

ORDINANCE NO. 862

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO CHAPTERS 1, 3, 4, 8, AND 9 OF THE TROUTDALE DEVELOPMENT CODE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Storage facilities are recognized as a unique and distinguishable land use that should be properly defined within the Troutdale Development Code (TDC).
2. Storage facilities have been previously established in Troutdale and are currently operating in a nonconforming environment.
3. The allowance of storage facilities through a conditional use process in the Light Industrial (LI) zoning district allows for the potential for this type of land use to be allowed in the city while limiting the impact to a small number of properties and providing some properties a chance to come into conformance with the TDC.
4. The Planning Commission has reviewed proposed amendments at a public hearing during the July 15, 2020 regular meeting and August 11, 2020 special meeting and voted 4-2 (with one absence) to recommend these amendments as presented to City Council for approval.
5. Testimony provided at the public hearing suggests that there is a reasonable market demand for storage facilities and a willingness to consider this land use on a case-by-case basis to alleviate previous concerns for this land use.
6. The City Council has adopted findings consistent with the provisions set forth in Troutdale Development Code Section 6.1100 as set forth in Attachment A.

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

Section 1. Chapter 1 shall be amended as set forth in Attachment B.

Section 2. Chapter 3 shall be amended as set forth in Attachment B.

Section 3. Chapter 4 shall be amended as set forth in Attachment A.

Section 4. Chapter 8 shall be amended as set forth in Attachment A.

Section 5. Chapter 9 shall be amended as set forth in Attachment A.

YEAS: 4
NAYS: 3 Councilor Moon, Councilor Lauer, & Councilor Kranz
ABSTAINED: 0



Casey Ryan, Mayor
Date: September 24, 2020



Sarah Skroch, City Recorder
Adopted: September 22, 2020

STAFF REPORT – PLANNING COMMISSION HEARING

CASE FILE:	75-04 Storage Facilities	NOTE! <i>Please review City Council Staff Reports dated from August 25 and September 8 for updates to this text amendment based on testimony and deliberation at the public hearings.</i>
STAFF REPORT DATE:	Wednesday, July 1, 2020	
HEARING DATE:	Wednesday, July 15, 2020	
STAFF / APPLICANT:	Chris Damgen, Community Development Director	
SUBJECT:	Proposed Text Amendment to the Troutdale Development Code	
REQUESTS:	Establish “storage facility” and “storage, accessory” as land use definitions; allow storage facilities as a conditional use in the Light Industrial (LI) zoning district; modify definition of “warehouse”; provide clarity and context for the aforementioned definitions in other sections of the Code (TDC)	
APPLICABLE CRITERIA:	TDC Sections 2.065 and 6.1100	
STAFF RECOMMENDATION:	Approval (a recommendation to City Council for approval)	

1. BACKGROUND

The City of Troutdale has received several inquiries that relate to the concept of storage facilities. At present, the Troutdale Development Code (TDC) has ambiguous standards that relate to this type of land use, which as proposed would provide “leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting.” Historically, there have been concerns about allowing for this type of land use, though a recent uptick in demand warrant a fresh review on the matter.

The most obvious type of storage facility is commercial self-storage or mini-storage facilities. At present, there are three such establishments that exist in Troutdale, though all three were established prior to the current development code, which has effectively prohibited these types of uses based on Council direction and Staff interpretation. Other types of storage facilities could include shipping container and boat/RV storage that is unaffiliated with sales or service.

The primary motive of this application is to define “storage facility” and provide the consideration of the land use through a conditional use in the Light Industrial zoning district. The application would provide clear differentiation between a storage facility, a warehouse, and basic storage that is associated with a primary land use but is incidental (proposed as accessory storage). Lastly, the application would provide additional details on “storage” in other TDC sections.

2. REVIEW TIMELINE

The current Troutdale Development Code was adopted in 2017 [Ordinance No. 842]. The most current version of the TDC into effect on January 17, 2019 [Ordinance No. 851]. The Troutdale Planning Commission held a discussion item on this matter at its April 29, 2019 special meeting. A Post-Acknowledgment Plan Application (PAPA) was submitted to the Oregon Department of Land Conservation and Development on Wednesday, May 13, 2020 to alert the agency of the City's intentions. The initial public hearing was originally scheduled for Wednesday, June 16, 2020 but was postponed to Wednesday, July 15, 2020 to accommodate a Planning Commission work session on Thursday, May 28, 2020. The proposed amendments were thus drafted to meet required timeframes for review, thus requiring the delay. It is anticipated the City Council hearing dates will be Tuesday, August 25, 2020 for the first reading and Tuesday, September 8, 2020 for the second reading and potential approval and adoption of a correlating ordinance.

