

ORDINANCE NO. 638

**AN ORDINANCE AMENDING CHAPTERS 2, 3, 7, 15, & 16 OF THE
TROUTDALE DEVELOPMENT CODE**

WHEREAS, recent revisions to state planning laws necessitates corresponding amendments to the City's Development Code; and

WHEREAS, additional amendments to the Development Code are deemed appropriate and necessary to address other issues and concerns; and

WHEREAS, the Planning Commission held a public hearing on November 20, 1995 to consider these proposed amendments and has forwarded this matter onto the City Council with a recommendation for adoption; and

WHEREAS, the City Council held a public hearing concerning these amendments on January 9, 1996 and January 23, 1996 to provide the opportunity for public comment; and

WHEREAS, the City Council is satisfied that this matter has been adequately considered;

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

Section 1: Findings. Findings of fact in support of the proposed text amendments to the Troutdale Development Code are as follows:


1. Adoption of these amendments involve a legislative action which is being processed in accordance with provisions of Chapter 15 of the Troutdale Development Code.
2. Amendments pertaining to expedited land divisions and public hearing procedures for land use decisions are mandated by recent changes to state law.
3. Amendments pertaining to the Central Business District use table have been recommended by the downtown task force and are primarily intended to simplify and clarify the uses listed.
4. Amendments relating to traffic management measures formalize the City's authority to require certain street improvements as a condition of subdivision approval and will allow the City to deal proactively with traffic management measures on new local streets.

- 1 5. Amendments relating to Comprehensive Plan, Development Code or Zoning Map
2 amendments are general housekeeping changes to give clarity to the procedures and
3 approval criteria that govern the amendment process.
4
5 6. The proposed amendments are consistent with the general goals and policies of the
6 Troutdale Comprehensive Plan and with all applicable statewide planning goals.
7
8 7. The proposed amendments will not adversely affect the health, safety and welfare of
9 Troutdale citizens.
10
11 8. Public need is best satisfied by these proposed amendments.
12
13 9. Notice of the public hearing has been provided in accordance with applicable law.
14
15 10. The staff report, minutes and final order from the November 15, 1995 Planning
16 Commission public hearing, and the staff report and minutes of the City Council
17 public hearings of January 9, 1996 and January 23, 1996 are incorporated herein by
18 reference as part of these findings.
19

20 **Section 2: Text Amendments to the Development Code.** Based on the above findings, the
21 Troutdale Development Code (Ordinance No. 491-O) is hereby amended to incorporate those
22 changes contained in Exhibit A-1.
23

24 YEA: 5
25 NAY: 0
26 ABSTAIN: 0
27

28
29 
30 Paul Thalhoffer, Mayor
31 Dated: 1-25-96
32

33 
34 George Martinez, City Recorder
35 Adopted: 1-23-96
36

AMENDMENTS
(TEXT AMENDMENT NO. 20)
to the
TROUTDALE DEVELOPMENT CODE
(ORDINANCE NO. 491-0)

PERTAINING TO :

1. Expedited land divisions
2. Traffic management measures in local streets
3. Uses allowed in the Central Business District Zone
4. Procedures to amend the Comprehensive Plan,
Development Code and Zoning Map
5. Public hearing process for land use decisions

City of Troutdale
Department of Community Development
Adopted: January 23, 1995

AMENDMENTS TO THE TROUTDALE DEVELOPMENT CODE

1 **Section 1.** The following section is added to and made a part of TDC chapter 2:

2 **2.140 Expedited Land Division**

3 A land division shall be processed pursuant to the expedited land division procedures set forth
4 in ORS chapter 197 if (a) the land division qualifies as an expedited land division as that term
5 is defined in ORS chapter 197 and (b) the applicant requests the land division to be processed
6 as an expedited land division.

7 **Section 2.** TDC section 7.180 is amended to read as follows:

8 **7.180 Design Requirements.**

9 M. **Streets.** No subdivision or partition shall be approved unless the development
10 has frontage or approved access to an existing public street. In addition, all
11 streets shall be graded and improved and in conformance with the City's
12 construction standards, approved by the Director of Public Works, in
13 accordance with the construction plans.

