

RESOLUTION NO. 2132

A RESOLUTION ESTABLISHING THAT THE CITY OF TROUTDALE DEVELOPMENT STANDARDS SUBSTANTIALLY COMPLY WITH TITLE 13 OF THE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN—NATURE IN NEIGHBORHOODS.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City held numerous meetings, work sessions and hearings before the public in consideration of whether the City's codes needed to be amended to substantially comply with Metro Title 13—Nature in Neighborhoods:
 - a. March 4, 2008: introductory work session with the City Council with the Planning Commission and Citizens Advisory Committee.
 - b. November 5, 2008, December 3, 2008 and April 1, 2009: meetings before the Troutdale Citizens Advisory Committee.
 - c. May 20, 2009: public hearing before the Planning Commission.
 - d. May 27, 2009: work session with the Planning Commission and the City Council.
 - e. June 17 and July 15, 2009: public hearings before the Planning Commission. The Planning Commission adopted a recommendation to the Council on July 15, 2009.
 - f. September 15 and 22, 2009: work sessions with the City Council to consider text amendments recommended by the Planning Commission.
 - g. October 13, 2009: public hearing before the City Council to consider recommendations of the Planning Commission with changes as discussed at the September 15 and 22, 2009 Council work sessions. The City Council voted to postpone action indefinitely.
 - h. March 15 and August 16, 2011: work sessions with the City Council to consider text amendments considered on October 13, 2009.
 - i. September 27, 2011: public hearing before the City Council to consider text amendments discussed at the March 15 and August 16, 2011 work

sessions. The City Council directed staff to hold an open house on the proposed amendments.

- j. October 26, 2011: open house on proposed text amendments that were presented at the September 27, 2011 City Council hearing.
 - k. November 8, 2011: public hearing before the City Council to consider text amendments.
2. The purpose of Title 13 of the Metro Urban Growth Management Functional Plan—Nature in Neighborhoods (Section 3.07.1310) is:
- a. To 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
 - b. 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.
3. The existing standards of Troutdale Development Code (TDC) Chapter 4.300 Vegetation Corridor and Slope Overlay, Chapter 4.600 Flood Management Area, 5.600 Erosion Control and Water Quality, 5.800 Stormwater Management, 9.000 Off-Street Parking and Loading, 11.000 Landscaping and Screening; along with the City of Troutdale Construction Standards for Public Works Facilities, and the Troutdale Municipal Code Chapter 13.10.270 Tree Removal carry out the stated purpose of Title 13. These standards for development apply to:
- a. Land next to protected water features, as defined by Metro as part of Title 3 and adopted into the Troutdale Development Code definitions;
 - b. The one percent annual chance floodplain (Special Flood Hazard Areas-SFHA) as mapped by FEMA on the Flood Insurance Rate Maps effective December 18, 2009;
 - c. The Vegetation Corridor and Slope District (VECO) as defined in TDC Section 1.040;
 - d. Wetlands identified on the U.S. Department of the Interior, Fish and Wildlife Service National Wetland Inventory 1988 (NWI) (as generally mapped on the Metro Title 3 map) and any other wetlands determined to

be subject to Oregon's wetland fill/removal laws as determined by the Oregon Division of State Lands.

- e. The aforementioned areas substantially overlap with areas identified by Metro on its Title 13 Habitat Conservation Area map.

4. The City's existing codes and standards:

- a. Include avoidance measures and are responsive to Metro Title 13 goals. The avoidance measures allow for flexibility in setbacks; increased height for apartments; clustering of homes; density transfers; and use of the Vegetation Corridor and Slope District as part of required landscaping in order to preserve that area from development.
- b. Include design and construction standards to minimize hydrologic impacts.
- c. Allow developers to use pervious paving materials in parking areas, driveways, aisles and turnarounds.
- d. Allow for the incorporation of stormwater quality facilities into the Vegetation Corridor and Slope District.
- e. Allow stormwater quality and management to be incorporated into the design of the public rights-of-ways on a case-by-case basis as the City of Troutdale Construction Standards for Public Works Facilities does not prohibit such alternative designs.
- f. Do not 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. The Troutdale Development Code and the City of Troutdale Construction Standards for Public Works Facilities allow developers to propose rain gardens and other alternatives. These alternatives are 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 Troutdale Development Code and the City of Troutdale Construction Standards for Public Works Facilities do not 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.

