

## CHAPTER 1 - INTRODUCTORY PROVISIONS

- 1.010 Title. This ordinance shall be known as the Troutdale Development Code (TDC) of 1990. [Adopted by Ord. 550, ef. 9/25/90]
- 1.015 Purpose. The purpose of this code is to coordinate City regulations governing the development and use of land and to implement the Troutdale Comprehensive Land Use Plan. [Adopted by Ord. 550, ef. 9/25/90]
- 1.016 Applicability. This code applies to all property within the incorporated limits of the City of Troutdale as well as to property outside the incorporated city limits but within the City's urban planning area that is subject to that Intergovernmental Agreement transferring land use planning responsibility from Multnomah County to the City of Troutdale, except for those incorporated properties located east of the ordinary high water line of the west bank of the Sandy River, which are within the boundaries of the Columbia River Gorge National Scenic Area (NSA). Property located within both the incorporated limits of the City and the National Scenic Area shall be subject only to the regulations of Chapters 4.600 (Flood management Area), 5.600 (Erosion Control and Water Quality Standards) and 5.800 (Stormwater Management) of this code, but are also subject to land use review by the Multnomah County Planning Department. [Adopted by Ord. 796, ef. 6/11/09]
- 1.020 General Definitions. As used in this code, the following words and phrases shall have the following meanings:
- .01 Abutting. Adjoining with any common boundary line(s).
  - .02 Access. The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property of use.
  - .03 Accessway. Paved pathways which provide direct and continuous pedestrian and/or bicycle passage through blocks. Accessways are designed to provide continuous pedestrian/bicycle routes by connecting a public street to another street or residential area, neighborhood activity center, industrial or commercial center, transit facility, park, school, open space, or trail system.
  - .04 Accessory Residential Unit. A second dwelling unit either within or added to a detached single-family dwelling that includes separate kitchen, bathroom, and sleeping area(s).
  - .05 Accessory Structure. A non-residential structure which is subordinate to the principal structure that is located on the same lot serving purposes clearly incidental to the principal structure. Accessory structures include detached garages, detached carports, storage sheds, gazebos, detached decks over 12 inches in height, play structures, or other structures detached from the primary structure determined to be similar by the Director.
  - .06 Accessory Use. A non-residential use of a structure serving purposes clearly incidental to the principal use.

- .07 Adjacent. Adjacent means near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as adjacent.
- .08 Adult Foster Home (AFH). Any family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage, with exclusions as noted in ORS 443.715.
- .09 Aggregate Resource. Any and all rock, sand, soil, or gravel product extracted for commercial, industrial, or construction use from natural deposits.
- .10 Alley. A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.
- .11 Apartment Building. See Dwelling, Multiple-Family.
- .12 Apartment Unit. An individual dwelling unit within a multiple-family dwelling, or constructed above, below, behind, or beside another use, including mixed-use dwellings.
- .13 Attached Residential Dwelling. See Dwelling, Attached.
- .14 Automobile Wrecking Yard. See Junk Yard.
- .15 Bikeway. Any street or path which in some manner is specifically designated for the use of bicycles, or for shared use by bicycles, and other transportation modes compatible with bicycle use. The term “bikeway” includes bike lane and bike path.
- .16 Bike Lane. A portion of a street or shoulder designated for use by bicycles through the application of a paint stripe.
- .17 Bike Path. A separate trail or path closed to motor vehicle use which is for the exclusive use of bicycles or the shared use of bicycles and pedestrians.
- .18 Boarding, Lodging, or Rooming House. Any building, or portion thereof, containing not more than five guestrooms where rent is paid.
- .19 Building, Height of. The vertical distance from the average grade to the highest point of the roof of the building.
- .20 Carpool/Vanpool. A group of two or more commuters who share the ride to and from work, school, or other destinations.
- .21 Child Care Facility. See Day Care Facility.
- .22 City Administrator. The appointed chief administrative officer of the City who is responsible for the administration of all City ordinances, and who may make final

