determine the slope (H1/L1 is the difference in elevation divided by the difference in horizontal distance multiplied by 100).



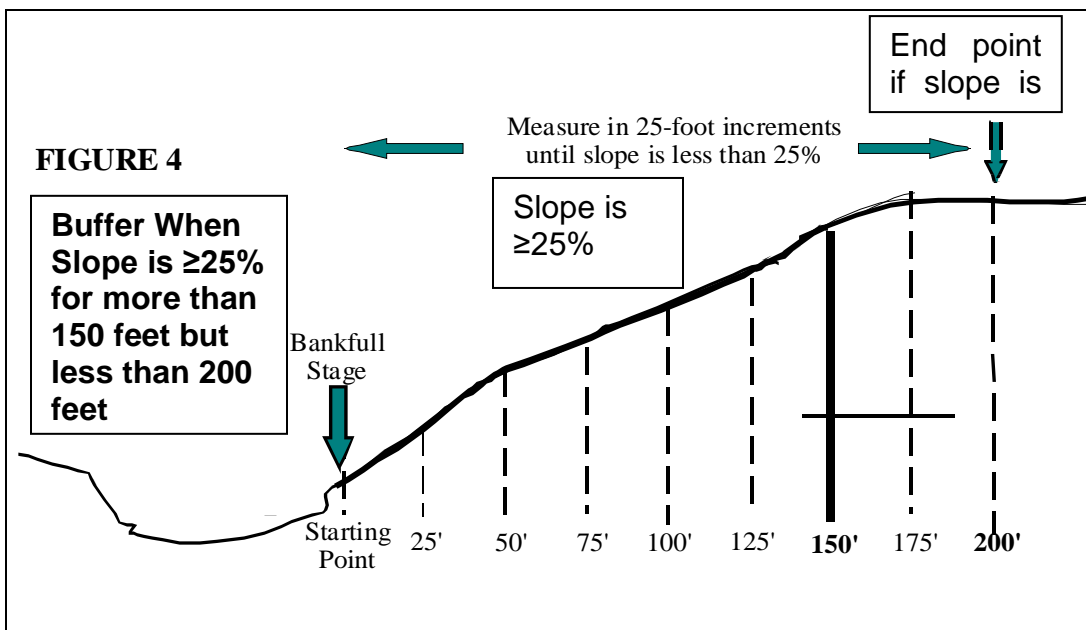
**Figure 2.** If the slope in this 50-foot area is less than 25%, the corridor width is 50 feet from the bankfull stage.



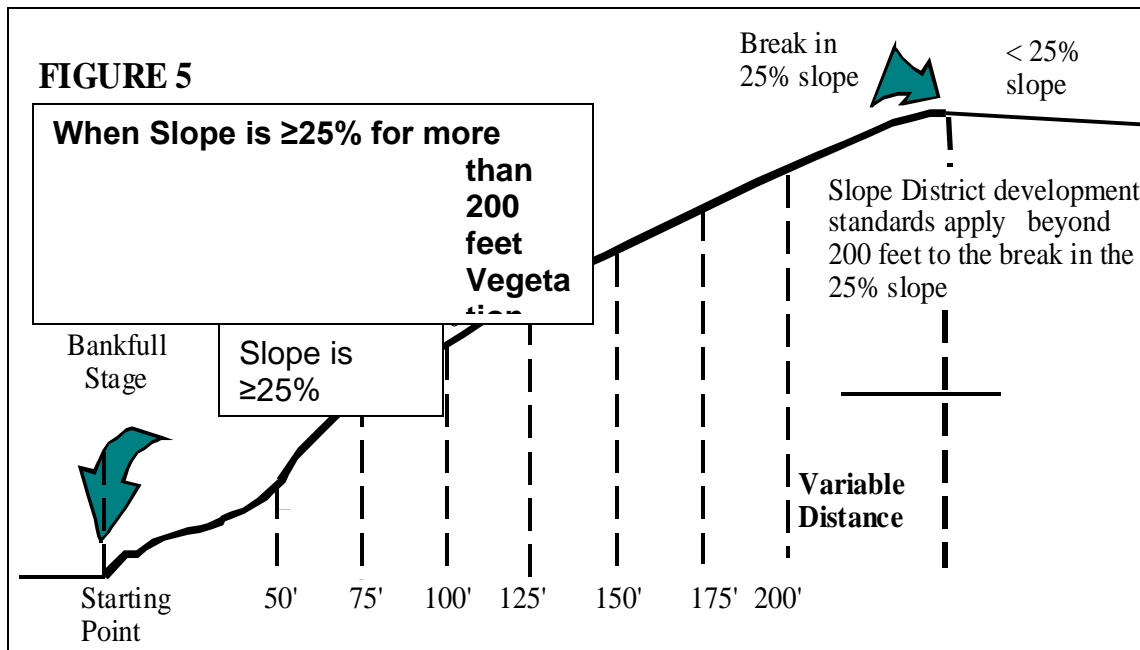
**Figure 3.** If the slope adjacent to the protected water feature is 25% or greater for less than 150 feet, measure horizontally in increments of 25 feet until the slope is less than 25% (H2/L2 <25%) and add 50 feet. This is a variable end point. The vegetation corridor may be 50-, 75-, 100-, 125-, or 150-feet 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 200feet, 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 twenty-five percent (25%) and greater, yet corridor widths can be varied to fit a number of different situations. Development on slopes in excess of twenty-five percent (25%) beyond the vegetation corridor as determined by the table in Section 4.316, Width of Vegetation Corridor, of this Chapter and the 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.

4.318 Delineation of Habitat Conservation Areas. Habitat Conservation Areas (HCAs) are generally shown on the Metro Title 13 maps. For purposes of development within the HCAs on City-owned and Metro-owned parks and greenspaces, delineation of on-the-ground HCA boundaries shall be done by a professional and verified by the City of Troutdale using the best available information.

**4.400 PLANNED DEVELOPMENT PD**

4.410 Purpose. The purpose of this district is to provide more flexibility in the development of land; encourage variety and creativity in the development pattern of the community; conserve natural land features; facilitate aesthetic and efficient use of open space; create public and private open space; encourage the application of new techniques and technology to community development which contribute to superior living or development patterns; use land efficiently in order to reduce the costs of housing, maintenance, street systems, and utility networks; promote energy conservation and crime prevention; and relate development to the natural environment and its users.