- h. The Troutdale Development Code and the City of Troutdale Construction Standards for Public Works Facilities do not 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.
- i. The Troutdale Development Code and the City of Troutdale Construction Standards for Public Works Facilities do not 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.
- j. The Troutdale Development Code and the City of Troutdale Construction Standards for Public Works Facilities do not 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.
- k. The Troutdale Development Code and the City of Troutdale Construction Standards for Public Works Facilities do not 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.
- l. The Troutdale Development Code and the City of Troutdale Construction Standards for Public Works Facilities include a discretionary process (variance and/or deviation) for consideration of narrower driveways to reduce the impervious impacts of residential driveways within the Vegetation Corridor and Slope District on a case-by-case basis.

- m. The Troutdale Development Code and the City of Troutdale Construction Standards for Public Works Facilities allow residential access from the rear of a site in order to reduce impervious impacts within the Vegetation Corridor and Slope District.
- n. The Troutdale Development Code 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.
- o. The Troutdale Development Code 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.
- p. The Troutdale Development Code 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.
- q. The Troutdale Development Code 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.
- r. 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 such as center dividers nor are they walled.
- s. The Troutdale Development Code requires the use of native plants exclusively within the Vegetation Corridor and Slope District and the floodplain and encourages the use of native plants throughout development when it is adjacent to the Vegetation Corridor and Slope District.
- t. 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.

- u. Preservation of trees on undeveloped and underdeveloped property outside of the Vegetation Corridor and Slope District and/or the Flood Management Area is regulated by the Tree Removal standards of the 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.
- v. Tree preservation within the Vegetation Corridor and Slope District and Flood Management Area is regulated by the standards of Troutdale Development Code 4.315. The standards for vegetation removal and restoration apply to trees of any diameter within the Vegetation Corridor and Slope District and the Flood Management Area. If a developer meets the tree removal standards and trees are removed from the Vegetation Corridor and Slope District or the Flood Management Area, mitigation is required.
- w. The removal of old road culverts from within stream beds is important for the health of protected water features: standards in the Troutdale Development Code (TDC) already include the following provisions for new roads:
 - 1) TDC 4.614 Uses Within the Floodplain but Outside the Floodway and Outside Wetlands. B. Permitted Uses. 7. New culverts, stream crossings, and transportation projects may be permitted if designed as balanced cut and fill projects, or designed to not significantly raise the design flood elevation, and in compliance with the standards of section 4.617, Development Standards, of this chapter. Such projects shall be designed to minimize the area of fill in Flood Management Areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.
 - 2) TDC 4.615 Uses within the Floodway or within Wetlands. B. Permitted Uses within the Floodway or within Wetlands. 8. New culverts, stream crossings, and transportation projects necessary to implement the City, County, or State Transportation System Plans or other development permitted under this chapter, and as applicable, meet the specifications of the Oregon Department of State Lands, Oregon Department of Fish and Wildlife, and federal regulations.

- 3) TDC 4.617 Flood Management Area Development Standards. R. Utilities and Roads. 1. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable, and comply with the Oregon Department of Fish and Wildlife construction standards.
- x. Riparian areas are being enhanced within the City by cooperative efforts of property owners, the City and SOLV. The City already encourages the removal of invasive plants, such as English ivy and Himalayan blackberries and the planting of trees to reduce stream temperatures.
5. The existing standards of the Troutdale Development Code Chapters 4.300, 4.600, 5.600, 5.800, 9.000 and 11.000 implement the City of Troutdale Comprehensive Land Use Plan Goals 5, 6 and 7 policies for the protection of wildlife habitat, water quality and floodplain management as explained below.
 - a. Goal 5 Policy 1. The vegetation corridor area is a tool used to conserve open space between protected water features and development. The standards of these codes apply 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.
 - b. Goal 5 Policy 2. Existing vegetation corridor, steep slope, erosion control and stormwater management development standards reduce potential pollution of domestic groundwater and surface water resources.
 - c. Goal 5 Policy 3. Existing Troutdale 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.
 - d. 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 use of vegetated swales for stormwater quality within the vegetation corridor is allowed and encouraged.