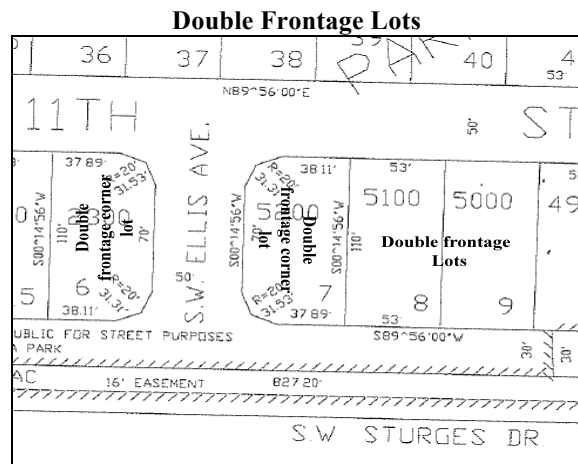
- determinations on all administrative decisions made by the Director or designated official.
- .23 Clear Vision Area. The area near intersections of roadways and ingress/egress points where a clear field of vision is necessary for public safety.
- .24 Clinic. A building, or portion of a building, containing one or more offices for providing medical, dental, or psychiatric services not involving overnight housing of patients.
- .25 Clustering. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.
- .26 Community Service Use. A noncommercial use established primarily for the benefit and service of the population of the community or region in which it is located. Community service uses include, but are not limited to, schools, churches, community centers, fire stations, libraries, hospitals, fraternal lodges, cemeteries, and government-owned or government-operated structures or land used for public purposes.
- .27 Congregate Housing. Housing for retirement-age citizens and their spouses or the surviving spouse, the developmentally disabled, or handicapped persons, which provides a minimum of services to accommodate the needs of residents. Such a facility usually includes separate apartments, with or without kitchens; a communal dining facility; housekeeping; organized social and recreational activities; transportation services; and other support services appropriate for the residents. Congregate housing may include assisted living facilities and services.
- .28 Corporate Headquarters. A complex of buildings whose purpose is to be the administrative center of a business enterprise. Corporate headquarters may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child care facilities.
- .29 Day Care, Certified, or Group Day Care Home. A day care facility certified by the State of Oregon Department of Human Resources located in a building constructed as a single-family dwelling that is certified to care for no more than 12 children.
- .30 Day Care, Family Provider. A day care facility providing care in the provider's home in the family living quarters for six or fewer children full-time, with up to four additional full- or part-time children when school is not in session during the regular school year. During the summer when school is not in session, there may be up to four additional part-time children of any age in care, and shall be in care no more than four hours per day. There shall be no more than ten children at any given time, including the provider's children.
- .31 Day Care Center or Day Care Facility. Any facility providing full-time care to

- more than 12 children in a structure other than a single-family residential dwelling.
- .32 Development. Any manmade change to improved or unimproved real estate including, but not limited to, construction, installation or change of a building or structure; land division; storage on the land; tree cutting; drilling; and site alteration such as that due to land surface mining, dredging, grading, paving, excavating, or clearing.
- .33 Development Permit. A permit issued for decks, accessory structures, and similar structures which requires zoning approval, but does not require a building permit.
- .34 Director. The appointed city official who is responsible for the administration of community development and related ordinances.
- .35 Distribution Center. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.
- .36 Dwelling, Attached (Rowhouse and Townhouse). A building containing four or more dwelling units, each of which has its own front and rear access to the outside with its own front and rear yard. No unit may be located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Each unit may be on a separate lot.
- .37 Dwelling, Duplex. A structure containing two dwelling units each of which has direct access to the outside. A duplex may be constructed on two adjacent lots with a common wall on the property line (these are called attached single-family dwellings under the building code).
- .38 Dwelling, Mixed-Use. A building with residential units above, below, or behind a non-residential use.
- .39 Dwelling, Multiple-Family. A residential building (apartment) containing four or more dwelling units, including units that are located one over the other. It does not include duplex, triplex, zero lot line, or attached dwellings.
- .40 Dwelling, Single-Family Detached. A residential building, including manufactured or modular homes, containing not more than one dwelling unit surrounded on all sides by yard area.
- .41 Dwelling, Triplex. A building containing three dwelling units, each of which has direct access to the outside and the dwelling units are totally separated from each other as defined by the building code. All three dwelling units may be on the same lot or may be constructed on three adjacent lots with common walls between two of the units. If the units are on adjacent lots, they are called attached single-family dwellings under the building code.

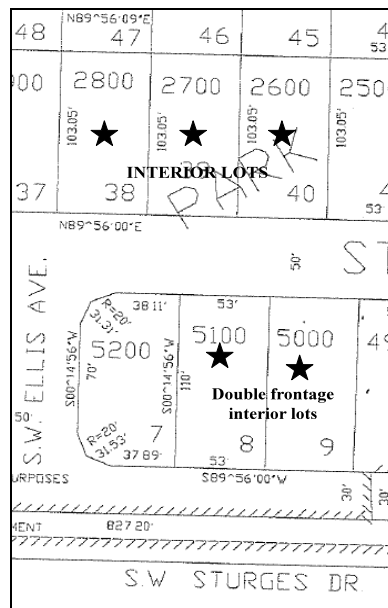
- .42 Dwelling Unit. Any building, or portion thereof, with living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family.
- .43 Dwelling, Zero Lot Line. A single-family detached dwelling that is located on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
- .44 Family. An individual, two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.
- .45 Flex-Space Building. A building constructed with large floorplates, having open spaces that can be partitioned off for specific tenants as needed.
- .46 Floor Area. The area of all floors included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and exterior courts.
- .47 Frontage. The portion of a parcel of property abutting a public or private street.
- .48 Four-Plex. See Dwelling, Attached.
- .49 Grade. The grade shall be as defined in the Uniform Building Code, as adopted by the City.
- .50 Group Home. See Residential Facility and Residential Home.
- .51 Heliport. A landing site for helicopters accessory to a use not located at the Portland-Troutdale Airport.
- .52 Home Occupation. An accessory use conducted entirely within a building that is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- .53 Hotel/Motel. A building, or group of buildings, containing six or more guestrooms used for transient residential purposes which may include ancillary restaurant uses.
- .54 Junk Yard. A lot for the dismantling or "wrecking" of motor vehicles, or for the storage or keeping, of junk, including scrap metals or other scrap materials.
- .55 Kennel or Other Animal Boarding Place. Any premises where five or more dogs over one year of age are kept, for any purpose whatsoever, or any premises where dogs are bred, boarded, or offered for sale as a commercial business. "Other animal boarding place", as used in this code, means and includes any premises where six or more cats or other animals are bred, boarded, or offered for sale as a commercial business.
- .56 Legislative Action. Any action which amends City policy including, but not limited to, changes to the Comprehensive Land Use Plan text, Development Code

