

## ORDINANCE NO. 814

### AN ORDINANCE AMENDING THE TROUTDALE DEVELOPMENT CODE (TEXT AMENDMENT NO. 47) FOR SUBSTANTIAL COMPLIANCE WITH TITLE 13 OF THE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN—NATURE IN NEIGHBORHOODS

#### THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. These text amendments are initiated to comply with Title 13 of the Metro Urban Growth Management Functional Plan, Nature in Neighborhoods to protect regionally significant fish and wildlife habitat in compliance with Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. The purpose of Metro Title 13 is to: (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from stream headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.
2. The City's position submitted to Metro in Resolution 2132 dated December 15, 2011, was that the existing standards of the Troutdale Development Code, Troutdale Municipal Code and City of Troutdale Construction Standards for Public Works Facilities substantially comply with Metro Title 13. This position was rejected by Metro January 9, 2012. City and Metro staff met to resolve the deficiencies in habitat friendly development standards of the City's codes as interpreted and defined by Metro.
3. The Troutdale City Council appointed a three-person Negotiating Team to represent the City's position before Metro. Following a March 1, 2012 meeting with Metro's Chief Operating Officer, Metro planning staff, Metro Councilor Shirley Craddick and others, the City Manager, Community Development Director and Senior Planner prepared revised amendments for substantial compliance with Metro Title 13 that included discretionary standards and included specific standards for development in City-owned and Metro-owned parks and greenspaces and an option for development within the Vegetation Corridor and Slope District in compliance with an approved District Plan.
4. The City Council held a work session with staff and consulting attorney, Mr. Ed Trompke on April 3, 2012 to discuss the proposed revisions and affirm that the amendments, if adopted, will bring the City's standards into substantial compliance with Metro Title 13. The City Council directed staff to prepare Code amendments to address issues on which Metro staff and city staff agreed and

scheduled the first reading of the amendments (Text Amendment No. 47) for May 22, 2012.

5. Habitat Friendly Development Practices of Metro Title 13 are substantially met by the amendments as follows:
  - a. The amendments apply the standards of TDC 4.300 to the Habitat Conservation Areas (HCA) of all City-owned and Metro-owned parks and greenspaces as shown on the Metro Title 13 Habitat Conservation Area map in addition to the Vegetation Corridor and Slope District (VECO) as currently established in TDC 4.300.
  - b. The amendments identify additional uses allowed within the VECO as well as the additional HCA of City- and Metro-owned parks and greenspaces: low impact outdoor recreation facilities; removal of trees as necessary for construction otherwise permitted as well as dead or dying trees; uses consistent with an adopted master plan for a park or greenspace; development that must implement a Federal Aviation Administration compliant wildlife hazard management plan; uses and development in an approved in a District Plan.
  - c. The amendments identify exempt development and uses: water dependent development and maintenance of drainageways and levees managed for flood control by the Sandy Drainage Improvement Company.
  - d. The proposed text amendments include both discretionary and objective development standards to minimize hydrologic impacts within the vegetation corridor and slope overlay districts of the City.
  - e. The amendment to Troutdale Development Code 5.840.A.2. allows for the incorporation of stormwater quality facilities into the entire Vegetation Corridor and Slope District.
  - f. The amendments allow the Vegetation Corridor and Slope District to count toward required landscaping.
6. Habitat Friendly Development Practices of Metro Title 13 are already substantially met by these existing development standards and codes of the City of Troutdale:
  - a. The Troutdale Development Code (TDC) includes measures to avoid development in protected areas, called the vegetation corridor and slope district and habitat conservation area. The avoidance measures allow for flexibility in setbacks; increased height for apartments; clustering of homes; density transfers; use of the Vegetation Corridor and Slope District as part of required landscaping in order to preserve that area; conservation of the Vegetation Corridor and Slope District when a density transfer is used.