4.411 Permitted Uses.

A. For Residential Districts.

1. Uses permitted in the underlying district.
2. Housing concepts may include, but are not limited to, single-family residences, duplexes, rowhouses, townhouses, cluster units, multiple-family dwellings, or mobile homes.
3. Related commercial uses as part of the development.
4. Related community service uses designed to serve the development.
5. Accessory buildings and uses.

B. For Commercial and Industrial Districts.

1. Uses permitted in the underlying district.
2. Community service uses.
3. Accessory buildings and uses.

4.412 Areas of Application. Commercial, Industrial, and Residential. Planned Development approval may be sought for uses allowed in the underlying zone. Creation of lots or parcels shall be governed by Chapter 7, Land Divisions, except as expressly provided for herein.

4.413 Dimensional Standards.

- A. Lot Width, Depth, and Frontage Requirements. Minimum lot size, width, depth, and frontage requirements for lots in a Planned Development may be less than the minimums specified in the underlying district if in accordance with the approved general plan and program, and the density standards of this Chapter.

- B. **Minimum Site Size.** A Planned Development shall be established on a parcel of land that is suitable for the proposed development, and shall not be established on less than two (2) acres of contiguous land

4.414 General Requirements.

- A. **Peripheral Setbacks.** Peripheral yards of a Planned Development site shall be at least as deep as those required by the yard regulations of the adjoining district, unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.
- B. **Open Space.**
  - 1. Open space in a Planned Development means the land area to be used for scenic, landscaping, or open recreational purposes within the development. It shall not include street right-of-ways, driveways, or open parking areas.
  - 2. Adequate open space shall be provided for the recreational and leisure use of the individuals occupying the Planned Development, and designed to enhance the development.
  - 3. To the maximum extent practicable, natural features of the land shall be preserved and landscaping provided.
  - 4. In order to assure that open space will be permanent, dedication of development rights to the City may be required.
  - 5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.
  - 6. The Planning Commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan, the City may, at its option, cause such maintenance to be done and assess the costs to the affected property owners.
- C. **Residential Density.**
  - 1. In a residential Planned Development, the density permitted is the same as that of cumulative number of dwellings permitted by the underlying district or districts, except for the A-2 zoning district, which shall be based on the density per dwelling unit established in Goal 2 of the Comprehensive Land Use Plan for the High Density Residential Planning area.
    - a. Density shall be allowed consistent with the general plan and program

throughout the Planned Development area without regard to zoning district boundaries.

- b. In a mixed-use Planned Development, the number of allowable units is based on net residential area. The net residential area for a Planned Development shall be calculated by taking the total area of the development less streets, commercial, industrial, community service, and other non-residential uses; area constrained for development under the provisions of this Code; and any existing residential uses that are being retained as part of the Planned Development. Recreational trails, open space, etc., shall be included in the net residential area, unless these open spaces are preserved and protected through conditions, covenants, and restrictions; conservation easements; or where approved by the City Council, dedication, or conveyance to the City. The number of dwelling units permitted in a Planned Development shall be calculated by dividing the net residential area by the minimum lot size required in the underlying residential district or districts, except for the A-2 zoning district which shall be a minimum of two thousand (2,000) square feet per dwelling unit.
  - c. Outside of the Town Center Overlay District in a commercial or industrial zoning district, when limited residential use is determined to be appropriate by the Planning Commission, there is no minimum or maximum density, but density will be allowed consistent with an approved development plan.
2. Greenways, streams, and steep topography areas will be counted as contributing to the net area only to the extent that it can be shown, through a Planning Commission review, that a typical development could be accommodated on the site with realistic street configuration, grades, and standard lot sizes. The number of dwellings yielded from such a tentative subdivision review process shall be used as a base in determining the overall density for the site.
  3. An increase of up to twenty five percent (25%) in the number of dwelling units beyond the maximum density of the underlying zone or zones may be permitted upon a finding by the Planning Commission that such increased density will contribute to:
    - a. Satisfaction of the need for additional urban area housing of the type proposed;
    - b. The provision of housing which is convenient to commercial, employment, and community services and opportunities;
    - c. The creation of a land use pattern which is complementary to the community and its identity, and to the community design process;
    - d. The conservation of energy;

- e. The efficient use of transportation facilities; and
- f. The effective use of land and available utilities and facilities.

D. Staging.

1. The applicant may elect to develop the site in successive stages in a manner indicated in the development plan. Unless otherwise provided in the Planned Development approval, each such stage shall be substantially complete within itself. Unless otherwise provided in the Planned Development approval, each stage is subject to the time limits provided for in Chapter 7 for preliminary and final subdivision plats.
2. The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

4.417 Planned Development Process. Planned Development shall be reviewed in the same two (2) stage process as provided for a Type III subdivision, regardless of whether a land division is proposed.

4.419 Preliminary Plan.

- A. Submission Requirements. The preliminary plan shall consist of twenty (20) copies of all plans, maps, and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description.
- B. Submission Materials. The tentative plan need not be a finished drawing, but it should present all relevant graphic data, drawn on a sheet 18"x24" in size, and at a scale of 1"=100'. The information shall include, but is not limited to, the following:
  1. Proposed land uses and residential densities.
  2. Building types and locations.
  3. Means of access, circulation, and parking.
  4. Parks, playgrounds, paths, and open spaces.
  5. Land division plan if the land is to be divided.
  6. Applicant's statement of the goals and objectives of the planned development.
  7. Tables showing overall density of any proposed residential development with density of dwelling types and intensity of any commercial, industrial, or other employment-related uses.

8. Applicant's statement of how the proposed Planned Development complies with the applicable Troutdale Development Code requirements.
9. That the proposal incorporate a commitment to provide a legal instrument or instruments acceptable to the City setting forth a plan for the permanent care and maintenance of common space, including streets and greenways, recreational areas, and all community-owned facilities.
10. General timetable of development.