- e. Goal 5 Policy 5. Where the management of drainageways does not conflict with flood control, vegetation corridors adjacent to drainageways may be maintained as specified in TDC 4.300 standards.
 - f. Only a maximum of 30% of the vegetation corridor may be used for development: the remaining 70% provides wildlife habitat characteristics including food, water, cover, breeding, nesting, resting and wintering areas.
 - g. Goal 5 Policy 7. The existing standards require mitigation for use of the vegetation corridor when development cannot avoid use of the vegetation corridor. The standards include limitations on how much of the vegetation corridor can be used (30-percent) and provide for a variance procedure.
 - H. Goal 5 Policy 8. Density transfers to avoid construction within the vegetation corridor and slope districts are permitted for single family residential development. Other density transfers are possible under the Planned Development standards of Troutdale Development Code 4.500.
 - i. Goal 6 Policy 5. The existing development standards maintain environmental quality by guiding future development and land use activities to avoid the vegetation corridor, steep slopes and floodplain, foremost, unless there is no other practical means of development. The standards prohibit activities within the vegetation corridor and slope district and floodplain that will significantly deteriorate the existing high quality of the air, water, and land resources.
 - j. Goal 6 Policy 6. The existing City standards adhere to federal and state standards relating to air and water quality.
 - k. Goal 7 Policy 2. The existing standards of Troutdale Development Code 4.600 Flood Management Area 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.
 - l. Goal 7 Policy 4. The existing standards of Troutdale Development Code 4.600 Flood Management Area require mitigating measures where development occurs on slopes of 25% or greater, which is consistent with this policy.
6. A balance between private property rights and environmental protection is required. While urban development may reduce habitat, there are cougars,

coyotes, beavers, and skunks traveling through Troutdale and more animals are believed to be using the Beaver Creek area today than there were two decades ago, including deer, which were not evident then.

7. Troutdale still has a prominent tree canopy (24% of the area) even after over 100-years of development. The Beaver Creek report of the Sandy River Basin Watershed points out that in Beaver Creek there are 12 native fish and 4 non-native fish that use the creek today. The fact that the Sandy River and Beaver Creek are productive fisheries is evidence that the existing rules are sufficiently stringent.
8. There are impacts on the Sandy River and Beaver Creek that extend beyond the City's boundaries over which the City has no control. The removal of Marmot Dam on the Sandy River and flooding in January 2011 had impacts on fish habitat to a greater degree than any one landowner under the current development standards. There are very few properties left in the City on the Sandy River or Beaver Creek that are yet undeveloped. Congress has appropriated \$13 million dollars to spend on the Sandy River. The Sandy River is not just a fish habitat river it is also used for recreation and must continue to be accessible for both uses.

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

Section 1. The existing Troutdale Development Code standards adopted for compliance with Metro Title 3 Water Quality And Floodplain Management pertaining to vegetation corridor and slope protection, floodplain management, parking lots, landscaping, erosion control, water quality and stormwater management; the existing City of Troutdale Construction Standards for Public Works Facilities; and the existing Troutdale Municipal Code standards tree removal and outdoor lighting standards already require habitat-friendly development practices and substantially comply with Title 13 of the Metro Urban Growth Management Functional Plan— Nature in Neighborhoods and amendments to the City Codes are unwarranted.

Section 2. This resolution shall be effective upon adoption.

YEAS: 6
NAYS: 0
ABSTAINED: 0


Mayor Jim Kight

Date December 15, 2011


Sarah Skroch, Deputy City Recorder

Adopted: December 13, 2011