- b. The TDC standards for off-street parking and loading and City of Troutdale Construction Standards for Public Works Facilities allow developers to use pervious paving materials in parking areas, driveways, aisles and turnarounds.
- c. The TDC and the City of Troutdale Construction Standards for Public Works Facilities do not expressly prohibit the collection of rooftop runoff into rain barrels for later use in lawn and garden watering or the use of rain gardens within landscaped areas to provide on-lot detention, filtering of rainwater, and groundwater recharge. Rain gardens may be proposed, evaluated and approved on a case-by-case basis provided it is in compliance with Chapter 11 Storm Drainage of the State of Oregon Plumbing Specialty Code and the State Plumbing Code Approved Alternate Methods.
- d. The TDC and the City of Troutdale Construction Standards for Public Works Facilities do not expressly prohibit the use of green roofs for runoff reduction, energy savings, improved air quality and enhanced aesthetics. Green roofs may be proposed, evaluated and approved on a case-by-case basis provided it is in compliance with Chapter 11 Storm Drainage of the State of Oregon Plumbing Specialty Code and the State Plumbing Code Approved Alternate Methods.
- e. The TDC and the City of Troutdale Construction Standards for Public Works Facilities do not expressly prohibit the disconnection of downspouts from roofs to redirect the flow of stormwater to rain gardens or the Vegetation Corridor. Downspouts disconnection may be proposed, evaluated and approved on a case-by-case basis provided it is in compliance with Chapter 11 Storm Drainage of the State of Oregon Plumbing Specialty Code and the State Plumbing Code Approved Alternate Methods.
- f. The TDC and the City of Troutdale Construction Standards for Public Works Facilities do not expressly prohibit the use of multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems. A multi-functional open drainage system may be proposed, evaluated and approved on a case-by-case basis provided it is in compliance with Chapter 11 Storm Drainage of the State of Oregon Plumbing Specialty Code and the State Plumbing Code Approved Alternate Methods.
- g. The TDC and the City of Troutdale Construction Standards for Public Works Facilities do not expressly prohibit the use of bio-retention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants, and may be proposed, evaluated and approved on a case-by-case basis provided it is in compliance with Chapter 11 Storm Drainage of the State of Oregon Plumbing Specialty Code and the State Plumbing Code Approved Alternate Methods.

- h. The TDC and the City of Troutdale Construction Standards for Public Works Facilities do not expressly prohibit the use of a treatment train approach to provide multiple opportunities for stormwater treatment and reduce the possibility of system failure, and treatment trains may be proposed, evaluated and approved on a case-by-case basis provided it is in compliance with Chapter 11 Storm Drainage of the State of Oregon Plumbing Specialty Code and the State Plumbing Code Approved Alternate Methods.
- i. The TDC and the City of Troutdale Construction Standards for Public Works Facilities include a variance procedure to consider narrower driveways to reduce the impervious impacts of residential driveways within the Vegetation Corridor and Slope District on a case-by-case basis.
- j. The existing TDC and the City of Troutdale Construction Standards for Public Works Facilities do not prohibit residential access from the rear of a site in order to reduce impervious impacts within the Vegetation Corridor and Slope District.
- k. The TDC and the City of Troutdale Construction Standards for Public Works Facilities, allow for shared driveway access on a case-by-case basis where there are easements for reciprocal ingress/egress or where such easements can be obtained.
- l. The TDC and the City of Troutdale Construction Standards for Public Works Facilities, allow a developer to request narrower street rights-of-way, sidewalks on one side, and reduced travel lane width, through the discretionary review process when not in conflict with required fire access and ADA standards.
- m. The TDC and the City of Troutdale Construction Standards for Public Works Facilities, require local streets to be laid out to permit efficient drainage and minimize the number and length of streets necessary to serve the development.
- n. The TDC design and construction standards for stream crossings minimize impacts on wildlife corridors and fish passage by encouraging the use of bridges rather than culverts, where practicable.
- o. Migratory routes of terrestrial wildlife have been mapped by Metro. However, only local streets are expected to be built in remaining undeveloped areas of the City. Local streets do not have barriers to terrestrial wildlife migration, such as center dividers nor are they walled.
- p. The TDC already requires the use of native plants exclusively within the Vegetation Corridor and Slope District and encourages the use of native plants throughout development when it is adjacent to the Vegetation Corridor and Slope District.

- q. The Outdoor Lighting standards of the Troutdale Municipal Code, Chapter 8.26, reduce light-spill into the Vegetation Corridor and Slope District because the standards require shielding of outdoor lights so that light is directed down and only directly illuminates the property upon which the light is located.
  - r. Preservation of trees on undeveloped and underdeveloped property outside of the Vegetation Corridor and Slope District is regulated by the Tree Removal standards of Troutdale Municipal Code Chapter 13.10.270 and applies to trees of six inches in diameter or greater as measured at 4.5 feet above the ground on the upslope side of the tree.
  - s. Tree preservation within the Vegetation Corridor and Slope District and Flood Management Area is regulated by the standards of Troutdale Development Code 4.312 and the mitigation standards proposed in TDC 4.315A.3.
- 7. The previously adopted Metro Title 3 Water Quality, Flood Management and Fish and Wildlife Conservation map will continue to be the reference map for applying these standards as well as the Metro Title 13 Habitat Conservation Area map as it applies to City-owned and Metro-owned parks and greenspaces.
  - 8. The Oregon Department of Land Conservation and Development was notified of the proposed text amendments on April 4, 2012, and a letter dated May 15, 2012 from Amanda Punton, was received in support of the amendments.
  - 9. The hearing notification standards of Troutdale Development Code 15.020(A) for the Type IV Legislative Procedure Notice are met and included written notification to persons believed to have a particular interest in Text Amendment No. 47 and property owners under Measure 56. The written notification was mailed April 18, 2012.
  - 10. All interested parties were given the opportunity to submit written recommendations and comments or speak before the Council prior to the close of the final evidentiary hearing. The following testimonies were received:
    - a. Amanda Punton, Natural Resources Specialist, Oregon DLCD sent a letter dated May 15, 2012, in support of the amendments. Ms. Punton states that for cities within the boundaries of Metro, the regional standards set forth in Metro's Title 13 for protection of significant riparian areas and wildlife habitat will apply to these proposed code revisions. Since Title 13 was acknowledged by the Land Conservation and Development Commission to be consistent with Goal 5 and Oregon Administrative Rule 660-23, local regulation of riparian areas and wildlife habitat that comply with title 13, also comply with Goal 5 for riparian areas and wildlife habitat. DLCD understands that the city has been working closely with metro to draft amendments that substantially meet the requirements of Title 13 and DLCD supports adoption of the amendments as a means to meet local, regional, and state objectives for resource protection.

- b. Jim Labbe, Urban Conservationist with the Audubon Society of Portland sent an email dated April 3, 2012 to Ed Trompke, Attorney at Law, in response to the amendments presented to the Council at the April 3, 2012, work session. Mr. Labbe outlines concerns in his letter that the amendments are deficient with respect to mitigation standards and the allowance of vegetated stormwater facilities outright, without limitations, within the vegetation corridor.
  - c. Tom Bouillion, Planning Manager for the Port of Portland submitted a letter dated May 17, 2012 and spoke at the May 22, 2012 hearing and requested that the Council consider off-site mitigation plantings outside of the City limits and urban planning area. Council directed staff to prepare an amendment that responded to this request.
  - d. Dalton Williams, a property owner, submitted an e-mail dated May 22, 2012 at the hearing and requested that the Council consider adding an exemption for the operation, maintenance, and repair of manmade water control facilities. Council directed staff to prepare an amendment that responded to this request.
  - e. Peter Matzke, a property owner, spoke at the May 22, 2012 hearing and requested that the Council not require mitigation monitoring and reporting.
11. The Text Amendment Approval Criteria of Troutdale Development Code 15.050 are met:
- a. Troutdale Development Code Text Amendment Approval Criterion 15.050 (A) (1) does not apply in that the proposed amendments do not amend the Comprehensive Land Use Plan text.
  - b. Troutdale Development Code Text Amendment Approval Criterion 15.050 (A) (2) is met in that these text amendments do not adversely affect the health, safety, and welfare of the community.
  - c. Troutdale Development Code Text Amendment Approval Criterion 15.050 (A)(3) is met in that the proposed amendments to the Troutdale Development Code do not conflict with the applicable Comprehensive Land Use Plan policies of Goal 5 Pertaining to Natural Resources, Goal 6 Air, Water, and Land Resources Quality and Goal 7 Areas Subject to Natural Disasters and Hazards. The amendments implement the following policies of Goals 5, 6 and 7.
    - 1) Goal 5 Policy 1. The vegetation corridor area is a tool used to conserve open space between protected water features and development. These text amendments pertain to areas generally mapped on Metro's Title 3 "Water Quality and Floodplain Management" map, wetlands mapped on the US Fish and Wildlife Service wetland inventory map as well as unmapped areas that

meet the definition of vegetation corridor and slope district, wetlands, the 100-year floodplain as mapped by FEMA and 1996 floodplain as mapped by Metro.

- 2) Goal 5 Policy 2. Vegetation corridor, steep slope, erosion control and stormwater management development standards reduce potential pollution of domestic groundwater and surface water resources.
- 3) Goal 5 Policy 3. Existing Development Code standards pertaining to the Vegetation Corridor and Slope District and the Flood Management Area, Erosion Control and Water Quality Standards and Stormwater Management standards, address the storage and disposal of hazardous substances. New standards were not required.
- 4) Goal 5 Policy 4. Existing stormwater management standards in TDC 4.300 Vegetation Corridor and Slope District and TDC 5.800 Stormwater management satisfy this policy. The proposed text amendments allow the limited use of vegetated swales for stormwater quality within the vegetation corridor.
- 5) Goal 5 Policy 5. Where the management of drainageways does not conflict with flood control, vegetation corridors adjacent to drainageways will be maintained as specified in the existing text of TDC 4.300 and as amended. The vegetation corridors provide wildlife habitat characteristics including food, water, cover, breeding, nesting, resting and wintering areas.
- 6) Goal 5 Policy 7. The existing standards and proposed amendments include discretionary and objective standards to mitigate for loss of the vegetation corridor when development cannot avoid use of the vegetation corridor.
- 7) Goal 5 Policy 8. Existing "density transfer" standards encourage the creation of new developments ... in a manner compatible with existing and future urban development" while protecting fish and wildlife habitat.
- 8) Goal 5 Policy 9. The City has worked closely with Metro in drafting the proposed amendments. The State Department of Land Conservation and Development was notified of the proposed amendments on April 4, 2012. In accordance with state procedures the City identified the following state and federal agencies, local governments or special districts to be affected by the proposed amendments: Metro, Multnomah County Planning, Multnomah County Transportation, ODOT, Oregon Department of Aviation, Port of Portland, Oregon Division of State Lands, Oregon Department of Fish and Wildlife, US Fish and Wildlife, and the US

Army Corps of Engineers and notification was mailed to those agencies on April 18, 2012.

- 9) Goal 6 Policy 5. The amendments to the standards maintain environmental quality by guiding future development and land use activities. They prohibit activities that will significantly deteriorate the existing high quality of the air, water, and land resources.
- 10) Goal 6 Policy 6. The amendments to the standards adhere to federal and state standards relating to air and water quality.
- 11) Goal 7 Policy 2. The amendments to the standards require that development occur in a manner that respects and retains natural vegetation in areas with sensitive features such as streams, creeks, and other bodies of water and steep slopes.
- 12) Goal 7 Policy 4. The standards require mitigating measures where development occurs on slopes of 25% or greater, which is consistent with this policy.

12. The standards of Troutdale Development Code Chapter 4.600 Flood Management Area, also implement Metro Title 13. Amendments to Troutdale Development Code Chapter 4.600 Flood Management Area to adopt FEMA's new County-wide FIRM and FIS, and including amendments relating to Metro Title 13, were adopted under a separate action on November 10, 2009 as Ordinance No. 798.

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

Section 1. The Troutdale Development Code text shall be amended as shown in Attachment A.

YEAS: 7  
NAYS: 0  
ABSTAINED: 0

  
\_\_\_\_\_  
Mayor Jim Kight

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Debbie Stickney, City Recorder

Adopted: June 12, 2012





**CITY OF TROUTDALE TEXT  
AMENDMENT NO. 47  
PROPOSED TEXT AMENDMENTS  
to the  
TROUTDALE DEVELOPMENT CODE (TDC)  
for compliance with  
TITLE 13 OF THE METRO URBAN GROWTH  
MANAGEMENT FUNCTIONAL PLAN--  
NATURE IN NEIGHBORHOODS**

**Amending:**

- TDC Chapter 1–Introductory Provisions–Section 1.040, Vegetation Corridor and Slope District and Water Quality and Flood Management Area Definitions
- TDC Chapter 4.300–Vegetation Corridor and Slope District
- TDC Chapter 5.800–Stormwater Management
- TDC Chapter 11.000–Landscaping and Screening

TDC CHAPTER 1 – INTRODUCTORY PROVISIONS

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

*There are no changes to the definitions in section 1.040 until a new number .73.*

- .73 Water-dependent. A use which can be carried out only on, in or adjacent to water because it requires access to the water for waterborne transportation or recreation. Water-dependent also includes development which by its nature can be built only on, in, or over water. Bridges supported by piers or pillars as opposed to fill are water-dependent development.

*There are no other changes in Chapter 1 Section 1.040 except for renumbering of current VECO definitions .73 through .76 as .74 to .77.*

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:

*There are no changes in 4.310 until new section E.*

- 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.

*There are no other changes in section 4.311.*

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 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.
8. Construction of stormwater quality facilities in compliance with the standards of section 5.840, Design Standards, of this code.
9. Engineered retaining walls, or similar manmade walls are allowed to protect existing structures upon a determination from a licensed engineer that earth movement threatens the structural integrity of the building. Engineered retaining walls are not allowed to create land for new construction, or to prevent the earth movement of property that is not developed.
10. Rehabilitation or replacement of a structure that is damaged or destroyed to any extent, whether it is partially or fully within the vegetation corridor and slope district, in compliance with subsection 4.315(E) of this chapter. Any structure or use deliberately removed or demolished may not be rehabilitated or replaced except as provided for in subsection 4.315(A) of this chapter.
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).

*There are no changes to TDC 4.312B Prohibited 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.

*There are no proposed changes in this section.*

4.314 Submission Requirements. For the purpose of minimizing sedimentation of protected water features, maintaining water quality, and minimizing erosion and landslide hazards where development is proposed within the vegetation corridor and slope district, the Director shall require submission of the following information.

*There are no changes to 4.314.*

4.315 Development Standards. Permitted uses in the vegetation corridor and slope district are to be developed in compliance with the following development standards or in compliance with an approved District Plan in accordance with Metro Code Section 3.07.1330.B.4(a). 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.

*There are no changes until the addition of new section 4.315 A.2.b.iv.*

A. New Development.

- 2.b.iv. If more than 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.

*There are no further changes until 4.315 A.3.c.*

A.3.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.

TREE REPLACEMENT MITIGATION OPTION 1	
Size of Tree Removed	Number of Trees and Shrubs to Plant
6 to 12" diameter	1 tree and 1 shrub
13 to 18" diameter	2 trees and 3 shrubs
19 to 24" diameter	3 trees and 6 shrubs
25 to 30" diameter	4 trees and 9 shrubs
Over 30" diameter	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 tree and five shrubs for every 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 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 gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.
- d) Plant spacing. Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four

plants, with each cluster planted between eight and ten 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 different species. If ten trees or more are planted, then no more than 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 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 years of the date of planting must be replaced in kind and of sufficient quantity to meet this minimum 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 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 1 and 21st for the next five 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 1 and February 28, and potted plants between October 15 and April 30.
  - (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 inch per week between June 15 to October 15, for three 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 inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.

*There are no changes after 4.315 A3c until 4.315 D.*

- 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 feet from the boundary of the protected water feature. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of ten percent of the trail may be within 30 feet of the protected water feature.
    - b. A paved walkway or bike path shall not be constructed closer than ten feet from the boundary of the protected water feature. For any paved walkway or bike path, the width of the vegetation corridor must be increased by a distance equal to the width of the path. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of ten percent of the trail may be within 30 feet of the protected water feature.
    - c. A walkway or bike path shall not exceed ten 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 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 feet) for regionally significant or federally funded trails, and (2) on other trails, the greater of the width recommended under applicable AASHTO standards for the expected type and volume of use, or four feet.

*There are no changes after 4.315 D until new 4.318.*

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.

*There are no changes prior to section 5.840A2.*

5.840 Design Standards. Water quality facilities for stormwater management, when required, shall be designed, constructed, and sited on the site by the developer to ensure that stormwater runoff is treated onsite prior to discharge into the public storm system, dry-well, street gutters, or any protected water feature. The design shall comply with the standards adopted by the Troutdale Public Works Department.

- A. The water quality facility shall be designed as follows.
1. Water quality facilities shall be located on land with slopes of 15% or less.
  2. Vegetated stormwater quality facilities may be located within the vegetation corridor as defined by this code provided only native vegetation is used.

*There are no further changes to Chapter 5.800.*

TDC CHAPTER 11.000 – LANDSCAPING AND SCREENING

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

*There are no changes to parts A through F of this chapter.*

G. Plant Material.

*There are no changes until new #7 and 8.*

7. The use of native plants throughout the site is encouraged if the site abuts vegetation corridors, steep slopes, wetlands, or floodplain. If native plants are used exclusively, a reduction of five percent of the minimum landscaping requirement will be authorized.
8. Plants listed in the current Oregon Department of Fish & Wildlife Oregon Invasive Species Action Plan as invasive are prohibited. The list is available in the Community Development Department or on the State website.

*There are no further changes to Chapter 11 until a new J.*

- J. The area of the vegetation corridor on a site being developed counts toward the required landscape area.