4.421 Final Plan. Final plan approval shall be a Type I process to confirm that it is consistent with the approved preliminary plan. The final plan may be approved notwithstanding minor changes such as minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks, public open spaces, or other features of the preliminary plan based on final engineering, design or similar final detail work but shall not increase the residential densities, change zone boundaries or the perimeter boundary of the PD, change any use or change the location of amount of land devoted to a use specified in the preliminary plan. Changes other than permitted minor changes shall require a new application.

- A. All public site dedications, development rights to open spaces, or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.
- B. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Division prior to the issuance of any building permit.

4.423 Application of Development Standards; Conflict of Planned Development Standards and Zoning District Standards. In cases of conflict between standards of the underlying district and the Planned Development, the standards of the Planned Development shall apply.



**4.500 FLOOD MANAGEMENT AREA****FLMA**

- 4.510 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;
  - M. Comply with Statewide Planning Goal 7 Areas Subject to Natural Disasters and Hazards.

- 4.511 Methods of Reducing Flood Losses and Maintaining Water Quality. This Chapter 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, floodplains, 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.
  - G. Coordinating and supplementing the provisions of the state Building Code.
- 4.512 Applicability.
- A. This Chapter shall apply to all development of land within the Flood Management Area (FLMA) and wetlands within the planning jurisdiction of the City, which includes land in unincorporated Multnomah County within the City’s Urban Planning Area.
  - B. The Flood Management Area development standards apply to the 100-year floodplain as mapped by the Department of Homeland Security, Federal Emergency Management Agency (FEMA) on the county-wide Flood Insurance Rate Map (FIRM) covering the cities of Fairview, Gresham, Troutdale and Wood Village, and the unincorporated areas of Multnomah County and titled: “FIRM Flood Insurance Rate Map, Multnomah County, Oregon and Incorporated Areas, Map Number 41051C,” effective December 18, 2009, areas of flooding in 1996 as mapped by Metro, and wetlands. The FIRM is supported by county-wide Flood Insurance Study Number 41051CV000A, effective December 18, 2009, entitled “Flood Insurance Study, Multnomah County, Oregon and Incorporated Areas,” published by FEMA, covering the cities of Fairview, Gresham, Troutdale, and Wood Village, and the unincorporated areas of Multnomah County in effect at the time of submission. Metro mapped 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 engineer or surveyor. Contested base flood elevations are to be reviewed under the provisions of Subsection 4.513(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 floodplain boundaries, and the base flood elevation based upon the North American Vertical Datum of 1988 (NAVD 88).
2. The 1996 flood boundaries established by Metro.
3. Floodway boundaries as determined by datum available from the FIRM and Flood Insurance Study.
4. The name, location, and dimensions of affected streams or rivers, and the bankfull stage 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 sixty percent (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 (5) 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 or uses 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.

4.513 Administration and Interpretation of Flood Insurance Rate Map Boundaries and Edge of Bankfull Stage or Two-Year Storm Level.

- A. The Community Development Director, or designee, is the Local Administrator and shall implement the provisions and standards of the National Flood Insurance Program, the standards of this Chapter, and make interpretations, where needed, as to the exact location of the boundaries of the floodplain (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 is not available through the Flood Insurance Study, FIRM, or has not been provided in accordance with Section 4.512, Applicability, of this Chapter, the City may obtain, review, and utilize any reasonable 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. The test of reasonableness shall be based upon historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two (2) feet above grade in these zones may result in higher insurance rates.
- 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.

**4.514 Uses Within the Floodplain but Outside the Floodway and Outside 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.
5. No new land divisions will be approved for properties exclusively within the floodplain or that propose to create a buildable lot that is exclusively within the floodplain.

**B. Permitted Uses.**

1. Any use permitted in the underlying zoning district, subject to the standards for development outlined in Section 4.517, Development Standards, of this Chapter, including stormwater management facilities developed in accordance with the standards of Chapter 5.700, Stormwater Management, of this Code.
2. Open space, trails, walkways, and bike paths as designated by the Troutdale Parks Plan, or as approved with a land use application and constructed in compliance with Subsection 4.315D of this Code.
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 roadways and utilities necessary to support permitted development within and outside the Flood Management Area, subject to the standards of Section 4.517, Development Standards, of this Chapter and the construction standards on file in the Public Works Department or the applicable jurisdiction of the roadway.
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 4.517, 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 temporary 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, culverts, drainageways and levees constructed for flood control, accessory uses, and other existing development on the site (including landscaped yards, decks, patios, boat ramps, etc.).
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 4.519, 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, federal, state, and county regulations.
12. Any development that must implement a Federal Aviation Administration (FAA) compliant wildlife hazard management plan on property owned by the Port of Portland or within ten thousand (10,000) feet of an Aircraft Operating Area, as defined by the FAA, and removal of trees that interfere with the landing or takeoff flight path of aircraft at the Troutdale Airport or otherwise interferes with the safe operation of the airport as determined by the Port of Portland. The removal of trees that interfere with the operation of the Troutdale Airport are permitted outright.

4.515 Uses within the Floodway or within Wetlands.

- A. Prohibited Uses within the Floodway or within 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 except as provided for in Subsection (B)(12) of this Section and Section 4.517(O) 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.
  8. New installation of manufactured dwellings.
- B. Permitted Uses within the Floodway or within Wetlands. The following uses are permitted subject to review under the standards for development of Section 4.517, 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. Projects for stream habitat restoration, removal of nuisance or invasive plant species, and/or the restoration of approved plant species from 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. A copy of the Metro plant list is available from the Planning Division.
  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, culverts, drainageways and levees constructed for flood control by the Sandy Drainage Improvement Company or its successor, accessory uses, and other existing development on the site (including landscaped yards, decks, patios, boat ramps, and the operation, maintenance, and repair of manmade water control facilities such as irrigation and

