

AN ORDINANCE AMENDING ORDINANCE NO. 271, PROVIDING CHANGES  
IN THE ZONING ORDINANCE

WHEREAS, Pursuant to Section 12.050 of the City Zoning Ordinance a public hearing was held on January 12, 1981 at which the Common Council made the following findings:

1. The recent revision of the Comprehensive Plan will result in a thorough revision of all implementing Ordinances.
2. Sections of the R-10, R-7, R-4, and A-2 districts which allow commercial uses and mobile homes are in conflict with recently revised Comprehensive Plan policy.
3. A new "Historic Resource" district is needed to protect historical designated sites and structures.
4. A new "Physical Constraint" district is needed to protect life and property from natural disasters and hazards.
5. New standards for the A-1-B, A-2, C-2, C-4, and OP districts are necessary in order to implement recently revised Comprehensive Plan policy which allow commercial and residential uses to be integrated into one development proposal.
6. Certain deficiencies or areas of confusion currently exist which create a hardship on all those involved in the land development process.
7. The changes as shown in the attached pages, referred to as Exhibit "A", will resolve the aforementioned concerns and are consistent with the cities recently revised Comprehensive Plan.
8. Exhibit "A" has been reviewed and recommended by the Troutdale Planning Commission.
9. Exhibit "A" is consistent with the remaining portions of the Zoning Ordinance text.
10. There has been opportunity for citizen review and comment.
11. The changes are in the public interest.

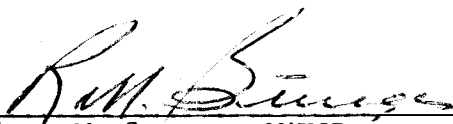
NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE,  
THAT:

the Zoning Ordinance text be changed as shown in the attached  
Exhibit "A".

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 12 DAY OF  
January, 1982.

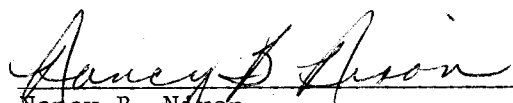
YEAS 6

NAYS 0

  
\_\_\_\_\_  
Robert M. Sturges, MAYOR

Date Signed: 1-13-82

ATTEST:

  
\_\_\_\_\_  
Nancy B. Nixon  
FINANCE DIRECTOR/CITY RECORDER

0.040 ~~FLOOD-HAZARD-DISTRICT~~ PHYSICAL CONSTRAINT DISTRICT

10.041 PURPOSE

~~The purpose of this section is to promote the public health, safety and general welfare and to minimize flood losses by provisions designated to:~~

- ~~.01 Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause increased flood heights or velocities.~~
- ~~.02 Require that uses vulnerable to floods, including public facilities which serve such uses, be protected at the time of initial construction.~~
- ~~.03 Assure the development of land only for those uses which are suitable in relation to flood hazard.~~

THE PURPOSE OF THIS SECTION IS TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY MINIMIZING DISTURBANCE TO ENVIRONMENTALLY SENSITIVE AREAS, TO PRESERVE THE AESTHETIC RESOURCES AS WELL AS THE NATURAL FUNCTIONS OF THE LAND. SUCH AREAS WITHIN THE CITY FORM THE PHYSICAL CONSTRAINT DISTRICT. THE TWO COMPONENTS OF THE DISTRICT ARE FLOOD PLAINS AND HILLSIDES SLOPES. PROVISIONS UNDER THIS SECTION ARE DESIGNED TO:

- .01 RESTRICT OR PROHIBIT USES OR DEVELOPMENT WHICH ARE DAMAGE-PRONE OR DAMAGE-INDUCING TO THE LAND;
- .02 REQUIRE THAT USES VULNERABLE TO FLOOD DAMAGE AND LANDSLIDES, INCLUDING PUBLIC FACILITIES WHICH SERVE SUCH USES, BE PROTECTED AT THE TIME OF INITIAL CONSTRUCTION;
- .03 ALLOW THE DEVELOPMENT OF LAND ONLY FOR THOSE USES WHICH ARE SUITABLE IN RELATION TO FLOOD HAZARDS AND LANDSLIDES.

10.042 FLOOD PLAIN

~~This district~~ THE FLOOD PLAIN PHYSICAL CONSTRAINT DISTRICT shall apply to selected areas which are subject to periodic flooding by stream and river flows during a regulatory flood.

.01 Findings of Fact

- a) The flood hazard areas of Troutdale are subject to periodic inundation which often results in the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, and additional public expenditures for flood protection and relief.

.02 General Causes of These Flood Losses are Due To:

- a) The cumulative effect of obstructions in the floodway which cause an increase in flood heights and velocities.
- b) The occupancy ~~if~~ IN flood hazard areas by uses vulnerable to floods or uses which are inadequately elevated to be protected from flood damage.