text, and other implementing ordinances, and map changes or amendments to the Comprehensive Land Use Plan Map, the Zoning District Map, or other City adopted maps which represent a change in City land use policy.

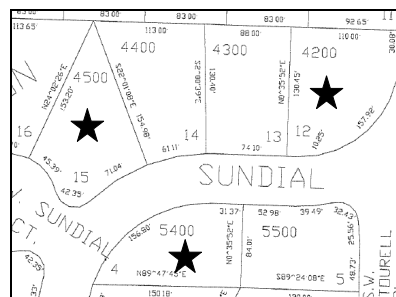
- .57 Loading Space. An off-street space or berth used for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials.
- .58 Lot. A unit that is created by a subdivision of land.
- .59 Lot, Corner. A lot located at the intersection of two or more streets, which may or may not create a continuously curved front property line.
- .60 Lot, Double Frontage. A lot having frontage on two nonintersecting streets, as distinguished from a corner lot; but a corner lot may also have double frontage. Frontage on a street and an alley does not constitute a double frontage lot.



- .61 Lot, Interior. A lot other than a corner lot. An interior lot can be a double frontage lot.



- .62 Lot Area or Lot Size. The total horizontal area enclosed within the lot lines of a lot.
- .63 Lot Coverage. The percentage of the total lot area covered by structures, including all projections except eaves, balconies, bay windows, or uncovered decks 12 inches or less above grade.
- .64 Lot Depth. The horizontal distance measured midway between the front and rear lot lines. In the case of a corner lot, the depth shall be the length of its longest side lot line.
- .65 Lot Line Adjustment. The relocation of a recorded lot line which does not result in the creation of an additional lot, or reduce any lot below minimum sizes required by this code.
- .66 Lot Line, Front. For an interior lot, a line separating the lot from the street. Front lot lines on corner lots may face either street, except for corner lots that have continuously curved property lines along the streets. A continuously curved property line adjacent to two or more streets of a corner lot shall be considered the front lot line. In this instance, such a corner lot has no rear property line, only front and side property lines.



**CORNER LOTS WITH CONTINUOUSLY CURVED FRONT LOT LINES**

- .67 Lot Line, Rear. A lot line not abutting a street which is opposite and most distant from the front lot line.
- .68 Lot Line, Side (Interior Lot). Any lot line which is not a front or rear lot line.
- .69 Lot Line, Side (Corner Lot). A line other than the front lot line separating the lot from the street, or a line separating the lot from the abutting lot along the same frontage.
- .70 Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- .71 Manufactured Home or Manufactured Dwelling. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation when connected to the required utilities. To qualify as a manufactured home, the structure shall have

been manufactured after June 15, 1976 and must bear an insignia issued by a state or federal agency indicating that the structure complies with all applicable construction standards of the U.S. Department of Housing and Urban Development. For flood plain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

- .72 Manufacturing, Primary. An establishment engaged in the initial processing or treatment of raw material or manufacturing of products that require additional processing, fabrication, or assembly for ultimate use by the consumer. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.
- .73 Manufacturing, Secondary. An establishment engaged in the manufacture of products predominantly from previously prepared materials; of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products; and incidental storage, sales, and distribution of such products, but excluding primary industrial processing. These products are for final use or consumption. This usually involves the processing, fabrication, or assembly of semi-finished products from a primary manufacturing industry.
- .74 Marina. A small harbor, boat basin, or moorage facility providing boat berthing, docking and mooring, and incidental services for recreational, commercial and/or charter fishing, or tour boats. Incidental services include, but are not limited to, restrooms; showers; minor boat and motor repair; mooring buoys; refueling facilities; boat hoists/lifts; boat launch ramp; small office for marina management; club house and/or meeting room; vending machines; small retail area for marine, fishing and other outdoor supplies and equipment; ice, packaged beverages, and foods; limited service restaurants; and temporary restaurants.
- .75 Marine Industrial/Marine Service Facility. A structure or use which is commercial or industrial in nature and which needs to be located in or adjacent to water areas because the use requires water access. Such uses include, but are not limited to, ship, tug barge, and workboat moorage and storage; vessel repair facilities; aquaculture facilities; and fish processing facilities.
- .76 May. As used in this code, MAY is permissive and SHALL is mandatory.
- .77 Mixed-Use Development. The development of a tract of land, building, or structure with a variety of uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form. See Dwelling, Mixed-Use.
- .78 Mobile Home. See Manufactured Home.

- .79 Multiple-Family Dwelling. See Dwelling, Multiple-Family.
- .80 Net Area. The total area of a parcel of land less the following: proposed public streets; area constrained for development under the provisions of this code; area within a community resource protection overlay district; or, where approved by the City Council, land area dedicated or conveyed to the City.
- .81 Nonconforming Development. A development that was legally established before this code was adopted or amended, but which does not comply with the current regulations in this code due to subsequent enactments or amendments.
- .82 Nonconforming Lot. A lot or parcel that was legally established before this code was adopted or amended, but which does not comply with the current regulations in this code due to subsequent enactments or amendments.
- .83 Nonconforming Structure. A structure that was legally established before this code was adopted or amended, but which does not comply with the current regulations in this code due to subsequent enactments or amendments.
- .84 Nonconforming Use. A use that was legally established before this code was adopted or amended, but does not comply with or is not permitted to exist due to subsequent enactments or amendments to this code.
- .85 Nursing Home. Housing with long-term physical and medical care for the physically handicapped, emotionally handicapped, or elderly population. Other terms used today include residential health care facility, extended care, intermediate care, and long-term care. However, independent living, assisted living, and congregate housing are considered unique from this use within this code.
- .86 Outdoor Business. A business, all or most of which is conducted, or items displayed, in an open space area including sidewalk sales, pushcart vendors, Saturday markets, and Christmas tree sales.
- .87 Owner. The owner of record of real property as shown on the tax rolls of Multnomah County, or a person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the City and the owner, “owner” also means a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violation of agreement, or the provisions of this title.
- .88 Parcel. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder. This includes a lot, a lot of record, or a piece of land created through other methods.
- .89 Partition. Creation of two or three lots within a 12-month period.

- .90 Pedestrian Walkway. An exterior hard-surfaced pathway intended for pedestrian use. Also referred to simply as a walkway.
- .91 Principal Use. The primary purpose for which a lot, structure, or building is used.
- .92 Professional Office. An office containing the activities such as those offered by a lawyer, architect, engineer, accountant, artist, teacher, real estate, or insurance sales.
- .93 Processing. To subject to some special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource. Examples include petroleum refining, oil shale crushing, retorting and refining, ore smelting, coal crushing and cleaning, saw mill, alfalfa pellet mills, food canning or packing, creation of glass, ceramic or plastic materials, gravel crushing, cement manufacture, and concrete batch plants. Processing occurs in both primary and secondary manufacturing.
- .94 Quasi-Judicial Action. An action which involves the application of adopted policy to a specific development application or amendment.
- .95 Reclamation Plan. Shall have the meaning contained in ORS 517.750 and OAR 632-30-025 (Department of Geology and Mineral Industries).
- .96 Residential Facility. As defined in ORS 197.660, a facility which provides residential care and/or training and treatment for six to fifteen individuals.
- .97 Residential Home. As defined in ORS 197.660, a facility which provides residential care and/or training and treatment for five or fewer individuals.
- .98 Rowhouse. See Dwelling, Attached.
- .99 School. A public, parochial, or private institution that provides educational instruction to students. This definition does not include trade or business schools or colleges.
- .100 Shall. As used in this code SHALL is mandatory and MAY is permissive.
- .101 Single-Family Dwelling or Single-Family Residence. See Dwelling, Single-Family Detached.
- .102 Site and Design Review Committee. A committee comprised of key staff members chaired by the Director to review applicable development proposals for compliance to the provisions of this code.
- .103 Street Lighting. The total system of wiring, poles, arms, fixtures, and lamps, including all parts thereof that are necessary to light a street or pedestrian way.
- .104 Street, Private. A thoroughfare or street providing a means of access to a property or properties which is not owned by the City or other jurisdictions.

- .105 Street, Public. A thoroughfare or right-of-way acquired for use by the public which affords a principal means of access to abutting property not less than 16 feet in width.
- .106 Subdivision. Creation of four or more lots.
- .107 Technical Review Committee. A committee comprised of key staff members chaired by the Director to review development proposals for technical compliance with this code and other applicable ordinances and regulations.
- .108 Townhouse or Townhome. See Dwelling, Attached.
- .109 Transit Facility. A facility intended to accommodate and assist transit users. Transit facilities include light rail transit stations, park and ride lots for transit riders, transit centers, transit shelters, bus turnout lanes, and transit stops.
- .110 Transit Street. Any street identified as an existing or planned bus or light rail transit route.
- .111 Tri-Plex. See Dwelling, Triplex.
- .112 Two-Family Dwelling. See Dwelling, Duplex.
- .113 Utility Facility, Major. Administrative offices and operation centers, wet system pump stations, sewage treatment plants and lagoons, electric generation facilities (other than small scale accessory wind turbines or solar panels intended to generate electricity for onsite uses), sanitary landfills, pump stations, substations (transmission and distribution), water towers and reservoirs, public wells (aboveground), telephone switching equipment, communication receiver and transmission facilities, telecommunication towers and poles, and drinking water treatment facilities.
- .114 Utility Facility, Minor. Street lights; underground lines and pipes; underground wells; transformers and regulator stations; closed system sanitary pump stations; and private, on-site facilities such as septic tanks, wells, and catch basins.
- .115 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution.
- .116 Windscreens. A fence-like structure, not to exceed six feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors.
- .117 Yard. A required open space on a lot that is unoccupied and unobstructed except for permitted projecting building features and accessory buildings.
- .118 Yard, Front. An open space extending the full width of the lot between a building

and the front lot line, unoccupied and unobstructed from the ground upward, except as authorized by this code.

