



# PLANNING COMMISSION

**October 11, 2023**

**Regular Meeting | 7:00 p.m.**

Troutdale Police Community Center – Kellogg Room  
234 SW Kendall Ct, Troutdale, OR 97060

## Agenda

1. Call to Order, Roll Call, & Pledge of Allegiance
2. Public Comment on Non-Agenda Items
3. Public Hearing (delete entirely if none)
  - a. Main Street on Halsey
  - b. Case File # 75-14 – Marijuana Facilities and Psilocybin  
Type IV Application – Planning Commission Recommendation
4. Staff Communications
5. Commissioner Comments
6. Adjournment

## Participation

The public may attend the meeting in person or via Zoom. Please email [comdev@troutdaleoregon.gov](mailto:comdev@troutdaleoregon.gov) to request Zoom meeting access credentials.

This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting to the City of Troutdale ([comdev@troutdaleoregon.gov](mailto:comdev@troutdaleoregon.gov) or 503-665-5175).



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## MEMORANDUM

TO: Planning Commission, City of Troutdale

FROM: Jamin Kimmell, Cascadia Partners

DATE: September 27, 2023

PROJECT: Main Streets on Halsey Street Project

RE: **Implementation of Main Streets on Halsey Project in Troutdale Development Code**

The purpose of this memo is to summarize the vision for the Main Streets on Halsey project and the recommended approach to updating the Troutdale Development Code to support this vision. The City of Troutdale joined with the other two cities (Fairview and Wood Village) to enter into a grant to fund evaluation of codes, and is committed to providing a hearing for potential amendments. The Planning Commission is considering now whether or not to continue to develop and refine the recommended code updates at its October scheduled meeting. Troutdale has historically been a great partner to small Multnomah County Cities and this collaboration along the Halsey Street Corridor is an opportunity to continue that tradition. This summary will help Commissioners better understand how these code changes align with the City's vision and desired development goals for the Halsey Street corridor.

## Main Streets on Halsey Project

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### Overview

The Main Streets on Halsey project is a collaborative effort between the Cities of Fairview, Wood Village, and Troutdale kicking off in 2017. Through the project the three cities created a shared vision for the Halsey corridor and outlined an action plan for ensuring the corridor develops into a unique and vibrant place for residents, businesses, and visitors.

The three cities, along with Multnomah County and Metro, worked with community members and stakeholders to develop recommendations to encourage new investment, make the corridor safer for all users, and enhance the quality of new development. Because of its location and assets,

Halsey Street is integral to the achieving citywide goals for mobility, equity, and economic development for each of the three cities. All three cities have a great deal to gain if Halsey Street becomes a safer connecting main street that feels safe and inviting to visit. Through hands-on design workshops, interactive polling, and community surveys, the following vision was defined across all three cities:

Vision: The neighborhoods connected by Halsey will prosper from improved mobility, access to growing economic opportunity, and new development and reinvestment that result in jobs and new housing.

The three cities supported this vision and also identified seven strategies to implement the vision:

1. Tri-Cities Collaborative Compact
2. Tri-Cities Economic Development Organization
3. Coordinated Tourism Strategy
4. Regulatory Revisions
5. Coordinated Funding for Street Improvements
6. Incentives for Development
7. Regional, State and Federal Funding

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## Main Streets on Halsey Site Readiness and Code Update Project

Troutdale, Wood Village, and Fairview have taken steps to implement these strategic economic actions, including forming the Halsey Corridor Collaborative Compact (HC3). Between 2019-2021, the HC3 and staff from the three cities oversaw a joint project to:

- Analyze and remove barriers to development on key opportunity sites
- Prepare a set of development code changes to encourage certain forms of development and achieve higher quality urban design.

The cities of Fairview and Wood Village have adopted these development code amendments. The City of Troutdale has not yet adopted the recommended development code amendments. City staff and local stakeholders did work closely with the project consulting team to prepare a draft set of code amendments responding to the unique conditions in the Halsey Street Corridor in Troutdale. The project team also worked with the owner of a key opportunity site – a 2-acre property at a prime corner location at 257th and Halsey. Several development concepts and programs were prepared for the site and the preferred concept was a mixed use development that included both a hotel and a civic use (such as a library or city hall). The following rendering was prepared to illustrate this development concept.

*Figure 1: Troutdale Opportunity Site Rendering*




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## Streetscape Upgrades

In 2021, the three cities jointly applied for a grant from the Transportation and Growth Management Program (TGM) at the Oregon Department of Transportation (ODOT). The TGM grant provided funding for development of a coordinated streetscape plan and street design cross sections along the entire Halsey corridor. The plan is still in progress with designs currently being developed. If the street design is constructed, it will significantly enhance the experience for pedestrians, cyclists, transit riders, and drivers along the corridor, a key element of the Main Streets on Halsey vision.

Likewise, the Historic Columbia River Highway State Trail is scheduled to be completed in 2024. This trail will connect Troutdale to the larger region and cement its role as a world class destination for cyclists and the gateway to the gorge. Bicycle and pedestrian oriented streetscape improvements along Halsey will further support this new piece of infrastructure.

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## Development Opportunities

Many development opportunities were identified in the Main Streets on Halsey Site Readiness and Code Update Project. Several large, vacant sites remain along Halsey and present opportunities for reinvestment and redevelopment. These include a 46-acre site on the north side of the corridor across from McMenamin's Edgefield property, a 5-acre vacant site, and the 2-acre property at a prime corner location at 257th and Halsey (shown in the rendering above). There are also several sites that are currently developed but underutilized sites that may be candidates for redevelopment. While there are several larger residential developments recently constructed or actively under development along the corridor, the overall character and function of the corridor

does not yet meet the defined vision. There are significant opportunities for code modifications to influence and help Troutdale achieve the Main Street vision. Future development on identified opportunity sites could increase opportunities for new businesses, increase local employment and housing options, and contribute to the growing identity of Halsey as a mixed-use main street and a destination.

## Development Code Amendments

The Troutdale Development Code (TDC) will play a key role in shaping future development on the Halsey corridor. The TDC not only regulates building types, forms, and land uses; it can also establish and reinforce community character and design, benefiting both local residents and local economic development and tourism. Crafting amendments for the Halsey corridor that compliment the work on the Troutdale Town Center will assist in removing barriers to development and assuring the unique identity for Troutdale identified in the Town Center Plan is extended along Halsey.

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### Building on the Town Center Plan

Troutdale has a strong track record of success in using its development code as a proactive tool to achieve design and character goals. Adopted in 2021, the Town Center Plan changed city policies and regulations to set expectations for future development both Downtown and at The Confluence at Troutdale to match the community vision. The code changes not only influenced where and how development should be encouraged but balanced the effects of increasing development intensity with key aspects of historic character and natural environment that define Troutdale.

Troutdale has an immense pride in its sense of place. There is a desire to extend this same sense of pride and emphasis on quality of character to the opportunity areas along Halsey Street. There is an opportunity for development along Halsey to complement and extend upon the successes of the downtown rather than compete with it or change the overall character of Troutdale. The TDC is an important tool to achieve this outcome.

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### Overall Approach and Strategy

The code amendments developed as part of the Main Streets on Halsey Site Readiness and Code Update Project were intended to achieve two goals:

1. Reduce or remove barriers to preferred forms of development envisioned by the Main Streets on Halsey plan, particularly vertical mixed use development (housing above commercial uses).

2. Foster a more consistent and coherent pattern of pedestrian-oriented, high quality urban design to reinforce Halsey's identity as a Main Street.

There is a tension in achieving both of these goals. While reducing regulatory barriers will improve the feasibility and likelihood of development in the near term, instituting new design standards can impose new barriers. Code amendments were calibrated carefully to strike a balance between the economic realities of real estate development and community goals.

A conceptual framework to understand this approach is to consider the needs and goals of the community and local government alongside the needs and goals of a typical real estate developer. Below is a summary of some of the important goals for both critical roles in redevelopment.

Community Goals	Developer Goals
<ul style="list-style-type: none"> <li>• New commercial spaces for local businesses and to support the local tourism economy.</li> <li>• Mixed use development with both employment-generating uses (retail, office) and housing</li> <li>• Thoughtfully designed building massing that respects view corridors and surrounding buildings</li> <li>• Ownership housing options as well as rental housing.</li> <li>• Building and site design that creates a comfortable and attractive pedestrian experience on Halsey.</li> <li>• Building design that is responsive to the context of surrounding buildings and contributes to a strong sense of place.</li> </ul>	<ul style="list-style-type: none"> <li>• High amount of floor area or density on the site built predominantly or exclusively as residential units to achieve higher rents than commercial uses.</li> <li>• Flexibility to allow taller buildings, likely 4-5 stories, to achieve higher density.</li> <li>• Minimal design rules/requirements, flexibility to use plans and construction types they have used in the past</li> <li>• Predictable review process, typically reviewed by staff.</li> <li>• Clear and objective standards, little or no discretionary approval criteria.</li> </ul>

Some of these goals and needs are in conflict with one another. For example, previous market analyses of the area and interviews with local developers have indicated that demand for new retail and office spaces is limited, while residential demand continues to be robust. The City's Mixed Use Zones, which apply along the Halsey corridor, allow for standalone multi-family residential development, similar to other projects that have been recently built or are under construction (see Eagle Ridge and Fox Ridge apartments in images below).



While apartments and condos would contribute to a more vibrant corridor by bringing more people to support local businesses, mixed use development that also includes retail and office spaces for local businesses would be more consistent with the vision for the Halsey corridor.

### **Regulatory Incentives**

There is an opportunity to use the TDC as a tool to make it more likely that the community goals for high-quality mixed use development on Halsey Street will come to fruition. The City can adopt code provisions that require new development to provide the desired features and amenities such as small-scale commercial spaces, public space, or elevated design treatments in exchange for concessions on key regulations, such as maximum density or maximum building height. These types of regulatory incentives can be very effective if they are calibrated appropriately to ensure that the benefits of the incentive to the developer outweigh any additional costs. The intent is to remove barriers to development by recognizing the economic realities of development in Troutdale.

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## **Summary of the Recommended Code Amendments**

The previously prepared code amendments used a combination of relaxed development standards, elevated design standards, and focused regulatory incentives to best achieve the vision for the Halsey Street corridor. Below is a summary of the recommended amendments and a discussion of potential refinements that could be made if the Planning Commission decides to consider amendments.

### **Geographic Scope**

The amendments were prepared for the Central Business District (CBD) zone (now Mixed Use 1 - Downtown) and Mixed Office/Housing (MO/H) zone (now the Mixed Use 2 - General). Amendments were also prepared for the CBD Design Standards. Amendments would have impacted both properties in downtown Troutdale, east of downtown, and areas west of Downtown. Given that the City has completed the Town Center Plan and made other associated code changes, it would be appropriate to modify the amendments to exclude the CBD area, including The Confluence at Troutdale site, and focus solely on the properties west of 257th and the Halsey/Columbia River

Highway. Code changes would not impact the recent zone changes implemented by the Town Center Plan.

### **Allowed Uses**

Based on market analysis and feasibility testing on opportunity sites, the amendments reduce the barriers associated with the limited market for new commercial spaces on Halsey. “Storefront Districts” were defined to promote a concentration of commercial and retail uses in pedestrian-friendly, mixed-use main street areas, while providing flexibility for residential-only development outside of these areas. These Storefront Districts are concentrated in key nodes along Halsey. Within Storefront Districts, commercial or nonresidential uses are required on the ground floor. Some flexibility is built into this standard. A project may use a food cart or micro-retail pod to satisfy the commercial use requirement as long as certain standards are met.

Troutdale’s Mixed Use Zones today allow residential-only multi-family development. The concept of a Storefront District could help ensure that commercial uses are provided at key locations while offering regulatory incentives to make mixed use development more feasible. See the discussion of these incentives in the next section below (Building Height and Bulk).

### **Building Height and Bulk**

Economic feasibility analysis of development potential at opportunity sites found that existing height limits of 3-4 stories were a significant barrier to mixed-use development (residential over ground-floor commercial). Recommended amendments allow for taller buildings but only in certain locations. It is key to note that additional controls to both building shape and height are proposed:

1. Building heights were recommended to increase from 35 feet to 45-55 feet only in the M/OH zone. They were recommended to remain the same in the CBD (35 feet). These increased heights can only be permitted if developments provide additional project amenities and features. These include ground floor commercial space, small scale commercial spaces, or additional design elements such as public plazas.
2. Additionally standards related to bulk and massing were recommended to address community concerns about changing character. These include a maximum building length of 150 feet, required facade articulation to modulate larger building faces, a height step-down at the rear of buildings next to residentially zoned parcels, and a view corridor step down to preserve views of Broughton Bluff from the Halsey Corridor.

### **Building Orientation**

Vibrant main streets have buildings lining the sidewalk creating an interesting and enjoyable pedestrian experience. Standards were recommended to prevent parking lots from being located in



front of buildings and main entrances of buildings being oriented to parking lots instead of the sidewalk.








### Design Standards

Similar to the design standards for the CBD, design standards were recommended to articulate the community expectations for walkable, high-quality urban design on Halsey. These standards were structured in two parts:

1. A base set of standards that applied to all developments (see Figure 2 below).
2. A menu of additional elements, each with an assigned point value. Each development must achieve a minimum number of points. (See Figure 4 below)

This approach provides flexibility for developers and meets state requirements for clear and objective standards (see Figure 3 below), while ensuring high quality design outcomes for the community.

*Figure 2: Storefront District Base Standards*

		Storefront Districts	Elsewhere
<b>Ground floor height</b>		Minimum <b>12 feet</b>	Minimum <b>12 feet</b>
<b>Ground floor windows</b>		Minimum <b>60%</b> window area	Minimum <b>40%</b> window area
<b>Weather protection</b>		Minimum <b>50%</b> of facade width	Minimum <b>20%</b> of facade width
<b>Screening of utilities and equipment</b>		Required	Required
<b>Corner Orientation</b>		Required	Required
<b>Public plaza, courtyard, or usable open space</b>		Minimum 500 square feet with improvements	--
<b>Exterior lighting</b>		Required on facades within 20 feet of street	--

*Figure 3: Design Standards for Required Corner Orientation Standard*

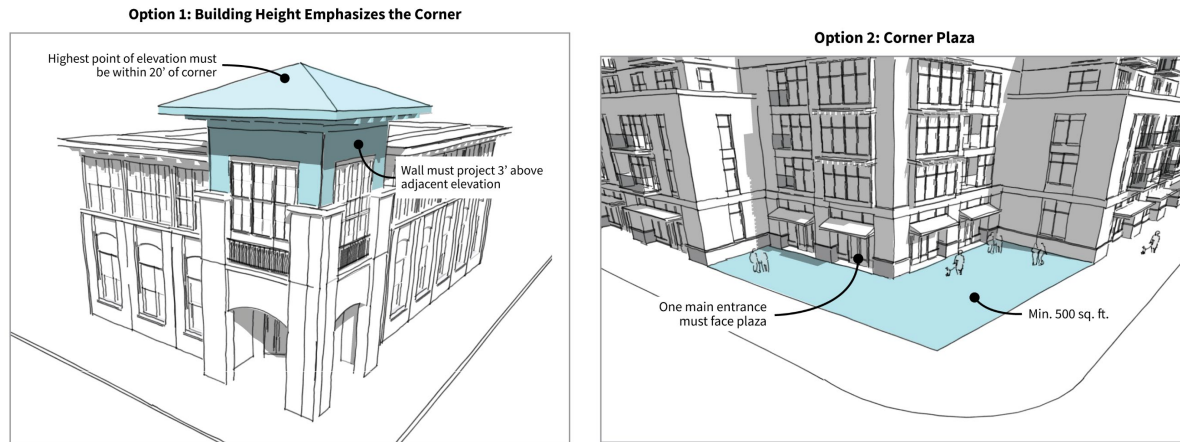












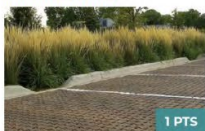



Figure 4: Storefront Districts Additional Points-Based Standards

Storefront Districts		10 point minimum		Elsewhere		7 point minimum								
15 foot ground floor		3 PTS	Small scale retail spaces		2 PTS	Extra window area		1 PTS	Extra weather protection		1 PTS	Distinct ground floor		1 PTS
Extra plaza space		3 PTS	Transit stop amenities		2 PTS	Public seating		1 PTS	Extra corner feature		1 PTS	Oversized opening		1 PTS
Outdoor recreation area		3 PTS	Public art feature		2 PTS	Pervious paving		1 PTS	Native plants		1 PTS			



# Staff report

<b>Case File:</b>	<b>75-14 Marijuana Facilities &amp; Psilocybin Development Code Update</b>
<b>Staff Report Date:</b>	Wednesday, October 3, 2023
<b>Initial Hearing Date:</b>	Wednesday, October 11, 2023
<b>Staff / Applicant:</b>	Dakota Meyer, Associate planner Carrie Brennecke, Contract Planner, MIG
<b>Subject:</b>	<b>Proposed Text Amendment to the Troutdale Development Code</b>
<b>Requests:</b>	1) Update the Use Tables for the GC, LI, and GI zones to change the Marijuana Facilities use from a "Conditional" to "Not Permitted" use. 2) Minor edits to Chapter 5 to reserve Section 5.900 for future code on Psilocybin Standards.
<b>Applicable Criteria:</b>	Troutdale Development Code (TDC) Sections 2.065 (Type IV Procedures) and 6.1100 (Text Amendment)
<b>Staff Recommendation:</b>	Approval (a recommendation to City Council for approval)

The following chapters and sections of the TDC are proposed to be amended:

- TDC Chapter 3 (Zoning Districts)
- TDC 3.320 (Use Table): Change Marijuana Facilities from Conditional Use in the GC zone to Not Permitted.
- TDC 3.420 (Use Table): Change Marijuana Facilities from Conditional Use in the LI and GI zones to Not Permitted.
- TDC 5.000 Miscellaneous Uses & Standards – Reserve a section in Chapter 5 under Subchapter 5.900 for future Psilocybin Standards.

Text amendment applications are required to have public hearings and undergo a Type IV legislative procedure, in which the Troutdale Planning Commission may recommend approval, approval with conditions, or denial of the application to the Troutdale City Council, which is the decision-making entity. [TDC 2.065]

## BACKGROUND

This is a new proposed Development Code Text Amendment initiated by the City of Troutdale. This proposed amendment follows a previous similar Development Code Text Amendment (75-12 Industrial Zone Uses) that was denied by City Council December 12, 2022.

On September 10, 2022, city staff initiated a Type IV application proposing Text Amendments to the Troutdale Development Code for Industrial Zone Land Uses (75-12). The Planning Commission held the initial public hearing on September 28, 2022, and recommended approval of the text amendments to the City Council. The City Council held public hearings and deliberations on November 8, 2022, and December 13, 2022. A motion to approve 75-12 failed 4-13 due to concern of the proposed land use regulations' effect on Marijuana Facilities. The City Council did not want to change the code regulations regarding Marijuana Facilities and preferred any revisions to Marijuana Facilities in the Industrial Zone be considered at the same time as revisions to the land use regulation for Marijuana Facilities in the City's commercial zoning districts. City Council remanded the application back to Planning Commission for further refinement.

On March 14, 2023 the City Council passed Ordinance 882 Approving a Ban on additional retailers and referring the ban to the voters.

On May 24, 2023, the Planning Commission held a work session on the proposed text amendments to the Industrial Zoning District as well as consideration of text amendments to the Commercial Zoning Districts for the regulations affecting Marijuana Facilities. The Planning Commission also considered the reserve of a subchapter in Chapter 5 Miscellaneous Uses and Standards for future Psilocybin regulations since the draft regulations are not yet available. The Planning Commission proposed amendments to Marijuana Facilities in several Commercial and Industrial zones in order for the Development Code to be consistent with Ordinance 882.

The proposed amendments were initially heard by Planning Commission on August 2, 2023 under Case File No. 75-13. Upon further review by the City Attorney and City Staff, the decision was made to remove an immediate ban of new retail facilities of marijuana and any regulation of psilocybin from moving forward due to errors in noticing (Measure 56) of the amendment to change use regulations regarding marijuana facilities in the General Commercial, Light Industrial, and General Industrial zones. A Measure 56 notice is required to comply with Oregon Revised Statutes (ORS) 227.186 and notifies property owners of potential code changes that may affect the uses or values of their property. The amendments proposed under Case File No. 75-14 Marijuana Facilities and Psilocybin are the same text amendments proposed by the Planning Commission at the May 24<sup>th</sup> work session.

This proposed ordinance does not address psilocybin related uses, because that topic should first be addressed by Planning Commission and have a public discussion. A proposal addressing the four state-imposed licenses of psilocybin businesses will be proposed to Planning Commission in the near future. Places where psilocybin is administered may not be licensed in residential zones. As a result of the state definitions, the staff believes that it can address any applications that are received under existing code prior to new code adoption, and staff will propose code additions to clarify policy choices of Planning Commission and the Council.

## **REVIEW TIMELINE**

The current Troutdale Development Code was adopted in 2017 [Ordinance No. 842]. The most current version of the TDC came into effect on June 28, 2022 [Ordinance No. 879].

A Post-Acknowledgment Plan Application (PAPA) was submitted to the Oregon Department of Land Conservation and Development on August 30, 2023, to alert the agency of the City's intentions. The initial public hearing was scheduled for Wednesday, October 11, 2023. On September 6, 2023, the PAPA submission was updated to reflect the proposed code changes.

A Measure 56 notice was mailed to all property owners within the General Commercial, Light Industrial, and General Industrial zones on August 31, 2023. The noticed informed owners of a change to the Development Code that may affect the permissible uses of their property and other properties in the affected zones and may change the value of their property.

Public Notice of the initial public hearing was provided in accordance with the Type IV Procedures in the TDC 2.090. Note this is a legislative Type IV hearing, not a quasi-judicial land use hearing so no mailed notice to property owners was provided.

The Troutdale City Council is scheduled to hold two hearings on this matter on dates to be determined. The hearings will be scheduled when the Planning Commission forwards their recommendation to City Council.

#### **TESTIMONY RECEIVED**

No public testimony was received.

#### **PROPOSED TEXT AMENDMENTS**

Code sections that are to be affected by the proposed amendments are included in Attachment A and B of this report. The following text is a summary of the proposed amendments.

- Within "Chapter 3 - Zoning Districts," edits are proposed to change the Marijuana Facilities use from Conditional to Not Permitted with the intention of bringing 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. In Chapter 5 (Miscellaneous), Section 5.900 (Psilocybin Chapter - Reserved) will be added for future psilocybin standards.

Staff recommend the following edits.

#### **3.320 Land Use Table for Commercial Zoning Districts**

*Staff Notes:*

- *Change Marijuana Facilities from Conditional Use in the GC zone to Not Permitted.*

#### **3.420 Land Use Table for Industrial Zoning Districts**

*Staff Notes:*

- *Change Marijuana Facilities from Conditional Use in the LI and GI zones to Not Permitted.*

### 5.900 Reserve – Psilocybin Chapter

*Staff Note: Reserve a section in Chapter 5 for future Psilocybin Standards, If necessary.*

## **PROPOSED FINDINGS**

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

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

Marijuana Facilities are not addressed in the comprehensive plan. The revisions to the Land Use Tables for Commercial and Industrial Zoning Districts for Marijuana Facilities are in response to the passing of Ordinance 882 by the City Council on March 14, 2023. Ordinance 882 bans additional marijuana retailers and refers the ban to a vote. The proposed revisions to the Development Code bring the land uses permitted into alignment with Ordinance 882.

Psilocybin is not addressed in the comprehensive plan. Creating a reserved section under Chapter 5 for future psilocybin standards is in response to the passing of Ballot Measure 109 allowing the growth, administration, and sale of psychoactive mushrooms in licensed facilities regulated by the Oregon Health Authority. The change involves general edits but does not alter the content of the code.

**The criterion is met.**

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

Marijuana Facilities are not addressed in the Statewide Planning Goals. Goal 9 (Economic Development) speaks to the need for cities to have enough land available to realize economic growth and development opportunities. Existing marijuana facilities (retail) are allowed in industrial zones and shall remain so. In the Industrial Zone not permitting the use of land for Marijuana retail (commercial use) furthers the goal of having industrial land available for industrial uses. No changes to the permitted land uses for Marijuana Processors are proposed. The Development Code continues to show Marijuana Processors as Conditional Use in the GI zone. The revisions to the Land Use Tables for Commercial and Industrial Zoning Districts are in response to the passing of Ordinance 882 by the City Council on March 14, 2023. Ordinance 882 bans additional marijuana retailers and refers the ban to a vote. The proposed revisions to the Development Code bring the land uses permitted into alignment with Ordinance 882. The addition of a reserved section for future psilocybin standards are not related to the Statewide Planning Goals.



**The criterion is met.**

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

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

Marijuana Facilities (retail) are proposed to move from 'Conditional Use' to 'Not Permitted' in the LI and GI zones. This amendment furthers the goals of Title 4 by further restricting non-industrial uses (i.e. commercial retail or stores) in RISA, Industrial or Employment zones and is therefore consistent with the UGMFP. The Conditional Use for Marijuana Processors in the GI Zone remains unaltered. Marijuana Processing is an industrial use.

The addition of a reserved section to Chapter 5 for future psilocybin standards are not related to the Metro Code.

**The criterion is met.**

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

The revisions to the Land Use Tables for Commercial and Industrial Zoning Districts for Marijuana Facilities are in response to the passing of Ordinance 882 by the City Council on March 14, 2023. Ordinance 882 bans additional marijuana retailers and refers the ban to a vote. The proposed revisions to the Development Code bring the land uses permitted into alignment with Ordinance 882. Since Ordinance 882 was recently passed by City Council and the issue is referred to the voters, it can be concluded that the public need is best satisfied by the proposed code revisions.

The addition of a reserved section under Chapter 5 for future psilocybin standards is in response to the passing of Ballot Measure 109 allowing the growth, administration, and sale of psychoactive mushrooms in licensed facilities regulated by the Oregon Health Authority. A proposal addressing psilocybin businesses will be proposed to Planning Commission for public discussion in the future.

**The criterion is met.**

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

The health, safety and welfare of the community were considered by the City Council in the passing of Ordinance 882. The City will be referring the ban to voters in 2024. The proposed amendments regarding Marijuana Facilities brings the Development Code into compliance with the City's ordinance banning new Marijuana Facilities. The addition of a reserved section under Chapter 5 for future psilocybin standards is not related to the health, safety, or welfare of the community as this is a placeholder for standards that have not yet been written.

**The criterion is met.**

### **STAFF RECOMMENDATIONS**

Staff offers the following recommendations for the conduct of the October 11, 2023, public hearing regarding the proposed amendments to the Troutdale Development Code.

- A. Deliberate on policy issues, proposed amendments, and other issues identified by the Commission, Staff, other public entities, or the public.
- B. Recommend approval of the proposed text amendments to the City Council for its consideration at the public hearings. Schedule to be determined.

### **Attachments**

- A. Proposed Development Code Revisions – Redline
- B. Proposed Development Code Revisions – Clean Version





### ATTACHMENT A: Proposed Code Revisions - Redline

#### 3.320 Land Use Table for Commercial Zoning Districts

Land Use	CC	GC	Specific Standards
<i><b>Residential Dwellings and Uses</b></i>			
Residential facilities	P	P	
Other residential uses	N	N	
<i><b>Mixed-Uses</b></i>			
Live-Work units (residential/commercial)	P	N	
Live-Make units (residential/industrial)	C	N	
Flex units (commercial/industrial)	C	C	
<i><b>Commercial Uses</b></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
<b>Industrial Uses</b>			
Warehousing or distribution outlets	N	C	
Marijuana processors	N	N	
LI permitted uses (unless otherwise listed in table)	N	N	
<b>Other Uses</b>			
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.

### 3.420 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
<b>Residential Uses</b>				
One Caretaker unit in conjunction with an existing industrial use	N	P	P	
All other residential uses	N	N	N	
<b>Commercial Uses</b>				
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
<b>Industrial Uses</b>				
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	
<b>Other Uses</b>				
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:

- 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.

- 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.



- 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 Chapter - RESERVED



**ATTACHMENT B: Adoption Draft (Clean Copy)**

3.320 Land Use Table for Commercial Zoning Districts

Land Use	CC	GC	Specific Standards
<i><b>Residential Dwellings and Uses</b></i>			
Residential facilities	P	P	
Other residential uses	N	N	
<i><b>Mixed-Uses</b></i>			
Live-Work units (residential/commercial)	P	N	
Live-Make units (residential/industrial)	C	N	
Flex units (commercial/industrial)	C	C	
<i><b>Commercial Uses</b></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
<b>Industrial Uses</b>			
Warehousing or distribution outlets	N	C	
Marijuana processors	N	N	
LI permitted uses (unless otherwise listed in table)	N	N	
<b>Other Uses</b>			
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.

### 3.420 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
<b><i>Residential Uses</i></b>				
One Caretaker unit in conjunction with an existing industrial use	N	P	P	
All other residential uses	N	N	N	
<b><i>Commercial Uses</i></b>				
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
<b>Industrial Uses</b>				
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	
<b>Other Uses</b>				
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:



- 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.

- 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.

- 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.

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## Chapter 5 – Miscellaneous Uses and Standards

### 5.000 MISCELLANEOUS REGULATIONS

### 5.900 Psilocybin Chapter – RESERVED