

# **ORDINANCE NO. 899**

## **AN ORDINANCE AMENDING CHAPTERS 6, 8, AND 9 OF THE TROUTDALE DEVELOPMENT CODE, AMENDING TITLES 3 AND 5 OF THE TROUTDALE MUNICIPAL CODE TO IMPLEMENT CLIMATE-FRIENDLY AND EQUITABLE COMMUNITIES RULES**

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

1. On March 10, 2020, former Governor Kate Brown issued Executive Order 20-04, directing state agencies to reduce climate pollution.
2. The Oregon Land Conservation and Development Commission adopted Climate-Friendly Equitable Communities (CFEC) rules to help meet state goals to reduce climate pollution in Oregon Administrative Rules (OAR), Chapter 660, Division 12, Transportation Planning.
3. The State of Oregon mandates that the City of Troutdale adopt the minimum standards identified in OAR Chapter 660 Division 12 Transportation Planning.
4. Notice of public hearings has been provided in accordance with applicable law.
5. The Troutdale Planning Commission held a public hearing on May 14, 2025, to consider the text amendments to Chapters 6, 8, and 9 of the Troutdale Development Code and Titles 3 and 5 of the Troutdale Municipal Code, take public testimony, and recommend that the City Council adopt the proposed amendments to comply with CFEC rules.
6. The Troutdale City Council held the first public hearing on the proposed amendments on June 10, 2025, and the final public hearing on the proposed amendments on June 24, 2025.

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

- Section 1. After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance.

Section 2. The proposed amendments to the Troutdale Development Code and Municipal Code in Attachment A, attached to this Ordinance, are hereby approved.

Section 3. This ordinance shall be effective on the 30<sup>th</sup> day after its enactment by the City Council.

**YEAS: 7**  
**NAYS: 0**  
**ABSTAINED: 0**



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**David Ripma, Mayor**  
**Date: June 26, 2025**



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**Sarah Skroch, City Recorder**  
**Adopted: June 24, 2025**

## **CHAPTER 6 APPLICATIONS**

### **6.000 ANNEXATION**

#### **6.010 Annexation Criteria.**

A proposal to annex territory to the City shall be conducted as a Type III or Type IV decision, with supplements or modifications to procedures as required to comply with state law. An annexation proposal shall be referred to the Planning Commission. The Commission shall base its recommendation to the City Council on compliance with the following criteria:

- A. The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in conditions occurred which render the Comprehensive Land Use Plan inapplicable to the annexation.
- B. The subject area to be annexed is located within the City's Urban Growth Boundary and adjacent to the City limits.
- C. Public facilities, including suitable public access, are available or there are feasible options for making them available at the time of development.
- D. The annexed territory can be developed or redeveloped to one (1) or more uses provided for in the relevant portions of the Comprehensive Plan and this Code.

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### **6.900 SITE DEVELOPMENT REVIEW**

#### **6.905 Purpose.**

The purpose of this Chapter is to advance all of the following objectives in the public interest:

- A. Carry out the development pattern and plan of the City through efficient and effective review of site development proposals;
  - B. Promote the public health, safety and general welfare;
  - C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and
  - D. Encourage efficient use of land resources and public services, and provision of transportation options.
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### 6.910 Applicability and Exemptions.

Site development review approval is required for new development, change of use resulting in increased vehicle traffic or requiring an increase in minimum parking pursuant to Chapter 9, Building Expansions and to expand a nonconforming use or development. Except as specified by a condition of approval on a prior City decision, or as required for uses subject to conditional use permit approval, site development review is not required for the following:

- A. Change in occupancy from one allowed land use to another allowed land use.
- B. Physical expansion of existing structures by ten percent (10%) or less, occurring in a single expansion or in several aggregated expansions relative to the originally approved project.
- C. Single-family detached dwelling (including manufactured home on its own lot).
- D. Duplex on a single lot.
- E. Home occupation.
- F. Accessory structures that do not require a building permit, with or without accessory parking.
- G. Public improvements required by city standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires site development review.
- H. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair.

### 6.915 Review Procedures.

Site development review shall be conducted using a Type I or Type II procedure to be determined as follows:

- A. A Type I application shall be used to review all of the following:
    - 1. Change of occupancy from one type of land use to a different type of land use resulting in an increase in vehicle traffic or demand for parking.
    - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds less than twenty-five percent (25%) floor area.
    - 3. Site improvements, such as modifications to a landscaped area or parking area.
    - 4. New accessory dwelling units.
    - 5. New residential dwelling units other than multi-family.
  - B. A Type II application shall be used to review all of the following:
    - 1. All new development not exempted or made subject to a Type I procedure above.
    - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds twenty-five percent (25%) or more floor area.
    - 3. New accessory dwelling units that are detached from the primary dwelling, in accordance with Section 8.170 of this Code.
    - 4. New bed and breakfast inns.
    - 5. Adjustment to applicable design standards for any development proposal.
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## 6.700 PLANNED UNIT DEVELOPMENT

### 6.705 Purpose.

The purpose of a Planned Unit Development (PUD) is to encourage innovation and creative approaches for developing land while enhancing and preserving character, value, and integrity of surrounding areas that have developed or are developing under conventional zoning district regulations.

### 6.710 Application.

A Planned Unit Development application is subject to the Type III review process. The decision-making authority is the Planning Commission. A written application for a PUD shall be filed with the Planning Division on forms provided by the Planning Division. The application shall include site plans, drawn to scale, showing the dimension and layout of the proposed use with other information and drawings as may be required to provide an understanding of the proposed PUD and its relationship to surrounding property.

### 6.715 Approval Criteria.

The Planning Commission may approve an application, approve with modifications, or deny an application for a PUD. The applicant must submit evidence substantiating that all requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:

- A. A proposed development is compatible with the surrounding area or its zoning.
- B. That exceptions from the standards of the underlying district are warranted by the design and amenities being proposed.
- C. That the proposal, either through the formation of a homeowners association or through its design and amenity features, can reduce the public cost for the same level of facilities (streets, sewers, and storm sewers) and services (police and fire protection) as required by the standards of the underlying district, or that it allows for the rational extension of public facilities and services.

### 6.720 Planned Development Process.

Planned Development shall be reviewed in the same two-stage process as provided for a Type III subdivision, regardless of whether a land division is proposed.

### 6.725 Preliminary Plan.

- A. Submission Requirements. The preliminary plan shall consist of twenty (20) copies of all plans, maps, and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description.
- B. Submission Materials. The tentative plan need not be a finished drawing, but it should present all relevant graphic data, drawn on a sheet 18"x24" in size, and at a scale of 1"=100'. The information shall include, but is not limited to, the following:
  - 1. Proposed land uses and residential densities.
  - 2. Building types and locations.

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3. Means of access, circulation, and parking.
  4. A parking plan. A parking plan that maximizes the number of on-street parking spaces.
  5. Parks, playgrounds, paths, and open spaces.
  6. Land division plan if the land is to be divided.
  7. Applicant's statement of the goals and objectives of the planned development.
  8. Tables showing overall density of any proposed residential development with density of dwelling types and intensity of any commercial, industrial, or other employment-related uses.
  9. Applicant's statement of how the proposed Planned Development complies with the applicable Troutdale Development Code requirements.
  10. That the proposal incorporate a commitment to provide a legal instrument or instruments acceptable to the City setting forth a plan for the permanent care and maintenance of common space, including streets and greenways, recreational areas, and all community-owned facilities.
  11. General timetable of development.

### **6.730 Final Plan.**

Final plan approval shall be a Type I process to confirm that it is consistent with the approved preliminary plan. The final plan may be approved notwithstanding minor changes such as minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks, public open spaces, or other features of the preliminary plan based on final engineering, design or similar final detail work but shall not increase the residential densities, change zone boundaries or the perimeter boundary of the PD, change any use or change the location or amount of land devoted to a use specified in the preliminary plan. Changes other than permitted minor changes shall require a new application.

- A. All public site dedications, development rights to open spaces, or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.
- B. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Division prior to the issuance of any building permit.

## **CHAPTER 8**

### **DEVELOPMENT AND DESIGN STANDARDS**

#### **8.000 GENERAL STANDARDS**

##### **8.010 Purpose.**

The purpose of this Chapter is to advance all of the following objectives in the public interest:

- A. Carry out the development pattern and plan of the City and its comprehensive plan policies through efficient and effective review of site development proposals;
- B. Promote the public health, safety and general welfare;
- C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and
- D. Encourage efficient use of land resources and public services, and provision of transportation options.

##### **8.020 Applicability and Exemptions.**

- A. General Standards. Unless otherwise stated, standards in Sections 8.030 to 8.099 of this Division shall apply to all existing uses and development, and to new or expanded uses or development, regardless of zoning district, land use designation, or site development review requirements as described below.
- B. Specific Standards. Unless otherwise stated, standards in the following Divisions shall apply to existing uses and development, and to new or expanded uses of development as contained below:
  - 1. Residential standards in Division 8.100 of this Chapter shall apply to all residential development and uses in any zoning district, except for those in mixed-use zoning districts.
  - 2. Mixed-use standards in Division 8.200 of this Chapter shall apply to all mixed-use development and uses, dependent on the zoning district designation.
  - 3. Commercial standards in Division 8.300 of this Chapter shall apply to all commercial development and uses in any zoning district, except for those in mixed-use zoning districts.
  - 4. Industrial standards in Division 8.400 of this Chapter shall apply to all industrial development and uses in any zoning district, except for those in mixed-use zoning districts.
  - 5. Other standards contained in Division 8.500 of this Chapter shall apply in accordance with applicability standards contained therein.
- C. Site Development Review. Site development review approval in accordance with Section 6.900 of this Code is required for new development, building expansions, expansion of a nonconforming use or development, and changing of use resulting in increased vehicle traffic or requiring an increase in minimum parking pursuant to Chapter 9 of this Code.



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- D. Exemptions. Except as specified by a condition of approval on a prior City decision, or as required for uses subject to conditional use approval, a land use decision for site development review is not required for the following:
1. Change in occupancy from one allowed land use to another allowed land use.
  2. Physical expansion of existing structures by ten percent (10%) or less, occurring in a single expansion or in several aggregated expansions relative to the originally approved project.
  3. Single-family detached dwellings (including manufactured home on its own lot).
  4. Middle housing typologies, including duplexes, triplexes, quadplexes, townhouse dwellings, and cottage cluster dwellings and projects. Townhouse projects of four (4) or more lots shall be subject to applicable subdivision standards and approval procedures in accordance with Chapter 7 of this Code.
  5. Home occupations.
  6. Accessory structures that do not require a building permit, with or without accessory parking.
  7. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires site development review.
  8. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair.
- E. Middle Housing Regulations. In the event of a conflict between this Code and state law governing middle housing development, the standards of state code shall control. Middle housing shall comply with protective measures adopted pursuant to statewide land use planning goals.

### **8.025 Authority to Adjust Standards.**

Because of the diverse topography, parcel configurations, and site characteristics within the City, it is neither practical nor feasible to uniformly apply the design standards within this Chapter of this Code to all development projects. The Director may grant adjustments to these design standards upon making the following written findings:

- A. The adjustment is justified due to the unique site conditions.
- B. The proposal conforms to the extent practicable with these design standards.
- C. Any impacts from the adjustments are mitigated to the extent practical.
- D. The decision to adjust a standard is a Type II decision.

### **8.030 Pedestrian Walkways.**

All industrial parks, commercial developments, community service uses, and parking lots greater than one-half acre (1/2) in size shall meet the following requirements for pedestrian walkways:

- A. Number and Placement.
  1. At least one (1) pedestrian walkway shall be provided to each street, other than limited access freeways, abutting the property.
  2. Pedestrian walkways shall reasonably connect building entrances to one another, to public street entrances, and/or to existing or planned transit stops, and off-street accessible parking spaces.

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3. Where practicable, on-site walkways shall connect with walkways, sidewalks, bike paths, alleyways, and other bicycle or pedestrian connections on adjacent properties used as, or planned for, industrial parks, commercial, multiple-family, or community service uses.
  4. Where practicable, pedestrian walkways and driveways shall provide a direct connection to walkways and driveways on abutting developments.
  5. A required walkway or walkway connection need not be provided where another required sidewalk or walkway route provides a reasonably direct alternate route. An alternate route is reasonably direct if the walking distance increases by less than fifty percent (50%) over the other required route.
  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 storage areas, etc.
- B. Routing.
1. Pedestrian walkways shall be as direct as reasonably possible.
  2. Pedestrian driveway crossings should be minimized. Internal parking lot circulation and design shall maintain ease of access for pedestrians from streets and transit stops.
  3. The on-site pedestrian circulation system shall connect adjacent streets to the main entrance of the primary structure on the site in a reasonably direct route.

#### **8.040 Transit Facilities.**

- A. Applicability. Any Type II land divisions where further divisions are possible, and all Type III land divisions, multiple-family developments, community service uses, and commercial or industrial uses located on an existing or future transit route shall meet the requirements of TriMet for transit facilities. Applicants shall consult with TriMet to determine necessary transit facility improvements in conjunction with the proposed development. Proposals shall be consistent with the road crossing improvements that are identified in the City Transportation System Plan on streets with existing or planned transit service.
- B. Standards. All commercial and community service development, and any industrial development designed to accommodate fifty (50) or more employees and located on parcels within six hundred (600) feet of existing or planned transit routes shall meet the following requirements:
1. Building Entrances.
    - a. Where practicable, buildings shall be oriented on the property in a transit friendly manner. At least one (1) building entrance shall be oriented toward the transit street and shall be accessed from a public sidewalk. Public sidewalks shall be provided adjacent to public streets along the street frontage.
    - b. Buildings within thirty (30) feet of the transit street shall have an entrance for pedestrians directly from the street to the building interior. This entrance shall be designed to be attractive and functional, and shall be open to the public during all business hours.
    - c. All uses in commercial zones must provide a public entrance on the façade of a building nearest to, and facing, a transit street or route. If the lot has frontage on more than one (1) transit street, the building need only have one (1) entrance oriented to a transit street, or to the corner where two (2) transit streets intersect.

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2. Setbacks. Buildings shall be setback no more than fifty (50) feet from a transit street, except that when a building is adjacent to a transit street that has a major transit stop within five hundred (500) feet of the building entrance, the building shall be setback no more than twenty (20) feet from the transit street. Where the site is adjacent to more than one (1) transit street, a building is required to meet the maximum setback standard on only one (1) of the streets. Industrial development as described within this Section are exempt from this particular provision.
  3. As alternative to meeting the requirements in Subsection (1), a development proposal may incorporate the following design features through the design review process in such combination that the City may conclude the access for pedestrians, transit riders, and bicyclists to the development is as good as or better than if the building fronted a major transit route.
    - a. The building incorporates two (2) entrances, one (1) that provides direct access to the transit street, in addition to an entrance that fronts a parking lot.
    - b. The development proposes additional sidewalk amenities and width which allow the City to conclude that use of sidewalks is no less inviting than if a main building entrance fronted on a major transit route. Any additional sidewalk amenities will not prohibit future building modifications that move a building's main façade or main pedestrian access to a point on a major transit route. To qualify, an applicant must submit drawings of alternative designs that demonstrate future building modifications can comply with Subsection (1), above.
    - c. The proposal will construct one (1) or more onsite or offsite multi-use path connections that connect the building to existing or planned multi-use pedestrian and trail systems. These systems include, but are not limited to, current and future pedestrian or bicycle transit paths, or portions of the 40-mile trail loop and the Beaver Creek Trail. Such connection must invite users of the development to also use the path in their experience of accessing and using the development.
    - d. The proposal will construct one (1) or more mid-block bicycle or pedestrian accesses provided the following are met (not all are required):
      - i. Construction features such as ramps, bollards, or curb cuts, when used, physically limit use of the feature to bicycles or pedestrians.
      - ii. The developer installs safety enhancements, such as bicycle stop signs, lights, walkway areas, or other features, to minimize conflicts between bicycles and pedestrians.
      - iii. Mid-block crossings connect to and obviously comprise part of the pedestrian or bicycle route to building parking lots or front door entrances.
      - iv. Bollards and related safety barrier measures create or enhance an effect that a mid-block crossing is safeguarded or sequestered from passing motor vehicle traffic.
      - v. The overall building design has the effect of increasing or supporting increases in transit ridership in the same way as buildings which comply with Subsection (1), above.
    - e. The development amply uses wayfinding signs that:
      - i. Identify pedestrian and bicycle connections which are present upon, adjacent to, and that exist nearby, the development. Such signage should encourage use of such connections and be of similar size, attractiveness, or visibility as any vehicle parking signs; and
      - ii. Identify bicycle parking areas.
    - f. Signage inside the buildings, along with other information or with internal layout, alone or together alert and direct persons to transit stops or other transit amenities such as mid-block crossings or informational kiosks.

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- g. The developer constructs offsite improvements, such as pedestrian facilities, or traffic control devices, that increase connectivity of dedicated pedestrian paths or demonstrates that constructed improvement will be compatible with and encourage future connections.

### 8.050 Reserved.

### 8.060 Landscaping and Screening.

A. Minimum Basic Improvements.

1. The minimum area of a site to be retained in landscaping shall be as follows:

Zoning District or Use	Percentage
Multi-Family Residential	25%
Manufactured Home Park	25%
MU-1 - Downtown Mixed-Use	5%
MU-2 - General Mixed Use	15%
CC - Community Commercial	15%
GC - General Commercial	15%
IP - Industrial Park	15%
LI - Light Industrial	15%
GI - General Industrial	10%

2. For multi-family residential development and mixed-use development, usable recreation areas shall be provided for development containing more than five (5) dwelling units at the rate of two hundred (200) square feet per dwelling unit. Such areas shall be counted as part of the required landscaping percentage. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc.
3. Except for portions approved for parking, loading, or traffic maneuvering, a required setback area abutting a public street, and open area between the property line and the roadway in the public street, shall be landscaped. This landscaping shall be counted as part of the required landscaping percentage, except for that portion of the landscaping within the street right-of-way.
4. Sight-obscuring shrubbery or a berm, wall, or fence shall be placed along the boundary of each classification of zone, i.e., residential, commercial or industrial, and around unsightly areas such as a trash or equipment storage area, or an outdoor industrial or commercial activity.
5. Landscaping that is required by a land use approval shall be irrigated to ensure the survivability of the landscaping.
6. At least seventy-five percent (75%) of the required landscaped area shall be planted with a suitable combination of trees, shrubs, or evergreen groundcover.
7. Plant Material:
- a. Trees shall be species having an average mature spread of crown of greater than fifteen (15) feet and trunks which can be maintained in a clean condition with over five (5) feet of clear wood. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread.
- b. Trees shall be a minimum of seven (7) feet in overall height or one and one half (1 ½) inches in caliper immediately after planting. Adjacent to any public right-of-way or easement, the following species shall be prohibited: poplar, willow, cottonwood, fruit trees, nut trees, and

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ailanthus. Selected conifers may be planted adjacent to public rights-of-way or easements if approved by the Director. See the City's list of recommended tree species.