- drainage ditches, constructed ponds or lakes, wastewater facilities, and stormwater quality facilities, and similar development.
6. Construction, expansion, and/or maintenance of public roadways and public utility facilities necessary to support permitted development.
  7. Balanced 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.
  8. New culverts, stream crossings, and transportation projects necessary to implement the City, County, or State Transportation System Plans or other development permitted under this Chapter, and as applicable, meets the specifications of the Oregon Department of State Lands, Oregon Department of Fish and Wildlife, and federal regulations.
  9. Permanent bank stabilization necessary to preserve an existing structure provided the balanced cut and fill standard is met if the work is in the floodplain or a “No-Rise” certification if the work is within the floodway. Exception: Bank stabilization is not permitted for development on a vacant lot of record.
  10. Emergency temporary bank stabilization necessitating immediate action during a flood event to prevent the loss of an existing structure. Following the flood event, the owner shall submit a plan to the City that outlines removal of the temporary bank stabilization or shall apply for a permit for permanent bank stabilization.
  11. Fill of wetlands when there is no other practicable way to build on the site as established through Subsection 4.517 of this Chapter, and provided fill of wetlands within the floodplain is balanced with cut elsewhere within the floodplain, and a Fill/Removal Permit is issued from the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers (Corps), as applicable. The application to DSL and the Corps may be 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, fill may not proceed until the final decision for the land use application has been made by the City. Mitigation for fill of wetlands and the location of the mitigation shall be as prescribed by the DSL/Corps permit.
  12. New drainageways, levees, or alteration of watercourses to accommodate public projects administered by the Sandy Drainage Improvement Company or its successor, the City, Multnomah County, the state, or a federal agency, provided it is in compliance with Subsections 4.516(A) and 4.517(R) and (S) of this Chapter.



13. Any development that must implement a Federal Aviation Administration (FAA) compliant wildlife hazard management plan on property owned by the Port of Portland or within ten thousand (10,000) feet of an Aircraft Operating Area, as defined by the FAA, and removal of trees that interfere with the landing or takeoff flight path of aircraft at the Troutdale Airport or otherwise interferes with the safe operation of the airport as determined by the Port of Portland. The removal of trees that interfere with the operation of the Troutdale Airport are permitted outright.
- 4.516 Permit Required. A Flood Hazard Permit is required for development within the Flood Management Area except as noted:
- A. The following activities do not require a Flood Hazard Permit:
    1. Routine repair of public streets and public utilities that occurs entirely within the right-of-way.
    2. Routine repair of railroads that occurs entirely within the railroad right-of-way.
    3. Flood management activities conducted by the Sandy Drainage Improvement Company (SDIC). Routine operations, repair, maintenance, reconfiguration, rehabilitation, or replacement of existing drainage and flood control facilities, and existing related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways, utilities, accessory uses (such as off-load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch clearing within the hydraulic cross-section in existing storm water conveyance drainageways, or other water quality and flood storage projects applicable to existing facilities and required to be undertaken pursuant to ORS Chapters 547 or 554 or Titles 33 or 44 of the Code of Federal Regulations, provided that:
      - a. These activities are conducted by the Sandy Drainage Improvement Company or its successor or designee; and
      - b. The activities are consistent with all other applicable local, state, and federal laws and regulations; and
      - c. The activities do not encroach closer to a surface stream or river, wetland, or other body of open water than existing operations and development; and
      - d. Disturbed areas are replanted with vegetation and no bare soils remain after project completion; the planting of native vegetation and removal of invasive non-native or noxious vegetation is encouraged; invasive non-native or noxious vegetation shall not be planted; and
      - e. The SDIC or its successor submits an annual report to all local permitting

agencies in which the district operates, describing the projects the district completed in the previous year and how those projects complied with all applicable federal and state laws and requirements.

4. The removal of refuse.
  5. Removal of nuisance or prohibited plant species that exposes the ground, provided a revegetation plan approved or prepared by the City, state, a federal agency, Metro, SOLV, the West Multnomah Soil & Water Conservation District, or other similar organization, is carried out to provide shade and habitat, prevent erosion of steep slopes and/or sedimentation into the protected water feature. A copy of the plan shall be provided to the Planning Division prior to beginning the work.
  6. Emergency tree removal. In the event that a tree poses an immediate danger to life or property, removal is allowed without a tree removal permit. Following the emergency, the owner shall provide the tree species, diameter, and approximate location on the property to the Planning Division.
  7. Development within an area of the site that has been excluded from the Special Flood Hazard Area through a Letter of Map Amendment (LOMA) or it is very clear on the plan view that the area is outside of the Special Flood Hazard area and above the base flood elevation.
  8. Continued use and maintenance of existing gardens or other landscaped areas, orchards or agricultural fields provided no fill is added to the floodplain.
  9. Operation, maintenance, and repair of manmade water control facilities such as irrigation and drainage ditches, constructed ponds or lakes, wastewater facilities, and stormwater quality facilities. An expansion of these facilities will require a Type II Flood Hazard Permit.
- B. A Type I Flood Hazard Permit is required for the following:
1. Construction of a single-family dwelling, including the placement of a manufactured home or repair or alteration of existing single-family dwellings and manufactured homes. An elevation certificate and the information required in Subsection (E) of this Section shall be submitted with the Flood Hazard Permit application unless it is very clear on the plan view that the structure is on a portion of the site that is naturally elevated one (1) foot or more above the base flood elevation. Single-family dwellings and manufactured homes shall be built in compliance with the applicable development standards in Section 4.517, Development Standards, of this Chapter.
  2. Any use in the underlying zoning district requiring a Development Permit except as provided in Section 4.516 C.

3. Emergency bank stabilization necessary to preserve an existing structure during an emergency. During the event the permit is not required; however, immediately following the event a Flood Hazard Permit shall be obtained that documents the bank stabilization measures taken during the emergency and the schedule and procedure that will be used to remove any temporary fill, including sand bags. If the stabilization measures will not be removed, a Type II Flood Hazard Permit will be required as well as a “No-Rise” certification and LOMR-F, if applicable.
  4. Projects for stream habitat restoration subject to the following standards:
    - a. The project qualifies for a U.S. Army Corps of Engineer’s “Regional General Permit” for Stream Habitat Restoration (NWP-2007-1023) and complies with applicable Oregon Department of State Lands standards, as applicable; and
    - b. If within the floodway, a qualified professional (a Registered Professional Engineer) provides a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and
    - c. No structures would be impacted by a potential rise in flood elevation; and
    - d. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included in the application.
- C. Type II site and design review and Flood Hazard Permit is required for:
1. Any use in the underlying zoning district requiring a Type II site and design review.
  2. New or expanded streets or bridges.
  3. New or expanded railroads or trestles.
  4. Permanent bank stabilization or fill within the floodplain or floodway.
  5. Balanced cut and fill activity within the floodplain, with a Letter of Map Revision-Fill.
  6. Fill of wetlands, but if the wetland is outside of the floodplain, a Flood Hazard Permit is not required, only the Site and Design Review.
- D. A Type III procedure and Flood Hazard Permit shall be processed for uses requiring a Type III review in the underlying zoning district, for all special variances requested from the standards of this Chapter, and for any proposed alteration of a watercourse of any perennial or intermittent streams.