10.043 AREAS OF APPLICATION

~~.01 The flood hazard District shall consist of the flood way and flood fringe as determined by the Corps of Engineers or Soil Conservation Service. --Streams which have not been studied by their agencies, but are subject to local flooding, shall also be designated as flood hazard areas.~~

.01 ESTABLISHMENT OF BOUNDARIES

THE FLOOD PLAIN SHALL BE DESIGNATED AS A PHYSICAL CONSTRAINT DISTRICT AND SHALL CONSIST OF THE FLOODWAY AND FLOODWAY FRINGE AS DETERMINED BY THE ARMY CORPS OF ENGINEERS, THROUGH THEIR PERIODIC SURVEY FOR THE FEDERAL INSURANCE ADMINISTRATION AS NOW OR HEREAFTER AMENDED. THIS PROVISION DOES NOT LIMIT THE APPROVAL AUTHORITY FROM UTILIZING OTHER FLOOD HAZARD DATA, NOTABLY THAT OF THE SOIL CONSERVATION SERVICE AND THE GEOLOGICAL SURVEY, FOR THE PURPOSE OF ADMINISTERING THIS ORDINANCE. SPECIFIC DETERMINATION OF FLOOD PLAIN AREAS SHALL BE MADE AT THE TIME OF DEVELOPMENT PROPOSAL FOR THE RESPECTIVE PROPERTY BASED ON AVAILABLE FLOOD HAZARD DATA, FIELD SURVEY, AND ACTUAL SITE INVESTIGATION.

.02 INTERPRETATION OF PRECISE BOUNDARIES

- a) ANY NEW PROPOSAL FOR DEVELOPMENT OF LAND IN THE GENERAL "FLOODWAY-GREENWAY AREA" AS DIAGRAMMED ON THE COMPREHENSIVE PLAN MAP SHALL REQUIRE REVIEW BY THE COMMUNITY DEVELOPMENT DEPARTMENT TO ASCERTAIN IF THE LAND IS CLEARLY LOCATED IN THE CORE OF THE "FLOODWAY-GREENWAY" AREA.
- b) IN THE EVENT THAT THE LAND IS LOCATED ON THE FRINGE OF THE "FLOODWAY-GREENWAY" AREA, THE COMMUNITY DEVELOPMENT DEPARTMENT SHALL INTERPRET THE BOUNDARIES OF THE FLOODWAY AND FLOODWAY FRINGE TO THE BEST OF THEIR ABILITY ACCORDING TO SECTION 10.043, .01 ABOVE.
- c) IF A PRECISE DETERMINATION CANNOT BE MADE OF THE LOCATION OF THE LAND IN RELATION TO THE FLOODWAY AND FLOODWAY FRINGE BOUNDARIES, THE APPLICANT SHALL SUBMIT THE FOLLOWING INFORMATION, PREPARED BY A REGISTERED

PROFESSIONAL ENGINEER, WHICH SHALL PROVIDE THE BASIS FOR A DETERMINATION BY THE PLANNING COMMISSION:

- 1) Plans drawn to scale showing the nature, location, dimension, and elevation of the lot, existing or proposed structures, fill, storage of material, parking areas, flood proofing measures and the relationship of the above to the location of the channel.
- 2) A typical valley cross-section showing the channel of the stream or river, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and high water information, if requested.
- 3) A plan (surface view) showing elevations or contours of the ground, pertinent structures, fill or storage elevations, size, location and elevations of streets, water supply, sanitary facilities, existing land uses and vegetation up stream and down stream, soil types, and other pertinent information.
- 4) Profile showing the slope of the bottom of the channel or flow line of the stream or river, if requested.
- e) ~~Specifications on building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.~~

.03 APPEAL PROVISION FOR INTERPRETATION OF BOUNDARIES

IN THE EVENT OF AN APPARENT CONFLICT BETWEEN TECHNICALLY MAPPED BOUNDARIES AND ACTUAL SITE INVESTIGATIONS, THE APPROVAL AUTHORITY SHALL INTERPRET THE EXACT LOCATION OF THE FLOODWAY AND FLOODWAY FRINGE BOUNDARIES TO THE BEST OF THEIR ABILITY. ANY PERSON CONTESTING THE APPROVAL AUTHORITY'S INTERPRETATION SHALL BE GIVEN A REASONABLE OPPORTUNITY FOR APPEALS SUBJECT TO THE RULES AND REGULATIONS OF THE NATIONAL FLOOD INSURANCE PROGRAM.

.04 Warning and Disclaimer of Liability

The degree of flood protection required by ~~the Flood Hazard-District~~ THIS ORDINANCE is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes such as bridge openings restricted by debris. This ~~district~~ ORDINANCE does not imply that areas outside the FloodWAY Hazard-District AND FLOODWAY FRINGE boundaries or land use permitted within such ~~district~~ BOUNDARIES will be free from flooding or flood damage. This section shall not create liability on the part of the City of Troutdale or any employee thereof for any flood damage

that results from reliance on this district or any administrative decision lawfully made thereunder.

10.044 GENERAL-PROVISIONS LAND USE

.01 Uses Permitted - Floodway

- a) No uses shall be permitted in the FloodWAY way which would cause the level of a one hundred (100) year flood to be increased. Agricultural uses such as general farming; pasturing, outdoor plant nurseries, horticulture, truck farming or sod farming are permitted. Private and public recreational use such as picnic ground, boat ramps, parks, nature preserves, trails and parking areas are permitted.
- b) Any use allowed in the underlying district provided the use does not require structures, fill or storage of materials or equipment. No new structures are permitted in this area.

.02 Use Permitted - FloodWAY Fringe

- a) Any use which is permitted in the underlying district may be permitted in this area SUBJECT TO THE STANDARDS OF THE UNDERLYING DISTRICT AND PROVIDED THAT the use is adequately flood-proofed ACCORDING TO THE PROVISIONS UNDER SECTION 10.045. ~~This normally means that the lowest floor including the basement shall be two (2) feet above the elevation for a regulatory flood in the area. The following is a list of the measures which can be used to protect structures:~~

~~.05 Uses Permitted in Flood Hazard Area Without a Designated Flood Fringe and Flood Way.~~

~~The same restrictions which apply to development in the flood fringe shall apply. It shall be the developer's responsibility to prove that the proposed development can be constructed within the regulations of the flood fringe section of this ordinance, Section 10.043-04, without increasing significantly the hazard to property due to flooding.~~

- b) Any new uses or structures located in the THIS Flood Hazard District shall be required to obtain a permit APPROVAL from the City before construction is started or the use is begun.

10.045 FLOOD-PROOFING STANDARDS

.01 STANDARDS

- a) FLOOD-PROOFING. This normally means that the lowest floor including the basement shall be two (2) feet above the elevation for a regulatory flood in the area. The following is a list of the measures which can

SHALL be used to protect structures. THIS LIST IS NOT EXHAUSTIVE AND A COMBINATION OF MEASURES MAY BE REQUIRED.

- 1) Anchorage to resist floatation and lateral movement.
  - 2) Installation of water-tight doors, bulkheads, and shutters.
  - 3) Reinforcement of walls to resist water pressures.
  - 4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
  - 5) Addition of mass or weight to structures to resist floatation.
  - 6) Installation of pumps to lower water levels in structures.
  - 7) Construction of water supply and waste treatment systems to as to prevent the entrance of flood waters.
  - 8) Pumping facilities for subsurface external foundation wall or basement floor pressures.
  - 9) Construction to resist rupture or collapse caused by water pressure or floating debris.
  - 10) Cut-off valves on sewer lines or elimination of gravity flow basement drains.
  - 11) Elevation of structures and uses to above the regulatory flood protection elevation at the location of the proposed development.
  - 12) Requirements for construction of channel modification, dikes, levees and other protective measures.
  - 13) THE PRIMARY ACCESS TO ANY STRUCTURE INTENDED TO BE USED ON A YEAR-ROUND BASIS\*SHALL BE SITUATED TWO (2) FEET ABOVE THE ELEVATION FOR A REGULATORY FLOOD IN THE AREA. \*for human occupancy
- b) ~~The Planning Commission may require specific types of flood protection for a structure.~~
- e) ~~Every person who wishes to build in the flood fringe shall submit a detailed plan showing how the flood proofing is to be achieved.~~
- b) Any fill or materials deposited in the flood fringe shall be shown to be adequate to fulfill the proposed purpose without intruding into the floodway. Such fill or other materials shall be protected against erosion

by rip-rap, vegetative cover or bulkheading. The fill shall extend a minimum of fifteen (15) feet beyond the limits of any structure or building erected thereon.

- c) ~~Structures on the filled areas shall be constructed in such a manner as to insure that the lowest floor is two (2) feet above the regulatory flood elevation.~~ Structures, if permitted, shall be constructed and placed on a building site in such a manner as to offer a minimum of obstruction to the flow of flood water.

## .02 SUBMISSION REQUIREMENTS

Specifications SHALL BE PROVIDED BY THE APPLICANT on building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities, TO DEMONSTRATE THAT FLOOD-PROOFING STANDARDS ARE MET.

## 10.046 APPROVAL PROCEDURE

### .01 PLANNING COMMISSION PROCEDURE

- a) THE PLANNING COMMISSION SHALL APPROVE NEW DEVELOPMENT IN THE FLOOD PLAIN PHYSICAL CONSTRAINT DISTRICT IF THE PROPOSED USE OR STRUCTURE MEETS ALL OF THESE CONDITIONS:
- 1) THAT FLOOD-PROOFING STANDARDS ARE MET AS UNDER SECTION 10.045;
  - 2) THAT IT IS IN COMPLIANCE WITH THE COMPREHENSIVE PLAN AND STATE LAND USE GOALS.
- b) ON APPROVAL OF PROPOSED USE OR STRUCTURE, THE PLANNING COMMISSION SHALL RECOMMEND TO THE CITY COUNCIL DESIGNATION OF THE LAND AS FLOOD PLAIN PHYSICAL CONSTRAINT DISTRICT WITH SPECIFIC DESIGN REQUIREMENTS.

~~.03 The Planning Commission shall determine whether the proposed use is located within the Flood Hazard area, determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the Flood Hazard. The decision of the Commission shall be based on the following factors:~~

- a) ~~The danger of life and property due to increased flood heights or velocities caused by encroachments.~~
- b) ~~The danger that materials may be swept onto other lands or downstream to the injury of others.~~
- e) ~~The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.~~



- d) ~~The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.~~
- e) ~~The importance of the services provided by the proposed facility to the community.~~
- f) ~~The requirements of the facility for a waterfront location.~~
- g) ~~The availability of alternative locations not subject to flooding for the proposed use.~~
- h) ~~The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.~~
- i) ~~The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area.~~
- j) ~~The safety of access to property in times of flood for ordinary and emergency vehicles.~~
- k) ~~The expected heights, velocity, duration, rate of rise and sediment transport of flood waters expected at the site.~~
- l) ~~Such other factors which are relevant to the purposes of this ordinance.~~

.02 CITY COUNCIL PROCEDURE

THE CITY COUNCIL SHALL APPROVE THE PLANNING COMMISSION'S RECOMMENDATION WHEN THERE IS A FINDING THAT THE FOLLOWING CONDITIONS EXIST:

- a) THAT THE PROPOSED USE OR STRUCTURE IS LOCATED WITHIN THE FLOODWAY AND FLOODWAY FRINGE BOUNDARIES OF BEAVERCREEK, SANDY RIVER AND ARATA CREEK;
- b) THAT ADEQUATE FLOOD-PROOFING MEASURES ARE UTILIZED.

10.047 HILLSIDE

The Hillside Physical Constraint District shall apply to land on slopes that is a) greater than 30 percent, and b) between 15 to 30 percent. No man-made structure is allowed on slopes greater than 30 percent.

.01 Findings of Fact

Hillsides within the City of Troutdale are diagrammed as "Floodway-Greenway" on the Comprehensive Plan Map and represent the abrupt and noticeable changes in slope that mark the edge of Beaver Creek Canyon, the Sandy River and Arata Creek. Hillsides are environmentally sensitive areas. If they are not well managed, irreversible damage may occur. Provisions under the Hillside Physical Constraint District are intended to reduce hillside hazards.

10.048 AREA OF APPLICATION

.01 Delineation of Boundaries

The Hillside Physical Constraint District shall consist of Steep Slope and Constrained Slope areas. Steep Slope areas of Troutdale include all areas of the City where the slope of the land is 30 percent or greater; Constrained Slope areas include all areas where the slope of the land is between 15 to 30 percent. This chiefly covers the edge of Beaver Creek Canyon, the Sandy River, and Arata Creek. Specific determination of Steep Slope and Constrained Slope areas shall be made at the time of development proposal for the respective properties within the "Floodway-Greenway" areas based on topographic map and field survey.

.02 Warning and Disclaimer of Liability

The degree of landslide protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Landslides may occur on rare occasions in areas outside of the delineated Steep Slope and Constrained Slope boundaries. This Ordinance does not imply that areas outside the Hillside Physical Constraint boundaries or land use permitted within such boundaries will be free from significant mass movement or landslide damage. This Section shall not create liability on the part of the City of Troutdale for any damage that result from reliance on the provisions of this Section or any administrative decision lawfully made thereunder.

10.049 LAND USE

.01 Uses Permitted - Steep Slope (30% or greater)

Open space and trails as designated by the "Parks Plan".

.02 Uses Permitted - Constrained Slope (15 to 30%)

Any use in the underlying district provided the standards of Section 10.0491 are met.

10.0491 HILLSIDE DEVELOPMENT STANDARDS

.01 Standards

- a) The property shall front on a publicly dedicated street or roadway with a right-of-way width and street improvement standard acceptable to the City.
- b) Grading and site preparation shall be accomplished without encroaching on ground slope of 30 percent or more and without creating a cut or fill in excess of three (3) feet except for basement construction unless specifically approved by the City.
- c) Excavations and earth fills on a site shall be governed by grading regulations under the Uniform Building Code as adopted by the City.
- d) If the site is located within a designated Floodway Fringe area, the standards of the HUD Flood Insurance Program shall additionally apply.
- e) The parcel can be adequately served by municipal water supply and sanitary sewer systems and that the runoff generated from the development can be accommodated without causing damage to down gradient properties.
- f) Density. The density allowed for Constrained Slope District shall be governed by minimum lot size requirements. The minimum lot size is derived by using a formula, set out as follows, which employs the slope of the parcel as a function of the lot size.

i) Minimum Lot Size Calculations

Step A - Determine total area of parcel

Step B - Determine area of land (if any) where slope is greater than 30%.

Percentage of Slope:

Vertical distance between contours

Horizontal distance between contours

Step C - Determine buildable area of parcel.

Total area less area where slope of land is greater than 30%, and less any area located within a Floodway boundary.

Step D - Determine the average slope of the buildable area of the parcel by using the following formula:

$$S = \frac{0.00229IL}{A}$$

Where: S = Average % of slope for buildable area

I = 10' contour interval

L = Summation of length of the 10' contours within buildable area

A = Acres in buildable area of the parcel

Step E - Determine the minimum lot size for the entire parcel by using the following table:

<u>Percent of Average Slope of Buildable Area</u>	<u>Minimum Lot Size Per Dwelling Unit</u>
15-19	14,000 sq. ft.
20-24	17,000 sq. ft.
25-30	21,000 sq. ft.

## .02 Submission Requirements

For the purpose of minimizing landslide hazards, the proponent of a development within the Hillside Physical Constraint District shall provide the following special reports:

- a) Hydrology 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 hazards. The report shall be prepared by a registered professional engineer.
- b) Soils Report - 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 registered professional engineer.
- c) Geology Report - This report shall include geological characteristics of the site, its suitability for development, its carrying capacity, and 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. This report shall be prepared by a registered professional engineering geologist.

- d) Grading Plan - The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (five-foot intervals of property), drainage, direction of drainage flow, location of proposed structure and existing structures which may be affected by the proposed grading operations, 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 schedule of operations and shall be prepared by a registered professional engineer.
- e) Vegetation Report - This report shall consist of a survey of existing vegetative cover and how it will be altered by the proposed development; and measures for re-vegetation for the stabilization of slopes and soil erosion.

10.0492 APPROVAL PROCEDURE

.01 Planning Commission Procedure

- a) The Planning Commission shall approve new development in the Hillside Physical Constraint District if the proposed use or structure meets all of these conditions:
  - 1) That development standards are met as under Section 10.0491;
  - 2) That it is in conformance with the Comprehensive Plan and State Land Use Goals.
- b) On approval of proposed use or structure, the Planning Commission shall recommend to the City Council designation of the land as Hillside Physical Constraint District with specific design requirements.

.02 City Council Procedure

The City Council shall approve the Planning Commission's recommendation when there is a finding that the following conditions exist:

- a) That the proposed use or structure is located within the Hillside Physical Constraint District;
- b) That adequate protection is utilized to minimize landslide hazards.

10.0493 DEFINITIONS

For the purpose of the Flood Plain and Hillside Physical Constraint District classifications, the following terms are hereby defined:

- a) BUILDABLE LAND - LANDS IN URBAN AND URBANIZABLE AREAS THAT ARE SUITABLE, AVAILABLE AND NECESSARY FOR DEVELOPMENT.

- b) CONSTRAINED SLOPE - LAND ON SLOPE THAT IS BETWEEN 15 TO 30 PERCENT.
- c) Flood - A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- d) Floodway - The channel of a stream and adjacent land areas which are required to carry and discharge the flood water or flood flows of any river or stream associated with the regulatory flood.
- e) Flood Fringe - The Flood Fringe Area is that land area which is outside of the stream's or river's floodway, but is subject to periodic inundation due to periodic flooding.
- f) FLOOD PLAIN - A FLOOD PLAIN IS THE LAND AREA CONSISTING OF THE FLOODWAY AND FLOODWAY FRINGE.
- g) Flood-Proofing - A combination of structural provision, changes, or adjustment to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.
- h) MASS MOVEMENT - THE MOVEMENT OF EARTH (ROCK, SOIL, OR FILL) DOWNSLOPE AS A FUNCTION OF GRAVITY. THE MAIN TYPES OF MASS MOVEMENT INCLUDE EARTHFLOW, SLUMP, ROCKSLIDE, ROCKFALL AND MUDFLOW.
- i) Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvery, building, wire, fence, rock, gravel, refuse, fill, structures or matter in, along, across, or projecting into any channel, water-course, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water, might carry the same downstream to the damage of life or property.
- j) Reach - A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are primarily controlled by man-made or natural obstructions or construction. In an urban area, an example of a reach would be the segment of a stream or river between two consecutive bridge crossings.

- k) Regulatory Flood - The regulatory flood is a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream or river. The regulatory flood, for the purpose of this section, generally has an average frequency in the order of the one hundred (100) year re-occurrence interval flood determined from an analysis of floods on a particular stream or river and other streams or rivers in the same general region.
- l) SLOPE - THE VERTICAL DISTANCE, NOT TO BE LESS THAN 15 FEET, DIVIDED BY THE HORIZONTAL DISTANCE.
- m) STEEP SLOPE - LAND ON SLOPE THAT IS GREATER THAN 30 PERCENT.
- n) SUITABLE LAND - LANDS NOT SITUATED WITHIN AN IDENTIFIED FLOODWAY OR FLOODWAY FRINGE AREA, OR CHARACTERIZED BY 30% SLOPE OR GREATER.
- o) ~~Structure---For purposes of this section, anything constructed or erected, on the ground or attached including but not limited to the following: buildings, factories, sheds, cabins, mobile homes, and other similar items.~~

10.060 HISTORIC RESOURCE DISTRICT (HR)

The HR designation is intended to protect historic features and characteristics of structures and sites.

10.061 PURPOSE:

The purpose of this section is to provide a means to identify structures and sites which represent a historical or cultural resource to the community and to confirm that these structures and sites warrant special attention. A structure or site receiving the Historic Resource (HR) designation provided by this section is intended to be protected by this designation.

10.062 AREA OF APPLICATION:

A HR district may be applied to any site or structure and combined with any zone. The HR district shall be considered a combining district while the existing district shall be considered the basic or underlying district. The application of the HR district shall be considered on a case-by-case basis and may only be applied to historic structures or sites. The status of the HR district once established is attached to the structure or site and is not personal in nature, (i.e., ownership of the site or structure may be changed).

10.063 LAND USE:

- .01 In a HR district all uses permitted outright in the basic or underlying zone shall be permitted subject to protection or preservation conditions established by the City Council deemed necessary to preserve the historic character or feature of the site or structure.

10.064 HISTORIC RESOURCE DESIGNATION PROCEDURE

- .01 The Board of Directors of the Troutdale Historical Society, area residents, or persons owning property in Troutdale may request an HR zone designation for a specific site or structure.
- .02 A staff report shall be prepared by the city planning staff. Upon completion of the report the application shall be placed on the agenda for a public hearing before the Planning Commission. The public notice and hearing shall be conducted in accordance with the procedures and requirements of Section 12.040 of this ordinance.
- .03 The Planning Commission shall review and make recommendations to the City Council on all applications for the status of Historical Resource (HR) made pursuant to this district. When recommending any application for HR designation the Planning Commission shall identify those characteristics and features of the site or structure that are historically significant and warrant protection.
- .04 The City Council, within 45 days from the receipt of the Planning Commission recommendation, shall by ordinance approve the application in whole or in part, or shall by motion disapprove



it in its entirety. When approving any application for Historic Resource (HR) designation, the City Council shall identify those characteristics, features, or portions of the structure or site that are historically significant and warrant protection.

- .05 No building, alteration, demolition or removal permits for any structure or site shall be issued while the public hearing or any appeal related thereto is pending.

#### 10.065 HISTORIC RESOURCE EVALUATION CRITERIA

The Planning Commission and City Council shall use the following criteria and standards to evaluate whether a particular site or structure merits a Historic Resource (HR) designation.

##### .01 Historic Considerations:

- a) The structure or site is associated with the life or activities of a major historic person.
- b) The structure or site is associated with a major group or organization in the nation, state or community.
- c) The structure or site is associated with a major historical event (whether cultural, economic, social or political).

##### .02 Architectural Considerations:

- a) The structure is one of a few of its age remaining in the City.
- b) The structure is a unique example of a particular architectural style or period.
- c) The structure is one of many good examples in the City of a particular architectural style or period.
- d) The structure is the work of a nationally famous architect.
- e) The structure is the work of a major local architect or builder.
- f) The structure is an architectural curiosity or picturesque work or particular artistic merit.
- g) The structure contains evidence or original materials and/or workmanship which can be valued in themselves.
- h) The integrity of the original design has been retained.

##### .03 Site Considerations:

- a) The site is generally visible to the public.
- b) The site can be or could be an important element in the character of the City or neighborhood.

- c) The site is not subject to encroachment by detrimental influences.

.04 Use Considerations:

- a) The structure or site is threatened with demolition by public or private action.
- b) The structure or site has sufficient educational value to warrant consideration.
- c) The structure can be adapted to a new use without harm to those architectural elements which contribute to its significance.

10.066 ORDINARY MAINTENANCE AND REPAIR

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this section that does not involve a change in design, material or external appearance thereof, nor does this ordinance prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the Building Official certifies to the City Council that such action is required for the public safety due to an unsafe or dangerous conditions which cannot be rectified through the use of the Historical Building Code.

10.067 SHOWING OF HARDSHIP

The City Council may approve an application for a permit to carry out any proposed work contrary to the conditions of Historic Resource District, if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the City Council that disapproval of this application will work immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work, whether this be property owner, tenant or resident. If a hardship is found to exist under this section, the City Council shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such a finding.

10.068 VIOLATIONS

It is unlawful for any person to tear down, demolish, alter, or remove any features or characteristics of the Historic Resource designated structure or site that have been deemed historically significant by the City Council.

## 7.061 LAND USE

- .01 ~~Apartments MULTI-FAMILY and/or business-office-buildings containing apartments in the upper-story according to the standards of this Section.~~
- .02 The following uses WHEN COMBINED WITH MULTI-FAMILY USES shall be permitted in this district when developed in accordance with the standards of this Section:
- d) ANY COMMERCIAL USE PERMITTED IN THE C-4 DISTRICT.
- ~~.03 Limitations:~~
- a) ~~Except for those items necessarily related to the business or profession, no goods, wares or merchandise shall be displayed, sold or serviced on any lot in this district.~~
- b) ~~All uses and operations shall be confined, contained and conducted wholly within completed enclosed buildings, except off-street parking and loading areas.~~
- ~~.04 Special uses such as parks, playgrounds or community centers, churches, schools, and uses of a similar nature, as provided in the Community Service Section, when approved by the Planning Commission.~~

7.063 ~~ADDITIONAL CONDITIONS~~

~~The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect public health, safety and welfare, the adjacent property owners and the public interest.~~

## 7.064 RESTRICTIONS

Except as otherwise specified herein, all apartments MULTI-FAMILY DWELLINGS shall fulfill the applicable restrictions of the A-2 Section of this ordinance. All other uses permitted by this Section shall meet the following requirements:

- .01 Setbacks
- e) In a transitional area the setbacks FOR YARDS ADJACENT TO RESIDENTIAL USES shall be that of the most restrictive adjoining residential district.
- .05 PUBLIC FACILITIES

All lots shall have frontage or approved access to public streets, public water and ~~public~~ sewers, AND ADEQUATE STORM SEWERS before development is allowed.

.07 PARTITION

No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.

.10 DENSITY AND FLOOR AREA RATION. COMMERCIAL AND OFFICE USES MAY BE DEVELOPED IN CONJUNCTION WITH RESIDENTIAL USES WHEN THE DEVELOPMENT PLAN CONSISTS OF NO LESS THAN 12 DWELLING UNITS PER ACRE AND WHERE COMMERCIAL AND OFFICE SPACE REPRESENTS NO MORE THAN 50 PERCENT OF THE TOTAL FLOOR AREA OF THE DEVELOPMENT.

.11 ALL USES AND OPERATIONS SHALL BE CONFINED, CONTAINED AND CONDUCTED WHOLLY WITHIN COMPLETELY ENCLOSED BUILDINGS, EXCEPT OFF STREET PARKING AND LOADING AREAS.

8.030 GENERAL COMMERCIAL

C-2

8.031 LAND USE

.02 Any of the following uses:

r) APARTMENTS WHEN DEVELOPED IN ACCORDANCE WITH THE STANDARDS OF THIS SECTION.

8.034 RESTRICTIONS

.07 PARTITIONS

8.035 APARTMENTS

APARTMENT ARE ALLOWED IN CONJUNCTION WITH COMMERCIAL USES SUBJECT TO ALL OF THE ABOVE RESTRICTIONS AND THE FOLLOWING REQUIREMENTS:

.01 THE COMMERCIAL USE SHALL BE THE PRIMARY USE, SITUATED ON THE GROUND FLOOR WITH MAJOR ACCESS FROM THE FRONT YARD.

.02 APARTMENTS SHALL BE PHYSICALLY SEPARATED FROM COMMERCIAL USES AND HAVE SEPARATE ACCESS.

.03 THE OUTDOOR LIVING SPACE ATTENDANT TO APARTMENTS SHALL NOT PRESENT A DISCORDANT CHARACTER FROM THE NEIGHBORING COMMERCIAL USES.

.04 OFF-STREET PARKING SHALL BE PROVIDED AS REQUIRED IN SECTION 10.020.

8.000 COMMERCIAL DISTRICTS

C-4

8.011 LAND USE

.02

u) BANK

8.012 SIGNS

d)

5) A free-standing sign shall not exceed ~~ten (10)~~ TWENTY (20) feet in height.

10.022 OFF-STREET PARKING

OP

10.023 MINIMUM REQUIRED OFF-STREET PARKING SPACES

.01 Residential Uses

i) APARTMENTS WHEN COMBINED WITH  
RETAIL AND OFFICE USES.

THREE (3) SPACES FOR  
EVERY TWO DWELLING UNITS  
PLUS THE RETAIL AND OFFICE  
OFF-STREET PARKING  
REQUIREMENT.

## 7.051 LAND USE

- ~~7.07 In the areas designated by the Comprehensive Plan as transitional, the following uses are permitted:~~
- ~~a) Limited retail uses and convenience markets on a conditional use basis.~~
  - ~~b) Offices on a conditional use basis.~~
  - ~~c) Parking as required in Section 10.020.~~
  - ~~d) Other uses of a transitional nature as determined by the Planning Commission.~~
- ~~7.08 The transitional uses shall conform to all the requirements of this ordinance which apply.~~
- ~~7.09~~
- ~~b) Mobile home parks.~~

## 7.055- MOBILE HOME PARKS

~~A mobile home park may be approved by the Planning Commission and shall be subject to all of the above restrictions except the minimum lot size. In addition, mobile home parks shall comply with the following requirements:~~

- ~~7.01 A development plan shall accompany each application and shall contain details on the following items: topography, public utilities, parking, streets, landscaping, and any other reasonable information required by the Planning Commission.~~
- ~~7.02 The development plan shall comply with all applicable codes and ordinances and the following minimum standards:~~
  - ~~a) Each site shall be adequately served by public services and facilities such as water, sewers, sidewalks and improved streets. Each mobile home unit shall be provided with water, sewer and electrical connections.~~
  - ~~b) Each mobile home park shall have a minimum frontage of one hundred (100) feet, a minimum depth of one hundred and fifty (150) feet, and an area of not less than four (4) acres.~~
  - ~~c) There shall not be more than 10 mobile home units per acre.~~
  - ~~d) All mobile homes shall be located at least twenty-five (25) feet from any public street or highway and at least ten (10) feet from a side or rear property line.~~
  - ~~e) No structure shall exceed twenty-five (25) feet in height.~~

- f) ~~There shall be a minimum of two (2) off-street parking spaces for every mobile home.~~
- g) ~~Accessways or driveways shall be lighted in accordance with the City street lighting standards for local residential streets or as approved by the Planning Commission.~~
- h) ~~Primary access shall be from major streets and shall be designed to cause minimum interference with traffic movement. Where necessary additional right-of-way shall be dedicated to maintain adequate traffic circulation. All mobile home parks containing a total area of ten (10) acres or more should provide secondary access into the park. Such secondary access shall enter the public street system at least one hundred and fifty (150) feet from the primary access.~~
- i) ~~Gul-de-sacs shall not exceed five hundred (500) feet in length.~~
- j) ~~Driveways shall be designed to provide for all maneuvering and parking of mobile homes without encroaching on a public street.~~
- k) ~~A sight-obscuring fence, evergreen hedge, or wall, not less than five (5) feet nor more than eight (8) feet in height, may be required by the Planning Commission in order to surround or partially surround each mobile home park site.~~
- l) ~~The Planning Commission may require a public access walkway.~~
- m) ~~Each mobile home space shall contain a minimum of two thousand five hundred (2,500) square feet, however, the owner has the option to reduce the minimum size to two thousand (2,000) square feet if an area of two hundred and fifty (250) square feet, for each mobile home, is provided as recreation area. Recreational area requirements are detailed in subsection (n) of this Section. Each mobile home space shall be a minimum of twenty five (25) feet in width, and shall abut on a drive with unobstructed access to a street. Mobile homes shall be sited so as to have a minimum of fifteen (15) feet between each unit.~~
- n) ~~Recreation areas, which may be required under the conditions of subsection (m) of this Section, shall be suitably equipped and restricted to such uses. Such areas shall be protected from streets and parking areas. The minimum size of each recreation area shall be two thousand five hundred (2,500) square feet.~~
- o) ~~No mobile home shall remain in a mobile home park unless space is available.~~
- p) ~~Permanent structures located on any mobile home space shall be used for storage purposes only. These structures shall have a minimum area of twenty five (25) square feet, be located not less than six (6) feet from any mobile home and shall be subject to all of the applicable provisions of the City's Building Code. These structures shall be uniform and included in the plan submitted to and approved by the Planning Commission.~~

## 7.021 LAND USE

~~7.06 In the areas designated by the Comprehensive Plan as transitional, the following uses are permitted:~~

- ~~a) Limited retail uses and convenience markets on a conditional use basis.~~
- ~~b) Offices on a conditional use basis.~~
- ~~c) Parking, as required in Section 10.020.~~
- ~~d) Other uses of a similar nature as determined by the Planning Commission.~~

~~7.07 The transitional uses shall conform to all other requirements of this ordinance which apply.~~

## 7.030 SINGLE-FAMILY AND LIMITED TWO-FAMILY RESIDENTIAL

R 7

## 7.031 LAND USE

~~7.06 In the areas designated by the Comprehensive Plan as transitional, the following uses are permitted:~~

- ~~a) Limited retail uses and convenience markets on a conditional use basis.~~
- ~~b) Offices on a conditional use basis.~~
- ~~c) Parking as required in Section 10.020.~~
- ~~d) Other uses of a similar nature as determined by the Planning Commission.~~

~~7.07 The transitional uses shall conform to all requirements of this ordinance which apply.~~

.06 USES CUSTOMARILY INCIDENT TO ANY OF THE ABOVE USES, INCLUDING HOME OCCUPATION.

## 7.040 TWO-FAMILY RESIDENTIAL

R 4

## 7.041 LAND USE

~~7.07 In areas designated by the Comprehensive Plan as transitional, the following uses are permitted:~~

- ~~a) Limited retail uses and convenience markets on a conditional use basis.~~
- ~~b) Offices on a conditional use basis.~~
- ~~c) Parking as required in Section 10.020.~~
- ~~d) Other uses of a transitional nature as determined by the Planning Commission.~~



~~.08 The transitional uses shall conform to all the requirements of this ordinance which apply.~~

10.030 PLANNED DEVELOPMENT DISTRICT

P D

10.031

.02 Action and Findings

(a) The Planning Commission may recommend approval of the Planned Development District and the ~~General~~ PRELIMINARY Development Plan and Program, with or without modifications or may deny the application. A decision to recommend approval of a Planned Development District shall be based ~~upon the following findings:~~ ON SUBSTANTIAL CONFORMANCE WITH THE FOLLOWING FINDINGS:

- 1) That the proposed development is in ~~substantial conformance~~ COMPLIANCE with the Comprehensive Plan for the City.
- 2) That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program. THESE DESIGN AND AMENITY FEATURES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING-
  - a) USABLE COMMON OPEN SPACE
  - b) CLUSTER DEVELOPMENT
  - c) RATIONAL ALIGNMENT OF PUBLIC FACILITIES
  - d) PUBLIC USES, I.E., SCHOOLS, PARKS, RECREATIONAL FACILITIES AND THE LIKE.
- 3) THAT THE PROPOSAL, EITHER THROUGH THE FORMATION OF A HOMEOWNERS' ASSOCIATION OR THROUGH ITS DESIGN AND AMENITY FEATURES, CAN REDUCE THE PUBLIC COST FOR THE SAME LEVEL OF FACILITIES (STREETS, SEWERS AND STORM SEWERS) AND SERVICES (POLICE AND FIRE PROTECTION) AS REQUIRED BY THE STANDARDS OF THE UNDERLYING ZONE.
- 4) That the proposal is ~~in harmony~~ COMPATIBLE with the surrounding area or its potential future use, AND THAT IT ALLOWS FOR THE RATIONAL EXTENSION OF PUBLIC FACILITIES.
- 5) ~~That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable.~~

THAT THE FOLLOWING FINANCIAL CONSIDERATIONS ARE ADDRESSED:

- a) THAT THE APPLICANT SHOULD DEMONSTRATE A SUBSTANTIAL CONTRACTURAL INTEREST IN THE LAND;
  - b) THAT FINANCING CAN BE DEMONSTRATED TO BE AVAILABLE TO APPLICANT SUFFICIENT TO ASSURE SUBSTANTIAL COMPLETION OF THE PROPOSAL;
  - c) 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 GREENWAY, RECREATIONAL AREAS AND ALL COMMUNALLY OWNED FACILITIES.
- 5) ~~That the approval will have a beneficial effect on the area which could not be achieved under other zoning districts.~~
- 6) ~~That the proposed development, or a unit thereof,~~ can be substantially completed within four (4) years following approval.