- c. Shrubs shall be a minimum of one (1) gallon in size or two (2) feet in height when measured immediately after planting. Hedges, where required to screen and buffer off-street parking from adjoining properties, shall be planted with an evergreen specie maintained so as to form a continuous, solid, visual screen at time of planting.
  - d. Vines for screening purposes shall be a minimum of one (1) gallon in size or thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
  - e. Groundcovers used in lieu of turf, in whole or in part, shall be planted in such a manner as to provide complete coverage within one (1) year.
  - f. Turf areas shall be planted in species normally grown as permanent lawns in Troutdale. Acceptable varieties include improved perennial rye and fescues.
  - g. 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 (5%) of the minimum landscaping requirement will be authorized.
  - h. Plants listed in the current Oregon Department of Fish & Wildlife Oregon Invasive Species Action Plan as invasive are prohibited.
8. Landscaped areas may include architectural features or artificial groundcovers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust (medium coarse), decorative hard paving, and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed twenty-five percent (25%) of the required landscaped area. Artificial plants are prohibited in any required landscaped area.
9. Existing trees with a six (6) inch DBH or greater shall be preserved except when removal is specifically authorized by the Site and Design Review Committee or in the development approval.
10. The area of the vegetation corridor on a site being developed counts toward the required landscape area.
- B. Garbage and Recycling Container Enclosures. All enclosures used to contain garbage and recycling containers at multiple-family, commercial, industrial, or institutional developments must conform to the following minimum standards:
- 1. Screening. All enclosures for garbage and recycling containers must be screened from public view. Screening shall consist of six (6) foot-high walls constructed of any of the following materials:
    - a. Cyclone fencing with slats.
    - b. Wooden fencing.
    - c. Concrete blocks.
    - d. Materials other than the above-mentioned as approved on a case-by-case basis.
  - 2. Gates. Gates must meet the following requirements:
    - a. Must have a latch or some type of device which will keep the gate shut after it is closed. The device can be above or below ground.
    - b. Must have a mechanism to keep gates open during trash removal. The device can be above or below ground.

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- c. Wheels are not required; however, the hinge must be adequate to support the weight of the gate.
  - 3. Base Material/Flooring. The entire base dimension must meet the following requirements:
    - a. Must be made out of concrete. Concrete shall have a nominal thickness of four (4) inches. Exceptions to the base materials may be approved by the Director where warranted.
    - b. Must be positively sloped to the drainage system.
  - C. Installation and Performance Bond or Security Requirements.
    - 1. Landscaping must be installed prior to final occupancy.
    - 2. If weather conditions or other circumstances beyond the control of the developer or owner make completion of the landscaping impossible, an extension of up to six (6) months may be applied for by posting "security" equal to forty percent (40%) of the cost of the landscaping with the City, assuring installation within six (6) months. "Security" may consist of a performance bond payable to the City, cash, certified check, time certificates of deposit, assignment of a savings account, or other such assurance of access to funds necessary for completion as shall meet the approval of the City Attorney.
    - 3. Upon acceptance of the approved security, the owner may be allowed occupancy for a period of one hundred eighty (180) days. If the installation of the landscaping improvement is not completed within one hundred eighty (180) days, the City shall have access to the security to complete the installation and/or revoke occupancy.
    - 4. Upon completion of the installation, any portion of the remaining security minus administrative charges of twenty-five percent (25%) shall be returned to the owner. Costs in excess of posted security shall be assessed against the property, and the City shall thereupon have a valid lien against the property which will come due and payable.
  - D. Guarantee. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two (2) years. This guarantee shall ensure that all plant materials survive in good condition and shall guarantee prompt replacement of dead or dying plant materials.

**8.070 Reserved.**

**8.080 Reserved.**

## **8.100 RESIDENTIAL STANDARDS**

### **8.110 Single-Family Detached and Duplex Dwellings.**

- A. Approval Standards. Single-family detached and duplex dwellings are permitted outright. Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
- B. Development Standards.
  - 1. Single-family detached dwellings and duplexes shall meet the development standards contained within the dimensional standards table in Section 3.130.C of this Code.
  - 2. Duplex dwellings are subject to the off-street parking regulations in Chapter 9.010, Off-Street Parking Requirements.

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C. Design Standards.

1. All dwellings shall utilize at least six (6) of the following design features:
    - a. Dormers.
    - b. Recessed entries.
    - c. Cupolas.
    - d. Bay or bow windows.
    - e. Window shutters.
    - f. Offsets on building face or roof (minimum 12 inches).
    - g. Gables.
    - h. Covered porch entry.
    - i. Pillars or posts.
    - j. Eaves (minimum 6 inches).
    - k. Tile, shake, or architectural composition roofing.
    - l. Horizontal lap siding.
  2. Windows. A minimum of fifteen percent (15%) of the area of one (1) street frontage. For corner lots, this standard shall apply to at least one (1) side.
- D. Duplex Conversions. Conversion of an existing detached single-family structure to a duplex is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the conversion does not increase nonconformance with applicable clear and objective standards.

## **8.120 Triplex and Quadplex Dwellings.**

A. Approval Process.

1. Triplexes and quadplexes are subject to the same approval process as that for detached single-family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5).
2. Applicants must demonstrate that sufficient infrastructure as defined in Section 1.020 of this Code is provided, or will be provided, upon submittal of a triplex or quadplex development application.

B. Development Standards.

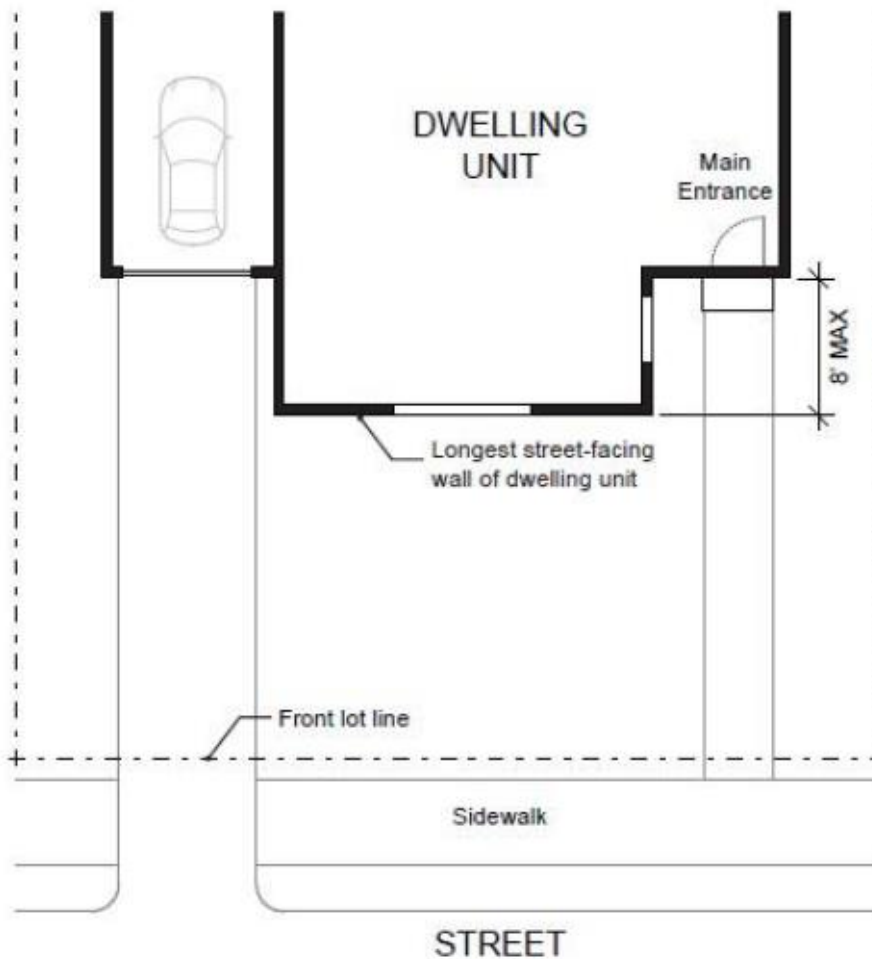
1. Applicability.
  - a. Triplexes and quadplexes shall meet:
    - i. The development standards contained within the dimensional standards table in Section 3.130.C of this Division.
    - ii. All other clear and objective development standards that apply to detached single-family dwellings in the same zone (including, but not limited to, lot size and dimensions, minimum and maximum setbacks, and building height), unless those standards conflict with this Code and except as specified in this Subsection (B).

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- b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this Code: Maximum lot coverage, minimum landscape area, or minimum open space standards.
      - 2. Number of Units. This Code does not allow for the creation of more than four (4) dwelling units on a lot, including accessory dwelling units.
      - 3. Off-Street Parking.
        - a. Required Off-street Parking. The minimum number of required off-street parking spaces is:
          - i. In zones with a minimum lot size of less than five thousand (5,000) square feet, a minimum of two (2) off-street parking spaces per triplex or quadplex development.
          - ii. In zones with a minimum lot size between five thousand (5,000) square feet and six thousand nine hundred and ninety-nine (6,999) square feet, a minimum of three (3) off-street parking spaces per triplex or quadplex development.
          - iii. In zones with a minimum lots size of seven thousand (7,000) square feet or greater:
            - (a) A minimum of three (3) off-street parking spaces per triplex.
            - (b) A minimum of four (4) off-street parking spaces per quadplex.
          - iv. A credit for on-street parking shall be granted for some or all the required off-street parking as provided in Subsection (3.b). No additional parking spaces shall be required for conversion of a detached single-family dwelling to a triplex or quadplex, including those created through the addition of detached units.
        - b. On-Street Credit. If on-street parking spaces meet all the following standards, they shall be counted toward the minimum off-street parking requirement.
          - i. The space must be abutting the subject site;
          - ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
          - iii. The space must be a minimum of twenty-two (22) feet long; and
          - iv. The space must not obstruct a required sight distance area.
    - C. Design Standards.
      - 1. Applicability.
        - a. New triplexes and quadplexes, including those created by adding building square footage on a site occupied by an existing dwelling, shall meet the design standards in Subsections (2) through (5) of this Subsection (C).
        - b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this Code:
          - i. Mandates for construction of a garage or carport.
          - ii. The jurisdiction's design standards other than those in this Subsection (C) that apply only to triplexes, quadplexes, or multifamily development.
      - 2. Entry Orientation. At least one (1) main entrance for each triplex or quadplex structure must meet the standards in Subsections (a) and (b) below. Any detached structure for which more than fifty percent (50%) of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.
        - a. The entrance must be within eight (8) feet of the longest street-facing wall of the dwelling unit; and



- 
- b. The entrance must either:
    - i. Face the street (see Figure 8.120.C.2.b.i at the end of this Section);
    - ii. Be at an angle of up to forty-five (45) degrees from the street (see Figure 8.120.C.2.b.ii at the end of this Section);
    - iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two (2) sides (see Figure 8.120.C.2.b.iii at the end of this Section); or
    - iv. Open onto a porch (see Figure 8.120.C.2.b.iv at the end of this Section). The porch must:
      - (a) Be at least twenty-five (25) square feet in area; and
      - (b) Have at least one (1) entrance facing the street or have a roof.
  - 3. Windows. A minimum of fifteen percent (15%) of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard (see Figure 8.120.C.3 at the end of this Section).
  - 4. Garages, Carports, and Off-Street Parking Areas.
    - a. Garages and carports are not required for residential developments.
    - b. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in Subsections (a) and (b) of this Subsection (C.4).
    - c. The garage or off-street parking area is separated from the street property line by a dwelling; or
    - d. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of fifty percent (50%) of the street frontage (see Figure 8.120.C.4 at the end of this Section).
  - 5. Driveway Approach. Driveway approaches must comply with the following:
    - a. The total width of all driveway approaches must not exceed thirty-two (32) feet per frontage, as measured at the property line (see Figure 8.120.C.5.b at the end of this Section). For lots or parcels with more than one (1) frontage, see Subsection (5.c) of this Subsection (C).
    - b. Driveway approaches may be separated when located on a local street (see Figure 8.120.C.5.b at the end of this Section). If approaches are separated, they must meet the jurisdiction's driveway spacing standards applicable to local streets.
    - c. In addition, lots or parcels with more than one (1) frontage must comply with the following:
      - i. Lots or parcels must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an improved alley (defined as an alley that meets the jurisdiction's standards for width and pavement), access must be taken from the alley (see Figure 8.120.C.5.c.i at the end of this Section).
      - ii. Lots or parcels with frontages only on collectors and/or arterial streets must meet the jurisdiction's access standards applicable to collectors and/or arterials.
      - iii. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:

- (a) Two (2) driveway approaches not exceeding thirty-two (32) feet in total width on one (1) frontage; or
  - (b) One (1) maximum sixteen (16) foot-wide driveway approach per frontage (see Figure 8.120.C.5.c.iii at the end of this Section).
- D. Conversions to Triplex and Quadplex. Internal conversion of an existing detached single-family structure or duplex to a triplex or quadplex is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the development code.



**Figure for 8.120.C.2.b.i**

**Main Entrance Facing the Street**

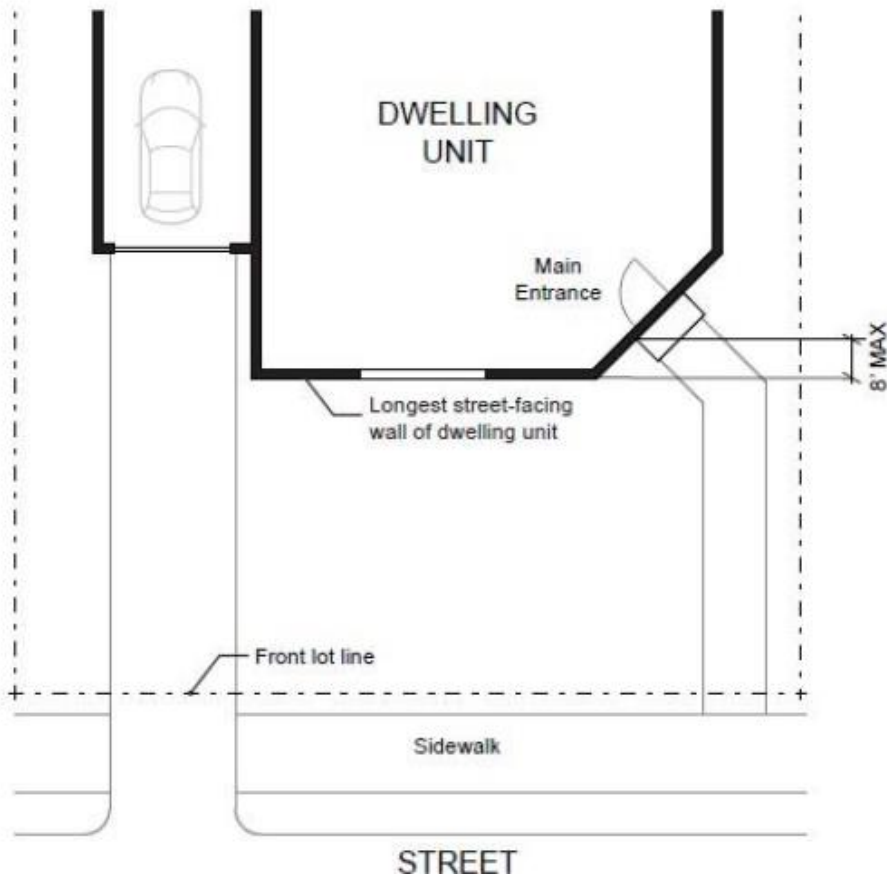
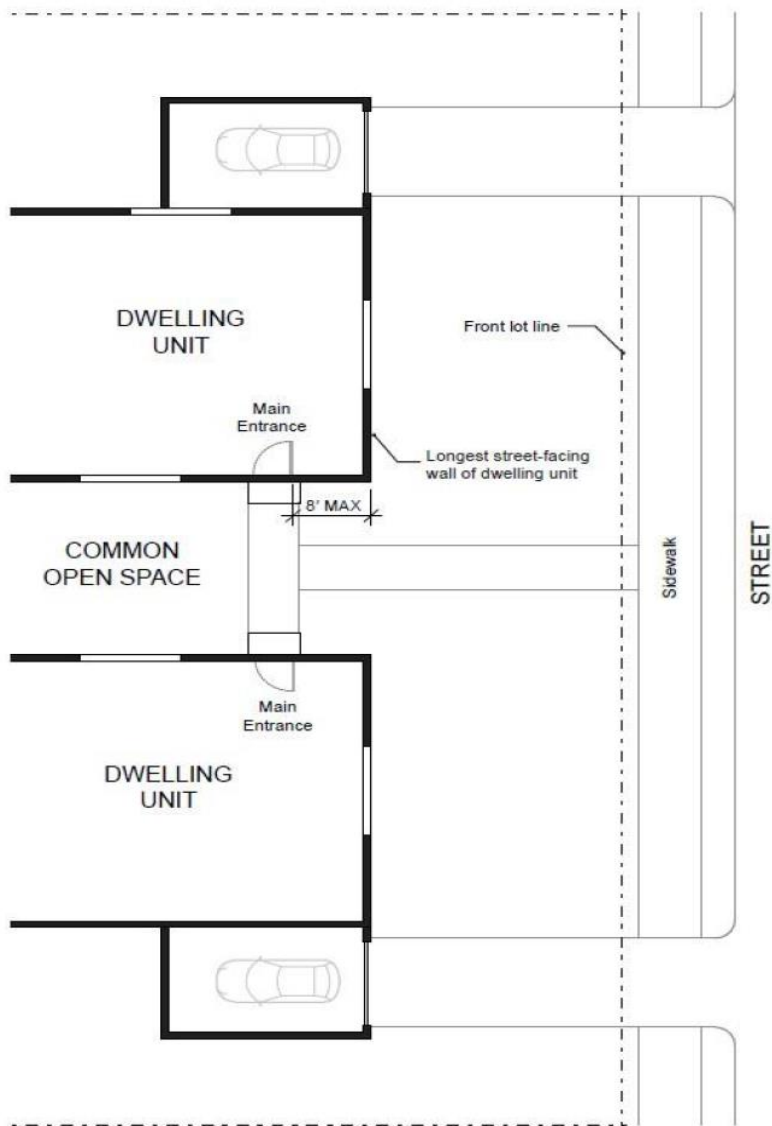