- E. **Submission Requirements.** An 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 (2) 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 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 based upon NAVD 88 and 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.
    - b. Where development occurs within Zone A of the Flood Management Area and the Base Flood Elevation (BFE) data is not available either through the Flood Insurance Study or from another authoritative source as authorized in Subsection 4.513(B) of this Chapter, the Flood Hazard Permit shall be reviewed for compliance with FEMA Publication 265 issued July 1995 “Managing Floodplain Development in Approximate Zone A Areas” and applicable State of Oregon Building Codes.
  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 (2) years after planting.
6. A “No-Rise” certification and a Letter of Map Revision-Fill (LOMR-F) shall be submitted with the land use application for the following activities within the floodway as mapped by FEMA:
  - a. Permanent bank stabilization that occurs in the floodway.
  - b. Development, alterations or relocations of the floodway, including any permanent fill within the floodway.

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

- A. Type II or III approval for new development, including additions or alterations to existing structures, except for single family dwellings, in the Flood Management Area may be allowed, provided that:
  1. The applicant shall demonstrate that there is no reasonable nor practical alternative design or method of development that would have a lesser impact on the Flood Management Area than the one proposed.
  2. If there is no reasonable nor practical alternative design or method of development the project shall be designed in compliance with applicable parts of Subsections (C) through (U) of this Section, so that the impacts on the Flood Management Area are limited and the plans shall include restoration, replacement, or rehabilitation of the vegetation within 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 Department of State Lands, U.S. Army Corps of Engineers, the Oregon Department of Fish and Wildlife, and the Sandy Drainage Improvement Company. 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 thirty percent (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 thirty percent (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 thirty percent (30%) of the Flood Management Area on the site.
    3. The Director may grant an administrative variance of up to fifty percent (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. 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. The applicant shall obtain a Conditional Letter of Map Revision-Fill (CLOMR-F) from FEMA prior to grading and filling the site and then obtain and submit the final Letter of Map Revision-Fill (LOMR-F) prior to final inspections, or issuance of a certificate of completion, or issuance of the certificate of occupancy.

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. Balanced cut and fill may be used to elevate structures but shall not be used for density transfer. Residential density must be calculated prior to changes to the floodplain as a result of balanced cut and fill.
  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.
  4. A “No-Rise” certification is required for any fill or 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 Flood Hazard Permit.
    - 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, including accessory structures associated with residential dwellings. Note: if more than fifty percent (50%) of the lot being developed is affected by the floodplain, then the minimum density standard of this Code does not apply.
1. Elevate structures. The minimum finished floor elevation, including basement floor, for all new or substantially improved residential structures in the Flood Management Area shall be at least one foot above the base flood elevation, as established by the Federal Emergency Management Agency.

- a. A Federal Emergency Management Agency National Flood Insurance Program Elevation Certificate shall be submitted with the construction plans unless there is a LOMA for the site or it is very clear on the plan view that the area is outside of the Special Flood Hazard area and above the Base Flood Elevation. 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.
  - b. A second certified Elevation Certificate shall be submitted to the City of Troutdale prior to pouring the foundation.
  - c. A third certified Elevation Certificate shall be submitted after the structure is completed based upon finished construction.
  - d. 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 (2) openings having a total net area of not less than one (1) 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 (1) 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.
3. Below-grade crawlspaces are allowed only when in compliance with the design requirements of FEMA Technical Bulletin 11-01, “Crawlspace Construction for Buildings Located in Special Flood Hazard Areas.” Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction with an interior elevation at or above the lowest adjacent exterior grade.
    - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings:



- i. Openings that equalize hydrostatic pressures by allowing for the automatic entry and existence of floodwaters is required. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade. See FEMA Technical Bulletin 1-93, Opening in Foundation Walls, for guidance.
  - ii. All portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE. Ductwork or other utility systems located below the insulation may pull away from their supports. See page 8 of Technical Bulletin 1-93 and FEMA Technical Bulletin 2-93 Flood Resistant Materials Requirements.
  - iii. Any building utility systems within the crawlspace must be elevated above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters. For further guidance, see FEMA 348, Protecting Building Utilities from Flood Damage.
- b. The interior grade of a crawlspace below the base flood elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
  - c. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building Code requirements for flood hazard areas. Crawlspaces may not be converted to basements.
  - d. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel, or crushed stone drainage by gravity or mechanical means.
  - e. Crawlspace construction is not permitted in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. For velocities in excess of five (5) feet per second, other foundation types should be used.

4. Substantial improvements of existing dwellings will require elevation of any non-elevated structure to one (1) foot above the Base Flood Elevation in compliance with this Section. 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. Substantial improvements include:
    - a. Any repair, reconstruction, or improvement of a structure, the cost of which exceeds fifty percent (50%) of the market value of the structure as established by the County appraiser or a licensed professional appraiser.
    - b. Reconstruction or repair of a structure that exceeds fifty percent (50%) of the market value of the building before it was damaged.
    - c. Additions to an existing structure when the addition increases the market value of the structure by more than fifty percent (50%) or the floor area by more than twenty percent (20%).
    - d. The term does not include the following:
      - i. 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
      - ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
  5. Accessory structures may either be elevated or meet these standards:
    - a. Be equipped with adequate flood vents;
    - b. Be constructed of flood resistant materials;
    - c. Utilities and mechanicals, if used, comply with Section Q of this Section.
    - d. Be anchored.
  6. Comply with other standards of this Section, as applicable.
- I. Manufactured Homes within the Special Flood Hazard Area.
1. All manufactured homes to be placed or substantially improved on sites that are outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood

- shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum eighteen (18) inches (46 cm) above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within the Special Flood Hazard Area on the community's FIRM that are not subject to the above manufactured home provisions shall be elevated so that either:
    - a. The finished floor of the manufactured home is elevated to a minimum of eighteen (18) inches (46 cm) above the base flood elevation; or
    - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
  3. Comply with the other standards of this Section as applicable.
- J. Recreational Vehicles (RV) within the Special Flood Hazard Area, whether in a park or on private property outside of a park, are subject to the following standards:
1. The RV is built on a single chassis.
  2. The RV is four hundred (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 one hundred eight (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 (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 (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be dry floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water. A dry 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 dry floodproofed, must meet the same standards for space below the lowest floor as described in Subsection (H)(2) of this Section. If elevated, an Elevation Certificate shall be submitted with the construction plans, prior to pouring the foundation, and after construction, unless there is a LOMA for the site or it is very clear on the plan view that the area is outside of the Special Flood Hazard area and above the Base Flood Elevation.
  5. Applicants dry floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g., a building floodproofed to the base flood elevation will be rated as one (1) foot below).
  6. Comply with other standards of this Section as applicable.
- L. Remove temporary fills. Temporary fills permitted during construction or emergency bank stabilization shall be removed if not in compliance with the balanced cut and fill

standard of this Code or 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. All new construction and substantial improvements shall use flood-resistant materials in accordance with the requirements of FEMA Technical Bulletin 2-93 "Flood Resistant Materials Requirements" and utilities shall be designed and installed in accordance with FEMA Publication 348 "Protecting Building Utilities from Flood Damage." The following standards are only a summary of those requirements:
  - 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 floodplain 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 consistent with the Oregon Department of Environmental Quality.
  5. Utility and road placement shall occur outside the floodway unless the utility or road is necessary to serve permitted development, and there is no reasonable alternative.
  6. Stormwater management and water quality facilities shall comply with the siting and construction standards of Chapter 5.700, Stormwater Management, of this Code.
- S. For any alterations or relocations of a watercourse, the floodplain or floodway, the developer 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. Alterations will require a “No-Rise” certification for changes to the floodway, and changes that relocate the floodplain will require a Letter of Map Revision-Fill (LOMR-F) from FEMA or may require a revised Flood Insurance Study and Flood Insurance Rate Map for the City. The burden for all engineering studies required to process these forms is the applicant’s, not the City’s.
- T. Subdivision Proposals. In addition to compliance with the underlying zoning district standards of this Code 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 the base flood elevation data has not been provided or is not available from another authoritative source for Zone A, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.
    - a. BFE data is not required when the actual building envelopes are clearly outside of Zone A or are on naturally higher ground (not created by fill) that is above the grade of Zone A by five (5) feet or more.
    - b. BFE data is required when the building envelope outside of Zone A is elevated above Zone A by a five (5) foot or less change in grade of the natural ground elevation (not created by fill).
  5. If more than fifty percent (50%) of the lot being partitioned or subdivided is affected by the floodplain, then the minimum density standard of this Code does not apply.
- U. Critical Facilities. A critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, congregate care facilities, clinics and/or hospitals, police, fire and emergency response installations, water pollution control facilities, and installations which produce, use, or store hazardous materials or hazardous waste.
1. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain).
  2. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available.
  3. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Submit Elevation Certificates with the construction plans, prior to pouring the foundation, and upon completion of the structure in accordance with Subsections G1(a), (b), and (c) of this Section.
  4. Access to and from the critical facility should also be protected to the height utilized above.

5. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
6. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.
7. Comply with the other standards of this Section as applicable.

4.518 Flood Management Area Variance Procedures. Variances from dimensional standards of the underlying zoning district or other provisions of this Code not part of this Chapter shall be processed in accordance with Chapter 6.800, Variance, of this Code.

- A. The Director may grant a Type II variance of up to fifty percent (50%) of any dimensional standard in the underlying zoning district where necessary to avoid construction within the Flood Management Area.
- B. Applications for variances to dimensional standards in excess of that provided in paragraph A or to the maximum impervious surface area shall be a Type III application.
- C. 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 reviewing a Type III variance, 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.
  3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, impairment of water quality,



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.

4.519 Prescribed Conditions for the Rehabilitation or Replacement of Pre-Existing Structures. The replacement of pre-existing structures or development damaged or destroyed accidentally is not subject to the limitations and standards of Section 5.330, Reconstruction of a Damaged Nonconforming Structure or Development, and/or Section 5.335, Destruction of a Nonconforming Structure or Development, of this Code, provided the following standards are met:

- A. The structure or development was in existence within the Flood Management Area 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 Type I Flood Hazard Permit is approved prior to applying for building permits.
- 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 floodplain.
- E. The rehabilitated or replaced structure is elevated, if residential, or floodproofed or elevated, if non-residential, in accordance with the applicable standards of this Chapter.

**4.600 TOWN CENTER****TC**

- 4.605 Applicability. The regulations and standards of this overlay district apply to land within the boundaries of the Town Center Planning as established in the Town Center Plan except they shall not apply to those properties designated Low-Density Residential/Open Space in the Plan.
- 4.610 Purpose and Intent. The purpose of this district is to encourage the downtown Troutdale area to grow as a diverse and viable town center. The Troutdale Town Center is envisioned as the district that provides shopping, employment, cultural, and recreational opportunities that serve the Troutdale area. In addition, the district allows for continued housing opportunities close to commercial activities. The intent of specific design standards for buildings, streetscapes, and parking within the TC district is to achieve development that is consistent with the design concepts outlined in the Town Center Plan. These design concepts include, but are not limited to, attractive pedestrian-oriented streets, providing a complementary mix of commercial and residential development, a connected network of streets and accessways to reduce automobile dependency, and avoiding walled streets.
- 4.620 Permitted and Conditional Uses. Permitted and conditional uses are 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: 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.
    - 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: Dwellings other than manufactured homes, 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:
  - a. Dwellings other than manufactured homes, 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;
  - b. Local food production uses on lots or parcels one (1) acre in size or larger, provided no poultry or livestock, other than household pets, shall be housed within one hundred (100) feet of any residence other than a residence on the same lot and shall not occupy an area greater than ten thousand (10,000) square feet or ten percent (10%) of the total property whichever is larger; and
  - c. 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, wholesale distribution outlets, including warehousing and marijuana facilities.