14 2. **Local Streets.** Local streets shall be laid out to conform as much as possible
15 to the topography, to permit efficient drainage and utility systems, to require the
16 minimum number of streets necessary to provide convenient and safe access to
17 property, and to allow as much as practical for the southern exposure of homes
18 for solar access. Where the length or design of the street allows or promotes
19 excessive speeds, traffic management measures such as speed humps and
20 circles, are encouraged and may be required if needed to ensure the safe
21 operation of the street.

22 10. **Surfacing and Improvements.** Public streets, including alleys, within the
23 development shall be improved in accordance with the requirements of the City
24 or the standards of the Oregon State Highway Department. An overlay of
25 asphaltic concrete, or material approved by the Director of Public works, shall
26 be placed on all streets within the development. Where required, speed humps
27 shall be constructed in conformance with the City's standards and
28 specifications.

1 **Section 3.** TDC Section 3.131 is amended to read as follows:

2 3.131 **Purpose.** The Central Business District provides for retailing, personal, professional,
 3 business and industrial services within the downtown business area.

PERMITTED(P) AND CONDITIONAL USES(CU) A = Anchor B = Market C = Promenade D = Railroad	SUBAREA			
	A	B	C	D
4 Apartments and duplexes	P	P	P	P ¹
5 Assembly or limited manufacturing uses	CU	CU	CU	CU
6 Automobile repair shops	P	CU	CU	CU
7 Automobile fueling stations	CU	--	--	--
8 Bed and breakfast inn	P	P	P	--
9 Boat ramp; repair shop and service facility	P	P	P	P
10 Congregate housing, nursing homes and homes for the aged	CU	CU	CU	CU
11 Convenience store	P	CU	CU	--
12 Museum, theater, gallery or studio for art, dance, photography	P	P	P	P
13 Parking garage or parking lot	P	P	P	P
14 Personal services including but not limited to: medical or dental 15 clinic, small animal veterinary clinic, pharmacy, professional 16 offices, general business office, savings and loan companies or 17 other financial institutions	P	P	P	P
18 Restaurant (excluding fast food with drive thru), tavern or 19 lounge	P	P	P	P
20 Retail stores, including but not limited to: gift shop, florist 21 shop, book store, clothing store, dress shop, automotive 22 accessories store, hardware or variety store, garden supply 23 store, pet store, jewelry store, shoe store, office supply, art and 24 photo supply, liquor store, grocery store (excluding a conve- 25 nience market), meat market, bakery, delicatessen or catering 26 establishment	P	P	P	P
27 Service, sales and repair including but not limited to: business 28 machines, bicycles, appliances, scientific or musical 29 instruments, locksmith or gunsmith	P	P	P	P
30 Sport fishing facility, recreational vehicle park	--	--	CU	--
31 Utility facility: major and community service uses	CU	CU	CU	CU
32 Utility facility: minor	P	P	P	P

¹ Permitted above street level floor of commercial establishments only

1 Section 4. TDC sections 15.010, 15.020 and 15.050 are amended to read as follows:

2
3 15.010 Action Under this Code.

4
5 A. Amendments to the Comprehensive Plan text, the Comprehensive Plan Map, the
6 Development Code text, and the Zoning District Map shall be processed as a
7 Type IV legislative or Type IV quasi-judicial procedure.

8 B. Amendments to the Comprehensive Plan text and the Development code text
9 shall be processed as a legislative procedure. These types of amendments may
10 be initiated in any one of the following ways:

11 1. By motion of the City Council.

12 2. By motion of the Planning Commission.

13 3. Private citizens or groups may recommend specific Comprehensive Plan
14 or Development Code text changes to either the City Council or
15 Planning Commission but may not initiate a change to either text.

16 C. Amendments to the Comprehensive Plan Map or the Zoning District Map
17 involving more than 4 separate ownerships or more than 15 acres of land shall
18 be processed as a legislative procedure. These types of map amendments may
19 be initiated in any one of the following ways:

20 1. By motion of the City Council.