3. PROPOSED TEXT AMENDMENTS

Sections that are to be affected by the proposed amendments are included as Attachment A of this report. The following text is a summary of the proposed amendments:

CHAPTER 1 - DEFINITIONS

There is one (1) section amendment proposed for this chapter. Due to these added definitions, a renumbering of definitions within this section will also be required.

Section 1.020 General Definitions

Staff is proposing **add and amend the following definitions** in order to provide clear definitions and distinctions on storage facilities (amended language in **bold**):

***(NEW)** .126 Storage, Accessory. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.*

***(NEW)** .127 Storage Facility. An establishment of which the principal use is providing leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).*

(AMENDED)** ~~.138~~ .140 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution **that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).

CHAPTER 3 – ZONING DISTRICTS

There are four (4) section amendments proposed for this chapter:

3.122 Permitted Uses (General Commercial – GC)

Staff is proposing the following edit (in **bold**):

*D. Service uses that are completely enclosed building other than outside **accessory** storage of merchandise, supplies, or outside work areas all of which must be screened from the public right-of-way and adjacent residential, apartment, and NC districts.*

3.161 Purpose (Light Industrial – LI)

Staff is proposing the following edit (in **bold**):

THIS PORTION IS SUPERSEDED
Please review City Council Staff Reports dated from August 25 and September 8 for updates.

*Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with **little limited** outdoor storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as **outdoor accessory storage**, bright yard lights, continuous noise or objectionable odors. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with appropriate buffering.*

3.163 Conditional Uses (Light Industrial – LI)

Staff is proposing adding “**Storage facilities**” as a conditional use. In addition to the addition of this use, a partial renumbering of the

THIS PORTION IS SUPERSEDED
Please review City Council Staff Reports dated from September 8 for updates.

3.171 Purpose (General Industrial – GI)

Staff is proposing the following edit (in **bold**):

*Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor **primary or accessory** storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.*

CHAPTER 4 – ZONING DISTRICT OVERLAYS

There is one (1) section edit proposed for this chapter.

4.112 Permitted Uses within the Airport Approach Safety Zone

Staff is proposing the following edit (in **bold**):

*C. Roadways, parking areas, and **accessory** storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing*

CHAPTER 8 – SITE AND DESIGN STANDARDS

There is one (1) section edit proposed for this chapter.

8.030 Pedestrian Walkways

Staff is proposing the following edit (in **bold**):

A. Number and Placement

(...)

*6. Pedestrian walkways are required between those parts of a site that people on the site normally would walk between. Walkways are not required between buildings or portions of a site which are not intended for, or likely to be used by, pedestrians. Such buildings and features include truck loading docks, warehouses not including office/warehouse combinations, automobile sales lots, temporary uses, outdoor **accessory** storage areas, etc.*

CHAPTER 9 – PARKING

There is one (1) section edit proposed for this chapter.

9.025 Industrial Off-Street Parking Space Requirements.

Staff is proposing the following edit (in **bold**):

*(Type of Use) Storage **facility**, warehouse, or manufacturing establishment; air, rail, or trucking freight terminal*

Note: An available condition that may be placed on an approval for a conditional use may be to increase the number of off-street parking or loading spaces or area. [TDC 6.325.C]

4. PROPOSED FINDINGS

TDC Section 2.065 specifies that the City Council is the decision-making body for text amendment applications after the Planning Commission forwards a recommendation for their consideration. Planning Commission is charged with making a finding for each applicable criterion point as listed in TDC Section 6.1120. Listed below are draft findings prepared by Staff for Planning Commission to review and amend as needed upon the conclusion of the public hearing portion of the meeting and prior to a vote for recommendation.

A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.

The amendments proposed seek to define and distinguish storage as a concept. Accessory storage occurs on properties in most existent land use designations and zoning districts. The application seeks to define a storage facility and to distinguish it from accessory storage and warehousing. By seeking to establish a conditional use designation for storage facilities in only one zoning district (Light Industrial), the City is provided with additional protections to evaluate any future proposals to determine its conformance with the Comprehensive Land Use Plan goals and policies in addition to the purpose statement in the LI zoning district. The slight modifications proposed to the purpose statements do not drastically change the spirit and intent of the district. **The criterion is met.**

B. The proposed change is consistent with the applicable Statewide Planning Goals.

The majority of the amendments proposed in this application are not substantive in a way that would alter or jeopardize conformance to Statewide Planning Goals. In particular, Goal 9 (Economic Development) speaks to the need for cities to have enough land available to realize economic growth and development opportunities. Based on citizen and Staff testimony that suggests there is economic interest in storage facilities, providing an opportunity through a conditional use process for such a land use to exist in the City meets the spirit of the statewide planning goal. **The criterion is met.**

C. The proposed change is consistent with the applicable provisions of Metro Code.

Chapter 3.07 of the Metro Code contains the Urban Growth Management Functional Plan ("Functional Plan"). Title 4 of the Functional Plan contains standards for "Industrial and Other Employment Area". Title 4 "seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas." The zoning districts that are directly affected by this application are industrial zoning districts in a designated Employment Area according to Metro's 2040 Growth Concept Map.

The City acknowledges that storage facilities is not a land use that generates significant employment; however, this land use is still instrumental in supporting capacities and economic opportunities for adjacent land uses, including industrial ones. By listing storage facilities as a conditional use in the Light Industrial zoning district and not allowing for it in the General Industrial zoning district, the City remains in conformance with the spirit and intent of Title 4. It allows for a case-by-case analysis of each application. Furthermore, a significant majority of the City's Employment Area designation is zoned for General Industrial in which storage facilities would not be allowed, thus significantly limiting any concerns about losing "highest and best use" potential in this area. **The criterion is met.**

D. Public need is best satisfied by this particular change.

Providing clear definitions for storage facilities, accessory storage, and warehouses improves the public's understanding and expectation for these three land uses. Historic precedent has suggested that certain kinds of storage facilities have not been popular in Troutdale and were thus no longer allowed in the City. However, the economic situation and repeated expressed interest by investors looking to establish this type of business in Troutdale suggests that a limited area of the City would be appropriate for this type of use. An existing storage facility is currently in nonconformance within the Light Industrial zoning district. Two other storage facilities are in commercial zoning districts where there is less popular appeal for introducing this land use. Therefore, allowing this use to be better defined and allowed with conditional use approval provides a level of compromise that balances the community concern with economic interest and demand. **The criterion is met.**

E. The change will not adversely affect the health, safety, and welfare of the community.

It is not anticipated that there are health concerns that stem from the introduction and establishment of storage facilities as a conditional land use. Standards are in place that would restrict hazardous materials from being stored in these locations, often relying upon fire and life safety codes to provide regulations. In the realm of safety, there is an inherent need to secure these types of facilities. Most facilities will often rely on perimeter fencing, security check-ins, and caretaker units to provide security for goods and materials that are stored within a facility.

Lastly, providing an additional way for individuals or companies to store their goods and materials may also improve the general welfare of their community. As an example, offering additional areas for storage could then reduce storage burdens on residential and commercial properties. It benefits not only those properties but also those around them, as unsightly or objectionable storage could potentially be located on a premise that more effectively screens them. **The criterion is met.**

5. STAFF RECOMMENDATIONS

Staff offers the following recommendations for the conduct of the July 15, 2020 public hearing for the proposed amendments to the Troutdale Development Code.

- A. Conduct a public hearing and receive all public testimony relating to the application.
- B. Consider the public testimony and the facts and findings presented in the staff report and deliberate on policy issues, proposed amendments, and other issues identified by the Commission, Staff, other public entities, or the public.
- C. Recommend approval of the proposed text amendments to the City Council for its consideration for its meeting and subsequent public hearing.

- .123 Sign. Refer to Section 10.015 for all definitions for signs.
- .124 Single-Family Dwelling or Single-Family Residence. See Dwelling, Single-Family Detached.
- .125 Site and Design Review Committee. A committee chaired by the Director to review applicable development proposals for compliance to the provisions of this Code.
- .126 Storage, Accessory. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.
- .127 Storage Facility. An establishment of which the principal use is providing leasable space where materials and goods may be stored by lessees in an outdoor or indoor setting, but not including tents. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).
- .128 Street Lighting. The total system of wiring, poles, arms, fixtures, and lamps, including all parts thereof that are necessary to light a street or pedestrian way.
- .129 Street, Private. A thoroughfare or street providing a means of access to a property or properties which is not owned by the City or other public entity.
- .130 Street, Public. A publicly owned thoroughfare or right-of-way acquired for use by the public which affords a principal means of access to abutting property.
- .131 Studio. A location where an ancillary form is created or practiced, such as an artist, a musician, dramatic arts or dance studio. Also includes light fabrication or manufacturing of individual pieces of art including welding, riveting, and use of a kiln, glass furnace, or foundry when such heat producing facilities comply with all Building Code requirements and crucibles do not exceed one (1) gallon in size.
- .132 Subdivision. To divide land to create four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land at the beginning of such year.
- .133 Townhouse or Townhome. See Dwelling, Single Family Attached.
- .134 Transit Facility. A facility intended to accommodate and assist transit users. Transit facilities include light rail transit stations, park and ride lots for transit riders, transit centers, transit shelters, bus turnout lanes, and transit stops.
- .135 Transit Street. Any street identified as an existing or planned bus or light rail transit route.

- .136 Triplex. See Dwelling, Triplex.
- .137 Two-Family Dwelling. See Dwelling, Duplex.
- .138 Utility Facility, Major. Administrative offices and operation centers, wet system pump stations, sewage treatment plants and lagoons, electric generation facilities (other than small scale accessory wind turbines or solar panels intended to generate electricity for onsite uses), sanitary landfills, pump stations, substations (transmission and distribution), water towers and reservoirs, public wells (aboveground), telephone switching equipment, communication receiver, transmission facilities, and ancillary equipment, telecommunication towers and poles, and drinking water treatment facilities.
- .139 Utility Facility, Minor. Street lights; underground lines and pipes; underground wells; transformers and regulator stations; closed system sanitary pump stations; and private, on-site facilities such as septic tanks, wells, and catch basins.
- .140 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).
- .141 Water dependent development. Any use that is dependent on navigable waterway access and or use.
- .142 Windscreens. A fence-like structure, not to exceed six (6) feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors.
- .143 Yard. A required open space on a lot that is unoccupied and unobstructed except for permitted projecting building features and accessory buildings.
- .144 Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.
- .145 Yard, Rear. An open space extending across the full width of the lot between the main building and the rear lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten-foot line parallel to the front lot line, measured from one side line to the other.
- .146 Yard, Side. An open space between any building and the side lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.
- .147 Yard, Street Side. An open space adjacent to a street that is not a front yard, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

3.160 LIGHT INDUSTRIAL**LI**

- 3.161 Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with limited outdoor accessory storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as bright yard lights, continuous noise, objectionable odors, or significant outdoor accessory storage. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with adequate buffering.
- 3.162 Permitted Uses. The following uses and their accessory uses are permitted in the LI district:
- A. Secondary manufacturing, except any use having the primary function of storing, utilizing, or manufacturing toxic or hazardous materials as defined by the Department of Environmental Quality.
 - B. Processing facilities, except any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar, or yeast. This limitation shall not apply to the processing or manufacturing of beer, wine, bread, jam, and similar items.
 - C. Distribution centers.
 - D. Airport and related uses as defined by the Airport Planning Rule (OAR 660-013-0100), including airport supportive commercial and industrial uses such as maintenance facilities, hangars, aircraft tie-downs, passenger parking, and flight schools.
 - E. Warehouses.
 - F. Utility facilities, minor.
 - G. Research and development companies, experimental or testing laboratories.
 - H. Trade or commercial schools whose primary purpose is to provide training to meet industrial needs.
 - I. Public parks, parkways, trails, and related facilities.
 - J. One caretaker residence in conjunction with an existing industrial use.
 - K. Corporate headquarters.
 - L. Professional offices.
 - M. Medical and dental clinics.

- N. Product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use, provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.
- O. Wineries, breweries, and distilleries.
- P. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.
- Q. Other uses similar in nature to those listed above.

3.163 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within a LI district:

- A. Heliports accessory to permitted or approved conditional uses.
- B. Retail, wholesale, and discount sales and services, including restaurants, banks, dry-cleaners, and similar establishments, with or without drive-up or drive-through window service, subject to the provisions of Subsection 3.165(E) of this Chapter.
- C. Community service uses.
- D. Utility facilities, major.
- E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.
- F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.
- G. Motels or hotels, including banquet rooms, conference, or convention centers.
- H. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.
- I. Child care facilities and similar facilities.
- J. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

- K. Storage facilities, when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, “within one-quarter mile (1/4 mile)” means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.
- L. Other uses similar in nature to those listed above.

3.164 Dimensional Standards.

- A. Setbacks.
 - 1. Front yard setback: Minimum of twenty (20) feet.
 - 2. Side yard setback: Minimum of ten (10) feet.
 - 3. Rear yard setback: None.
 - 4. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.
 - 5. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.
- B. Height Limitation. The maximum height for any structure shall be forty-five (45) feet unless otherwise limited by the Federal Aviation Administration.
- C. Lot Area. There shall be no minimum lot size in the Light Industrial Zone.

3.165 Additional Requirements.

- A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

- D. Development is subject to compliance with any applicable overlay zoning district standards.
- E. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; and retail, wholesale, and discount sales and services shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.

DRAFT