4.630 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 eighty percent (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 five thousand (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.

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

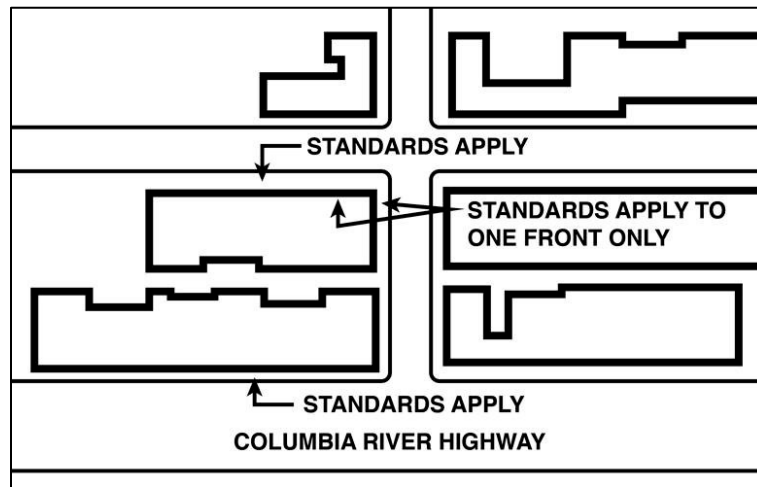
- A. **Apartment Residential (A-2).**
1. The CBD standards for lot width, lot depth, lot area, and setbacks shall apply for duplex, triplex, and attached residential development.
  2. Minimum street frontage: twenty (20) feet, except that for lots specifically created for the construction of individual duplex, triplex, or attached dwelling units, the minimum street frontage shall be sixteen (16) feet.
  3. No front yard setback.
- 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: twenty (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 fifteen (15) feet to the front façade; minimum of ten (10) feet to the front porch; minimum of twenty (20) feet to the garage door with a driveway from the public street.
2. Minimum street frontage: twenty (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 sixteen (16) feet.

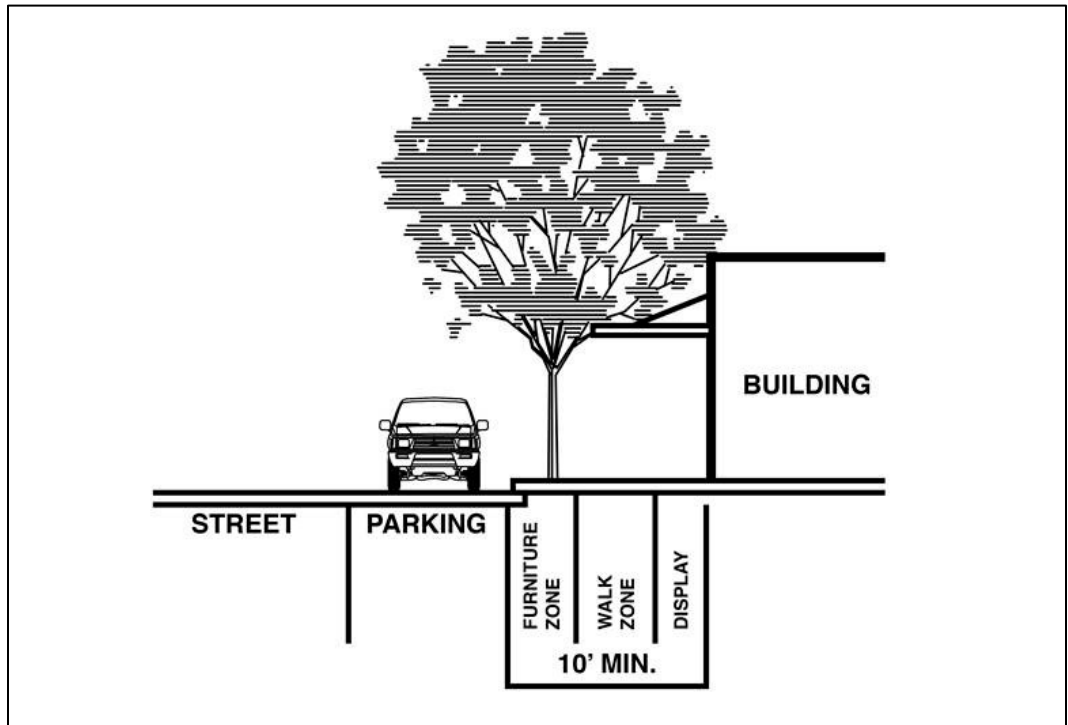
4.650 Commercial Design Review. A Type II Site and design review shall be required for all commercial uses within the TC district. Site and design review shall be conducted in accordance with Chapter 8, Site Orientation and Design Standards, of this Code.

- 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 (1) street frontage that can be used by pedestrians.



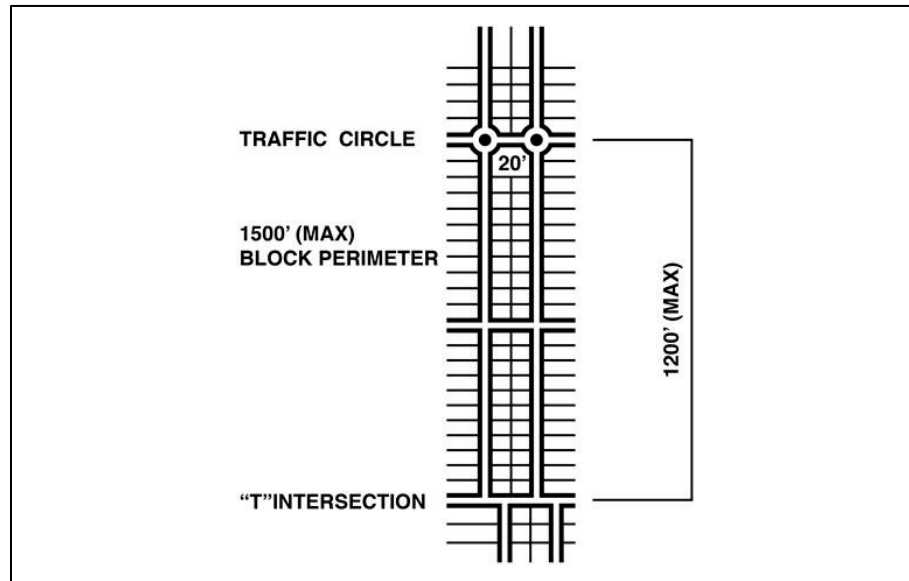
- B. Development adjacent to SW Halsey Street shall install decorative streetlights within the Halsey Street right-of-way as part of any half-street improvements required of the development.
- C. Outlet Mall/Former Treatment Plant Site. New commercial development on the former sewage treatment plant site shall meet the following design standards:
1. The drive or street through the outlet mall site to the former sewage treatment plant site shall be a public street.