- .119 Yard, Rear. An open space extending across the full width of the lot between the main building and the rear lot line, unoccupied and unobstructed from the ground upward, except as authorized by this code. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten-foot line parallel to the front lot line, measured from one side line to the other.
- .120 Yard, Side. An open space between any building and the side lot line, unoccupied and unobstructed from the ground upward, except as authorized by this code.
- .121 Yard, Street Side. An open space adjacent to a street that is not a front yard, unoccupied and unobstructed from the ground upward, except as authorized by this code. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 622, ef. 4/13/95; Amended by Ord. 658, ef. 3/12/98; Repealed and re-amended by Ord. 661, ef. 7/23/98; Amended by Ord. 705, ef. 5/10/01; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 724, ef. 11/8/02; Amended by Ord. 770, ef. 2/23/06; Amended by Ord. 791, ef. 2/21/08]

#### 1.030 Airport Overlay Definitions.

- .01 Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and extends to a width of 1,250 feet for a utility runway having only visual approaches, 1,500 feet for a runway other than a utility runway having only visual approaches, 2,000 feet for a utility runway having a non-precision instrument approach, and 3,500 feet for a non-precision instrument runway other than utility having visibility minimums greater than three-fourths of a statute mile. The airport approach safety zone extends for a horizontal distance of 5,000 feet at a slope of 20 feet for each foot upward (20:1) for all utility and visual runways, and 10,000 feet at a slope of 34 feet for each one foot upward (34:1) for all non-precision instrument runways other than utility.
- .02 Airport Hazard. Any structure, tree, or use of land which exceeds height limits established by the airport imaginary surfaces.
- .03 Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the airport approach safety zone, transitional zone, horizontal surface, clear zone, and conical surface, and in which any object extending above these imaginary surfaces is an obstruction.
- .04 Clear Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation.
- .05 Conical Surface. Extends one foot upward for each 20 feet outward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the primary surface of each visual and utility runway or 10,000 feet for all non-precision instrument runways other than utility at 150 feet

above the airport elevation), and upward extending to a height of 350 feet above the airport elevation.

- .06 Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the primary surface of each visual or utility runway and 10,000 feet from the center of each end of the primary surface of all other runways, and connecting the adjacent arcs by lines tangent to those arcs.
- .07 Noise Impact. Noise levels exceeding 55 Ldn.
- .08 Place of Public Assembly. A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.
- .09 Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having non-precision instrument approaches, and 500 feet for other than utility runways.
- .10 Transitional Zones. Extend one foot upward for each seven feet outward (7:1) beginning on each side of the primary surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (horizontal surface).
- .11 Utility Runway. A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less. [Adopted by Ord. 550, ef. 9/25/90]

#### 1.040 Vegetation Corridor and Slope District, and Water Quality and Flood Management

Definitions. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 607, ef. 8/11/94; Amended by Ord. 702, ef. 11/24/00; Amended by Ord No. 798, ef. 12/18/09]

- .01 100-Year Flood. The flood that is equaled or exceeded once in 100 years on the average; equivalent to the one percent annual chance flood. Also called the Special Flood Hazard Area, Base Flood, and 100-year floodplain.
- .02 Appeal. A request for a review of the Director's interpretation of any provision of this code or request for a variance from requirements of chapter 4.600, Flood Management Area, of this code.
- .03 Bankfull Stage. As defined in the Oregon Administrative Rules pertaining to removal/fill permits, the stage or elevation at which water overflows the natural banks of a stream or other waters of the state and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrent flood elevation (storm level) may be used to approximate the bankfull stage. The

bankfull stage is the starting point for measuring the width of a vegetation corridor from a protected water feature. In the absence of any data to establish the bankfull stage or two-year storm event, the starting point for measuring the vegetation corridor is determined by the following indicators:

- a. Water marks on fixed objects (vegetation, rocks, buildings, etc.);
- b. Drift lines (deposited waterborne twigs, litter, etc.); or
- c. Waterborne sediment deposits on the soil surface or fixed objects (vegetation, rocks, buildings, etc.)

- .04 Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year” flood.
- .05 Basement. Any area of the building having its flood subgrade (below ground level) on all sides.
- .06 Conservation Easement. An easement applied to environmentally sensitive lands including, but not limited to, lands identified as hillsides, wetlands, floodplains, and floodways. The field verification shall be done by a licensed surveyor, engineer, hydrologist, or any other licensed specialist in the fields of engineering, hydrology, or botany. A conservation easement prohibits most forms of development and assures that native vegetation will be maintained or enhanced. Conservation easements usually affect privately owned land and are enforceable by the City. Trails and limited public facilities may be permitted under carefully controlled conditions within conservation easements.
- .07 Construction, Start of. Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, paving a parking lot, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundation; erection of temporary forms; or installation of accessory buildings on the property, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- .08 Debris. Debris includes discarded manmade objects and may include tires, vehicles, litter, scrap metal, construction waste, lumber, plastic, or styrofoam. Debris does not include objects necessary to a use allowed by this code, or ornamental and recreational structures. Debris does not include existing natural plant materials or natural plant materials which are left after flooding,

- downed or standing dead trees, or trees which have fallen into protected water features.
- .09 Department of Environmental Quality (DEQ) Water Quality Standards. DEQ water quality standards are the numerical criteria or narrative condition needed in order to protect an identified beneficial use.
- .10 Design Flood Elevation. The elevation of the 100-year storm as defined in the Federal Emergency Management Agency Flood Insurance Studies or, in areas without Federal Emergency Management Agency floodplains, the elevation of the 25-year storm or the edge of mapped flood-prone soils or similar methodologies.
- .11 Developer. The owners of property, their agents or contractors, or their successors and assigns, who have undertaken or are proposing development which is regulated by chapters 4.300, Vegetation Corridor and Slope District; 4.600, Flood Management Area; 5.600, Erosion Control and Water Quality Standards; and 5.800, Stormwater Management, of this code.
- .12 Development. Any manmade change to improved or unimproved real estate including, but not limited to, construction, installation, or change of a building or structure; land division; storage on the land; tree cutting; drilling; and site alteration such as that due to land surface mining, dredging, grading, paving, excavating, or clearing. Development does not include the following:
- a. Stream enhancement or restoration projects approved by any of the following: Oregon Division of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, the City, or Multnomah County.
  - b. Farming practices and farm use, as defined in the Oregon Revised Statutes, which were actively occurring prior to December 1999, and all modifications to existing buildings. Construction of new buildings associated with farm practices and farm uses are subject to the requirements of section 5.080, Agricultural Use Permitted, and subsection 5.611(E) of this code.
- .13 Disturb. Any manmade changes to the existing physical status of the land which are made in connection with development. The following uses are excluded from the definition:
- a. Enhancement or restoration of the Water Quality Resource Area.
  - b. Planting native cover identified in the Metro Native Plant List.
- .14 Elevation Certificate. A form supplied by the Federal Emergency Management Agency (FEMA) and used to document the lowest floor elevation of a building.

- .15 Emergency. Any manmade or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.
- .16 Engineer. A registered professional engineer licensed by the State of Oregon.
- .17 Enhancement. The process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.
- .18 Erosion. Erosion is the detachment and movement of soil particles, rock fragments, or other material, organic or inorganic, resulting from actions of water, wind, human, or animal activity.
- .19 Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook. The reference authority for erosion control, abbreviated as “The Handbook”, published by the City of Portland Bureau of Environmental Services and Unified Sewerage Agency of Washington County. The most current edition shall be used. The Community Development Director and Public Works Director may also develop regulations and procedures in accordance with “The Handbook” to implement erosion control measures as needed.
- .20 Erosion, Visible or Measurable. Visible or measurable erosion includes, but is not limited to:
- a. Deposits of mud, dirt sediment, or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
  - b. Evidence of concentrated flows of water over bare soils, turbid or sediment laden flows, or evidence of onsite erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on the site.
  - c. Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.
- .21 Excavation. Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated.
- .22 Federal Emergency Management Agency (FEMA). An independent federal agency reporting to the President. FEMA is responsible for coordinating the

federal response to floods, earthquakes, hurricanes, and other natural or manmade disasters and providing disaster assistance to states, communities, and individuals. FEMA administers the National Flood Insurance Program (NFIP).

- .23 Fill. Any material such as, but not limited to, sand, soil, rock, gravel, clay, or mud that is placed on a site for the purposes of development or redevelopment.
- .24 FIRM. See Flood Insurance Rate Map.
- .25 Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- a. The overflow of inland or tidal waters; and/or
  - b. The unusual and rapid accumulation of runoff of surface waters from any source.
- .26 Flood Insurance Rate Map (FIRM). The official map of a community for which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- .27 Flood Insurance Study (FIS). A report published by FEMA that provides detailed information on a community's flood hazard areas. The FIS normally includes topographic information, floodplain and floodway data charts, study information, and stream profiles.
- .28 Flood Management Area (FLMA). All lands contained within the 100-year floodplain and floodway as shown on the Flood Insurance Rate Map, and-the area of inundation for the February 1996 flood. In addition, all lands which have documented evidence of flooding.
- .29 Floodplain. Any land area, such as the lowland and relatively flat areas adjoining inland waters, susceptible to being inundated by water from any source, including land that may be covered temporarily by water as a result of a storm event.
- .30 Floodplain, 100-Year. See Base Flood.
- .31 Floodway. The portion of a watercourse required for the passage or conveyance of a given storm event as identified and designated on the Flood Insurance Rate Map as produced by the Federal Emergency Management Agency. The floodway shall include the channel of the watercourse and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood without increasing the flood levels by more than one foot.

- .32 Invasive Non-native or Noxious Vegetation. Plant species that are listed as nuisance plants or prohibited plants on the Metro Native Plant List as adopted by Metro Council resolution because they are plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities.
- .33 Joint Fill Permit/404 Removal/Fill Permit. A permit issued jointly by the Oregon Division of State Lands and U.S. Army Corps of Engineers to allow, with conditions and mitigation, the removal or fill of wetlands determined to be of either local or state significance by the Oregon Division of State Lands.
- .34 Lowest Floor. The lowest floor of the lowest enclosed area of a building (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the flood hazard regulations.
- .35 Mitigation. The reduction of adverse effects of a proposed project by considering, in this order:
- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
  - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
  - c. Rectifying the impact by repairing, rehabilitating, or restoring the effected environment;
  - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and
  - e. Compensating for the impact by replacing or providing comparable substitute water quality resource areas.
- .36 Mulch. Application of plant residue, netting, or other suitable materials to the land surface to conserve moisture, hold soil in place, and aid in establishing plant cover.
- .37 NAVD 88. The North American Vertical Datum of 1988 (NAVD 88) is the vertical control datum established in 1991 by the minimum-constraint adjustment of the Canadian-Mexican-U.S. leveling observations. This is the data used on FIRMs and in flood insurance studies adopted in 2009.

- .38 NGVD 29. “The National Geodetic Vertical Datum of 1929: The name, after May 10, 1973, of (the) Sea Level Datum of 1929.” (Vertical control datum established for vertical control in the United States by the general adjustment of 1929.) This is the datum used on FIRMs and in flood insurance studies prior to 2009.
- .39 National Flood Insurance Program (NFIP). A federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for state and community floodplain management regulations that reduce future flood damages.
- .40 Native Vegetation or Native Plant. Vegetation listed as a native plant on the Metro Native Plant List as adopted by Metro Council resolution and any other vegetation native to the Portland metropolitan area provided that it is not listed as a nuisance plant or a prohibited plant on the Metro Native Plant List.
- .41 National Wetland Inventory (NWI) Map. The City is mapped on the Camas and Washougal, Washington-Oregon wetland maps prepared by the U.S. Department of the Interior, Fish and Wildlife Service.
- .42 NPDES Permit. The National Pollutant Discharge Elimination System 1200-C Permit is a State of Oregon, Department of Environmental Quality permit that covers federal stormwater regulations as they pertain to construction activities in Oregon. The permit is administered by the City.
- .43 ODFW Construction Standards. The Oregon Department of Fish and Wildlife construction guidelines for building roads, bridges, and culverts, or any transportation structure within a waterway.
- .44 One Percent Annual Chance Flood. The flood that has a one percent chance of being equaled or exceeded on the average in any given year; equivalent to the 100-year flood.
- .45 Open Space. Land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests, and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves, and parks.
- .46 Perennial Streams. All primary and secondary perennial waterways mapped by the U.S. Geological Survey, having year-round flow.
- .47 Practicable. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.
- .48 Pre-FIRM Structures. Buildings that were built before the flood risk was known and identified on the community’s FIRM.

- .49 Protected Water Features, Primary. Includes:
- a. Title 3 wetlands.
  - b. Rivers, streams (creeks or brooks) and drainages downstream from the point at which 100 acres or more are drained to that water feature (regardless of whether it carries year-round flow).
  - c. Streams carrying year-round flow.
  - d. Springs which feed streams and wetlands and have perennial (year-round) flow.
  - e. Natural lakes.
- .50 Protected Water Features, Secondary. Includes intermittent streams and seeps downstream of the point at which 50 acres are drained and upstream of the point at which 100 acres are drained to that water feature.
- .51 Restoration. The process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.
- .52 Resource. A functioning natural system such as a wetland or stream.
- .53 Riparian. Those areas associated with streams, lakes, and wetlands where vegetation communities are predominately influenced by their association with water.
- .54 Routine Repair and Maintenance. Activities directed at preserving an existing allowed use or facility, or nonconforming use, without expanding the development footprint or site use.
- .55 Sediment. Any material that is in suspension, is being transported, or has been moved from its site of origin by water, wind, or gravity as a result of erosion.
- .56 Site. The lot, or contiguous lots, under the same ownership that are subject to a development permit or erosion control plan.
- .57 Slope District. Slopes of 25% or greater throughout the City that have a minimum horizontal distance of 50 feet. Engineered slopes associated with public streets or roads are not included.
- .58 Special Flood Hazard Area (SFHA). The term used by the National Flood Insurance Program for areas inundated by 100-year flood. The SFHA is mapped on the flood insurance rate maps (FIRM). The SFHA is the area

where floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

- .59 Statewide Planning Goal 5. Oregon’s statewide planning goal that addresses open space, scenic and historic areas, and natural resources. The purpose of the goal is to conserve open space and protect natural and scenic resources.
- .60 Statewide Planning Goal 6. Oregon’s statewide planning goal that addresses air, water, and land resources quality to “maintain and improve the quality of the air, water, and land resources of the state” as implemented by the Land Conservation and Development Commission (LCDC).
- .61 Statewide Planning Goal 7. Oregon’s statewide planning goal that addresses areas subject to natural disasters and hazards to “protect life and property from natural disasters and hazards” as implemented by the Land Conservation and Development Commission.
- .62 Stockpile. Onsite storage of any soil, sand, gravel, clay, mud, debris, vegetation, refuse, or any other material, organic or inorganic, in a concentrated state.
- .63 Stream. A body of running water moving over the earth’s surface in a channel or bed, such as a creek, rivulet, or river, that flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.
- .64 Stream Bank, Top of. See Bankfull Stage.
- .65 Structure. A building or other improvement that is built, constructed, or installed.
- .66 Substantial Improvement.
- a. There are three occasions when work on an existing building is considered a substantial improvement.
    1. Any improvement of a structure, the cost of which exceeds 50% of the market value of the structure.
    2. Reconstruction or repair of a building, that exceeds 50% of the market value of the structure before it was damaged.
    3. Additions to an existing structure when the addition increases the market value of a structure by more than 50% or the floor area by more than 20%.
  - b. The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- .67 Surface Water Management System. All natural and constructed facilities used to regulate the quantity and quality of surface water, including drainage easements, culverts, storm drains, catch basins, drainage ditches, natural drainageways, stream corridors, rivers, ponds, wetlands, and impoundments.
- .68 Title 3. Title 3 is part of the Metro Urban Growth Management Functional Plan pertaining to water quality, flood management, and fish and wildlife conservation, and directly pertains to Statewide Planning Goals 5, Open Spaces, Scenic and Historic Areas, and Natural Resources; 6, Air, Water, and Land Resources Quality; and 7, Areas Subject to Natural Disasters and Hazards.
- 69 Vegetation, Approved. Vegetation which typically does not require irrigation or fertilization because it is adapted to natural soil, water, and climatic conditions. The list of approved vegetation species is based on the Metro Native Plant List, and is on file in the Community Development Department.
- .70 Vegetation Corridor. The undisturbed area between a development and a protected water feature as designated in sections 4.316, Width of Vegetation Corridor, and 4.317, Method for Determining Vegetation Corridors Next to Primary Protected Water Features, of this code, or slopes of 25% or greater throughout the City, except engineered slopes associated with public streets or roads.
- .71 Vegetation, Invasive, Non-Native, or Noxious. Plant species that have been introduced and due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities, or which are not listed on the Metro Native Plant List.
- .72 Vegetation, Native. Any vegetation native to the Portland Metropolitan Area or listed on the Metro Native Plant List.
- .73 Water Features. See Protected Water Features, primary and secondary.
- .74 Water Quality Facility. A created or constructed structure or drainageway that is designed, constructed, and maintained to collect, filter, retain, or detain, surface water runoff during and after a storm event for the purpose of stormwater management and water quality improvement. The facility may take on characteristics of a wetland, but it does not become a resource.

- .75 Watershed. A geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake, or wetland.
- .76 Wetlands. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are those areas identified and delineated by qualified wetland specialists as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.
- a. Wetland determinations. The identification of an area as either wetland or non-wetland.
  - b. Wetlands, constructed. Wetlands developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and/or separated from naturally occurring or created wetlands.
  - c. Wetlands, created. Those wetlands developed in an area previously identified as a non-wetland to replace or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.
  - d. Wetlands, Title 3. Wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Overlay District Map and other wetlands not mapped but determined significant by the Oregon Department of State Lands, consistent with the criteria in Title 3, Section 7.C. of the Metro Urban Growth Management Functional Plan. Title 3 wetlands include created wetlands approved and monitored by the Oregon Department of State Lands and U.S. Army Corps of Engineers. Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.
- 1.050 Solar Access Definitions.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 653, ef. 9/12/97]
- 1.060 Sign Definitions.  
[Adopted by Ord. 550, ef. 9/25/90; Repealed by Ord. 687, ef. 6/13/00]
- 1.060 Erosion Control and Water Quality Definitions.  
[Adopted by Ord. 607, ef. 8/11/94; Repealed by Ord. 702, ef. 11/24/00]

- 1.070 Scope and Compliance. A parcel of land may be used, developed by land division, or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy, or otherwise, only as permitted by this code. The requirements of this code apply to the person undertaking a development or the user of a development, and to the person's successors in interest. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 1.060 by Ord. 607, ef. 8/11/94]
- 1.080 Consistency with Plan and Laws. Actions initiated under this code shall be consistent with the adopted Comprehensive Land Use Plan of the City of Troutdale and with applicable state and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide. [Adopted by Ord. 550, ef. 9/25/90; Renumbered from 1.070 by Ord. 607, ef. 8/11/94]