

ORDINANCE NO. 887

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO CHAPTERS 3 AND 5 OF THE TROUTDALE DEVELOPMENT CODE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Troutdale City Council held a public hearing on November 14, 2023, to take public testimony on the amendments recommended by the Planning Commission to consider text amendments to Chapters 3 and 5 of the Troutdale Development Code concerning the commercial zoning district, industrial zoning district and miscellaneous used and standards.
2. The Troutdale Planning Commission held a public hearing on October 11, 2023, to take public testimony and to make a recommendation to the City Council concerning text amendments to Chapters 3 and 5 of the Troutdale Development Code.
3. The change of “Marijuana Facilities” from conditional use to a not permitted use in the light industrial and general commercial zoning districts brings the Development Code into alignment with Ordinance 882: An Ordinance Approving a Ban on Additional Recreational Marijuana Retailers and Referring the Ordinance to the Electors of the City, Declaring an Emergency.
4. The amendments to Chapter 5 miscellaneous uses and standards brings the Troutdale Development Code into conformance with Ballot Measure 109 allowing the growth, administration, and sale of psychoactive mushrooms in licensed facilities regulated by the Oregon Health Authority.
5. Notice of the public hearing has been provided in accordance with applicable law.

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

Section 1. Chapters 3 and 5 shall be amended as set forth in Attachment A.

Section 2. This ordinance shall be effective 30 days after approval.

YEAS: 6
NAYS: 0
ABSTAINED: 1 Councilor Caswell



Randy Lauer, Mayor
Date: November 17, 2023



Sarah Skroch, City Recorder
Adopted: November 14, 2023



Adoption Draft 75-14 Text Amendments to Chapters 3 and 5 of the Troutdale Development Code (TDC)

3.320 Land Use Table for Commercial Zoning Districts

Land Use	CC	GC	Specific Standards
<i>Residential Dwellings and Uses</i>			
Residential facilities	P	P	
Other residential uses	N	N	
<i>Mixed-Uses</i>			
Live-Work units (residential/commercial)	P	N	
Live-Make units (residential/industrial)	C	N	
Flex units (commercial/industrial)	C	C	
<i>Commercial Uses</i>			
General retail (up to 60,000 s.f.)	P	P	
General retail (above 60,000 s.f.)	C	P	
Offices (up to 60,000 s.f.)	P	P	
Offices (above 60,000 s.f.)	N	P	
Eating & drinking establishments			
Restaurants & bars (no drive-thru)	P	P	
Restaurants & bars (with drive-thru)	P	P	
Kiosks (drive-thru only)	P	P	5.200
Mobile food vendor (individually placed, in park or right-of-way)	P	P	5.200
Mobile food vendor (individually placed, on privately owned lot)	P	P	5.200
Food cart pod, micro-retail pod, or outdoor market	P	P	5.200
Financial institutions (no drive-thru)	P	P	
Financial institutions (with drive-thru)	P	P	
Personal services	P	P	
Human services	P	P	

(continued on next page)

Land Use	CC	GC	Specific Standards
Vehicular and equipment services			
Fueling stations	C	P	
Repair shops	N	P	
Sales or rentals	C	C	
Lodging facilities	P	P	
Bed & breakfast inns	N	N	
Entertainment facilities (major)	C	C	
Entertainment facilities (minor)	P	P	
Storage facilities	N	N	
Marijuana facilities	N	N	3.325.A
Industrial Uses			
Warehousing or distribution outlets	N	C	
Marijuana processors	N	N	
LI permitted uses (unless otherwise listed in table)	N	N	
Other Uses			
Agricultural or animal-based uses	N	P	
Community service uses	C	C	
Recreation facilities (active)	C	C	
Recreation facilities (passive)	P	P	
Utility facilities (major)	C	C	
Utility facilities (minor)	P	P	

3.325 Additional Requirements

- A. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

3.020 Zoning District Outline

All areas within the city limits of Troutdale are divided into the following zoning districts. The use of each tract of land within the corporate limits of the City of Troutdale shall be limited to those uses permitted within the applicable zoning district.

<i>Industrial Districts</i>	3.400	
IP	Industrial Park	3.411
LI	Light Industrial	3.412
GI	General Industrial	3.413

3.400 INDUSTRIAL ZONING DISTRICTS

3.410 General Purpose

The purpose of industrial zoning districts is to provide dedicated industrial areas in certain areas of the city that are best suited for businesses that involve an industrial process and that may operate in a way that is less desirable for adjacent residential uses and certain commercial uses. These areas are also often considered employment centers and may conduct activities at various hours of the day.

3.411 IP | Industrial Park

This district is intended for a mix of employee-intensive industries, offices, services, and retail commercial uses, which have no off-site impacts in terms of noise, odor, glare, light, vibration, smoke, dust, or other types of off-site impacts. It provides for combining parking, landscaping, and other design features which physically and visually link structures and uses within one (1) development. Offices, services, and retail commercial uses are permitted in compliance with the Troutdale Development Code.

3.412 LI | Light Industrial

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

3.413 GI | General Industrial

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

3.420 Use Table for Industrial Zoning Districts

A. Uses that are permitted are marked with a “P”, with specific standards for the use listed in the far-right column as shown below.

B. Uses that require conditional use approval in accordance with Section 6.300 of this Code are marked with a “C”, with specific standards for the use listed in the far-right column as shown below.

C. Uses that are not permitted are marked with a “N”.

Land Use	IP	LI	GI	Specific Standards
<i>Residential Uses</i>				
One Caretaker unit in conjunction with an existing industrial use	N	P	P	
All other residential uses	N	N	N	
<i>Commercial Uses</i>				
Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities	N	C	C	
Convenience stores	C	N	N	3.440.I
Eating and drinking establishments				
Restaurants and bars	P	N	N	3.440.H
Mobile Food Vendor operating a Food Stand, Food Cart, and Food Trailer	P	P	P	5.200
Financial institutions	C	N	N	3.440.D.1
Hotels/Motels/Convention Halls	C	C	N	
Marijuana facilities	N	N	N	3.440.F
Medical and dental clinics	C	P	P	3.440.D.1
Personal services	C	N	N	3.440.D.1
Product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use	N	P	P	3.440.K
Professional Offices	P	P	N	3.440.D.1
Storage facilities	N	C	N	3.440.J
Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home services				

Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.	N	C	P	
Repair and modification shops	N	P	P	
Sales and rentals	N	P	P	3.440.D.1 3.440.D.3
Wholesale trade/retail/discount sales and services	C	P	P	3.440.D.1

Land Use	IP	LI	GI	Specific Standards
<i>Industrial Uses</i>				
Aggregate resource	N	N	P	4.000
Manufacturing, milling, and processing				
Assembly and limited manufacturing	C	P	P	
Concrete and asphalt manufacturing plants	N	N	C	
Electronic and appliance products	N	C	P	
Food and beverage products				
Food processing involving slaughtering, fermentation, or fat rendering	N	N	C	
Beverage processing involving brewing, distilling, roasting, or fermentation	C	P	P	
Other food and beverage products	P	P	P	
Furniture and related products	N	P	P	
Machinery and transportation equipment	N	C	P	
Use and temporary storage in the manufacturing process of toxic or hazardous material by-products	N	N	P	
The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations	N	N	C	
Marijuana processors	N	N	C	3.440.G
Metal and fabricated metal products				
Primary manufacturing or milling	N	N	P	
Secondary manufacturing or processing	N	P	P	

Nonmetallic mineral products	N	C	P
Plastic or rubber products	N	C	P
Printing	C	P	P
Textile, apparel, and leather products	N	C	P
Wood or paper products			
Primary manufacturing and milling	N	N	P
Secondary manufacturing and processing	N	C	P
Transportation facilities			
Airports (including heliports)	N	P	P
Heliports (not within an airport)	N	C	P
Marinas	C	P	P
Freight and trucking firm	N	C	P

Land Use	IP	LI	GI	Specific Standards
Warehousing and Storage				
Warehouse	N	P	P	
Accessory storage	P	P	P	
Storage facilities	N	C	N	3.440.J
Junk yard	N	N	C	
Marine industrial or service facilities	N	N	P	
Research, experimental, or testing laboratories	P	P	P	
Sanitary landfills, recycling centers, and transfer stations.	N	N	C	
Trade or commercial schools	P	P	P	
Other Uses				
Agricultural or animal-based uses	N	N	N	
Child-care facilities in conjunction with a permitted use or an approved conditional use	C	C	C	3.440.D.1
Community service uses	C	C	C	
Public Parks, parkways, trails, and related facilities	P	P	P	
Recreation facilities (active)	C	C	C	
Recreation facilities (passive)	P	P	P	
Utility facilities (major)	C	C	P	
Utility facilities (minor)	P	P	P	

Other uses similar to those listed above	P/C	P/C	P/C
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3.430 Dimensional Standards for Industrial Zoning Districts

A. Dimensional Standards Table for Industrial Zoning Districts

Land Use	IP	LI	GI
Lot Size and Coverage			
Minimum lot width	150 ft.	None	None
Maximum lot coverage	60% of the site	None	None
Setbacks			
Front yard setback	20 ft.	20 ft.	20 ft.
Side yard setback	15 ft.	10 ft.	None see 3.430.B.4
Street side yard setback:	15 ft.	10 ft.	None see 3.430.B.4
Rear yard setback	10 ft.	None	None see 3.430.B.4
Setbacks for insufficient right-of-way	see 3.430.B.1	see 3.430.B.1	see 3.430.B.1
Additional setback requirements	None	see 3.430.B.3	see 3.430.B.3
Maximum Height of the Structure	35 ft.	45 ft. see 3.430.B.2	see 3.430.B.2
Lot Area	No minimum	No minimum	see 3.430.B.5

B. Additional Dimensional Standards

1. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths, and the additional yard or setback requirements in such cases, shall be determined.
2. Unless otherwise limited by the Federal Aviation Administration.
3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.
4. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.
5. Lot Area. Division of lots or parcels are permitted as follows:

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- a. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.
 - b. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.
 - c. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Code.
 - d. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
 - i. To provide public facilities and services;
 - ii. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - iii. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - iv. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

3.440 Additional Requirements

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

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- D. Commercial uses, as indicated in the specific standards column in TDC 3.420, are subject to the following standards:
1. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; banks; restaurants; and retail, wholesale, and discount sales and service shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
 2. Drive-thru and drive-up service windows are not permitted in the general industrial zoning district.
 3. In areas zoned Light Industrial that are designated "Regionally Significant Industrial Areas" (RSIAs) on the Metro Title 4 Map, the buildings associated with the retail commercial use are limited to no more than 3,000 square feet of sales or service area in a single outlet. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
- E. Development is subject to compliance with any applicable overlay zoning district standards.
- F. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.
- G. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.
- H. Eating and drinking establishment, subject to the following requirements:
1. The use is located within a building which houses another permitted use.
 2. No drive-through window is permitted.
 3. Inside seating area shall not exceed fifty percent (50%) of the use's gross floor area or one hundred fifty (150) square feet, whichever is the lesser.

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- I. In the industrial park zoning district, convenience stores, not to exceed thirty-five hundred (3,500) square feet in size.
 - J. In the light industrial zoning district, storage facilities are allowed when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, "within one- quarter mile (1/4 mile)" means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.
 - K. In the light industrial and general industrial zoning districts, product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use are allowed provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.

Chapter 5 – Miscellaneous Uses and Standards

5.000 MISCELLANEOUS REGULATIONS

5.900 PSILOCYBIN STANDARDS - RESERVED