- 2. Sidewalks at least five feet in width shall be provided on both sides of the street.



- 4.660 Residential Design Review. All residential development 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.
- 4.670 Reserved.
- 4.680 Street Design and Streetscapes. The following design standards shall apply within the Town Center district:

- A. **Blocks and Access.** The perimeter of blocks shall not exceed fifteen hundred (1,500) feet. Blocks along arterial and collector streets shall be designed to allow streets to intersect in a manner that allows the side yards of development to abut the arterial or collector street. In general, development should not be designed with rear yards abutting arterials and collectors.

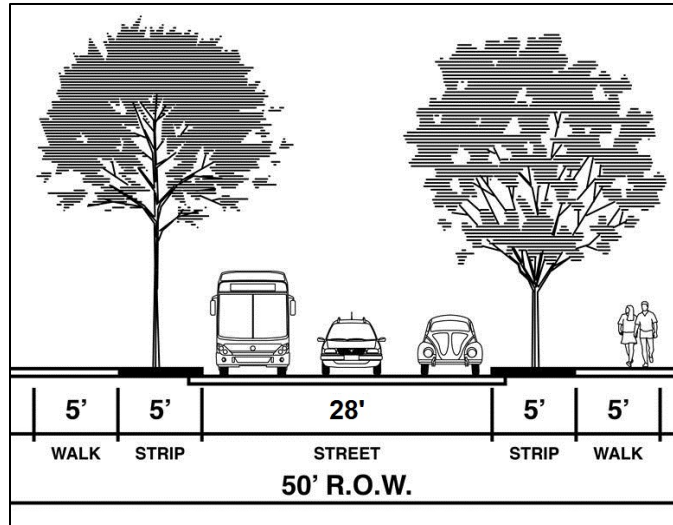


- B. **Street Termination.** Unless impractical due to efficiency of street layout and design, topography, or other site constraints of the property being developed, new street sections shall be no longer than twelve hundred (1,200) feet without providing a jog, a deflected view, traffic island, or a point of termination, such as a “T” intersection.
- C. **Streetscapes.** To encourage pedestrian-oriented streetscapes, the following standards shall apply:
  - 1. Fences and walls greater than three and one half (3½) feet in height shall be prohibited in front yards. If fences or walls greater than three and one-half (3½) feet in height are provided along street side yards or rear yards abutting streets, the fence shall be buffered from the public right-of-way by a landscaped strip no less than five (5) feet wide.

2. Garages.
  - a. For single-family detached and zero lot line dwellings on lots of three thousand (3,000) square feet or greater in area or thirty (30) feet or wider at the front setback line, and for duplex, triplex, or attached dwellings on separate lots greater than three thousand (3,000) square feet in area or thirty (30) feet or wider at the front setback line, garages shall be subordinate to the main dwelling by being set back a minimum of five (5) feet behind the front door of the residence or by compliance with the following standards:
    - i. The garage door width is fifty percent (50%) or less of the width of the street facing elevation and does not extend beyond the front door; or
    - ii. The garage door is behind or even with the front door and the dwelling has a roofed front porch, which is at least 1/3 as wide as the front elevation and at least five (5) feet deep. The porch may encroach within the required front yard setback a maximum of five (5) feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and
    - iii. The street facing wall of the dwelling contains at least one (1) window on the ground floor that allows visibility of the street.
  - b. Garages on lots less than three thousand (3,000) square feet in area, or on lots less than thirty (30) feet wide at the front setback line, or on lots having a slope of twenty percent (20%) or greater at the street access shall be setback a minimum of five (5) feet behind the front door or shall comply with the following standards:
    - i. The garage door does not extend beyond the front door; and
    - ii. The dwelling has a roofed front porch. The porch may encroach within the required front yard setback a maximum of five (5) feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and
    - iii. There is at least one (1) window on any floor that faces the street and allows visibility of the street.
  - c. For all other residential uses, garages shall comply with the standards 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 twenty-eight (28) feet, with sidewalks set back and separated from the street by a planting strip of five (5) feet in width. The street shall provide on-street parking on both sides of the street.



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

- D. Alleys. Alleys shall be a minimum of twenty (20) feet in width and shall be encouraged as a means of providing vehicle access to development.

4.690 Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of the underlying zoning district 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 (10%); however, each use shall be allowed at least one (1) parking space in excess of the minimum amount required. When the underlying zoning district requires no off-street parking spaces, no use shall be permitted to exceed the minimum number of parking spaces as indicated for that use within Chapter 9, Off-Street Parking and Loading, of this Code by more than ten percent (10%). In computing the maximum number of off-street parking spaces allowed, if the ten percent (10%) figure contains a fraction, then the number shall be rounded up to the next higher whole number.

4.695 Authority to Adjust Standards.

- A. Because of the diverse topography and parcel configurations within the TC district, it is neither practical nor feasible to uniformly apply these design standards to all development projects. The Director shall use reasonable discretion in determining whether the standards in Sections 4.650-4.680 of this Chapter are practical for individual

developments. The Director is authorized to grant administrative adjustments to these design standards upon making the following written findings:

1. The adjustment is justified due to unique site conditions.
  2. The proposal will be consistent with the desired character of the area.
  3. Any impacts from the adjustment are mitigated to the extent practical.
- B. When, in the Director’s opinion, an adjustment to a design standard is not justified, the request shall be handled as a variance in accordance with the procedures of Chapter 6.1300, Variance, of this Code. The Directors decision to adjust specific standards is a Type II decision under Section 2.055, Type II Procedure, of this Code.