Figure for 8.120.C.4.b.iii

Main Entrance at 45 Degree Angle from the Street



**Figure for 8.120.C.2.b.iii**

**Main Entrance Facing the Common Open Space**

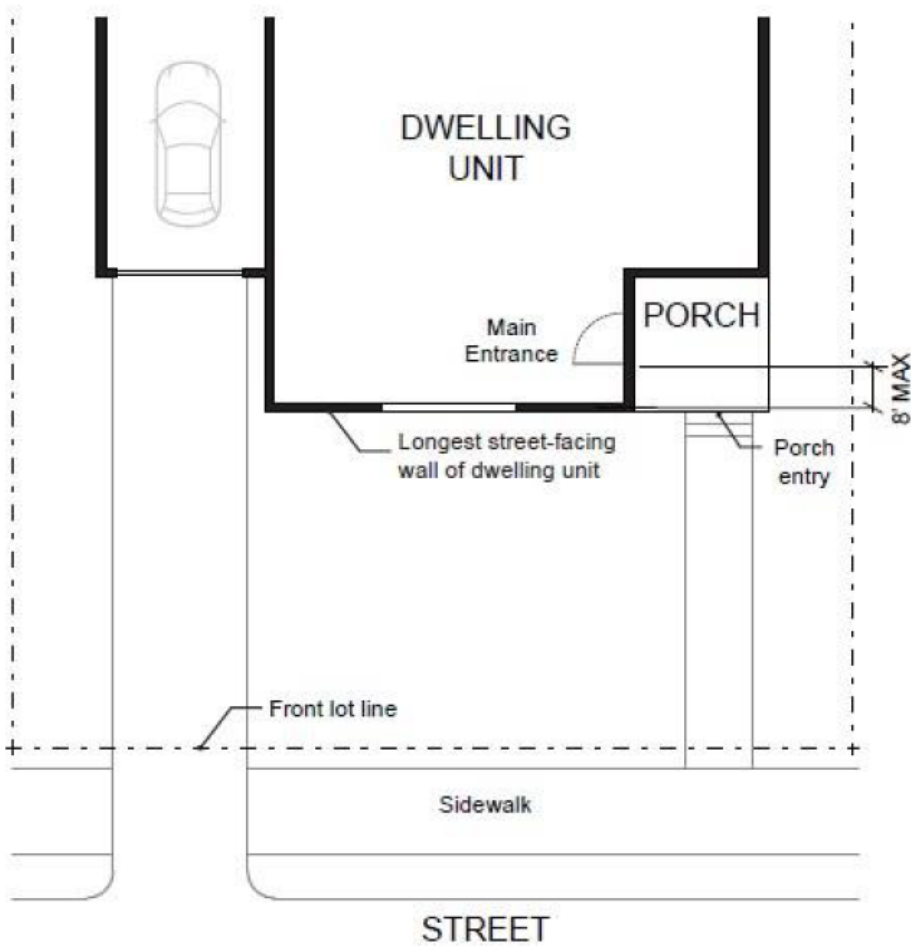


Figure for 8.120.C.4.b.iv

Main Entrance Opening onto a Porch



STREET-FACING FACADE




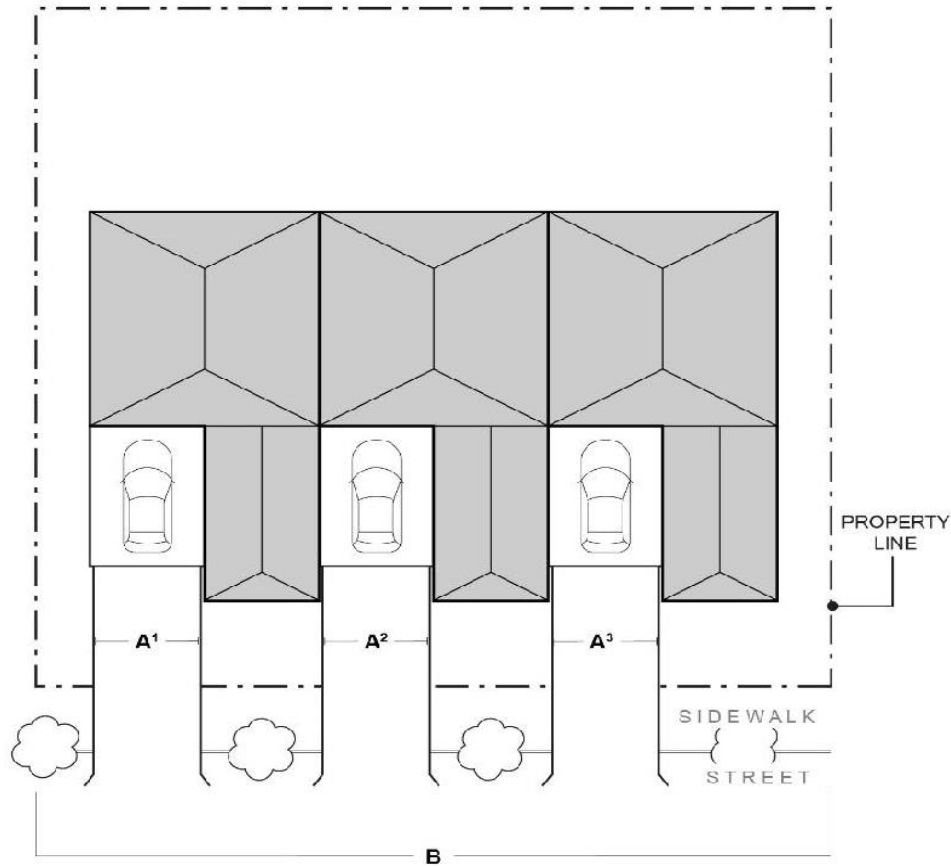
-  Area subject to 15% window & entrance door coverage requirement
-  Qualifying window coverage
-  Qualifying entrance door coverage

Figure for Figure 8.120.C.3

#### Window Coverage



- (A) Garage and on-site parking and maneuvering areas
- (B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

Figure for 8.120.C.4

#### Width of Garages and Parking Areas





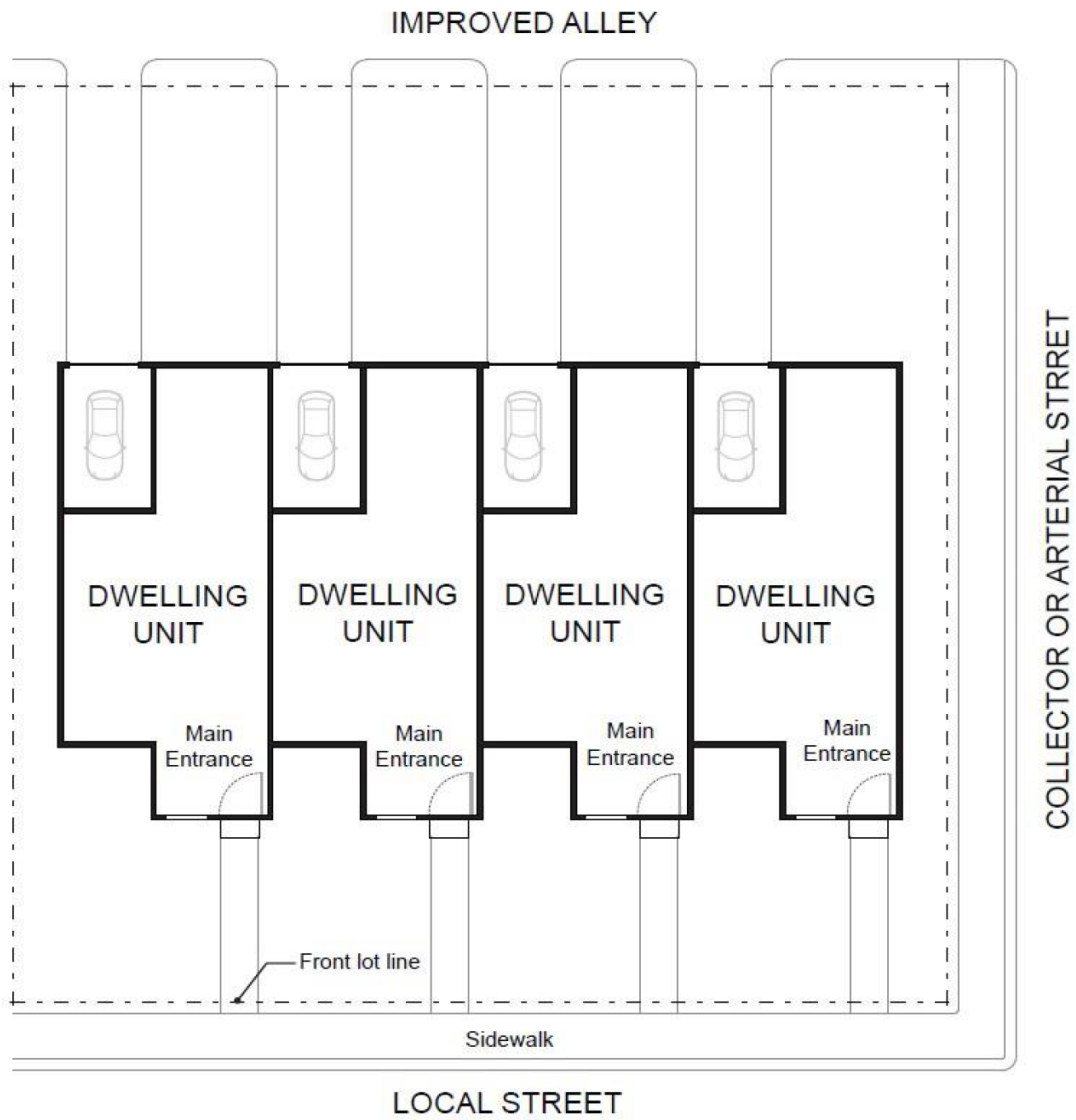
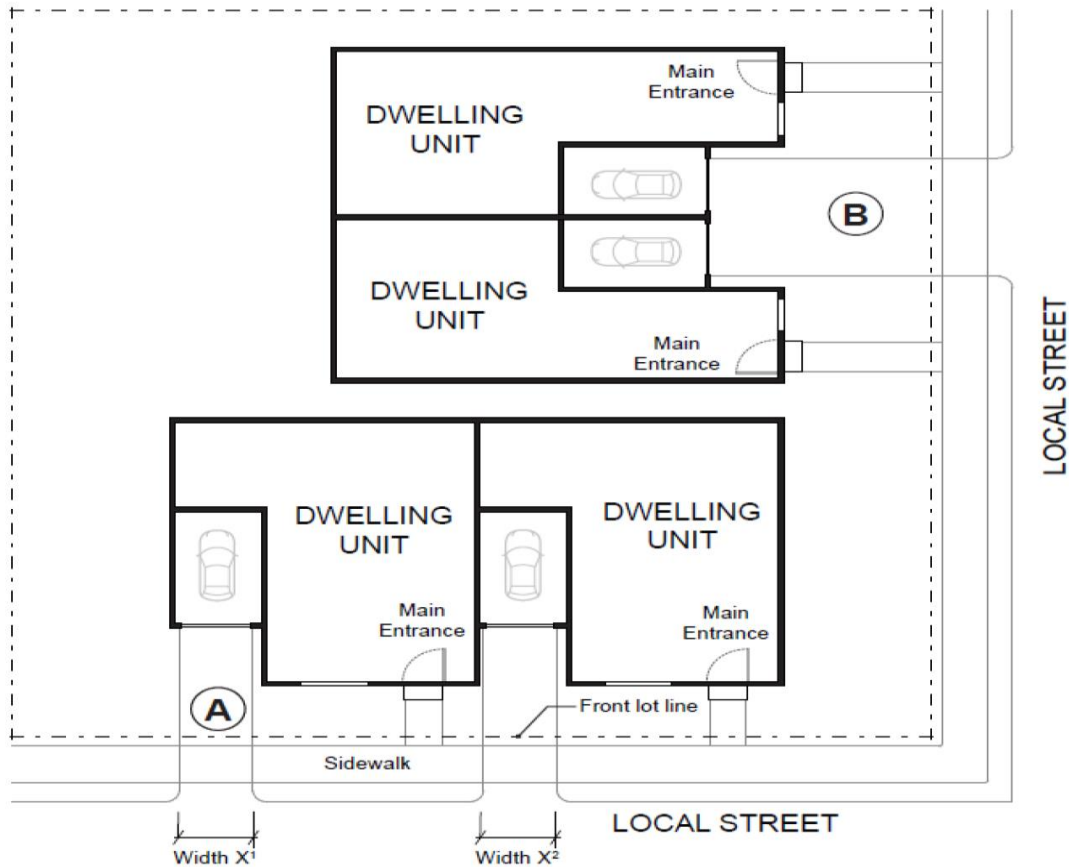


Figure for 8.120.C.5.c.i.

#### Alley Access



Options for site with more than one frontage on local streets:

- A** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured  $X_1 + X_2$ ); or
- B** One maximum 16-foot-wide driveway approach per frontage.

*(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)*

**Figure for 8.120.C.5.c.i.**

#### **Driveway Approach Options for Multiple Local Street Frontages**

### **8.130 Townhouse Projects and Dwellings.**

- A. Approval Process.
  - 1. Townhouse dwellings are subject to the same approval process as that for detached single-family dwellings in the same zone.
  - 2. Townhouse Projects.
    - a. Townhouse projects are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in

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accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a townhouse project subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.

- b. Creation of new lots or parcels as part of a townhouse project is subject to the applicable land division approval process in accordance with Chapter 7 of this Code.
- c. Applicants must demonstrate that sufficient infrastructure as defined in Section 1.020 of this Code is provided, or will be provided, upon submittal of a townhouse development application.

**B. Development Standards.**

**1. Applicability.**

- a. Townhouses shall meet the development standards contained within the dimensional standards table in Section 3.130.C of this Division.
- b. Townhouse projects shall meet:
  - i. The development standards contained within the dimensional standards table in Section 3.130.C of this Code.
  - ii. Any applicable general development standards contained within Division 8.000 of this Chapter.
  - iii. Any applicable clear and objective platting standards contained within Chapter 7 of this Code or otherwise required by state law.
  - iv. The additional development standards contained within this Section (8.130.B).
- c. The following standards are invalid and do not apply to townhouses or townhouse projects allowed by this Code, except as specified within this Section 8.130:
  - i. Additional development standards of the applicable base zone related to the standards addressed under Subsections (2) and (3) of this Section (B).
  - ii. Development standards of the applicable base zone related to lot dimensions, lot coverage, landscape or open space area, or the siting or design of dwellings.
  - iii. The jurisdiction's other development standards that apply only to townhouses and that conflict with provisions of this Code.

**2. Off-Street Parking.**

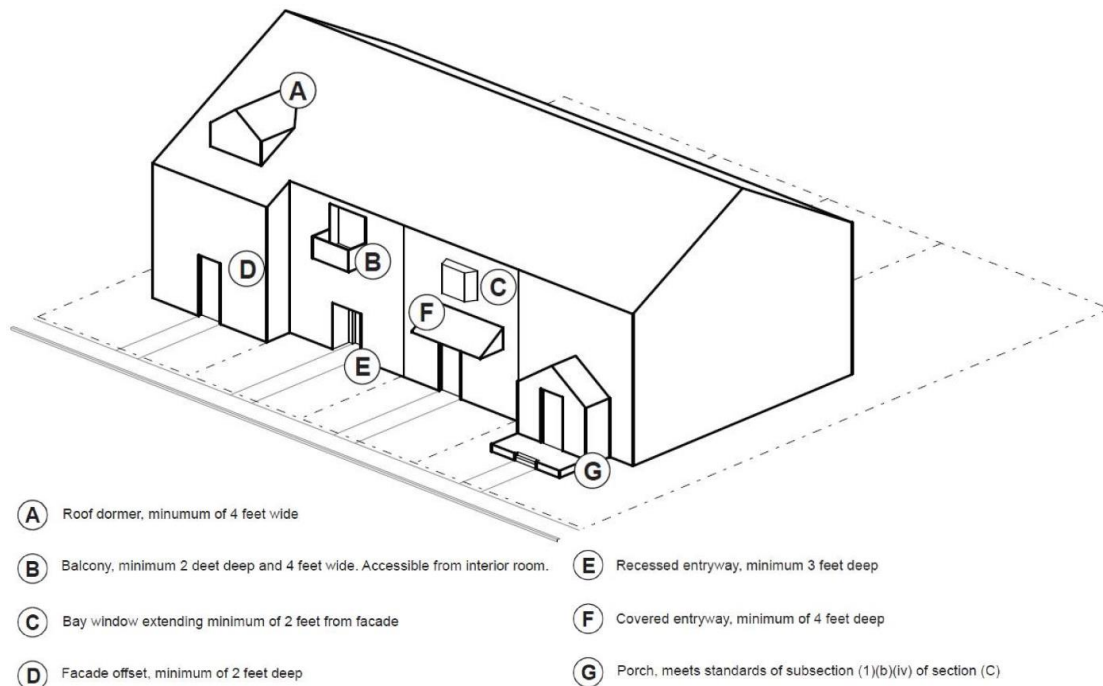
- a. Garages and carports are not required for residential development
- b. Required Off-Street Parking. The minimum number of required off-street parking spaces for a townhouse project is one (1) space per unit. Spaces may be provided on individual lots or in a shared parking area on a common tract. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in Subsection (b).

**3. On-Street Parking.**

- a. On-Street Credit. If on-street parking spaces meet all the standards in Subsections (i) through (iv) below, they shall be counted toward the minimum off-street parking requirement.
  - i. The space must be abutting the subject site;
  - ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
  - iii. The space must be a minimum of twenty-two (22) feet long; and

- 
- iv. The space must not obstruct a required sight distance area.
  - 3. Areas Owned in Common. Common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the jurisdiction prior to issuance of a building permit.
  - C. Design Standards. New townhouses shall meet the following design standards. Mandates for construction of a garage or carport and any other design standards are invalid.
    - 1. Entry Orientation. The main entrance of each townhouse must:
      - a. Be within eight (8) feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
      - b. Either:
        - i. Face the street (see Figure 8.120.C.2.b.i in the preceding Section);
        - ii. Be at an angle of up to forty-five (45) degrees from the street (see Figure 8.120.C.4.b.iii in the preceding Section);
        - iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two (2) sides; or
      - iv. Open onto a porch (see Figure 8.120.C.4.b.iv in the preceding Section). The porch must:
        - (a) Be at least twenty-five (25) square feet in area; and
        - (b) Have at least one (1) entrance facing the street or have a roof.
    - 2. Unit Definition. Each townhouse must include at least two (2) of the following on at least one (1) street-facing façade (see Figure 8.130.C.2 at the end of this Section):
      - a. A roof dormer a minimum of four (4) feet in width.
      - b. A balcony a minimum of two (2) feet in depth and four (4) feet in width and accessible from an interior room, which may encroach into a required setback area.
      - c. A bay window that extends from the facade a minimum of two (2) feet, which may encroach into a required setback area.
      - d. An offset of the facade of a minimum of two (2) feet in depth, either from the neighboring townhouse or within the façade of a single townhouse.
      - e. An entryway that is recessed a minimum of three (3) feet.
      - f. A covered entryway with a minimum depth of four (4) feet.
      - g. A porch meeting the standards contained in Subsection 8.130.C.1.b.iv of this Code.
    - 3. Windows. A minimum of fifteen percent (15%) of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. (see Figure 8.120.C.3 in the preceding Section).
    - 4. Driveway Access and Parking. Townhouses with frontage on a public street shall meet the following standards:
      - a. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 8.130.C.4.b at the end of this Section):

- i. Each townhouse lot has a street frontage of at least fifteen (15) feet on a local street.
  - ii. A maximum of one (1) driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
  - iii. Outdoor on-site parking and maneuvering areas do not exceed twelve (12) feet wide on any lot.
  - iv. The garage width does not exceed twelve (12) feet, as measured from the inside of the garage door frame.
- b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in Subsection (a).
- i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
  - ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot (see Figure 8.130.C.4.b.ii at the end of this Section).
  - iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses (see Figure 8.130.C.4.b.iii at the end of this Section).
  - iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.
- c. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with Subsection (b).



**Figure for 8.130.C.2**

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## Townhouse Unit Definition Features

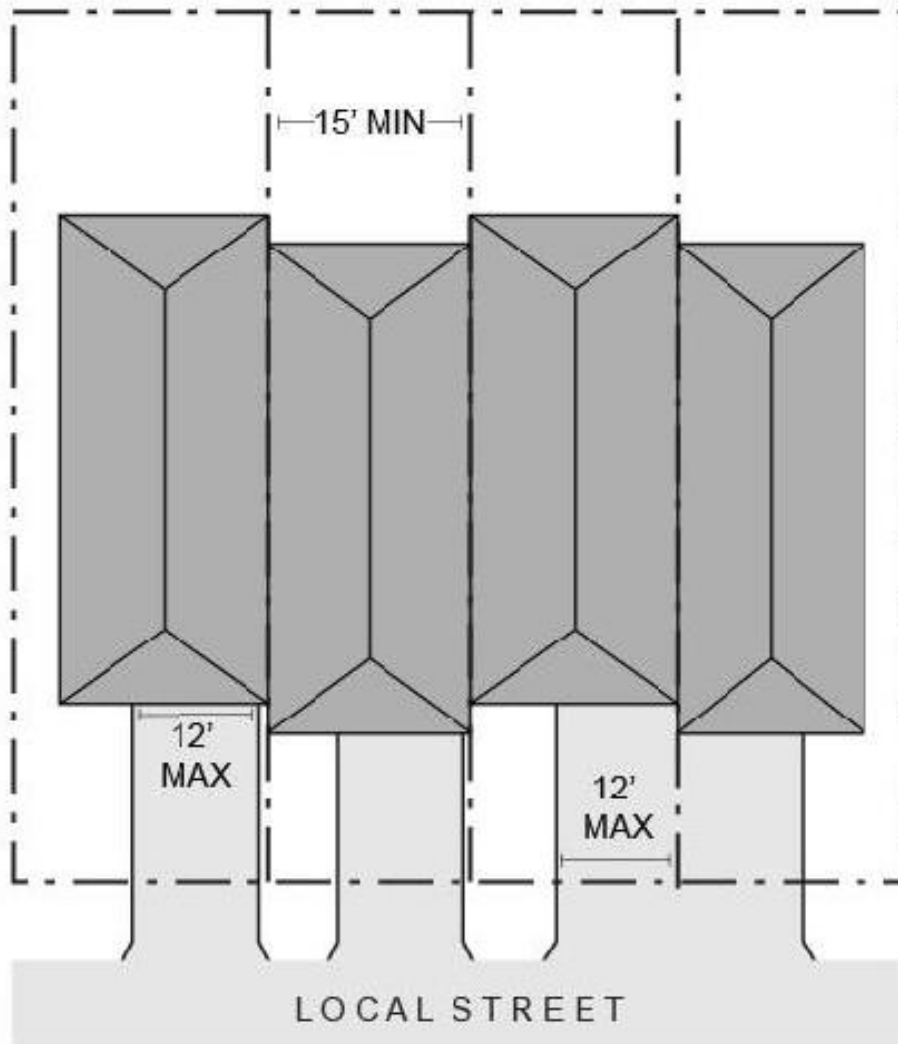


Figure for 8.130.C.4.a

### Townhouses with Parking in Front Yard

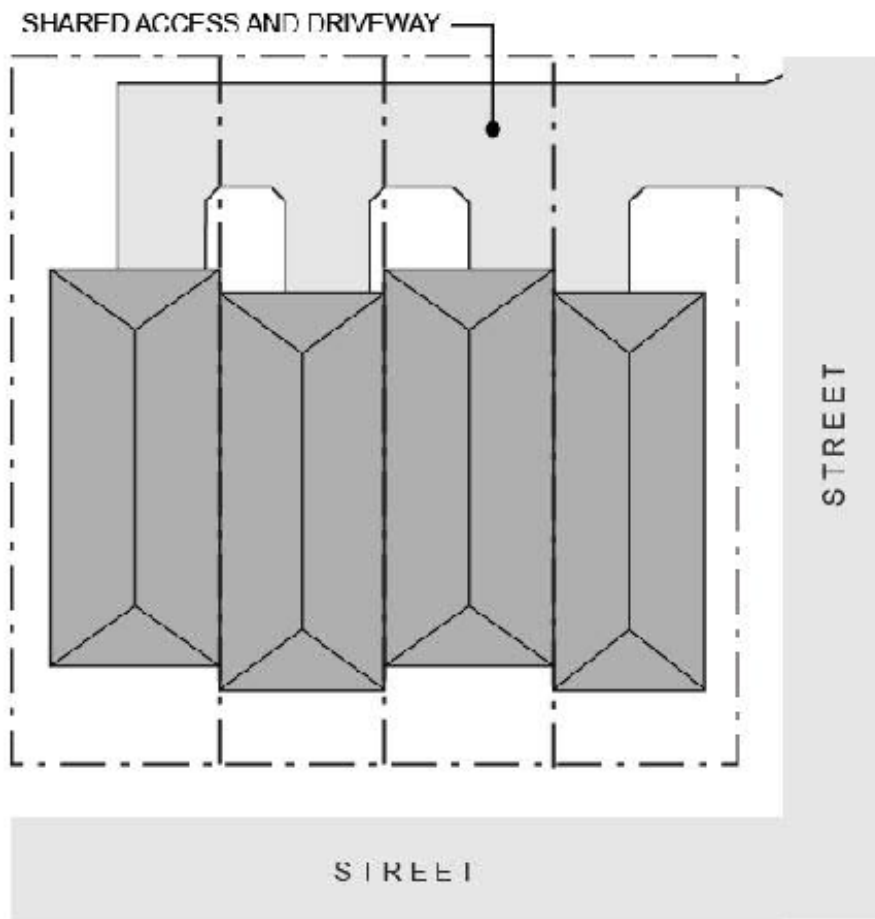


Figure for 8.130.C.4.b.ii

Townhouses on Corner Lot with Shared Access

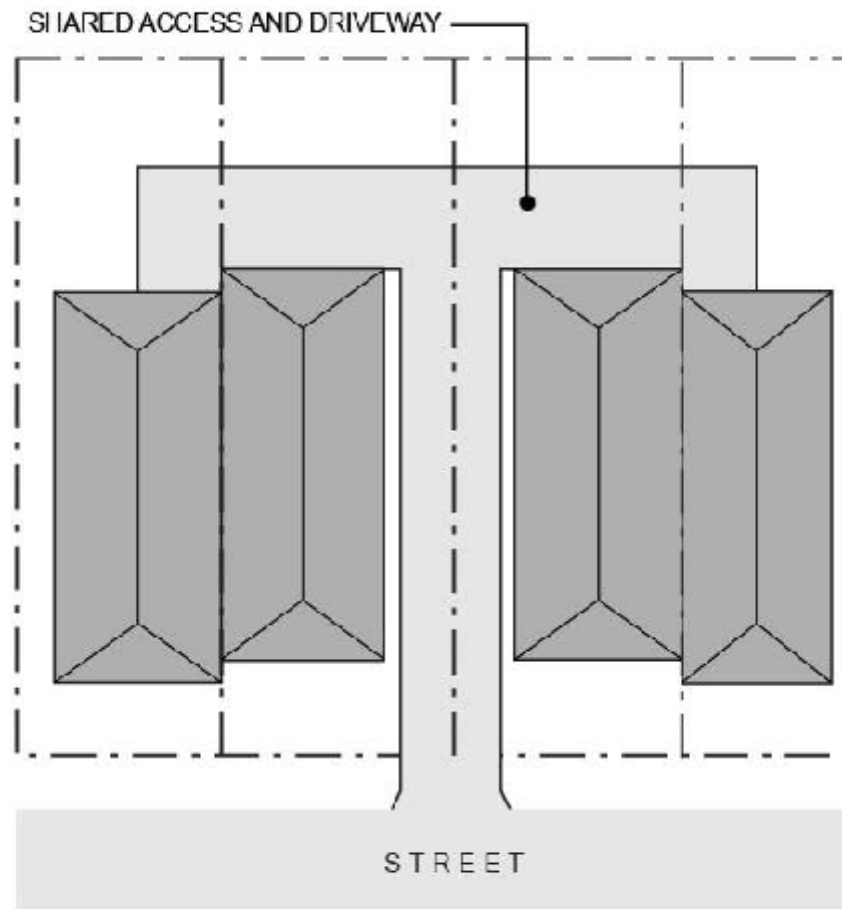


Figure for 8.130.C.4.b.iii

#### Townhouses with Consolidated Access

### 8.140 Cottage Cluster Projects and Dwellings.

#### A. Approval Process.

1. Cottage cluster projects are subject to the same approval process as that for detached single-family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a cottage cluster project subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
2. Applicants must demonstrate that Sufficient Infrastructure as defined in Section 1.020 of this Code is provided, or will be provided, upon submittal of a cottage cluster development application.

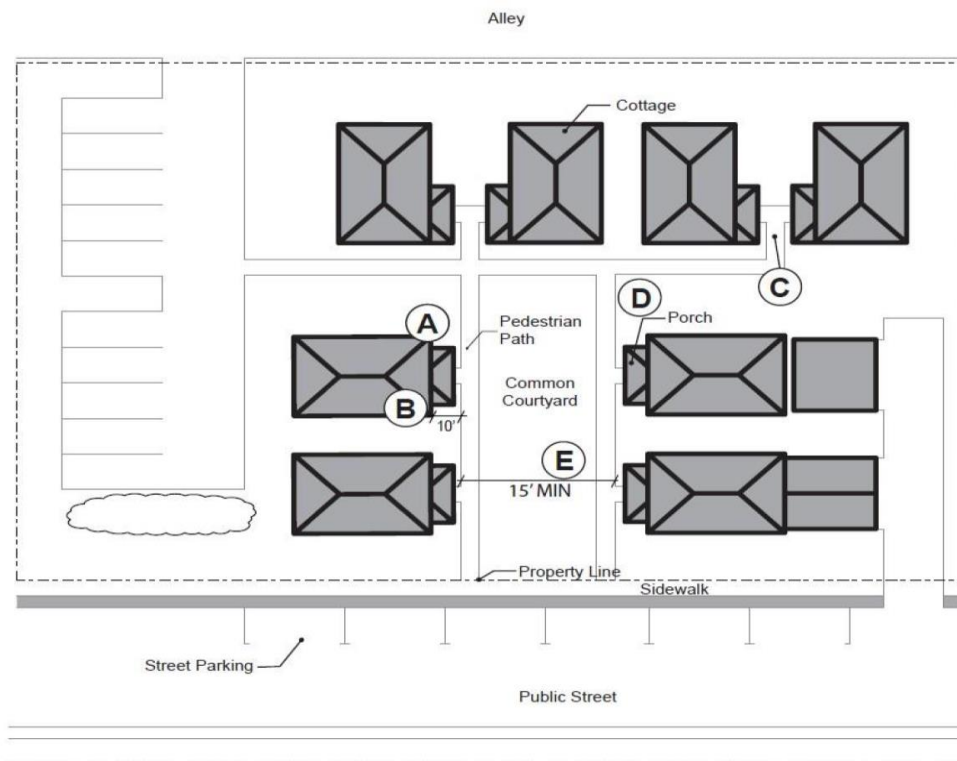
#### B. Development Standards.



- 
1. **Applicability.** Cottage clusters shall meet the development standards contained herein and within the dimensional standards table in Section 3.130.D of this Code.
  2. **Average Unit Size.** The maximum average floor area for a cottage cluster is one thousand four hundred (1,400) square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.
  3. **Off-Street Parking.**
    - a. **Required Off-Street Parking.** The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area of less than one thousand (1,000) square feet and one (1) space per unit with a floor area of one thousand (1,000) square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in Subsection (b).
    - b. **On-Street Credit.** If on-street parking spaces meet all the standards in Subsections (i) through (iv) below, they shall be counted toward the minimum off-street parking requirement.
      - i. The space must be abutting the subject site;
      - ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
      - iii. The space must be a minimum of twenty-two (22) feet long; and
      - iv. The space must not obstruct a required sight distance area.
- C. **Design Standards.** Cottage clusters shall meet the following design standards. No other design standards shall apply to cottage clusters unless noted in this Section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section.
1. **Cottage Orientation.** Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 8.140.C.1 at the end of this Section):
    - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
    - b. A minimum of fifty percent (50%) of cottages within a cluster must be oriented to the common courtyard and must:
      - i. Have a main entrance facing the common courtyard;
      - ii. Be within ten (10) feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
      - iii. Be connected to the common courtyard by a pedestrian path.
    - c. Cottages within twenty (20) feet of a street property line may have their entrances facing the street.
    - d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
  2. **Common Courtyard Design Standards.** Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 8.140.C.1 at the end of this Section):
    - a. The common courtyard must be a single, contiguous piece.
    - b. Cottages must abut the common courtyard on at least two (2) sides of the courtyard.

- 
- c. The common courtyard must contain a minimum of one hundred fifty (150) square feet per cottage within the associated cluster (as defined in Subsection (1) of this Section (C)).
    - d. The common courtyard must be a minimum of fifteen (15) feet wide at its narrowest dimension.
    - e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed seventy-five percent (75%) of the total common courtyard area.
    - f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
  3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
    - a. Each cottage cluster is permitted one (1) community building, which shall count towards the maximum average floor area, pursuant to Subsection (B.5).
    - b. A community building that meets the development code's definition of a dwelling unit must meet the maximum nine hundred (900) square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
  4. Pedestrian Access.
    - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
      - i. The common courtyard;
      - ii. Shared parking areas;
      - iii. Community buildings; and
      - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
    - b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.
  5. Windows. Cottages within twenty (20) feet of a street property line must meet any window coverage requirement that applies to detached single-family dwellings in the same zone.
  6. Parking Design (see Figure 8.140.C.6 at the end of this Section).
    - a. Clustered Parking. Off-street parking may be arranged in clusters, subject to the following standards:
      - i. Cottage cluster projects with fewer than sixteen (16) cottages are permitted parking clusters of not more than five (5) contiguous spaces.
      - ii. Cottage cluster projects with sixteen (16) cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
      - iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
      - iv. Clustered parking areas may be covered.

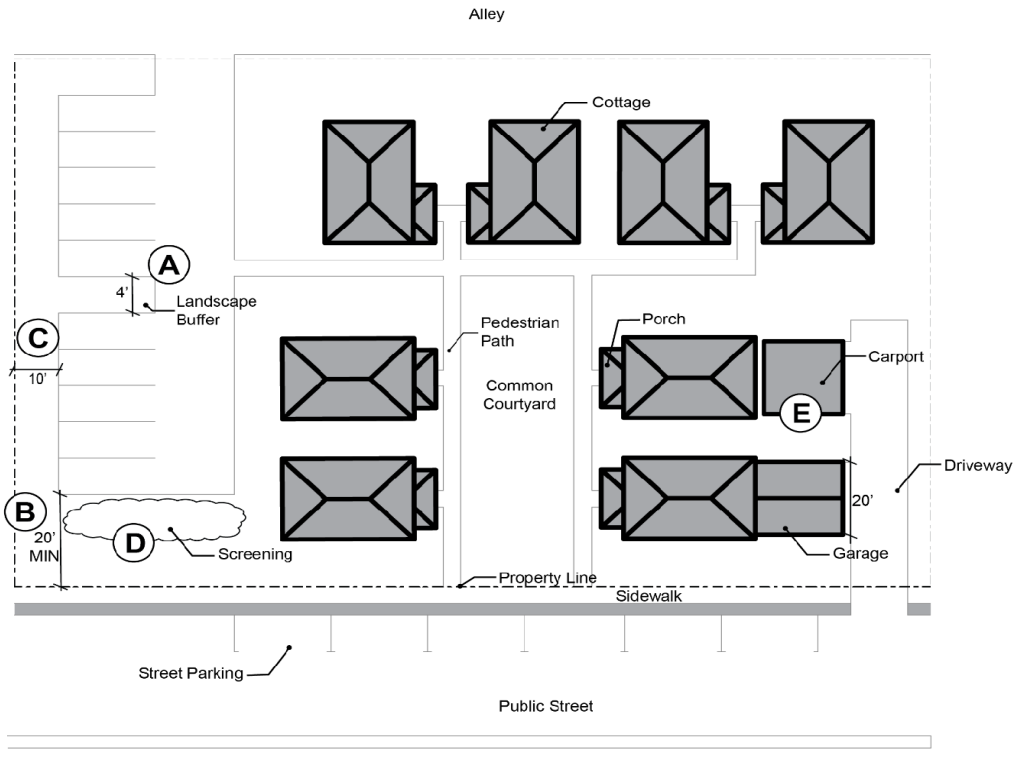
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- b. Parking Location and Access.
    - i. Off-street parking spaces and vehicle maneuvering areas shall not be located:
      - (a) Within twenty (20) feet from any street property line, except alley property lines;
      - (b) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
    - ii. Off-street parking spaces shall not be located within ten (10) feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within ten (10) feet of other property lines.
  - c. Screening. Landscaping, fencing, or walls at least three (3) feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
  - d. Garages and Carports.
    - i. Garages and carports are not required for residential developments.
    - ii. Garages and carports (whether shared or individual) must not abut common courtyards.
    - iii. Individual attached garages up to two hundred (200) square feet shall be exempted from the calculation of maximum building footprint for cottages.
    - iv. Individual detached garages must not exceed four hundred (400) square feet in floor area.
    - v. Garage doors for attached and detached individual garages must not exceed twenty (20) feet in width.
  - 7. Accessory Structures. Accessory structures must not exceed four hundred (400) square feet in floor area.
  - 8. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single-family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
    - a. The existing dwelling may be nonconforming with respect to the requirements of this Code.
    - b. The existing dwelling may be expanded up to the maximum height in Subsection (B.4) or the maximum building footprint in Chapter 1, Subsection (B.1); however, existing dwellings that exceed the maximum height and/or footprint of this Code may not be expanded.
    - c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
    - d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per Subsection (1.a) of this Subsection (C).



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

**Figure 8.140.C.1**

### **Cottage Cluster Orientation and Common Courtyard Standards**



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

**Figure 8.140.C.6.**

#### **Cottage Cluster Parking Design Standards**

### **8.150 Multi-Family Residential Projects and Dwellings.**

- A. **Approval Process.** Multi-family residential projects and dwellings are subject to a Site Development Review land use application in accordance with Section 6.900 of this Code.
- B. **Design Standards.**
  - 1. **Building Entrances.** The primary entrance to buildings that do not have residential units above or below other residential units shall face toward a public or private street, unless the lot configuration, site characteristics, onsite circulation, or other conditions make it impractical to face a building's primary

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- entrance to the street. Exception: A primary entrance is not required to face a street designated as an arterial.
2. Building Separation. Multiple residential buildings on a single lot shall be separated at least fifteen (15) feet from one another.
  3. Pedestrian Access and Circulation.
    - a. Private streets or driveways greater than twenty (20) feet in length and that serve more than one (1) dwelling unit shall have sidewalks on at least one (1) side that connect to the nearest public street.
    - b. Each primary entrance to a residential building shall be connected to a sidewalk onsite that connects to either a public street, private street, or driveway.
    - c. Onsite pedestrian circulation shall be continuous and connect streets abutting the site, ground level entrances, common buildings such as laundry and recreation facilities, parking areas, shared open space and play areas, abutting transit stops, and any pedestrian amenities such as plazas, resting areas, and viewpoints. There shall be at least one (1) pedestrian connection to an abutting street frontage for each two hundred (200) linear feet of street frontage.
    - d. Vehicle/pedestrian conflicts shall be minimized by providing pedestrian routes that are separated from parking lots, including onsite sidewalks that connect to garbage enclosures or recycling areas and mailboxes.
  4. Architectural Elements and Building Facades. Residential units shall be designed with vertical and horizontal offsets to break up rooflines, define private outdoor areas, allow greater views, and admit light and air to unit interiors. Large, blank walls shall be avoided. Windows and projecting walls shall be used to break up larger walls in order to establish visual interest.
    - a. No wall of a residential building shall exceed a length of fifty (50) feet without a foundation offset of at least four (4) feet for a distance of at least sixteen (16) feet.
    - b. The wall of a building that faces a public street shall incorporate architectural features including, but not limited to, at least three (3) of the following:
      - i. Porches.
      - ii. Balconies.
      - iii. Dormer windows.
      - iv. Recesses/alcoves.
      - v. Unique entry areas, such as porticos or atriums.
    - c. The same level of architectural design and quality of materials shall be applied to all sides of the building.
    - d. The following window detail shall be incorporated into the building design:
      - i. Windows shall account for at least fifteen percent (15%) of any rear or front building elevation no matter what the building's orientation on the lot is.
      - ii. Windows shall account for at least ten percent (10%) of any side building elevation no matter what the building's orientation is.
      - iii. All windows shall have outer casings or frames.
    - e. Garages, carports, and accessory structures shall maintain the same level of design, aesthetic quality, and architectural compatibility as the residential structure(s).

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- f. Roofline offsets shall be provided at intervals of forty (40) feet or less to create variety in the massing of structures and relieve the effect of a single, long roof. Roofline offsets shall be a minimum four (4) foot variation either vertically from the gutter line, or horizontally.
    - g. The rooflines of attached dwellings shall be multi-gabled or have varied parapets over every unit's main entrance.
    - h. Rooflines, porches, and doors shall have trim.
  - 5. Off-Street Parking, Garages, and Carports. In addition to the standards of Chapter 9, Off-Street Parking and Loading, off-street parking for attached dwellings on a single lot shall include these design standards:
    - a. Garages and carports are not required for residential developments.
    - b. Parking lots may not be located between a multiple-family structure and the right-of-way the structure fronts on.
    - c. If there is no parking lot or alley access to attached dwellings, and motor vehicle access is from the street, parking must be either in an attached garage that is set back a minimum of five (5) feet behind the front door of the residential structure, in a detached accessory structure located at least fifty (50) feet from the front property line, or in a parking area at the side or rear of the site, or shall comply with the following standards:
      - d. The garage door width of the dwelling is fifty percent (50%) or less of the width of the street facing elevation, and does not extend beyond the front door; or
      - e. The garage door is behind or even with the front door and the dwelling has a roofed front porch, which is at least one-third ( $\frac{1}{3}$ ) as wide as the front elevation and at least five (5) feet deep. The porch may encroach within the required front yard setback a maximum of five (5) feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and
    - f. The street facing wall of the dwelling contains at least one (1) window on the ground floor that allows visibility of the street.
    - g. Side and rear yard setbacks for parking lots and/or garages shall be the same as the minimum building setbacks of the underlying zoning district or the same as the minimum building setback of any adjacent residential zoning district, whichever is more restrictive. Side and rear yard setbacks based on building height shall not be applied to parking lots or the access driveways.
  - 6. Outdoor Private Space. Outdoor private space is required for each residential dwelling unit.
    - a. Each ground level dwelling unit shall have an attached accessible outdoor private space of not less than sixty (60) square feet in area. Individual outdoor areas for ground level units must be visually screened from each other by walls, fences, or vegetation screening that is at least six (6) feet high and totally sight-obscuring.
    - b. Each upper level unit shall have an attached outdoor private space, such as a balcony, of not less than sixty (60) square feet in area. The area shall be enclosed, screened, or otherwise designed to provide privacy from adjacent units by walls, building offsets, or similar sight-obscuring screening.
  - 7. Recreation Areas.
    - a. Recreational facilities or open space areas are required for attached dwelling developments that contain six (6) or more dwelling units on one (1) lot. Such recreational facilities and open space

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areas must be located on the development site or on a lot adjacent to the site. Common recreation areas, whether indoor, outdoor, or both, shall be provided at the rate of at least two hundred (200) square feet per dwelling unit. No more than fifty percent (50%) of the required recreation area may be in passive open space. Recreation facilities may include children's play structures and play equipment and shall be located outside of bioswales, detention ponds, steep slopes, or a vegetation corridor as defined in this Code. More than one (1) recreation area may be developed on the site. Any play structure exceeding ten (10) feet in height must comply with the underlying zoning district setbacks.

- b. Recreation facilities or open space areas are not required for development within the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Drive from 257th Avenue to the SE Sandy Street right-of-way.

### **8.155 Age-Restricted Units (Reserved).**

### **8.160 Manufactured Home Parks.**

- A. Purpose. A single-family residential manufactured home park is intended for manufactured homes on separate spaces within a manufactured home park. The purpose of these provisions is to extend the opportunity for low and moderately priced single-family homes, to ensure a high-quality living environment within manufactured home parks, to ensure that manufactured homes in manufactured home parks are safe and durable, and to protect property values within and adjacent to manufactured home parks.
- B. Establishment of a Manufactured Home Park. A manufactured home park may be established as a permitted use in the MDR residential districts.
- C. Locational Criteria. Access to manufactured home parks shall be from abutting public streets. No manufactured home space shall have direct vehicular access to a street bordering the park.
- D. Density, Minimum Site Size, and Dimensions of Park. All manufactured home parks shall meet the following minimum requirements:
  - 1. The minimum size of a manufactured home park shall be one (1) acre.
  - 2. The number of permitted units allowed in a manufactured home park shall not exceed the density permitted in the underlying zone.
  - 3. Minimum park street frontage one hundred (100) feet.
  - 4. Minimum park depth one hundred fifty (150) feet.
- E. Standards and Criteria. Manufactured home parks must comply with the following standards and criteria:
  - 1. Perimeter Setback and Buffer Area.
    - a. A perimeter setback and buffer area of at least twenty (20) feet shall be provided. This area shall remain unoccupied by any structure, street, parking, or driveway area, except that private street entrances may cross the perimeter buffer where necessary to provide access to the park.
    - b. Within that portion of the perimeter setback and buffer area which abuts a public street right-of-way, screening shall be achieved through one (1) of the following:
      - i. A three (3) foot high earthen berm with seventy-five percent (75%) of the area planted with evergreen and deciduous trees, shrubs, and groundcover arranged so as to achieve an effective sight and sound buffer of at least six (6) feet in height to screen the park at the time of completion.



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- ii. A six (6) foot high decorative masonry wall, wooden fence, and a combination of evergreen and deciduous trees, shrubs, and groundcover arranged so as to achieve an effective sight and sound buffer to screen the park at time of completion.
  - c. Within that portion of the perimeter setback and buffer area which abuts adjacent parcels, a sight-obscuring wooden fence or a decorative masonry wall at least six (6) feet in height shall be installed to screen the park from adjacent properties.
2. Dimensional Standards - Per Space.
- a. Front yard ten (10) feet.
  - b. Rear yard – twenty (20) feet, if not abutting a perimeter strip.
  - c. Side yard seven and one-half (7.5) feet.
  - d. Minimum distance between dwellings fifteen (15) feet.
  - e. Lot coverage not to exceed seventy-five percent (75%).
3. Minimum Dwelling Requirements.
- a. All manufactured homes shall have a gross floor area of at least six hundred (600) square feet.
  - b. Any manufactured home established under this Code shall have been manufactured after June 15, 1976, and bear the Oregon Department of Commerce "Insignia of Compliance" indicating conformance with construction standards promulgated by the U.S. Department of Housing and Urban Development.
  - c. Any manufactured home built before June 15, 1976, may be permitted if the owner obtains certification from the Oregon Department of Commerce that the home conforms with the U.S. Department of Housing and Urban Development construction standards.
4. Landscaping/Open Space/Recreation Areas. All required landscaped areas shall comply with the general landscaping and vision clearance standards of this Code and the City's Development Standards.
- a. A minimum of twenty percent (20%) of the manufactured home park area shall be reserved for open space.
  - b. Such open space may include the perimeter setback and buffer area, and improved outdoor recreation facilities.
  - c. Ten percent (10%) of the manufactured home park area shall be reserved and developed for common recreation space or structure.
  - d. Streets, access drives, parking lots, and unoccupied portions of manufactured home spaces shall not be considered open space.
5. Public Facilities and Services.
- a. All developments are subject to the applicable requirements of the Development Standards and Public Facilities Standards.
  - b. If a manufactured home space or permanent structure in the park is more than five hundred (500) feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants within five hundred (500) feet of such space or structure. Each fire hydrant shall be located along a vehicular way.
6. Mail Delivery. Each manufactured home space shall be provided with a mailbox located on each manufactured home space or in a central mail station designed as an integral part of the manufactured

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- home park, or in a stand containing clustered (four (4) or more) mailboxes located near the dwellings being served.
7. Accessory Structures. Each manufactured home space shall be provided with an accessory storage building with one hundred (100) square feet of enclosed floor area. All such storage buildings within the park shall be of uniform design and constructed of the same materials. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.
  8. Sidewalks/Pedestrian Pathways. A system of sidewalks or pathways shall be installed linking all manufactured home spaces, recreation areas, parking lots, and common buildings. This system may consist of conventional sidewalks paralleling the street, or an independent network of pathways. The system shall be linked with the sidewalks along perimeter streets bordering the manufactured home park. Pedestrian pathways and sidewalks shall be paved with a durable all-weather surface no less than four (4) feet in width.
  9. Internal Circulation System/Parking. Internal roads and driveways shall be designed to provide safe and convenient access to manufactured home spaces and other facilities in the manufactured home park for service and emergency vehicles, but shall not be designed to encourage outside traffic to traverse the development.
    - a. All interior roadways shall be designed and constructed in accordance with the standards established by OAR 814-28-060(8) for manufactured home park roads and streets.
    - b. Pavement Width. All interior streets shall have a minimum pavement width of twenty-four (24) feet, exclusive of any pedestrian circulation systems.
    - c. Curbs shall be installed on both sides of interior streets if built with a raised crown. If streets are built with an inverted crown, curbs are not required.
    - d. Dead-end (cul-de-sac) streets shall serve no more than eighteen (18) manufactured home sites and have a minimum turning radius of forty (40) feet.
    - e. On-street parking shall be prohibited. Off-street parking and loading facilities shall be provided in accordance with the requirements of Chapter 9 of this Code.
    - f. Required resident off-street parking spaces may be provided either on the manufactured home space or in an off-street parking bay within one hundred (100) feet from the dwelling served.
    - g. Guest parking shall be provided in off-street parking bays in close proximity to the dwelling units served.
    - h. Off-street parking shall be provided for all non-residential uses within the manufactured home park at the rate provided for in the City's off-street parking standards. These parking spaces shall be provided within one hundred (100) feet of the non-residential use.
    - i. Recreational vehicles such as camping trailers, boats, campers, motor homes, and other such vehicles shall be parked or stored within an area specifically designated for such use and enclosed by a six (6) foot high sight-obscuring wooden fence or decorative masonry wall with a gate.
    - j. Off-street loading bays and maneuvering areas shall be provided for all uses receiving delivery vehicles on a regular basis in conformance with City standards.
  10. Signs. Park identification signs shall comply with the City sign regulations. In addition, the following standards apply:

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- a. Each manufactured home park shall provide one (1) sign immediately inside the main entrance identifying the location of all interior streets and drives, visitor parking areas, storage areas, all manufactured home sites by number, and all other buildings and structures within the park, provided that the face of the sign does not exceed City standards, and is either backlighted or indirectly lighted.
  - b. Each manufactured home site shall have a sign not larger than one (1) square foot identifying the number of each manufactured home site.
  - c. Traffic control signs shall be installed as required by the City or other governmental agency.
  - d. Lighting, utility system, decks, play areas, park sanitation, and maintenance. Requirements not specified within this Section shall be those specified in OAR 814-23 and 814-28.
- F. **Manufactured Home Installation Standards.**
- 1. Prior to the occupancy of any manufactured home space, the owner of the manufactured home park shall obtain a certificate of occupancy from the City.
  - 2. Wheels shall be removed from the manufactured home upon placement within a manufactured home park. Hubs and axles may remain.
  - 3. All manufactured homes shall be skirted and tied down in accordance with state standards.
- G. **Manufactured Home Park Maintenance.** The manufactured home park shall be maintained in a neat appearance at all times. Except for fully functioning vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park. All approved on-site improvements shall be the ongoing responsibility of the owner of the park. The owner shall be responsible for the maintenance of all landscaping which shall be maintained in good condition in order to present a healthy, neat, and orderly appearance that is free of refuse and debris.

### **8.165 Manufactured Home Dwellings.**

- A. **Purpose.** This Section establishes standards for manufactured homes, whether located on separate lots or within manufactured housing parks, to assure compatibility with other site built structures.
- B. **Manufactured homes shall comply with the following standards:**
- 1. Be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.
  - 2. Foundations for manufactured homes shall comply with current Oregon Administrative Rules regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight (8) inches nor more than twelve (12) inches above grade. If the manufactured home is placed on a basement, the twelve (12) inch limitation shall not apply.
  - 3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three (3) feet in height for each twelve (12) feet in width.
  - 4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
  - 5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the State Code as defined in ORS 455.010.

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6. Garages and carports are not required for residential developments.
  7. The towing tongue, axles, wheels, and traveling lights shall be removed from the manufactured home when installed or within thirty (30) days of delivery to an individual lot that outright permits a manufactured home. Wheels shall be removed from the manufactured home upon placement within a manufactured home park, but hubs and axles may remain.8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts, or a structure designated Community Resource (CR), by the City.
  9. The manufactured home shall be connected to the City's public water supply and public sewer unless otherwise permitted by law.
  10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home, or remove the foundation, manufactured home accessory structures, and other structures on the property and disconnect sewer, water, and other utilities within thirty (30) days. If the owner fails to perform the work within thirty (30) days, the City may make the removal and disconnection and place a lien against the property for the cost of the work.

### **8.170 Accessory Dwelling Units.**

- A. Purpose. This Section provides standards for the establishment of an accessory dwelling unit as defined in Section 1.020 of this Code in relation to a primary single-family dwelling. This Section is intended to enable a unit to be a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom, and sleeping area.
- B. Review Procedures.
  1. Accessory dwelling units shall be considered through a Type I review procedure in accordance with Section 6.900 of this Code.
- C. Number of Units. A maximum of two (2) accessory dwelling units are allowed per legal primary dwelling, provided that one (1) unit is either an interior conversion or attached to the primary dwelling and the other unit is detached from the primary dwelling.
- D. Development Standards.
  1. All accessory dwelling units shall comply with the primary dwelling's building setbacks and height standards of the underlying zoning district and overlay district, if applicable.
  2. Accessory dwelling units shall not exceed eight hundred (800) square feet in area or fifty percent (50%) of the primary dwelling's floor area, whichever is smaller. For interior conversions only, accessory dwelling units that result from conversion of a floor may occupy the entire floor area, even if that area exceeds eight hundred (800) square feet.
  3. Detached units shall be positioned within the side or rear yards of the primary dwelling.
  4. Detached units may not exceed the height of primary dwelling.
  5. Attached units shall utilize the same paint color as the primary dwelling. Attached units shall utilize the same exterior materials and roofing materials as the primary dwelling, except in instances where the primary dwelling has an exterior or roofing constructed with non-fire resistant materials. In such situations, the applicant may elect to utilize fire-resistant materials to construct attached units.
  6. All accessory dwelling units shall meet all applicable health, fire, and building codes.

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### **8.180 Shared Dwellings.**

Shared Dwelling units as defined in Section 1.020 of this Code are intended to be a flexible housing arrangement that typically have less impact on surrounding properties than typical housing arrangements that provide a similar number of units. As a result, consideration is given in the following standards to provide flexibility:

- A. The maximum number of units allowed in a shared housing facility shall be fifty percent (50%) above the standard density of the underlying zoning district.
- B. Social and recreational space shall be provided at a minimum of fifteen (15) square feet per occupant, based on one (1) person per bedroom.
- C. General storage area spaces at a minimum of ten (10) square feet within each unit, not including regular kitchen, bedroom, and linen storage.
- D. Laundry facilities shall be provided either in each unit or in an accessible space within the shared housing facility.

## **8.200 MIXED-USE STANDARDS**

### **8.210 Standards in the MU-1 (Downtown Mixed-Use) Zoning District (Reserved).**

### **8.220 Standards in the MU-2 (General Mixed-Use) Zoning District (Reserved).**

### **8.230 Standards in the MU-3 (Urban Mixed-Use) Zoning District.**

- A. Middle housing dwelling units shall have a minimum building height of twenty-five (25) feet.
- B. Accessory dwelling units shall either be attached to the primary dwelling or interior conversions of existing space.
- C. General retail uses above fifteen thousand (15,000) square feet of gross floor area shall be subject to a Type III site development review.
- D. Office Uses.
  - 1. Office uses fifteen thousand (15,000) square feet or less of gross floor area shall be located within a multi-story structure unless the office space is temporary in nature or an accessory or incidental use to a primary land use.
  - 2. Office uses above fifteen thousand (15,000) square feet or greater shall be subject to a Type III site development review.
- E. Restaurants containing a drive-thru or similar set-up for food pick-up shall have adjacent dining facilities and be located within eight hundred (800) linear feet of the 257th Avenue right-of-way.
- F. Financial institutions with a drive-thru ATM or similar set-up for transactions shall have adjacent offices or public-facing services related to that use.
- G. Personal services uses above fifteen thousand (15,000) square feet of gross floor area shall be subject to a Type III site development review.
- H. Live-Work units are required to be multi-story structures.

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## **8.240 Standards for All Other Mixed-Use Development (Reserved).**

### **8.500 OTHER STANDARDS**

#### **8.510 257th Avenue Corridor Standards.**

- A. Purpose. The purpose of these development standards is to enhance the streetscape associated with 257th Avenue. Currently, 257th Avenue creates a tunnel-like effect as a result of sound walls and fences adjacent to the sidewalk. The location of the sidewalk immediately next to the street puts pedestrians in close proximity to high-volume, high-speed traffic without any landscape buffer. These development standards are intended to promote more pedestrian-friendly site designs by providing a more comfortable street environment for pedestrians.
- B. Applicability. These development standards apply to new development of properties abutting 257th Avenue between Stark Street and Sturges Drive/Cherry Park Road (North) which meet any of the following criteria:
  - 1. Any vacant property.
  - 2. Redevelopment of any commercial or apartment site that expands the building footprint of an existing structure.
  - 3. Any underdeveloped site that undergoes development to a more intensive use (i.e., single-family dwelling to duplex).
- C. Standards. In addition to any other standard of this title applicable to the development, the following standards shall also apply:
  - 1. The sidewalk on 257th Avenue shall be a minimum of nine (9) feet wide.
  - 2. A minimum area of five (5) feet in width adjacent to the sidewalk must be landscaped.
  - 3. Fences along 257<sup>th</sup> Drive must be set back a minimum of five (5) feet from the back of the sidewalk.
  - 4. Within the required building setback area along 257th Avenue, the maximum height of a fence or berm, or the combined height of both when a fence is placed upon a berm, shall be forty-two (42) inches.
  - 5. Sight-obscuring hedges or landscaping shall not exceed a height of forty-two (42) inches from ground level. Trees separated by at least fifteen (15) feet are not subject to a height limitation.
  - 6. Street trees shall be planted in sidewalk tree wells meeting City specifications and spaced every forty (40) feet. The developer of the property shall be responsible for planting tree varieties approved by the City, or in lieu of the developer planting the street trees, the developer of the property may pay an assessment to the City to provide for street tree planting.

## CHAPTER 9

### OFF-STREET PARKING AND LOADING

#### 9.005 Off-Street Parking Required.

##### A. Generally

Where square feet are specified, the area measured shall be the gross leasable building floor area that is primary to the function of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.

For purposes of this Chapter, in computing the total number of required off-street parking spaces, if the total contains a fraction, then the number shall be rounded up to the next higher whole number.

Off-street parking and loading space shall be provided for all developments on lots or parcels, not within the CFEC Parking Delineated Area. Per Oregon Administrative Rule (OAR) 660-012-0440 Parking Reform Near Transit Corridors, no off-street parking is required for developments on a lot or parcel that includes lands within one-half (1/2) mile of a frequent transit corridor. Climate Friendly Areas, no off-street parking is required for developments on a lot or parcel within the Town Center Overlay District, including lands within one-quarter (1/4) mile from the district boundary line (See City of Troutdale CFEC Parking Delineated Area Map).

The provision for, and maintenance of, off-street parking and loading facilities shall be a continuing obligation of the property owner. No building permit, or any other required permit for a structure or use under this or any other applicable rule, ordinance, or regulation, shall be issued with respect to off-street parking and loading, or land served by such facilities, until satisfactory evidence is presented that the property is, and will remain, available for the designated use as a parking or loading facility.

#### 9.010 Off-Street Parking Space Requirements.

The City of Troutdale has been required to reduce parking regulations for certain areas of the city to comply with the State of Oregon's Climate Friendly and Equitable Communities (CFEC) regulations. For areas of the city with reduced parking regulations due to CFEC, the Planning Department can provide off-street parking standards that are recommended but not required per this subsection.

- A. Required parking spaces may be provided off-site, within two thousand (2,000) feet of pedestrian travel of a site. If any non-loading parking is provided on site, all required parking for people with disabilities shall be on site. If all parking is off-site, parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than two hundred (200) feet from that entrance.

Table 1: Parking standards for lots or parcels not within the CFEC Delineated Area (see CFEC Parking Delineated Area Map). Parking spaces are based on 1 per one thousand (1,000) sq. ft. of gross leasable area primary to the functional use, per Metro Title 3; ADU standards are per OAR Division 46.

Residential Land Use	Minimum	Maximum
Accessory Dwelling Unit (ADU)	None	None

Single-family detached and manufactured home on lot	1 space per dwelling unit	No maximum
Duplex	2 spaces total	No maximum
Triplex and Quadplex		
<ul style="list-style-type: none"> <li>Lot size of less than 3,000 sq. ft.</li> </ul>	1 space total	No maximum
<ul style="list-style-type: none"> <li>Lot size of less than 5,000 sq. ft.</li> </ul>	2 spaces total	No maximum
<ul style="list-style-type: none"> <li>Lot size between 5,000 sq. ft. and 6,999 sq. feet</li> </ul>	3 spaces total	No maximum
<ul style="list-style-type: none"> <li>Lot size of 7,000 sq. ft. or greater</li> </ul>	3 spaces total per triplex 4 spaces total per quadplex	No maximum
Townhome	1 space per dwelling unit	
Cottage Cluster	0 space per unit if the floor area is less than 1,000 sq. ft.  1 space per unit if the floor area is over 1,000 sq. ft.	No maximum
Multi-family dwelling	1 space per dwelling unit <sup>1</sup>	No maximum
Affordable units, as defined in OAR 660-039-0010	None	No maximum
Residential units smaller than 750 sq. ft.	None	No maximum
Single room occupancy housing	None	No maximum
Shared dwelling	None	No maximum
Public supported housing as defined in ORS 456.250	None	No maximum
Manufactured home park	1 space per dwelling unit	No maximum
Facilities for people with disabilities as defined in ORS 443.400	None	No maximum
Domestic violence, emergency, and transitional shelters	None	No maximum
<b>Commercial Land Use</b>	<b>Minimum</b>	<b>Maximum</b>
General retail or personal service, including shopping centers and grocery stores	4.1 spaces per 1,000 sq. ft. of gross floor area	6.2 spaces per 1,000 sq. ft. of gross floor area
General retail with bulky merchandise, such as a furniture or appliance store	2 spaces per 1,000 sq. ft. of gross floor area	3 spaces per 1,000 sq. ft. of gross floor area
Eating and drinking establishment without a drive-thru	10 spaces per 1,000 sq. ft. of gross floor area	19.1 spaces per 1,000 sq. ft. of gross floor area



Eating and drinking establishment with a drive-thru	8 spaces per 1,000 sq. ft. of gross floor area	12.4 spaces per 1,000 sq. ft. of gross floor area
Mobile food vendor	See Section 5.100	food stands/food carts: n/a food trucks: 1 per truck kiosks: 12.4 spaces per 1,000 sq. ft. of gross floor area
Medical/dental office or clinic	3.9 spaces per 1,000 sq. ft. of gross floor area	5.9 spaces per 1,000 sq. ft. of gross floor area
General professional office or financial institution	2.7 spaces per 1,000 sq. ft. of gross floor area	4.1 spaces per 1,000 sq. ft. of gross floor area
Financial institution with a drive-thru	4.3 spaces per 1,000 sq. ft. of gross floor area	6.5 spaces per 1,000 sq. ft. of gross floor area
Personal services or Minor entertainment facility	4.3 spaces per 1,000 sq. ft. of gross floor area	6.5 spaces per 1,000 sq. ft. of gross floor area
Auto, boat, or trailer sales, or nursery	1 space per 1,000 sq. ft. of gross floor area	2 spaces per 1,000 sq. ft. of gross floor area
Lodging facility or bed and breakfast	1 space per guestroom/suite	2 spaces per guestroom/suite
Service station	0.5 space per 1,000 sq. ft. of gross lot area	1 space per 1,000 sq. ft. of gross lot area
Bowling alley	2 spaces per lane	3 spaces per lane
Major entertainment facility (theater, racetrack, stadium, or similar use)	1 space per 4 seats or 1 space per 8-foot bench length	1.5 spaces per 4 seats or 1 space per 8-foot bench length
Major entertainment facility (amusement park)	1 spaces per 100 sq. ft. of recreation area	1.5 spaces per 100 sq. ft. of recreation area
<b>Institutional and Community Service Land Use</b>	<b>Minimum</b>	<b>Maximum</b>
Child care facility as defined in ORS 329A.250	None	No maximum
School (elementary or middle)	2 spaces per teacher	3 spaces per teacher
School (high school, college, or trade school)	0.2 spaces per number of students and staff	0.3 spaces per number of students and staff
Library or museum	2.5 spaces per 1,000 sq. ft. of gross floor area, plus 1 space per 2 employees	3 spaces per 1,000 sq. ft. of gross floor area, plus 1.25 spaces per 2 employees
Religious facility or mortuary	1 space per 4 seats or 1 space for 7 feet of bench length	2 spaces per 4 seats or 2 spaces for 7 feet of bench length
Hospital	1.5 spaces per bed	2 spaces per bed
<b>Industrial Land Use</b>	<b>Minimum</b>	<b>Maximum</b>
Storage, warehouse, or manufacturing establishment; air, rail, or trucking freight terminal	1 space per employee on the largest shift	1.5 spaces per employee on the largest shift

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### 9.030 Other Developments Not Listed.

Requirements for a building or development use not specified herein shall be determined based upon the requirements of comparable uses listed. The Director may refer any question of interpretation to the Planning Commission for determination.

### 9.035 Off-Street Parking Near Frequent Transit Corridor & Town Center Overlay District

Per OAR 660-012-0440 Parking Reform Near Transit Corridors, no off-street parking is required for developments on a lot or parcel, including land within one-half (1/2) mile of a frequent transit corridor. Per OAR 660-012-0435 Climate Friendly Areas, no off-street parking is required for developments on a lot or parcel within the Town Center Overlay District, including lands within one-quarter (1/4) mile from the district boundary line (See City of Troutdale CFEC Parking Delineated Area Map).

### 9.040 Reduction of Required Parking Spaces.

- A. Any existing or proposed use subject to minimum off-street parking requirements and located within four hundred (400) feet of an existing transit route may reduce the number of required parking spaces by up to ten percent (10%) by providing a transit stop and related amenities, including a public plaza, pedestrian sitting areas, or additional landscaping, provided such landscaping does not exceed twenty-five percent (25%) of the total area dedicated for transit-oriented uses.
- B. Required parking spaces may be reduced at a ratio of one (1) parking space for each one hundred (100) square feet of transit amenity space provided above and beyond the minimum required by this Code.
- C. Required off-street parking spaces may be reduced by one (1) parking space for every on-street parallel parking space located adjacent to the subject site. For purposes of calculating the amount of adjacent on-street parking spaces, the following applies:
  - 1. Adjacent shall mean on the same side and within the same block as the use.
  - 2. The minimum length of each on-street, parallel parking space shall be twenty-two (22) feet.
  - 3. If a continuous section being measured contains a fractional portion of twenty-two (22) feet, then the number of on-street spaces for that continuous section shall be rounded down to the next lower whole number.
  - 4. Breaks in the on-street parking for driveways or similar parking restrictions, such as fire hydrants, shall not be counted.
- D. Solar Panels or Wind Power. Development utilizing solar panels or wind power may reduce the number of required parking spaces by one (1) parking space when three kilowatts of capacity in solar panels or wind power is proposed to be provided in a development.
- E. Car Sharing. Development utilizing car-sharing parking may reduce the number of required parking spaces by one (1) off-street parking space for each dedicated car-sharing space. Dedicated car-sharing parking spaces shall count toward the minimum number of off-street parking spaces required by the development.
- F. Electric Vehicle Charging Station. A development that provides an electric vehicle charging station may reduce the amount of required parking spaces by two (2) off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an

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automobile is parked shall count towards the minimum number of off-street parking spaces required by the development.

- G. Fully Accessible Parking. The amount of parking required shall be reduced by one (1) off-street parking space for every two units in a development that are fully accessible to people with mobility disabilities.
- H. Any reduction under Section 9.040.A-G above shall be cumulative and not capped.

#### **9.045 Parking Regulations for Carpool/Vanpool**

- A. Designated employee parking areas in new developments with more than fifty (50) parking spaces shall provide preferential parking for carpools and vanpools;
  - 1. Number/Marking. The greater of one (1) space or five percent (5%) of required employee parking spaces shall be marked and signed for use as a carpool/vanpool space. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only".
  - 2. Location. Designated carpool/vanpool spaces shall be the closest employee parking spaces to the building entrance, normally used by employees, except for any accessible spaces provided.
- B. In applying subsections A.1-2 above, access for emergency vehicles must be retained and adequate parking for truck loading should be considered.

#### **9.050 Electrical Vehicle Conduit**

- A. Electrical vehicle conduits for proposed multi-family residential or mixed use developments  
Proposed multi-family residential buildings with five (5) or more residential units and proposed mixed use buildings consisting of privately owned commercial space and five (5) or more residential dwelling units, shall provide sufficient electrical service capacity, as defined in ORS 455.417, to accommodate no less than forty percent (40%) of all vehicle parking spaces. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation.
- B. For proposed Non-Residential Development under private ownership – Each building for a proposed non-residential development, under private ownership, shall provide electrical service capacity at no less than twenty percent (20%) of the vehicle parking spaces in the garage or parking area for the building. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.

#### **9.055 Landscaping and Screening.**

- A. Except for a residential development which has landscaped yards, parking areas containing more than twenty (20) vehicle spaces shall include landscaping to cover not less than ten percent (10%) of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, or groundcover.
- B. Parking areas shall be divided into bays of not more than twenty (20) parking spaces in parking areas with twenty (20) or more spaces. Between, and at the end of each parking bay, there shall be planters which have a minimum width of five (5) feet and be at least seventeen (17) feet in length. Each planter shall contain one (1) major structural tree and groundcover which has been deemed appropriate by the Director. Truck parking and loading areas are exempt from this requirement.
- C. Parking area setbacks shall be landscaped with major trees, shrubs, and groundcover as specified in Chapter 11, Landscaping and Screening, of this Code.

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- D. Wheel stops, bumper guards, or other methods to protect landscaped areas shall be utilized. No vehicles may project over a property line. No vehicle shall overhang a public right-of-way, sidewalk, or landscaped area unless adequate area is provided for safe pedestrian circulation.
  - E. Fences, walls, or hedges shall not be placed within front or street side setback areas except at the street side edge of parking lots when allowed within setbacks.
  - F. Where parking adjoins a residential zoning district, there shall be a sight-obscuring screen which is at least eighty percent (80%) opaque when viewed horizontally from between two (2) and eight (8) feet above average ground level. The screening shall be composed of materials which are an adequate size so as to achieve the required degree of screening within three (3) years after installation.

## **9.060 Vehicle Parking Areas**

- A. Parking areas, driveways, aisles, and turnarounds shall be paved with concrete, asphalt, or comparable impervious surfacing. Porous concrete, grasscrete, or comparable porous paving surfacing may be used in place of impervious surfacing to reduce stormwater runoff, when approved by the Director. Gravel and similar erodible surfaces are not acceptable. Specific locations and types of vehicle parking spaces (carpool, compact, etc.) shall be indicated on submitted plans and located to the side or rear of buildings where feasible. B. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, bicycle parking, etc.), subject to meeting all other applicable standards. Access for emergency vehicles must be retained and adequate parking for truck loading shall be considered.
- C. Any new development that includes more than one-half ( $\frac{1}{2}$ ) acre of new off-street surface parking on a lot or parcel shall provide one of the provisions below. The new surface parking area shall be measured based on the perimeter of all new off-street spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.
  - 1. Installation of solar panels with a generation capacity of at least 0.5 kilowatt per parking space. Panels may be located anywhere on the development site. In lieu of installing solar panels on the property, the developer may pay \$1,500 per new parking space (per OAR 660-12-0405(1).(B)) located on the site into a city fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose; or
  - 2. Take action to comply with Green Energy Technology per OAR 330-135-0010; or
  - 3. Provide tree canopy covering at least forty percent (40%) of the new parking lot area at maturity, but no more than fifteen (15) years after planting.
- D. New development that includes more than one-half ( $\frac{1}{2}$ ) acre of new surface parking shall provide either trees along driveways or a minimum of forty percent (40%) tree canopy coverage over parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain continuous canopy, except when interrupted by driveways, drive aisles, and other site design considerations; and
- E. In applying subsections C and D above, the following shall apply:
  - 1. A tree canopy plan shall be developed in coordination with the local electric utility, including pre-design, design, building, and future maintenance phases.
  - 2. Trees must be planted and maintained to maximize their root health and chances for survival. This includes having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The minimum standards for

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planting and tree care should be no lower than the current American National Standards Institute A300 standards.

- F. Conversion and redevelopment of underutilized parking areas for other uses is allowed.

The City may allow the development of underutilized parking areas for permitted uses in the applicable zone and the conversion of on-street parking for green infrastructure or bike corrals. Underutilized shall mean any portion of the parking area that remains mostly vacant throughout most of the year (excluding special events or peak periods). A study shall accompany any request for parking conversion and parking area redevelopment that demonstrates, to the satisfaction of the City, that the elimination of the existing parking will have no detrimental effects that cannot be mitigated by the applicant on the property or surrounding properties. This includes, but is not limited to, the possibility that the elimination of parking areas may shift the need for parking onto neighboring properties or cause any other negative impacts to surrounding properties.

- G. Parking lots more than three (3) acres in size intended for use by the general public shall provide street-like features along driveways, including curbs, pedestrian and bicycle facilities, street trees or planting strips.
- H. Temporary overflow parking in conjunction with community events, special events, events of citywide interest, or sporting events, is allowed on an unpaved parking area on a parcel of at least one-half (1/2) acre in size, provided such parking does not occur within the Vegetation Corridor and Slope District. If a fee is charged for parking, it shall not be considered a commercial parking lot for purposes of zoning compliance.

### **9.065 Drainage.**

Parking areas, aisles, and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.

### **9.070 Lighting.**

Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create a hazard to the public use of a street. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use. Lighting fixtures shall also comply with the requirements of Troutdale Municipal Code, Chapter 8.26.

### **9.075 Shared Use of Parking Facilities.**

- A. Shared parking shall meet the minimum parking requirements per Table 1 in Section 9.010. Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.
- B. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:
1. There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
  2. That the peak hours of operation of such establishments do not overlap, and
  3. The applicants shall record a shared parking use agreement establishing the shared parking use. The applicant shall provide the city with a copy of the recorded shared parking use agreement. The shared

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parking use agreement can be terminated if all parties demonstrate to the city that the parking is no longer needed to meet minimum parking requirements.

### **9.080 Driveways.**

- A. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of twenty (20) feet for a two-way drive or twelve (12) feet for a one-way drive, but in either case not less than the full width of the approach for the first twenty (20) feet of the driveway. The improvement shall be constructed to the standards for private drives.
- B. A driveway for a single-family or two-family dwelling shall have a minimum width of ten (10) feet.
- C. Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width, but such clearance may be reduced in parking structures.
- D. Driveway approaches shall be paved with concrete surfacing constructed to City standards. If a street is not paved, the approach may be maintained to the same standard as the street until the street is paved.

### **9.085 On-Site Circulation.**

- A. Groups of more than three (3) parking spaces shall be permanently marked.
- B. Except for a single-family or two-family dwelling, groups of more than three (3) parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner. No backing movements or other maneuvering shall be permitted within a street right-of-way other than an alley.
- C. Pedestrian walkways, separation, and differentiation of materials in parking lots three (3) acres or larger intended for public use shall be provided pursuant to Section 8.030 of this Code.

### **9.090 Bicycle Parking Facilities.**

Multi-family developments; industrial, commercial and community service uses; transit transfer stations; and park and ride lots, shall meet the following standards for bicycle parking facilities:

- A. Number/Type.
  - 1. The required minimum number of short-term bicycle parking spaces (stays of less than four (4) hours) shall be five percent (5%) of the total number of automobile parking spaces provided for the use. In no case shall less than one (1) bicycle parking space be provided even when no automobile parking spaces are being provided.
  - 2. The required number of long-term bicycle parking spaces (stays of more than four (4) hours and all-day/monthly) shall be three percent (3%) of the total number of vehicle parking spaces provided for the use and fractions rounded down.
  - 3. For transit centers, high capacity transit stations, inter-city bus and rail stations, and park-and-ride lots, at least eight (8) long-term and at least two (2) short-term bicycle parking spaces are required. For other major transit stops (frequent-service bus stops) at least two (2) short-term spaces are required.
- B. Location.
  - 1. Bicycle parking shall be located on-site, convenient to building entrances, and have direct access to both the public right-of-way and to the main entrance of the principal use.

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2. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.
  3. Bicycle parking may be provided within the public right-of-way in areas without building setbacks, subject to approval of the appropriate governing official and provided it meets the other bicycle parking requirements.
- C. **Parking Space Dimensions.** Each required bicycle parking space shall be at least two and one-half (2. 1/2) feet by six (6) feet, and when covered, provide vertical clearance of at least seven (7) feet. An access aisle of at least five (5) feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length standard.
  - D. **Parking Facilities.** Bicycle parking facilities shall offer security. Long-term bicycle parking shall be in the form of a lockable enclosure, a designated bicycle storage area inside a building on-site, a covered rack, or another form of secure parking where the bicycle can be stored, as approved by the Director. Short-term bicycle parking shall be in the form of a stationary object (i.e., a "rack") or other approved structure, covered or uncovered, to which the bicycle can be locked. Bicycle racks shall be securely anchored to the ground or to a structure and shall be designed to hold bicycles securely by means of the frame. Bicycle parking facilities shall be constructed so as to not obstruct walkways.
  - E. **Signing.** Where bicycle parking facilities are not directly visible and obvious from the public right-of-way, entry and directional signs shall be provided to direct bicyclists from the public right-of-way to the bicycle parking facility.
  - F. **Exemptions.** Temporary street-side sales and temporary uses, such as fireworks stands and Christmas tree sales, and single-family and two-family residences, are exempt from these standards.

### **9.095 Setbacks.**

- A. Parking areas which abut a residential zoning district shall meet the building setback of the most restrictive adjoining residential zoning district.
- B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts.
- C. In industrial districts, when greater setbacks are required for structures, parking lots may be within twenty (20) feet of any front, side street, or rear property line and within five (5) feet of any side property line. There shall be a sight-obscuring screen which is at least eighty percent (80%) opaque when viewed horizontally from between two (2) and eight (8) feet above eighty percent (80%) average ground level. The screening shall be composed of materials which are an adequate size so as to achieve the required degree of screening within three (3) years after installation.
- D. Parking areas shall be set back from a lot line adjoining a street the same distance as required building setbacks. Regardless of other provisions, a minimum setback of ten (10) feet shall be provided along the property fronting on a public street in an industrial district. The setback area shall be landscaped as provided in this Code.

### **9.100 Truck Parking.**

In residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-ton capacity used in the conduct of a business activity shall be permitted, except vehicles and equipment necessary for farming and truck gardening on the premises where such use is permitted.

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### **9.105 Accessible Parking Facilities.**

The required number of accessible parking spaces shall be in conformance with the applicable provisions of the State of Oregon Structural Specialty Code. If all proposed parking is off-site, the off-site parking for people with disabilities must be located within the shortest possible distance to an entrance via an accessible path.

### **9.110 Off-Street Parking Restrictions.**

- A. Parking spaces in a public street, including an alley, shall not be considered required parking.
- B. Required parking shall be available for parking of operable passenger vehicles of residents, customers, and employees only, and shall not be used for the storage or display of vehicles or materials.

### **9.115 Design Requirements for Off-Street Parking.**

The following off-street parking development and maintenance shall apply in all cases:

- A. Size.
  - 1. The standard size of a parking space shall be 9'x18' (162 s.f.).
  - 2. The compact size of a parking space shall be 8'x16' (128 s.f.). Up to thirty-five percent (35%) of required parking spaces may be compact spaces.
  - 3. Accessible parking spaces shall be in conformance with the State of Oregon Structural Specialty Code, Chapter 11 Accessibility.
  - 4. For parallel parking, the length of the parking space shall be increased to twenty-two (22) feet.
- B. Aisles shall not be less than:
  - 1. Twenty-five (25) feet in width for ninety degree (90°) parking.
  - 2. Twenty (20) feet in width for sixty degree (60°) parking.
  - 3. Twenty (20) feet in width for forty-five degree (45°) parking.
  - 4. Twelve (12) feet in width for parallel parking on one (1) side.
  - 5. Sixteen (16) feet in width for parallel parking on both sides.

### **9.120 Loading Facilities.**

- A. The minimum area required for commercial and industrial loading spaces is as follows:
  - 1. Two hundred fifty (250) square feet for buildings of 5,000 to 19,999 square feet of gross floor area.
  - 2. Five hundred (500) square feet for buildings of 20,000 to 49,999 square feet of gross floor area.
  - 3. Seven hundred fifty (750) square feet for buildings in excess of 50,000 square feet of gross floor area.
- B. The required loading area shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
- C. Loading areas shall be screened from public view, public streets, and adjacent properties in compliance with applicable provisions of Chapter 11 of this Code.



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- D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
  - E. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than twenty-five (25) students.
  - F. Exceptions and Adjustments. Loading areas within a street right-of-way in the Central Business District may be approved when all of the following conditions are met:
    - 1. Short in duration (i.e., less than one (1) hour).
    - 2. Infrequent (less than three (3) operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone).
    - 3. Does not unreasonably obstruct traffic.
    - 4. Does not obstruct a primary emergency response route.
    - 5. Is acceptable to the applicable roadway authority.

### **9.125 Off-Street Parking Plan.**

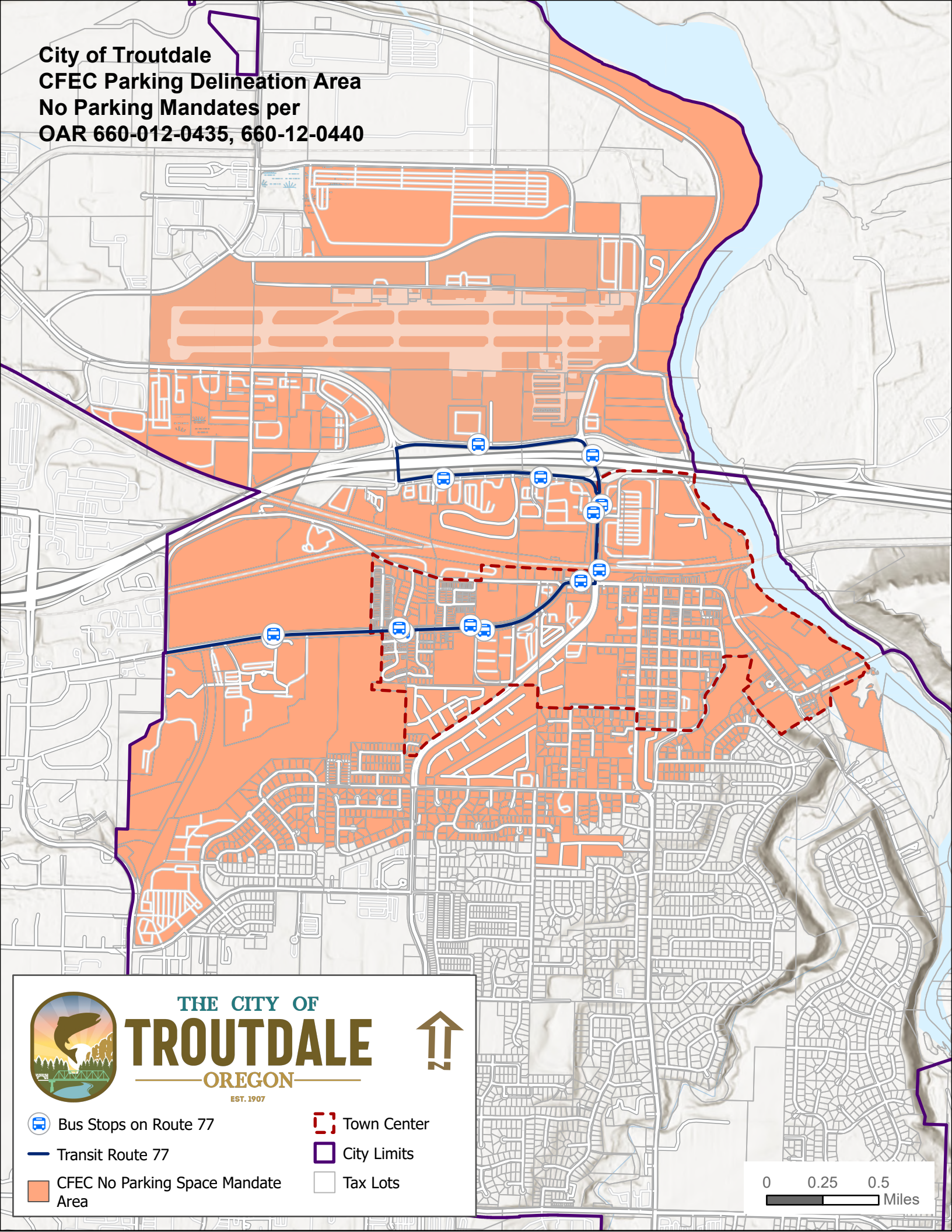
A plan drawn to scale, indicating how the off-street parking and loading requirement is to be provided, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled, and shall include, but not be limited to:

- A. Delineation of individual parking spaces.
- B. Circulation area necessary to serve spaces.
- C. Access to streets, alleys, and properties to be served.
- D. Curb cuts.
- E. Dimensions, continuity, and substance of screening.
- F. Grading, drainage, surfacing, and subgrading details.
- G. Delineations of all structures or other obstacles to parking and circulation on the site.
- H. Specifications as to signs and bumper guards.

### **9.130 Off-Street Parking Construction.**

Required parking spaces shall be improved and available for use at the time of final building inspection.

City of Troutdale  
CFEC Parking Delineation Area  
No Parking Mandates per  
OAR 660-012-0435, 660-12-0440



THE CITY OF  
**TROUTDALE**  
OREGON  
EST. 1907



Bus Stops on Route 77



Transit Route 77



CFEC No Parking Space Mandate  
Area



Town Center



City Limits



Tax Lots

0 0.25 0.5  
Miles

## **Chapter 3.40 -- COMMERCIAL PARKING LOT LOCAL TAX**

### **3.40.010 Purpose.**

- A. The purpose of this chapter is to impose a tax on commercial parking lots in the City of Troutdale.
- B. The commercial parking lot tax imposed by this chapter follows OAR 660-012-0445(1)(a)(D).

### **3.40.015 Definitions.**

The definitions contained in Chapter 3.40.015 of the Troutdale Municipal Code shall be fully applicable to this chapter except may be expressly stated to the contrary herein. The following additional definitions shall apply throughout this chapter.

- A. “Commercial parking business” means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged for the act or privilege of parking motor vehicles.
- B. “Commercial parking lot”, a site where the primary use is renting or leasing vehicle parking spaces. It does not include shared parking.
- C. “Parking tax” means the commercial parking tax imposed by this chapter.
- D. “Tax administrator” means the finance director or their designee.

### **3.40.020 Parking Tax Imposed.**

- A. Pursuant to OAR 660-012-0445(1)(a)(D), there is imposed on every person a tax for the act or privilege of parking a motor vehicle in a commercial parking lot within the city that is operated by a commercial parking lot business. The privilege of parking includes the right to park, whether or not the right is exercised.
- B. The amount of parking tax shall be equal to the parking fee multiplied by the parking tax rate. Effective July 1, 2025, the parking tax rate is imposed at ten percent (10%).

### **3.40.025 Measure of Tax: Parking Fee.**

- A. The measure of the parking tax is the parking fee. Parking fee means the fee paid or due for the act or privilege of parking a motor vehicle in a commercial parking lot.
- B. It shall be conclusively presumed that the posted parking prices do not include the parking tax unless all the following conditions are met:
  - 1. The fee is advertised as including the tax or that the commercial parking business is paying the tax;
  - 2. The words “tax included” are stated immediately following the advertised or posted price in print size at least half as large as the advertised or posted price’s print size;
  - 3. All advertised or posted parking prices and the words “tax included” are stated in the same medium, whether, oral or visual, and if oral, in substantially the same inflection and volume.

If these conditions are satisfied, then price lists, reader boards, and other price information mediums need not show separately the parking fee and the actual amount of parking tax being collected.

#### **3.40.030 Exemptions from the Parking Tax.**

The following are exempt from the parking tax:

- A. General retail and commercial service parking lots associated with a development that has received land use approval.
- B. Mini-warehousing, self-storage, or storage of fleet vehicles.

#### **3.40.035 Collection and Remittance of Parking Tax.**

A commercial parking business or person acting on behalf of shall collect the amount of the parking tax from the person paying the parking fee at the time payment is made. The parking tax shall be stated separately from the parking fee on all instruments evidencing the parking fee. The presumption is not overcome by any oral or written agreement between the parties.

The commercial parking business receiving payment of the parking fee shall remit the parking tax to the tax administrator quarterly in April, July, October, and January. The parking tax shall be deemed held in trust by the commercial parking business required to collect the tax until remitted to the tax administrator. Any commercial parking business that fails to collect the parking tax or who collects the parking tax but fails to remit the parking tax to the tax administrator shall be liable to the City for the amount of such tax. A commercial parking business that fails to remit the full amount of the tax imposed and due by this chapter prior to the delinquency shall pay a late payment penalty of ten percent (10%) of the amount of the portion of the tax that is unpaid as of the delinquency date, which penalty is owed in addition to the amount of the tax due.

Such commercial parking business shall, unless the remittance is made as required in this section, be guilty of violation of this chapter whether such failure be the result of the business's own act, or the result of acts or conditions beyond its control.

#### **3.40.040 Use of Revenues.**

The proceeds of the tax imposed herein shall be used for transportation alternatives to drive-alone travel, including active transportation options in accordance with OAR 660-012-0445(1)(a)(D). To the extent permitted by applicable law, the City may issue bonds, notes, or other evidence of payable wholly or in part from the parking tax and may pledge and may apply such tax to the payment of principal of, interest on, and premium (if any) on such bonds, notes, or other evidence of indebtedness and to the payment of costs associated with them.

#### **3.40.045 Receipts to Transportation Fund.**

All receipts from the parking tax shall be placed in and segregated within the Transportation Fund. These receipts may be temporarily deposited or invested in such manner as may be lawful for the investment of City money and interest and other earnings shall be deposited in the Transportation Fund.

## **Title 5**

# **BUSINESS LICENSES AND REGULATIONS**

### **Chapters:**

## **Chapter 5.04 BUSINESS LICENSES<sup>1</sup>**

### **Sections:**

#### **5.04.010. Purpose.**

The primary purpose of this chapter's licensing requirements is to regulate businesses in order to promote the health, safety and welfare of the public. Licensing helps ensure that all new business activities are conducted in compliance with applicable laws and ordinances. Licensing also allows the city to maintain an inventory of existing businesses operating and doing business within its limits. This inventory allows the city to ensure, through inspection, enforcement and other regulatory measures, that such business activities continue to comply with applicable laws and ordinances. The licensing fee required by this chapter is necessary to finance and provide for the licensing and regulation authorized by this chapter.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.020. Definitions.**

As used in this chapter, unless the context requires otherwise:

"Business" means any occupation, profession or commercial activity engaged in for profit or livelihood in the city. This definition includes, but is not limited to, peddler and home occupation activity.

"City manager" means the city manager of Troutdale, or designee of the city manager.

"Computerized criminal history record" means the record that is available to the Troutdale police department via the Law Enforcement Data System pursuant to OAR 257-015-0060(2).

"Council" means the city council of the city of Troutdale. "Employer" a person or company that provides a job paying wages or a salary to one or more people.

"Garage sale" means a commercial activity open to the public, conducted at a private residence where personal property is sold to others provided that no more than four (4) garage sales per residence per year shall occur and that no garage sale shall exceed three days in duration.

"Home occupation" means a business carried on within a dwelling, and which business is incidental to the use of the dwelling for dwelling purposes.

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<sup>1</sup>Editor's note(s)—Ord. No. 833, § 1, adopted July 14, 2015, amended and restated former Ch. 5.04, §§ 5.04.010—5.04.180, in its entirety which pertained to similar subject matter and derived from Ord. No. 616, § 2, 1994; Ord. No. 683, § 2, 2000; Ord. No. 801, § 1, 1-11-2011.

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"Law enforcement agency" means a municipal police department, county sheriff's office, or other law enforcement agency established under state law.

"Law enforcement officer" means a sworn peace officer authorized by the city manager to perform the business license review functions within this chapter. The term may include a non-sworn employee of a law enforcement agency authorized by the agency and by the city manager

"License" means the permission granted by the city to engage in a business or activity regulated by this chapter.

"Licensee" means a person who has a valid license issued pursuant to this chapter.

"Peddler" means a person whose business activity consists of traveling to and from residences and businesses and offering for sale, selling, or taking orders for goods or services.

"Person" includes all natural and legal persons, including but not limited to, individuals, corporations, associations, partnerships and societies, whether or not engaged in a profit-making endeavor.

"Principal" means a person who would be directly involved in the management or operation of the business.

"Valid license" means a license issued pursuant to this chapter, and which license's effective period has not expired.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.030 Employers within the City of Troutdale who employ fifty (50) or more employees.**

All employers within the City of Troutdale that employ fifty (50) or more employees that provide free or subsidized parking to their employees at the workplace are required to provide a flexible commute benefit of fifty dollars (\$50.00) per month to those employees who regularly commute via nondriving modes, who do not utilize the free or subsidized vehicle parking of their employer, per ORS 660-012-0445(1)(a)(C).

#### **5.04.040. License—Required.**

No person shall conduct any business within the city without a valid license unless an exemption contained in Section 5.04.040 of this code applies.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.050. Exemptions.**

The requirements contained in this chapter shall not apply to:

- A. Garage sales;
- B. An individual performing babysitting, nursery or child-care activities on a part-time basis;
- C. An individual who is employed by a business which has obtained a license;
- D. An individual hired or employed on an intermittent or casual basis by a household, business or other employer to supply only services;
- E. A person whose primary activity consists of delivering goods inside the city for a business located outside the city;
- F. Any conduct which is exempt from licensing by virtue of the constitution or laws of the United States or the state of Oregon;

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- G. A person who leases two (2) or fewer units of residential real estate within the city;
  - H. A contractor or landscape contractor (1) who possesses a contractor's license issued by Metro, (2) whose place of business is located outside the city, and (3) who earns less than two hundred fifty thousand dollars (\$250,000) in annual gross revenues from business conducted within the city. For purposes of this subsection, "contractor" has the meaning provided in ORS 701.055(2), and "landscape contractor" has the meaning provided in ORS 701.015(6)(c);
  - I. Federally tax-exempt organizations and nonprofit religious organizations;
  - J. City-sponsored activities and businesses operating under a city franchise.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.060. License—Application.**

- A. A person shall apply for a license in the following manner:
  - 1. Application for a license shall be made to the city manager on or before January 1st of each year for which a license is required; or
  - 2. If the business goes into operation after January 1st, application shall be made at least thirty (30) days before conducting business in the city.
- B. A license shall expire on the last day of the calendar year for which the license was issued.
- C. Application for a license shall be on a form provided by the city and signed by the applicant. The application constitutes consent for the city to conduct an investigation of the application, including permission to obtain a computerized criminal record for the applicant and any employees that will be working for the applicant, and to enter the business property. An application shall request:
  - 1. The name and address of the applicant;
  - 2. The name and address of the business;
  - 3. A description of the type of business to be licensed;
  - 4. The number of persons regularly employed by the business;
  - 5. The number of persons who regularly commute via nondriving modes, and do not utilize their employer's free or subsidized vehicle parking, per OAR 660-012-0445(1)(a)(C).
  - 6. Any other information the city manager or a law enforcement officer deems necessary to evaluate the application. Questions about the necessity of such other information shall initially be resolved by the official making the request, subject to final resolution by the city manager.
- D. The city manager shall review an application according to Section 5.04.060 of this code. The city manager shall submit the application to appropriate city department heads for evaluation and comment, including submittal to a law enforcement agency for review by a law enforcement officer. The city manager may adopt rules to carry out the provisions of this chapter and may prescribe forms for business license applications. Officials receiving applications to review under this section should review applications expeditiously and should communicate any questions or concerns to the city manager with reasonable timeliness.

(Ord. No. 833, § 1, 7-14-2015)



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#### **5.04.070. License—Criteria for approval.**

- A. The city manager shall either approve, approve with conditions or deny an application. Action on an application shall be based upon the consideration of all available information, including, but not limited to, a computerized criminal history record. An application may be denied on any of the following grounds:
  - 1. Failure to provide requested information or any false, misleading or incomplete material statement made on the application form; however, if the statement is the result of excusable neglect, the applicant may resubmit an application with appropriate corrections;
  - 2. The applicant, a principal or the business activity fails to meet the requirements of this code or is doing business in violation of this code or applicable state or federal law, including the building, health, mechanical, electrical, plumbing, development and fire codes of the city;
  - 3. The applicant, a principal or the business activity would violate, or has violated, any ordinance or the charter of the city, any state or federal criminal statute, or any other law, as shown on a computerized criminal history record, unless the applicant proves that the violation has no bearing on the applicant's fitness or the ability of the business to undertake the licensed activity without endangering persons or property or the public health, safety or welfare. The city may consider a violation that did not result in a conviction;
  - 4. The business activity would endanger, or has endangered, persons or property, such that the business activity is a menace to the health, safety and general welfare of the city.
- B. The city manager shall notify the applicant in writing of a decision made under subsection A of this section. The written notice shall state the reason for the decision and explain that the decision is final unless either the applicant or council files a notice of appeal pursuant to Section 5.04.150 of this code. The written notice shall also be provided to the council.
- C. When a license is approved or approved with conditions, the city manager shall issue a license to the applicant.
- D. Businesses that employ fifty (50) or more employees that provide free or subsidized parking to their employees at the workplace are required to provide a flexible commute benefit of fifty dollars (\$50.00) per month to those employees who regularly commute via nondriving modes, who do not utilize the free or subsidized vehicle parking of their employer, per ORS 660-012-0445(1)(a)(C).
- E. All persons operating a medical marijuana dispensary under Oregon law, whether organized or operating on a for-profit or not-for-profit basis, must maintain a business license from the city. For purposes of complying with Section 5.04.060(A)(2) of this code, the business activity conducted at a medical marijuana dispensary will be regarded as consistent with federal law so long as the licensee certifies, in a writing placed on file with the city recorder, that in the conduct of its medical marijuana business the licensee will:
  - 1. Prevent the distribution of marijuana to minors;
  - 2. Prevent revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
  - 3. Prevent the diversion of marijuana from Oregon to any other state;
  - 4. Prevent state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
  - 5. Abstain from violence and the use of firearms in the cultivation and distribution of marijuana;
  - 6. Discourage and, if necessary, prevent drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;



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7. Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands;
  8. Prevent marijuana possession or use on federal property; and
  9. Operate its business in accordance with all Oregon laws existing now or in the future that authorize the licensee to operate a medical marijuana dispensary.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.080. License—Fee—Amount.**

No license shall be issued under this chapter unless the applicant pays a license fee to the city in the amount set by resolution of the council. If an applicant has conducted business in the city without a license, the license fee shall include the license fee the applicant would have been required to pay if the applicant had been conducting business pursuant to a license, and a late fee.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.090. License—Fee—Payment—Delinquencies.**

All license fees required by this chapter are due on the required application date. All license fees shall be deemed delinquent if not paid on or before thirty (30) days after the due date. Whenever any license fee is not paid within thirty (30) days of the due date, a twenty-five dollar (\$25.00) late fee shall be imposed.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.100. License—Renewal.**

An application for renewal of a license shall be made and processed in the same manner as an initial application, pursuant to Sections 5.04.050 to 5.04.080 of this chapter.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.110. License—Display.**

- A. Except as provided in subsection B of this section, a license issued under this chapter shall be displayed in a conspicuous place on the business premises at all times during the license's effective period, available for inspection by any interested person.
- B. If the licensee does not maintain a place of business within the city, the license or a copy thereof shall be in the possession of the licensee or the licensee's representative while that person is conducting business within the city. Upon the request of any police officer or city official, that person shall show the license or its copy.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.120. License—Nontransferable.**

A license issued pursuant to this chapter is a personal privilege and is not transferable.

(Ord. No. 833, § 1, 7-14-2015)

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#### **5.04.130. License—Separate business.**

If a person conducts more than one (1) business in the city, the person shall obtain a license for each business. A separate license is not necessary for a warehouse used in connection with a licensed business but at a separate location.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.140. License—Grounds for revocation.**

- A. If the city manager determines that a licensee is conducting or has conducted an activity, which would provide grounds for denial of an application for a license pursuant to Section 5.04.060 of this code, the city manager shall notify the licensee in writing that the city is revoking its license.
- B. Upon making the determination in subsection A of this section, the city manager may include any other related, licensed business conducted by the licensee in the notice of revocation.
- C. The notice of revocation shall be sent to the licensee's business or residential address shown on the application form, at least thirty days before the effective date of revocation. The notice of revocation shall state the grounds for revocation and inform the licensee of the provisions for appeal.
- D. The council, upon making the determination contained in subsection A of this section, may direct the city manager to issue a notice of revocation. The city council may, on its own motion, vacate a notice of revocation issued by the city manager. The licensee shall be notified in writing if a notice of revocation is vacated.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.150. License—Grounds for suspension**

- A. If the city manager determines that a licensee or any activity of the licensee presents an immediate danger to persons or property, the city manager may suspend such license by issuing a written notice of suspension.
- B. The suspension shall become effective when the licensee receives the notice personally or when the notice is delivered to the licensee's business or residential address as shown on the application. The notice shall contain the grounds for suspension, the effective period of the suspension, and shall inform the licensee of the provisions for appeal.
- C. The council, upon making the determination contained in subsection A of this section, may direct the city manager to issue a notice of suspension pursuant to this section. The council may, on its own motion and by resolution, vacate a notice of suspension issued by the city manager. The licensee shall be notified in writing if a notice of suspension is vacated.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.160. Appeal.**

- A. An applicant whose application has been conditioned or denied, or a licensee whose license has been suspended or who has received a notice of revocation, may appeal such matter to the city council by filing a written notice of appeal with the city manager. The notice of appeal must be filed within ten (10) calendar days after the notice of denial, suspension, revocation or approval with conditions is mailed or delivered, whichever is earlier. The notice of appeal shall include:

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1. The name and address of the appellant, and the business owner if different than the appellant;
  2. The nature of the determination from which an appeal is taken and a copy of the determination;
  3. The reason or reasons why the determination is alleged to be incorrect;
  4. What the correct determination should be; and
  5. An appeal fee of one hundred dollars (\$100.00).
- B. The council, on its own motion, may review a decision of denial by the city manager made pursuant to Section 5.04.060 of this code. The council motion shall contain the reason or reasons for review of the city manager's decision, and direct the city manager to place an appeal hearing on the city council agenda. The motion is out of order on and beyond the fifteenth day after the city manager's decision was mailed. The motion shall also direct the city recorder to create a written notice of appeal, including the reasons for review, and mail it to the applicant. The notice also shall state the time and place for city council's review of the city manager's decision.
- C. The council shall designate a time to hear the appeal. The appellant shall be given written notice of the time, date and place of the hearing at least ten days in advance of the hearing.
- D. Failure of the applicant or licensee to file a notice of appeal with the city manager within the time allotted, shall constitute a waiver of objections to the notice of suspension, revocation, denial or approval with conditions.
- E. Filing a notice of appeal shall stay the effective date of revocation until a final determination is made on the appeal by the council.
- F. Filing a notice of appeal does not stay the effective date of suspension.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.170. Appeal—Hearing.**

- A. A hearing on appeal to the council pursuant to Section 5.04.150 of this code shall afford the licensee or applicant, city staff and peace officers, members of the public and other interested parties the opportunity to give oral and written testimony and written materials to the council. The licensee or applicant may exercise the right to cross-examine witnesses who present evidence adverse to that person.
- B. The council may affirm, modify, remand or reverse the city manager's decision. The council shall direct the city manager to provide the licensee or applicant with a written notice of the council's decision.

(Ord. No. 833, § 1, 7-14-2015)

#### **5.04.180. License—Reissuance.**

When a license has been revoked and the licensee or principal of the licensee reapplies for a license, a bond in the penal sum deemed necessary under the circumstances but not to exceed ten thousand dollars (\$10,000) shall be filed with the city recorder. This bond shall be required for the term of the license and shall be forfeited to the city if the licensee is convicted of any violation of federal, state or city laws or ordinances for which such license may be revoked.

(Ord. No. 833, § 1, 7-14-2015)

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#### **5.04.190. Violation—Penalty.**

Any person violating any of the provisions of this chapter, shall upon conviction thereof in municipal court, be punished by a fine not to exceed, and imprisonment not to exceed for a third or more offense:

- a. Three hundred dollars (\$300.00) for the first conviction;
- b. Six hundred dollars (\$600.00) for the second conviction;
- c. Nine hundred dollars (\$900.00) for the third and subsequent offense, and imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

(Ord. No. 833, § 1, 7-14-2015; Ord. No. 892, § 2(Att. A), 9-9-2024)

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