21 2. By motion of the Planning Commission.

22 3. By property owners or persons purchasing property under contract filing
23 an application with the City.

24 D. Amendments to the Comprehensive Plan Map or the Zoning District Map
25 involving 4 or fewer separate ownerships or 15 or less acres of land shall be
26 processed as a quasi-judicial procedure. These types of map amendments may
27 be initiated in any one of the following ways:

28 1. By motion of the City Council.

29 2. By motion of the Planning Commission.

30 3. By property owners or persons purchasing property under contract filing

1 an application with the City.

- 2 E. Amendments may be considered at anytime and may follow or be in conjunction
3 with other amendments.

4 15.020 Hearing Notice

- 5 A. Legislative Type IV Procedure. Notice of a hearing on a legislative decision
6 need not include a mailing to property owners or posting of property. Where
7 such mailing or posting is omitted, the Director shall prepare a notice program
8 designed to reach persons believed to have a particular interest and to provide
9 the general public with a reasonable opportunity to be aware of the hearings on
10 the proposal.

- 11 B. Quasi-Judicial Type IV Procedure. Notice of a hearing on a quasi-judicial
12 decision shall include a mailing to property owners and a posting of property
13 affected by the decision. Notice shall be in conformance to Chapter 16 of this
14 code and applicable state law.

15 15.050 Planning Commission Recommendation. In preparing its recommendation the
16 Planning Commission shall evaluate the proposal based on the following
17 criteria:

- 18
19 A. Approval Criteria - Text Amendment. The following criteria shall be used to
20 review and decide amendments to the text of the Comprehensive Plan or
21 Development Code.

- 22 1. For Comprehensive Plan text amendments, compliance with the
23 Statewide Land Use goals and related Administrative Rules.
24
25 2. Public need is best satisfied by this particular change.
26
27 3. The change will not adversely affect the health, safety and welfare of the
community.
28
29 4. In the case of Development Code amendments, the particular change
does not conflict with applicable comprehensive plan goals or policies.

- 30 B. Approval Criteria - Plan Map Amendment. The following criteria shall be used
31 to review and decide both legislative and quasi-judicial Comprehensive Plan
32 map amendments:

- 33 1. Compliance with applicable Statewide Land Use Planning Goals.

- 1 2. Consistency with the applicable goals and policies of the Troutdale
2 Comprehensive Plan.
- 3 3. The Plan does not provide adequate areas in appropriate locations for
4 uses allowed in the proposed land use designation and the addition of
5 this property to the inventory of lands so designated is consistent with
6 projected needs for such lands.
- 7 4. The Plan provides more than the projected need for lands in the existing
8 land use designation.
- 9 5. Uses allowed in the proposed designation will not significantly adversely
10 affect existing or planned uses on adjacent lands.
- 11 6. Public facilities and services necessary to support uses allowed in the
12 proposed designation are available or are likely to be available in the
13 near future.

14 C. Approval Criteria - Zoning District Map Amendments. The following criteria
15 shall be used to review and determine both legislative and quasi-judicial zoning
16 district map amendments:

- 17 1. The proposed zone is appropriate for the Comprehensive Plan land use
18 designation on the property and is consistent with the description and
19 policies for the applicable Comprehensive Plan land use classification.
- 20 2. The uses permitted in the proposed zone can be accommodated on the
21 proposed site without exceeding its physical capacity.
- 22 3. Adequate public facilities, services and transportation networks are in
23 place, or are planned to be provided concurrently with the development
24 of the property.
- 25 4. The amendment will not interfere with the livability, development or
26 value of other land in the vicinity of site-specific proposals when
27 weighed against the public interest in granting the proposed amendment.
- 28 5. The amendment will not be detrimental to the general interest of the
29 community.

30 **Section 5.** TDC section 16.050, 16.080, 16.090, 16.100 and 16.110 are amended to read
31 as follows: