



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

TROUTDALE PLANNING COMMISSION REGULAR MEETING

Troutdale City Hall Council Chambers
219 E. Historic Columbia River Hwy. (lower level, rear entrance)
Troutdale, Oregon 97060

Wednesday, November 19, 2014
7:00 p.m.

1. **ROLL CALL/PLEDGE OF ALLEGIANCE**

2. **APPROVAL OF MINUTES**

October 15, 2014 Regular Meeting

October 15, 2014 Work Session

3. **CITIZEN COMMUNICATION – NON-AGENDA ITEMS**

4. **HEARING PROCEDURE**

Tanney Staffenson, Planning Commission Chair

5. **PUBLIC HEARING TYPE III QUASI-JUDICIAL PROCEDURE**

Case File No. 14-031 Partition Plat and Variances

Three-lot replat with concurrent variances for: a four-foot reduction of the rear yard setback for the duplex proposed on Parcels 1 and 2; for a 9.94-foot reduction in the minimum 70-foot lot depth standard; and shared private driveway to serve 7 units instead of the maximum of six units allowed.

Mark McCaffery, Planner

6. **PUBLIC HEARING TYPE III QUASI-JUDICIAL PROCEDURE**

Case File No. 14-045 Comcast Expansion

Conditional Use Permit and Site and Design Review for 7,995 square foot building addition for installation of computer equipment and machinery; installation of two back up electrical generators and utility shed in the existing screened satellite yard south of the building; and

construction of outdoor mechanical equipment in new screened yard north of the building.

Mark McCaffery, Planner

7. **DEPARTMENT REPORTS**
8. **COMMISSION INITIATIVES AND CONCERNS**
9. **ADJOURNMENT**

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 in writing at least 48 hours prior to the meeting to Mark McCaffery, 503-674-7228, or by email at mark.mccaffery@troutdaleoregon.gov

Procedure for Quasi-Judicial Land Use Hearings

Quasi-judicial public hearings are held in accordance with Oregon law and procedures contained in the Troutdale Development Code. The hearing proceeds as follows:

1. **Staff Presentation**
 - City staff presents their report which includes applicable criteria and standards for the matter under consideration in the land use application.
 - All testimony and evidence should be directed toward these criteria.
 - If you believe that other criteria in the Comprehensive Plan, Development Code, or other city land use regulations apply, you must identify these criteria and explain why they apply to the decision.
2. **Public Testimony**
 - The Planning Commission accepts public testimony relating to the application.
 - The applicant is allowed to speak first, followed by proponents, then by opponents, and then by any parties neutral to the application.
 - An opportunity will be provided to anyone testifying to clarify any issues raised.
3. **Raising Issues**
 - All issues raised by a participant during the public hearing must be sufficiently clear and specific to allow the Planning Commission and other parties an opportunity to respond to those issues.
 - Failure to raise an issue during this public hearing may invalidate a future appeal based on that issue.
4. **Requesting Additional Time**
 - Prior to closing of the public hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application.
 - The Planning Commission must grant the request either by continuing the public hearing to a future date, or by leaving the record open for at least seven days to admit only that specific additional written evidence or testimony.
 - If the record is left open for the additional written evidence or testimony, any participant may file a written request for an opportunity to respond to new evidence submitted during the period the record was left open.
 - If such a request is filed, the Planning Commission shall reopen the record to allow any person to raise new issues which relate to the new evidence, testimony, or criteria for decision-making.

MINUTES
TROUTDALE PLANNING COMMISSION
Regular Meeting
Council Chamber
217 E. Historic Columbia River Highway
Troutdale, Oregon 97060
October 15, 2014

1. Roll Call/ Pledge of Allegiance – The session was called to order at 7:02 p.m.

Commissioners Present: Kevin Coulton, Frank Grande, Shirley Prickett, Brian Sheets, Tanney Staffenson and Marv Woidyla

Commissioners Absent: None

Staff: John Morgan, Planning Director
Mark McCaffery, Associate Planner

Guests (see list): Brian Dubal, Civil Engineer, VLMK (for Jeff Wellman),
3933 SW Kelly Ave., Portland 97239
Steve Bloomquist, Port of Portland, Box 3529, Portland

2. Agenda Update. Chair Staffenson proposed moving item 7 to item 10, and renumbering the following items in order. The Commissioner agreed. There were no agenda updates.

3. Approval of Minutes:

- **August 20, 2014 – Regular Meeting.** Commissioner Woidyla moved to approve the minutes as written, and Commissioner Prickett seconded the motion. The motion passed 6 yes / 0 no / 1 abstain (Glantz), and the minutes were approved.
- **August 20, 2014 – Work Session.** Commissioner Prickett moved to approve the minutes as written, and Commissioner Woidyla seconded the motion. The motion passed 6 yes / 0 no / 1 abstain (Glantz), and the minutes were approved.
- **September 17, 2014 – Work Session.** Commissioner Prickett moved to approve the minutes as written, and Commissioner Sheets seconded the motion. The motion passed 6 yes / 0 no / 1 abstain (Coulton), and the minutes were approved.

4. Citizen Communications. None.

Exhibit A. (undated) NOTE distributed to the Commission regarding applicant's presentation, Port of Portland attendance, and a summary of the proposal and the staff recommendation.

Exhibit B. Applicant's proposed site plan – August 19, 2014.

5. **Hearing Procedure.** Chair Staffenson read the public hearing procedure to the audience. He asked if any Commissioners had any ex parte contact or conflict of interest with this case. None did. Chair Staffenson opened the public hearing on the following agenda item.

6. **PUBLIC HEARING**

TYPE III QUASI-JUDICIAL PROCEDURE

Case File No. 14-041 FedEx Ground Expansion Site/Design Review with Outdoor Lighting Variance

Mark McCaffery, Associate Planner, introduced Mr. Brian Dubal of VLMK, here in lieu of Jeff Wellman this evening and who also worked on this project, and Mr. Steve Bloomquist of the Port of Portland, and gave his staff report (included in the agenda packet). Mr. McCaffery referred to the map distributed to the Commission that was mentioned in but not included with the staff report (**Exhibit B**). He spoke to what is new in this proposal compared to what was previously approved and he requested that the letter of October 13, 2014, from Jeff Caines of the Oregon Department of Aviation also be added to the record and to the Conditions of Approval.

Discussion. Commissioner Sheets asked Mr. McCaffery to speak to the stormwater drainage on the property since a lot of impervious pavement was being added. There is a condition proposed, Mr. McCaffery said, and Public Works requires a stormwater analysis be provided to manage that and he will speak with Public Works more about that. Another thing is that a final stormwater analysis will need to be submitted before the project can move forward (I made this part up because your voice dropped and I couldn't understand what you said, i.e., "before what?")

Applicant. Brian Dubal, VLMK, said he was here speaking for Jeff Wellman of Steele Associates Architects, LLC. Mr. Dubal said his firm is the construction engineer of this project and offered to answer any questions. Commissioner Sheets asked him about the impervious pavement and the stormwater plan, and Mr. Dubal explained how they were handling this by treating the stormwater before it is released off this site, and they're analyzing how they're doing this on the existing site. Commissioner Coulton asked about capacity retention, which Mr. Dubal explained.

Testimony. There was no public testimony in favor of, opposed to or neutral to this application.

Commission Sheets moved, with a second from Commission Glantz, to close the public hearing. There was no discussion. The motion passed unanimously and the public hearing was closed.

Discussion. Commissioner Woidyla said this looks like an extension of the previous project and has no real impact on traffic, and even the helicopters can fly over without obstruction.

Commission Coulton said he did not see any approval from the FAA; Commissioner Woidyla said the Final Order requires the FAA forms be submitted, that it is a Condition and the project cannot be approved until the condition is met. Mr. Morgan said they need to get that approved before any building permits can be issued.

Commissioner Woidyla moved to add a Finding including the letter of October 13, 2014, from the Oregon Department of Aviation; Commissioner Glantz seconded the motion. The vote was unanimous and the motion passed.

Commissioner Woidyla moved approval of the Findings of Fact and Final Order for Case File No. 14-041. Chair Staffenson asked to modify the numbers in the bottom paragraph on page 1 of the draft Order to read: “. . . for ~~thirty-four~~ fifteen 35-foot mounted and ~~eleven~~ five 100-foot mounted outdoor lights . . .”. Commissioner Woidyla amended his motion to include this modification. The motion was seconded by Commissioner Glantz. The vote was unanimous and the motion of approval passed.

7. **Work Session. See the minutes for the October 15, 2014 – Work Session.**
8. **Department Reports.** Mr. Morgan said there is now a 100% turnover in Planning Staff and there will be interviews next week for an Executive Assistant. This is a chance to clean out the dark corners. Other discussions on ongoing work have been held and we submitted our annual report for the Community Rating System which will allow us to keep our flood rates, hopefully. He’s going to a Gresham meeting tomorrow on industrial development, and will continue working on the Code revision project.
9. **Commission Initiatives and Concerns.** None.
10. **Adjourn.** Commissioner Prickett moved, with a second by Commissioner Glantz, to adjourn. There was no vote; the meeting adjourned at approximately 7:48 p.m.

Tanney Staffenson, Chair

Date

Attest:

Rooney Barker, Transcriptionist

MINUTES
TROUTDALE PLANNING COMMISSION
Work Session
Council Chamber
217 E. Historic Columbia River Highway
Troutdale, Oregon 97060
October 15, 2014

1. The session was called to order at approximately 7:56 p.m.

Commissioners Present: Kevin Coulton, Frank Grande, Shirley Prickett, Brian Sheets, Tanney Staffenson and Marv Woidyla

Commissioners Absent: None

Staff: John Morgan, Planning Director
Mark McCaffery, Associate Planner

Guests (see list): None

Critique of Planning Presentation and Discussion on Future Agenda Packet Formats, etc. Chair Staffenson said tonight's regular meeting was a change and asked how the Commission felt Mark McCaffery's presentation went, i.e., was there enough information, was there too much information? Commission Glantz said she thought it was excellent; Commissioner Prickett said she liked the way his staff report outlined the criteria, and she liked his presentation overall. Commissioner Woidyla said it was brief and to the point. Commissioner Coulton said he does not believe there was a printed version of a map of the site; Commissioner Sheets asked if they could have the Final Order, etc., in a different color from the rest of the staff report so as to be easily identified for reference.

John Morgan said this was a very different presentation style from what they have had for many, many years and he wanted to see how it worked. There is definitely a difference in the staff report, Commissioner Sheets, said. He explained that he was a little taken aback by 30-page staff reports and half-hour presentations. That is not my style, Mr. Morgan said, and it's not Mark's style. The main question, however, is did it serve the Commission well in terms of their ability to make a good decision; he added that he had a sense that it did. Commissioner Prickett said it was easier for her to read. Chair Staffenson said the conditions might be shortened a bit; Mr. McCaffery said he is working on that with staff at the agencies who comment and he will continue to do so.

Mr. Morgan explained a different packet format with key sheets that have relevant information to the application without the full planning sheets. This was discussed as

<p>Exhibit A. October 14, 2014, DRAFT Memorandum to John Morgan from Walt Wendolowski regarding Troutdale Development Code Analysis</p>
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was the possibility of distributing packets in pdf format to the Commission. It was suggested trying an experimental pdf version with the next application packet. Some Commissioners said they like the hard copy packets; it could be the Commissioner's choice. Mr. Morgan also suggested asking applicants to submit their paperwork in pdf format to save them and the City money. No decisions were made on these suggestions but there was more discussion on different ways to provide information to the Commission and to interested parties.

2. Agenda Item. 7. on Regular Meeting agenda.

Work Session. Consideration of administrative procedures and Development Code Standard amendments to reduce barriers to development. Chair Staffenson called attention to the October 14, 2014, memo to John Morgan from Walt Wendolowski regarding his Troutdale Development Code analysis (this document was distributed at the meeting – see **Exhibit A**). Mr. Morgan said Mr. Wendolowski has a tremendous amount of experience writing code for many communities and is a very analytical person, and Mr. Morgan asked him to walk through the Troutdale Development Code and take a hard look at it with three intents: first, to find those places where the Code is out of alignment with local, federal or state law; second, to find internal inconsistencies, inaccuracies, poor or incorrect cross-references, etc., and also structural issues, and to take a bigger look and give his assessment of what's in there. He pointed out that codes really have four parts: introduction (the authority of the code, the definitions), the zones (identified uses), additional requirements (e.g., the VECO overlay, design standards for accessory structures, etc.), and the procedures (applications, when hearings are held, etc.) which breaks into zoning and land division sub-elements which have evolved into development codes. Mr. Wendolowski looked at all of these and gave a pretty broad review that gives an outside expert's look at things for consideration.

This report lists suggestions, Mr. Morgan said, and he asked the Commission to read it before the next scheduled work session. He reviewed some of Mr. Wendolowski's comments and suggestions, briefly. The hope is that we can all soon be working on the Development Code. The Commission discussed how they look at the Code as it is now and how they think certain amendments could work better for everyone. Commissioner Grande asked if this should be an ongoing process, i.e., once this revision is completed, should we look at it every year or so, or on a regular basis because of the outside forces that drive certain things. Commissioner Sheets said he thought the Periodic Review process would be part of that. Mr. Morgan said that would be the time for the City to blend that process with a review of what the City has experienced over those past five years to consider updates to our Code.

Part of our intent here, Chair Staffenson said, is to push back at some of things enforced by outside sources that do not work for Troutdale, and discussion followed on this topic, particularly on Title 13. Commissioner Sheets, to move forward from tonight, said the Commission should determine what they want to address and then give staff some direction. Chair Staffenson said initially the Commission talked about Troutdale having

a unique Development Code because there was a push for a regional development code. Commissioner Glantz said she understood the main goal for the Commission was go clean up our Code and make it appropriate. *[Multiple conversations here]* Commissioner Coulton said he agreed that streamlining the Code was one thing, but said we aren't getting into another disagreement with Metro. Commissioner Prickett said if we do any streamlining, Metro will be in there somewhere. There was discussion about whether or not we could get rid of any of those. Commissioner Woidyla said if we look at changing anything, we will need to be prepared to argue that change.

Mr. Morgan suggested a way to move the project along by selecting those pieces of the Code that agree with Council Goals and move the process along and then take the pieces that don't fit and debate and decide those separately. The Commission discussed how they would approach this project and when they would approach the City Council with it. Having a joint work session with them after the Commission reads it and works with it is a good idea, possibly in January 2015, Mr. Morgan said, because you need to find out what they think and what they need.

The Committee will meet in a work session on October 29, 2014.

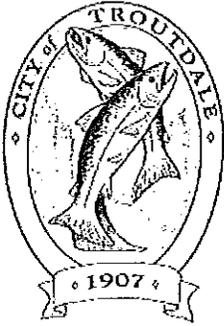
3. **Adjourn.** Commissioner Prickett moved, with a second by Commissioner Glantz, to adjourn. There was no vote; the meeting adjourned at approximately 8:39 p.m.

Tanney Staffenson, Chair

Date

Attest:

Rooney Barker, Transcriptionist



**CITY OF TROUTDALE
PLANNING COMMISSION STAFF REPORT
TYPE III PARTITION PLAT & VARIANCES**

FILE NUMBER: 14-031 PP 1998-043 Parcel 1
REPORT DATE: November 12, 2014
HEARING DATE: November 19, 2014

FILE NUMBER: 14-031 PP 1998-043 Parcel 1 Replat and Variances

APPLICANT/OWNER: Jay Ellis / JLE Investments LLC

STAFF: Mark McCaffery, Planner
(Majority of report created by Elizabeth McCallum, former Senior Planner)

REQUEST: Three-lot replat with concurrent variances for: a four-foot reduction of the rear yard setback for the duplex proposed on Parcels 1 and 2; for a 9.94-foot reduction in the minimum 70-foot lot depth standard; and shared private driveway to serve 7 units instead of the maximum of six units allowed.

LOCATION: 1024 SW Halsey Street

TAX MAP & TAX LOT: 1N3E26DA-01501

TAX LOT SIZE: 8,000 square feet

PLAN DESIGNATION: High Density Residential (HDR)

ZONING DISTRICT: Apartment Residential (A-2)

OVERLAY DISTRICT: Town Center

APPLICABLE STANDARDS: Troutdale Development Code (TDC) TDC 3.060 Apartment Residential (A-2), TDC 3. Central Business District, TDC 4.700 Town Center, TDC 6.200 Variance and TDC 7.000 Land Division

PRIOR LAND USE APPROVALS: Riley Partition Plat File 97-110

RELATED LAND USE APPROVALS: File 13-001 Partition Plat and Variances

ATTACHMENTS

1. Comments dated July 9, 2014 from City Building Official
2. Letter dated July 17, 2014 from property owner on SW Owens Place
3. Comments dated July 22, 2014 from City Civil Engineer
4. Comments dated July 22, 2014 from Gresham Fire and Emergency Services Deputy Fire Marshal
5. Comments dated July 24, 2014 from Multnomah County Transportation Planner
6. Lot depth definition and A-2 Apartment Residential Standards in effect in November 1997 that were applicable when the application for Partition Plat 1998-043 was submitted.
7. Recorded Partition Plat 1998-43.
8. Shared private driveway Operations and Maintenance Plan (unrecorded)
9. Declaration of Covenants, Conditions, and Restrictions, recorded June 10, 2013
10. May 20, 2014 email follow-up to preapplication conference with applicant.
11. Applicant's Submittals

BACKGROUND

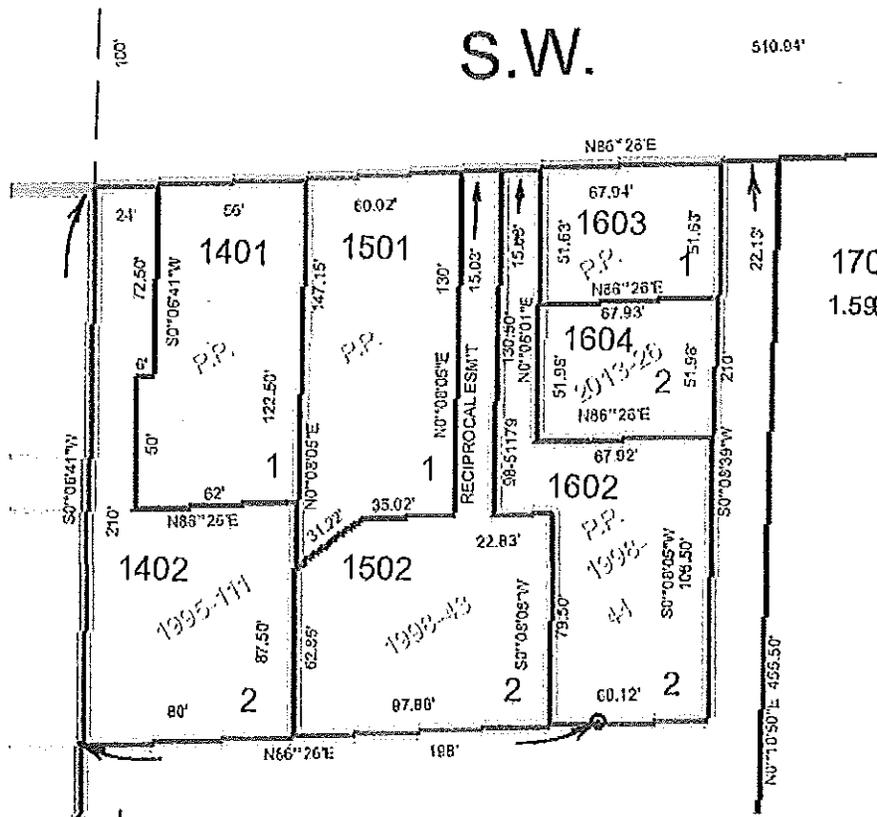
The application was originally submitted for an evidentiary hearing for August 20, 2014 but was postponed to November 19, 2014. The application was re-noticed per the requirements of Chapter 2 of the TDC. The subject parcel to be divided into three lots, was originally approved in 1997 as Parcel 1 of a two-lot partition plat (File 97-110 / Attachment 8). The lot configuration approved at the time met the minimum dimensional standards for an A-2 zoned lot and shared flag driveway access was proposed as permitted in the Code. The flag driveway access from SW Halsey Street is via a reciprocal ingress/egress easement granted within the flag driveway of Parcel 2 of PP 1998-043 and the flag driveway of Parcel 2 of PP 1998-044. That access easement is for the benefit of these parcels that currently exist:

Parcels 1 and 2 of Partition Plat No. 1998-043

Parcel 2 of Partition Plat No. 1998-044

Parcels 1 and 2 of Partition Plat No. 2013-026 (a replat of Parcel 2 of PP No. 1998-044)

The existing lotting pattern is seen in this detail from Multnomah County Tax Map 1N3E26DA: tax lots sharing easement access are 1501, 1502, 1602, 1603 and 1604. Subject lot to be divided into three parcels is Tax Lot 1501.



The applicant recently made improvements within the two reciprocal easements as part of the development of Parcel 2 of PP 1998-044 and Parcels 1 and 2 of Partition Plat No. 2013-026, which were a replat of Parcel 1 of PP 1998-044.

REQUESTS

The land use application has four parts:

- 1. Three lot partition plat

The request is a replat of Parcel 1 of Partition Plat No. 1998-043. The subject parcel is 8,000 square feet in area.

Parcel 1 is proposed to be 2,096 square feet in area.
 Parcel 2 is proposed to be 1,798 square feet in area.
 Parcel 3 is proposed to be 4,111 square feet in area.

- 2. Variance from Rear Yard Setback for a Duplex (attached single family) proposed on Parcels 1 and 2

A variance to decrease the rear yard setback to 16 feet for the duplex proposed on Parcels 1 and 2 has been requested. The minimum rear yard setback for the duplex is 20 feet based upon these standards for duplexes in the A-2 zoning district within the Town Center.

TDC 4.740 Dimensional Standards. Dimensional standards shall be the same as those listed in the underlying zone except as follows:

A. Apartment Residential (A-2).

1. The CBD standards for lot width, lot depth, lot area, and setbacks shall apply for duplex, triplex, and attached residential development.

The Central Business District standards for the rear yard setback for the two-story duplex are:

TDC 3.134 Dimensional Standards.

C. Setbacks: 2. Residential Uses. d. Rear yard setback: ii. Adjoining a residential district:

(a) Without an alley: (ii) Two-story and greater construction: Minimum of 20 feet.

The variance is a 20 percent reduction from the standard.

3. Variance from the Minimum 70-foot lot depth standard for all three lots

A variance to decrease the lot depth to about 60 feet has been requested. This is approximately a 14 percent reduction from the standard, which is 70 feet.

The variance is from TDC 3.134 A.2.b.ii(a) for Parcels 1 and 2 because of the duplex construction, which is the Central Business District dimensional standard as required in the Town Center for this type of dwelling in the A-2 zoning district:

TDC 3.134 Dimensional Standards.

A. Lot Area, Lot Width, and Lot Depth.

2. Residential uses: b. Residential uses shall have the following dimensional standards:

ii. Minimum lot depth: (a) 70 feet for residential units with a driveway from the public street or with access from an alley within a separate tract from the lot.

The variance is from TDC 3.064A.3. for the detached single family construction proposed on Parcel 3.

TDC 3.134 Dimensional Standards.

B. Street Frontage: Minimum of 16 feet.

TDC 3.064 Density, Lot Size, and Dimensional Standards.

A. Dimensional Standards.

3. *Minimum lot depth: 70 feet for single-family detached dwellings with a driveway from the public street or with access from an alley within a separate tract from the lot; 90 feet for all other uses when there is approved street access; 100 feet for any use with access from an alley within an easement that is part of the lot.*

Lot depth for these lots is measured from the property line fronting on the shared private driveway (east property line).

4. Variance from Shared Private Driveway Standard TDC 7.180E.8.a.

The proposed three-lot partition, if approved, will result in a total of seven dwellings being served by one shared access easement. The standard for shared private driveways limits the use to six dwelling units: a variance from that standard is necessary.

8. *Shared private drives. Shared private drives serving multiple lots may be approved by the Director when the following conditions are met:*
 - a. *The private drive does not serve more than six dwelling units.*

The variance increases the number of dwelling units using the driveway by about 17%.

PROCEDURE

A partition plat and variances of 30 percent or less are usually processed under the Type II Limited Land Use procedure. However, at the preapplication conference, the Acting Planning Director determined that a Type III public hearing would be required as the request involved a variance from the shared private driveway standard.

NOTIFICATION

Written notifications of the Type III hearing were sent by the City to property owners, City departments and affected agencies on July 10, 2014. Written comments received as of July 25, 2014 are referenced in this staff report.

Comments received as of July 25, 2014 include:

- July 9, 2014 comments from Stephen Winstead, Building Official
- July 17, 2014 letter from Judith Showalter, neighboring property owner (Attachment 1)
- July 22, 2014 comments from Deputy Fire Marshal Robert Mottice (Attachment 2)
- July 22, 2014 comments from Amy Pepper, City of Troutdale Civil Engineer (Attachment 3)
- July 24, 2014 comments from Rachel Ferdaszewski, Transportation Planner

ANALYSIS OF APPLICABLE CRITERIA

LAND DIVISION

TDC 7.130 Tentative and Final Plats for Partitions.

A. Standards for partitions are the same as for subdivision tentative and final plats with the following exceptions:

- 1. Data requirements do not include a "proposed name" for the partition but must reference the "Plat No." and City case file number.*
- 2. "Proposed improvements" need be shown only where applicable.*

B. Standards for partitions may be modified by the Director to reduce or eliminate non-essential requirements when warranted by the application. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04; Amended by Ord. 791, ef. 2/21/08]

The following subdivision approval criteria apply:

TDC 7.040 APPROVAL CRITERIA. AN APPLICATION MAY BE APPROVED, APPROVED WITH CONDITIONS, OR DENIED BASED UPON APPLICABLE CRITERIA.

A. AN APPLICATION SHALL COMPLY WITH THE FOLLOWING CRITERIA:

1. ALL APPLICABLE STATUTORY PROVISIONS.

The applicable statutory provisions pertain to ownership and the form of the survey relied upon for recording the partition plat. The lot to be divided is a legal lot of record, having been created in compliance with applicable planning, zoning and subdivision ordinances and is Parcel 1 of Partition Plat No. 1998-43, recorded March 31, 1998 as approved by the City of Troutdale (partition plat file 97-110 / attachment 8).

TDC 7.040 APPROVAL CRITERIA. (A)(2) THE CITY'S COMPREHENSIVE LAND USE PLAN, DEVELOPMENT CODE AND ALL OTHER APPLICABLE LAWS OF THIS CITY, APPROPRIATE AGENCY, OR JURISDICTION.

Goal 2 Land Use

The subject site is in the High Density Residential planning area and is zoned A-2 Apartment Residential. The site is also within the Town Center Overlay zoning district. Uses in the HDR planning area include opportunities for detached, attached and apartment residential uses.

The proposed use on Parcels 1 and 2 is a duplex (each "half" of the duplex is on a separate lot); a permitted use based upon the Town Center overlay zoning.

The proposed use on Parcel 3 is a single-family detached dwelling: a permitted use based upon the Town Center overlay zoning.

TDC 4.720 Permitted and Conditional Uses. Permitted and conditional uses are the same as those listed in the underlying zoning districts with the following exceptions:

C. Apartment Residential (A-2).

I. Additional permitted uses: Single-family detached and zero lot line dwellings, except that manufactured homes require a conditional use permit; attached, duplex, and triplex dwellings when the dwellings are on separate lots.

The neighborhood consists of lots on larger homes with medium density infill since the late 1970s with higher density development occurring since the 1990s. The Town Center Overlay district, which is a Comp Plan designation has been in place since 1998.

Town Center Overlay text from the Comprehensive Land Use Plan

Town Center

The City of Troutdale downtown area is designated as a town center. Town centers are characterized by their compact development including higher residential densities, local retail and service type uses, and a walkable environment served by transit.

The division of the subject lot and infill with a detached dwelling and attached single family (duplex on platted lots) is appropriate based upon the stated compact development character of the Town Center neighborhood.

The implementing underlying zoning district is A-2 Apartment Residential and the overlay zoning is Town Center. Compliance with the dimensional standards of the underlying and overlay zoning districts as adopted in the Troutdale Development Code is required. A detailed analysis of compliance with the dimensional standards follows under land division approval criterion B.1.

Goal 10 Housing

Applicable Goal 10 policies to consider in light of the partition plat and variances requested and resulting infill in a neighborhood historically consisting of detached single family dwellings on lots of one-half acre and greater.

1. *General. b. Residential areas shall offer a wide variety of housing types in locations best suited to each type and shall be developed in a way which will not create environmental degradation.*

Policy one applies because the proposed partition plat includes two housing types: attached single family (duplex on side-by-side platted lots) and a detached single family dwelling.

4. *Ordinances and Standards. a. Recognize that the Development Code should set the minimum standards and not go beyond issues which are essential for the public health, safety, and welfare.*

The consideration of Policy 4 is logical when variances from the adopted standards are sought. The particular standard for which the variance has been requested may ultimately be seen by the Planning Commission to “go beyond issues which are essential for the public health, safety and welfare” of Troutdale citizens: if so, the requested variance may serve as a spring board for the Planning Commission to recommend a text amendment of that standard to the City Council. Such is the case with this application.

6. *Alternative Housing Types.
d. Recognize single-family attached homes as a legitimate and desirable alternative to single-family detached homes and allow them in areas designated for high and medium density residential development.*

The proposed duplex on Parcels 1 and 2 is a single-family attached home and it is proposed in the high density residential planning area.

Goal 11 Public Facilities and Services

The lots can be served with City water and sanitary sewer and the development does not conflict with Goal 11 policies embodied in Comp Plan Goal 11 and the newly adopted Public Facilities Plan.

Goal 12 Transportation

The lots take access from SW Halsey Street, via an easement that is constructed as a shared private driveway. Halsey is a County road with a Major Arterial functional classification and County road rules apply and can be met per condition number 5.

TDC 7.040 APPROVAL CRITERIA. AN APPLICATION MAY BE APPROVED, APPROVED WITH CONDITIONS, OR DENIED BASED UPON APPLICABLE CRITERIA.

A. AN APPLICATION SHALL COMPLY WITH THE FOLLOWING CRITERIA:

3. THE CITY'S TRANSPORTATION SYSTEM PLAN, PARKS AND GREENWAY PLAN, CAPITAL IMPROVEMENTS PLAN, AND ANY OTHER APPLICABLE PLAN ADOPTED BY THE CITY.

City of Troutdale Transportation System Plan

The City's Transportation System Plan identifies SW Halsey Street as a county road. A Halsey Street Concept Plan and Road Rules adopted by the County apply to development of this property. A Transportation Impact Analysis is not required.

Comments from the County Transportation Planner (Attachment 5) include the following: Please contact Rachel Ferdaszewski at (503)988-3043 extension 29640 or via email at Rachel.Ferdaszewski@multco.us regarding these requirements (condition number 5).

Construction/Improvements

1. Furnish deed restrictions to participate in future right-of-way improvements.

A non-remonstrance agreement, or "deed restriction" will require that the property owner participate in standard Major Arterial frontage of the original parent parcel interim improvements. Contact Pat Hinds at (503) 988-5050 Ext. 83712 to complete the deed restrictions.

Access

1. No access will be allowed along the SW Halsey Street frontage.

Multnomah County limits access on double frontage lots to the lesser classification street, which in this case will be the private drive/shared driveway. Therefore, no access will be allowed on SW Halsey Street. The purpose of this standard is to reduce the number of existing and proposed access points on Arterials and Collectors and to improve traffic flow and safety on all County roads. [MCRR 4.200].

2. Acquire a driveway permit for each of the 3 lots.

Multnomah County Road Rules Section 18.250 requires an access/encroachment permit for all lots taking access from roads under County jurisdiction. Please contact Alan Young at (503) 988-3582 to obtain access permits.

Other:

1. Note that any work in the right of way, including the removal of trees, or any increase in storm-water drainage from the site to the right of way will require review and a permit from Multnomah County. [MCRR 18.750, DCM 5.1]

2. **Any deviation from the County Standards, as set forth in the Road Rules or the County's Design and Construction Manual, shall be reviewed through the variance process as described under Road Rules Section 16.000.**

City Parks and Greenways Plan

Based upon the 2006 Troutdale Parks Master Plan, the subject site is within an area of the City that does not currently have a city park or greenway and none are planned.

The City does not have a policy that requires a developer to deed land to the City for parks.

System Development Charges paid at the time a building permit is issued, include fees the City uses for City parks.

City Capital Improvements Plan / Public Facilities Plan

System Development Charges will be assessed at the time building permits are issued for the proposed lots.

According to the City's Civil Engineer, properties on SW Halsey Street are in the Halsey Street LID and are exempted from paying stormwater system development charges and exempted from detaining the stormwater if they connect to the City's storm line in Halsey Street. Water quality treatment is still required. A stormwater management plan is required for this development (condition number 2c) and a plat note for the easement for the water quality swale is required (condition number 1).

TDC 7.040 APPROVAL CRITERIA. AN APPLICATION MAY BE APPROVED, APPROVED WITH CONDITIONS, OR DENIED BASED UPON APPLICABLE CRITERIA.

A. AN APPLICATION SHALL COMPLY WITH THE FOLLOWING CRITERIA:

4. **THE CITY OF TROUTDALE CONSTRUCTION STANDARDS FOR PUBLIC WORKS FACILITIES.**

Comments from the City's Civil Engineer (Attachment 3) include the following (including more information about stormwater management).

The Public Works Department has reviewed the Type III application for the JLE Investments, LLC three lot replat with concurrent variances for the 1000 block of SW Halsey Street. The comments below are divided into two categories: general comments and proposed conditions. General comments are informational points to guide the applicant in the proper planning of public works infrastructure for this project and/or to provide a

basis for findings. Proposed conditions are requirements that Public Works suggests be formally imposed on the developer in the final order.

GENERAL COMMENTS

- 1. Any and all utility and transportation plans submitted with this application will be reviewed for the purpose of determining the feasibility of providing utility and transportation facilities for the project in accordance with City standards. This land use approval does not constitute final approval of details, including but not limited to alignments, materials and points of access, connection or discharge, that are depicted or suggested in the application. The applicant is required to submit detailed construction drawings and/or plat drawings for the project, as applicable. The City of Troutdale will review plans, in detail, when they are submitted and approve, reject or require modifications to the plans or drawings based upon conformance with City standards, the TDC and the professional engineering judgment of the Chief Engineer.*
- 2. Erosion control measures will be required during construction. The applicant shall apply for an individual site development permit for each proposed lot.*
- 3. System Development Charges will be assessed at the time building permits are issued for each lot.*
- 4. Each parcel shall be served by an individual sanitary sewer lateral and water service through connections to the existing sanitary sewer and water mains located in SW Halsey. Work within SW Halsey requires a right-of-way permit from Multnomah County. All connections to the City's infrastructure must be inspected by authorized personnel from the Public Works Department under a Public Works Permit. TDC 3.70 requires the submittal of construction drawings including site grading, erosion control, sanitary sewers, storm sewers, and water systems. See proposed condition 1.*

The proposed plan submitted with the variance request for the reduced rear yard setback of Parcels 1 and 2 shows a 15-foot wide water and sanitary sewer utility easement in the rear of Parcels 1 and 2. It is not shown on the tentative partition plat. Condition number 1 requires that all proposed and existing utility easements (both public and to the benefit of the City or Multnomah County) be shown on the final plat face.

- 5. A storm water quality treatment facility (grassy swale) was approved to be constructed to treat the stormwater from the shared private drive adjacent to the front yards of proposed Parcel #1, #2, and #3. The applicant shall*

assure that installation of driveway(s) associated with these lots does not conflict with this facility and/or the facility is relocated to accommodate the driveways. Such a plan shall be submitted, approved and constructed prior to issuance of the building permits for the houses on these lots.

Stormwater runoff from each lot shall not be directed to the water quality facility serving the private drive unless this facility is resized to accommodate the additional runoff. See proposed condition 2b.

6. *Sizing of private onsite stormwater piping is governed by the Uniform Plumbing Code.*
7. *A minimum 8-foot wide utility easement shall be required along the front of all lots and along Halsey. See proposed condition 1b.*

While the City's minimum standard for the franchise utility easement is six feet: in the past PGE has requested 8-feet. As such, because the standard is a minimum staff requests the 8-foot easement to accommodate PGE, one of the City's franchise utility easement providers.

TDC 7.180 Design Requirements. J. Utility Easements. A minimum six-foot wide utility easement shall be required along the front of all lots. In addition, utility easements will be required for public utilities on private property.

8. *With consideration of the above comments, compliance with the proposed conditions below, and conformance to the Construction Standards for Public Works Facilities, the Public Works Department finds that this proposed development can feasibly satisfy Public Works' requirements and will support approval of the application.*
9. *Public Works finds that the requested depth variances and variance increasing the number of dwelling units served by the private drive will not be injurious to the provision of Public Works services to the site and therefore has no objection to these variances.*

Public Works related conditions are embodied in proposed condition numbers 1, 2 and 8.

TDC 7.040 B. THE SUBDIVIDER SHALL DEMONSTRATE THAT THE STREET, PARCEL, AND BLOCK PATTERN PROPOSED MEETS THE FOLLOWING CRITERIA:

- 1. PROPOSED PARCELS SHALL BE SUITABLE IN AREA AND DIMENSIONS TO THE TYPES OF DEVELOPMENT ANTICIPATED.**

Parcel area and dimensions are based upon the A-2/Central Business District and Town Center Overlay District for Parcels 1 and 2 and just the A-2 zoning district and Town Center Overlay district for Parcel 3. Lot square footage determines density.

Lot Dimensions and Density

- o Parcels 1 and 2 Area and Dimensions: A-2/CBD Zoning Districts and Town Center Overlay

Parcel 1 has a proposed area of 2,096 square feet. Parcel 2 has a proposed area of 1,798 square feet. The density permitted in the A-2 zoning district within the Town Center overlay district for attached residential development is based upon the following Town Center standard:

TDC 4.730 Town Center Residential Densities.

A. General Density Requirements. The residential density of the underlying zone shall apply except that the Central Business District (CBD) density standards shall apply in the CC and GC zoning districts and shall apply in the A-2 zoning district for duplex, triplex, and attached residential developments.

The Central Business District density standard is:

TDC 3.134 Dimensional Standards.

A. Lot Area, Lot Width, and Lot Depth.

2. Residential uses:

a. Minimum lot area shall be based on the minimum lot width and minimum lot depth standards.

The minimum lot width and minimum lot depth standard of the CBD is:

b. Residential uses shall have the following dimensional standards:

i. Minimum lot width: 16 feet.

Parcels 1 and 2 are 34.99 and 30 feet wide respectively as measured in accordance with the following definition of lot width in the TDC:

.72 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.

For these lots, the front lot line is the east property line and the rear lot line is the west property line. The standard is met.

ii. Minimum lot depth:

(a) 70 feet for residential units with a driveway from the public street or with access from an alley within a separate tract from the lot.

Parcels 1 and 2 are about 60 feet deep as measured in accordance with the following definition of lot depth in the TDC:

.66 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.

These parcels do not meet this minimum lot depth. A variance has been requested. The variance analysis is within a separate section of this staff report.

The minimum geometry (lot depth and width) for lots in the CBD zoning district results in a minimum square footage of 1,120 square feet. Parcels 1 and 2 exceed the minimum square footage even though the lot depth standard is not met. Because the minimum square footage is met, it may be concluded that the density allowed for attached dwellings is not exceeded.

Street frontage of Parcels 1 and 2

CBD dimensional standard: TDC 3.134 B. *Street Frontage: Minimum of 16 feet.*

Street frontage is not defined separately from frontage in the Troutdale Development Code as:

.49 Frontage. The portion of a parcel of property abutting a public or private street.

Parcels 1 and 2 front on the shared private driveway 34.99 and 30 feet respectively: the standard is met. The Code allows for lots to have frontage on other than the public street under TDC 7.180 E.8.

- Parcel 3: A-2 Apartment Residential Zoning District and Town Center Overlay

The declared development on Parcel 3 is a detached single family dwelling. This is a permitted use in the Town Center in the underlying A-2 zoning district:

TDC 4.720 Permitted and Conditional Uses. Permitted and conditional uses are the same as those listed in the underlying zoning districts with the following exceptions:

C. Apartment Residential (A-2).

1. *Additional permitted uses: Single-family detached and zero lot line dwellings, except that manufactured homes require a conditional use permit; attached, duplex, and triplex dwellings when the dwellings are on separate lots.*

The density standards for detached single-family dwellings in the A-2 zoning district in the Town Center is the same as the A-2 zoning district.

TDC 4.730 Town Center Residential Densities.

A. General Density Requirements. The residential density of the underlying zone shall apply except that the Central Business District (CBD) density standards shall apply in the CC and GC zoning districts and shall apply in the A-2 zoning district for duplex, triplex, and attached residential developments.

The minimum lot area for a detached single family dwelling is 3,500 square feet.

TDC 3.064 Density, Lot Size, and Dimensional Standards.

B. Maximum Density and Lot Size. Where the number of dwelling units erected on a lot is calculated in accordance with this section, no greater number of units shall in any event be permitted at any time unless the lot is within the Town Center Overlay District, or except as may be approved under the Planned Development District.

DENSITY STANDARDS		
<i>Type of Residential Use</i>	<i>Minimum Lot Area</i>	<i>Maximum Lot Coverage</i>
<i>Single-family detached and zero lot line dwellings</i>	<i>3,500 square feet per unit</i>	<i>None</i>

Parcel 3 has a proposed lot area of 4,111 square feet. The minimum lot area is met.

Other dimensional standards for the lot depth and width are those of the A-2 zoning district for detached single family dwelling construction:

TDC 3.064 Density, Lot Size, and Dimensional Standards.

A. Dimensional Standards.

2. Minimum lot width:

a. Units on separate lots:

i. 35 feet at the front setback line of any interior lot used for single-family detached and zero lot-line dwellings, duplexes, and the end units of a triplex or attached dwelling.

Parcel 3 is 65 feet wide. The minimum lot width standard is met.

3. Minimum lot depth: 70 feet for single-family detached dwellings with a driveway from the public street or with access from an alley within a separate

tract from the lot; 90 feet for all other uses when there is approved street access; 100 feet for any use with access from an alley within an easement that is part of the lot.

The lot depth of Parcel 3 is about 61 feet. Staff understands that the 70 foot lot depth applies to this lot. The standard is not met. A variance from the standard was requested. The variance analysis begins on page 29 of this report.

4. *Minimum lot frontage: 20 feet.*

Parcel 3 abuts the shared private driveway for 65 feet. The standard is met.

TDC 3.064 Density, Lot Size, and Dimensional Standards.

- C. *Minimum Density. Residential development is required to be built at 80% or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number.*

The parent parcel for this partition plat is 8,000 square feet in area. Based upon the minimum density standard of the A2 district for the proposed detached single family dwelling, the maximum density would be two lots (dwellings) at 3,500 square feet each with 1,000 square feet left over. As proposed, therefore, division of the parent lot into three buildable lots, exceeds the minimum density requirement.

Setbacks

Another component of the suitability of the area of the proposed parcels is whether the setbacks of the underlying zoning district can be met. For this site, there is also the overlay zoning district standards.

• Parcels 1 and 2 Setbacks

As previously explained in the Request Section of this report, required setbacks for Parcels 1 and 2 for attached residential (duplex on platted lots) construction are based upon those of the Central Business District:

TDC 3.134 Dimensional Standards. C. Setbacks: 2. Residential uses:

- a. *Front yard setback: i. Without alley access:*
(a) *Minimum of 20 feet to the garage door of residential units with a driveway from the public street.*

That understanding is predicated upon an intent that alleys are in the rear of lots, not the front of lots. The definition in the TDC for alley does not specify the location of the alley:

.10 Alley. A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Whether the shared private driveway is an alley or not has implications as to how to assign the various setback provisions of the Code. None of the lots will have a driveway directly connecting to the public street: all driveways will connect to the shared private driveway. As such, staff is applying this standard to the front yard setback of Parcels 1 and 2:

This setback of 20 feet to the garage door would be measured from the east property line. The standard can be met.

Parcels 1 and 2 Additional Town Center Garage Streetscape Setback Standard

Because the lots are in the Town Center, the following dimensional standard for the setback of the garage for the duplex applies:

TDC 4.780 Street Design and Streetscapes. The following design standards shall apply within the Town Center district:

C. Streetscapes. To encourage pedestrian-oriented streetscapes, the following standards shall apply:

2. Garages.

b. Garages on lots less than 3,000 square feet in area, or on lots less than 30 feet wide at the front setback line, or on lots having a slope of 20% or greater at the street access shall be setback a minimum of five feet behind the front door or shall comply with the following standards:

- i. The garage door does not extend beyond the front door; and*
- ii. The dwelling has a roofed front porch. The porch may encroach within the required front yard setback a maximum of five feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and*
- iii. There is at least one window on any floor that faces the street and allows visibility of the street.*

The garage doors of each half of the duplex must be 20 feet from the front (east property line) for the duplex regardless of other provisions under TDC 4.780C.2.b., because the CBD standard for the garage of TDC 3.134 Dimensional Standards. C. Setbacks: 2. Residential uses: a. Front yard setback: i. Without alley access: (a) as previously evaluate is the most restrictive.

Other CBD residential setbacks other than garage

TDC 3.134 Dimensional Standards. C. Setbacks: 2. Residential uses:

- a. *Front yard setback: i. Without alley access:*
 - (b) *Minimum of 15 feet to the front façade of a residential unit.*

The foundation of the front façade of the duplex may be 15 feet from the east property line.

- (c) *Minimum of ten feet to the front porch of a residential unit.*

A covered front porch on the duplex can be 10 feet from the east property line of Parcels 1 and 2.

- b. *Side yard setback:*
 - i. *Adjoining a non-residential or A-2 zoning district: Minimum of five feet.*

This side yard setback standard applies to the south property line of Parcel 2. The standard can be met.

- iii. *No side yard setback for interior side property lines of duplexes, triplexes, and attached dwellings on individual lots.*

No setback is required on the south property line of Parcel 1 and north property line of Parcel 2 provided attached residential construction standards of the Building Code are met.

- c. *Street side yard setback: None required unless the street side yard is used for a driveway, in which case the minimum setback shall be 18 feet to the garage.*

The north side of Parcel 1 abutting SW Halsey Street is a street side yard. A driveway is not permitted from this side yard due to the County Road Rules. The standard allows a zero setback. However, other standards of the Troutdale Development Code, Building Codes and easements required must be considered. Those are:

- A utility easement of 8 feet in width is required along the lot frontage at Halsey to the benefit of the City's franchise utilities (condition number 2b).
- TDC 7.180 L12. *Arterial street setback. In residential districts, a building setback line, which shall extend 20 feet back from the right-of-way line of an arterial street or landscaping, fencing, or other method of buffering residential uses from traffic noise, odor, dust, etc., shall be provided adjacent to the arterial. If the use of a buffer strip is selected, no structures may be placed within the buffer.*

A minimum street side yard setback of 8 feet is required and unless it is increased to 20 feet to comply with TDC 7.180 L12 Arterial street setback standard, the eight foot setback must include landscaping, fencing or other methods of buffering the residential use from the traffic noise, odor, or dust (condition number 9).

The eight foot street side yard setback for Parcel 1 leave a building envelope 26.99 feet wide. The applicant did not provide a dimensional footprint plan for the subject duplex.

- d. *Rear yard setback: ii. Adjoining a residential district: (a) Without an alley:
(ii) Two-story and greater construction: Minimum of 20 feet.*

The duplex is two-story and adjoins the A-2 zoning district. The applicant did not provide a dimensional plot plan showing the requested setback of 16 feet, but did apply for a variance to reduce the setback to 16 feet (20 percent reduction) has been requested. The analysis of the variance request is in a separate section of this report beginning on page 25.

- Parcel 3 Setbacks

The proposed development on parcel 3 is a detached single family dwelling. The Town Center does not reference other than the A-2 setback standards for detached single family construction except that the garages have different setbacks in the Town Center.

Front Yard

TDC 3.064 Density, Lot Size, and Dimensional Standards.

D. Setbacks.

1. Front yard setback: Minimum of 20 feet.

The front yard setback is measured from the east property line (the shared private driveway). A 20 foot setback is required for the dwelling.

TDC 4.780 Street Design and Streetscapes. The following design standards shall apply within the Town Center district:

C. Streetscapes. To encourage pedestrian-oriented streetscapes, the following standards shall apply:

2. Garages.

a. For single-family detached and zero lot line dwellings on lots of 3,000 square feet or greater in area or 30 feet or wider at the front setback line, and for duplex, triplex, or attached dwellings on separate lots greater than 3,000 square feet in area or 30 feet or wider at the front setback line, garages shall be subordinate to the main dwelling by being set back a minimum of five feet behind the front door of the residence or by compliance with the following standards:

- i. The garage door width is 50% or less of the width of the street facing elevation and does not extend beyond the front door; or*
- ii. The garage door is behind or even with the front door and the dwelling has a roofed front porch, which is at least 1/3 as wide as the front elevation and at least five feet deep. The porch may encroach within the required front yard setback a maximum of*

- five feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and*
- iii. *The street facing wall of the dwelling contains at least one window on the ground floor that allows visibility of the street.*

Staff recommends that these garage setback standards be evaluated and applied based upon a decision by the Planning Commission that the front property line of proposed Parcel 3 is the east property line.

Side Yard setbacks Parcel 3

TDC 3.064 Density, Lot Size, and Dimensional Standards.

- D. Setbacks. 2. Side yard setback: a. Single-family detached dwellings: Minimum of five feet.*

The side property lines would be the north and south property lines. The south property line consists of two segments and the five foot setback would apply to both segment.

TDC 3.064 Density, Lot Size, and Dimensional Standards.

- D. Setbacks. 4. Rear yard setback: a. Single family detached, zero-lot line, and duplex dwellings; and multiple-family, attached, and triplex dwellings, and non-residential structures or uses adjoining the A-2 zoning district or a non-residential zoning district: i.. Without an alley: Minimum of 15 feet.*

Based upon the interpretation that the shared private driveway is not an alley and the rear property line is therefore the west property line, the minimum rear yard setback, as measured from the west property line, for the detached single family dwelling on Parcel 3 is 15 feet.

Criterion B cannot be fully met without variances from the lot depth requirement for Parcels 1, 2 and 3; a variance from the rear yard setback standard for the duplex construction on Parcels 1 and 2. The analysis of the variance requests begins on page 29 of this report.

TDC 7.040 (B) (2) STREET RIGHT-OF-WAYS, PAVEMENT WIDTHS, AND SIDEWALKS SHALL BE ADEQUATE TO ACCOMMODATE THE TYPE AND VOLUME OF ANTICIPATED TRAFFIC.

The site abuts SW Halsey Street, a County Minor Arterial. Multnomah County comments and Road Rules apply to SW Halsey Street (attachment 5 and condition number 5).

Shared Private Driveway

A shared private driveway is a private street and is permitted with land division under this standard: all three parcels are proposed to share access with four other existing lots, each constructed with a detached single family dwelling.

TDC 7.180 Design Requirements. E. Lot Design 8. Shared private drives. Shared private drives serving multiple lots may be approved by the Director when the following conditions are met:

- a. *The private drive does not serve more than six dwelling units.*

Approval of the division of the subject lot into three parcels proposed to be developed with one dwelling unit on each lot, results in seven dwelling units taking access from the shared private drive. The applicant has requested a variance from this standard. The analysis of the variance request begins on page 33 of this report.

- b. *A homeowner's association, or other mechanism found acceptable to the Director, is created to maintain the drive.*

The applicant did not indicate that a homeowner's association would be established. The applicant recorded a maintenance document for three other lots using the shared driveway; it is not clear whether the document (attachment 7) covers these proposed lots or not.

- c. *All utilities, except the private drive or approved stormwater laterals, shall have separate connections to the public system.*

The City's Civil Engineer's comments address this matter (attachment 3) and condition number 2 is proposed to assure compliance with the standard.

- d. *Any utilities or facilities shared by two or more property owners shall meet established City standards.*

The City's Civil Engineer's comments address this matter (attachment 3) and condition number 2 is proposed to assure compliance with the standard.

A sanitary sewer easement is proposed in the rear 15 feet of the parcels.

- e. *Private drives serving two or more residences shall be fully improved with hard surface pavement with a minimum width of:*
 - i. *20 feet when accommodating two-way traffic; or*
 - ii. *Ten feet when accommodating one-way traffic.*

The shared private driveway is paved with X feet of hard surface pavement and this facilities two-way traffic.

Access to the lots by emergency vehicles, including fire apparatus (fire trucks) via the shared driveway requires that it be constructed to meet the minimum standards established by Gresham Fire and Emergency Service. Comments from the Deputy Fire Marshal (Attachment 4) and condition number 3 apply to the shared private driveway.

Street Trees

In addition to street improvements, the City's policy is that street trees are required with land division and new development (condition number 6). The street tree standards that apply are from the Development Code and the Troutdale Municipal Code. Two street trees are required for this site based upon a street frontage of 60 feet and planting standard of 30 feet on-center along the Halsey Street frontage of Parcel 1 are required. The developer pays the assessed street tree fee and does not plant the street trees. The City uses the street tree fee to purchase appropriate species and plants the trees after construction on the lots is completed.

TDC Chapter 7 Land Division Trees

An applicant proposing to divide land is required to include the following information with the land division application per TDC 7.070 B. Application for Tentative Plat.

10. Natural features such as rock outcroppings, wetlands, water bodies, and watercourses, including drainage ditches, on and abutting the property; location of all existing trees six inches in diameter or larger; and other significant wooded areas on the tract. Existing trees six inches in diameter or larger that are proposed for removal shall be indicated.

The applicant provided a map labeled "Exhibit A Reg. Tree Map and Illustrate Need for Access Variance." On that exhibit, four trees are shown as regulated under the tree removal standard. Trees may be removed from lots proposed for development under the provisions of Troutdale Municipal Code 13.10.270 Tree Removal:

Troutdale Municipal Code 13.10.270—Tree Removal.

A. The intent of this section is to regulate the removal of trees, other than street trees, as defined in Section 13.10.005, and other than historic or significant trees, as designated pursuant to Section 13.10.130, on undeveloped and underdeveloped property. Street trees shall be regulated as provided in applicable sections of this chapter.

B. The requirements of this section apply only to trees having a trunk six inches or more in diameter, maximum cross section, measured at a point four and one-half feet above the ground on the upslope side of the tree. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

C. *No person shall remove a tree from undeveloped or underdeveloped property without first obtaining a tree removal permit from the director pursuant to this section. No tree removal permit is required to remove trees on developed property.*

D. *An application for a tree removal permit in conjunction with a land use permit shall be considered as part of the land use permit and shall be subject to the application, notice, hearing and appeal procedures applicable to the proposed development pursuant to the Troutdale Development Code. An application for any land use permit shall show trees regulated by this section on a site plan. A tree removal permit may be granted in the following circumstances:*

1. *If a tree is diseased, hazardous, in danger of falling, in close proximity to existing structures or proposed construction, or interferes with utility services or pedestrian or vehicular traffic safety;*
2. *If the tree removal will have no significant impact on erosion, soil retention, stability of earth, flow and character of surface waters and streams, protection of nearby trees and windbreaks; and, if the tree removal will have no significant impact on the environmental quality of the area, including scenic and wildlife habitat values;*
3. *If the tree removal is necessary in order to construct reasonably required improvements; or*
4. *If, in the opinion of the fire marshal, tree removal is necessary to protect existing or proposed structures.*

The regulated trees are within the building envelope, easements required, or driveway areas on the proposed lots. Removal is justified.

Street Trees

TDC 7.180 D1. Developers of proposed nonresidential subdivisions shall be required to prepare a street tree planting plan prior to submission of the final plat. It will be the developer's responsibility to install street trees, as indicated on the approved plan.

TDC 7.180 D2. Developers of proposed residential subdivisions shall be required to pay the City a street tree assessment in accordance with the fee schedule adopted by resolution of the City Council. The City will be responsible for planting the trees at the time the residential lots are occupied.

Troutdale Municipal Code 13.10.100 - Trees in new developments.

A. For all new developments, trees shall be planted in the public right-of-way or within the yard setback area and/or any buffer area adjacent to the right-of-way. All such plantings shall be done in accordance with the planting specifications for street trees as provided by the director.

B. A developer of a residential subdivision shall not be responsible for the planting of street trees, but instead, shall pay an assessment to the city to provide for street tree planting. The tree assessment shall be in accordance with the fee schedule adopted by resolution of the city council. The residential developer shall be assessed for one tree per each thirty linear feet, or fraction thereof, of public street frontage, but the developer shall be assessed no less than one tree per lot within the residential subdivision. On streets within or bordering the residential subdivision where there is no planting strip or where utility and/or driveway locations preclude the placement of required street trees within the right-of-way, street trees may be planted within front or side yard setback areas, within any additional buffer area adjacent to the right-of-way, or within any other publicly-owned property in the vicinity of the development that will benefit the residents of the development.

The City and the County have an agreement that the City's street tree standards apply on County street frontages.

TDC 7.040 (B) (3) PUBLIC UTILITIES, INCLUDING WATER, SEWER, AND STORMWATER DRAINAGE TO SERVE THE PROPOSED SUBDIVISION CAN BE PROVIDED IN ACCORDANCE WITH THE CITY OF TROUTDALE CONSTRUCTION STANDARDS FOR PUBLIC WORKS FACILITIES.

All City utilities are available to the proposed parcels. All connections to the City's infrastructure must be inspected by authorized personnel from the Public Works Department under a Public Works Permit (condition number X).

TDC 7.040 (B) (5) PHYSICAL LIMITATIONS OF THE SITE SUCH AS FLOOD OR SLIDE HAZARD, NATURAL FEATURES, OR ANY OTHER CONSTRAINT SHALL BE ACCOMMODATED WITHIN THE DESIGN OF THE PROPOSED LAND DIVISION.

There are no physical limitations on this site.

ANALYSIS OF VARIANCE REQUESTS

Variance from Rear Yard Setback for a Duplex (attached single family) proposed on Parcels 1 and 2

While not clearly stated in the requested land division and variance narrative, it is understood that the applicant's request is to construct an attached single family dwelling comprised of two side-by-side units (a duplex) on Parcel 1 and 2. Because of the Town Center Overlay district, the CBD dimensional standards as previously evaluated, apply to this duplex construction.

The applicant states in the variance request narrative dated June 23, 2014, the following:

Proposal: Reduce Rear yard set by [sic] 4' feet or 20.0%.

Narrative: Due to pre existing shallow lot depth conditions, it is burdensome to meet the rear yard setback requirement of 20'. For lots 1 & 2: Lot 3 will comply for duplex and common lot line.

The 20 foot setback applies to attached dwellings, which includes duplexes on platted lots in the Town Center Overlay district with an underlying zoning of A-2 Apartment residential.

TDC 4.740 Dimensional Standards. Dimensional standards shall be the same as those listed in the underlying zone except as follows:

A. Apartment Residential (A-2).

1. The CBD standards for lot width, lot depth, lot area, and setbacks shall apply for duplex, triplex, and attached residential development.

The Central Business District standards for the rear yard setback for the two-story duplex are:

TDC 3.134 Dimensional Standards.

C. Setbacks: d. Rear yard setback: ii. Adjoining a residential district:

(a) Without an alley: (ii) Two-story and greater construction: Minimum of 20 feet.

The variance is a 20 percent reduction from the standard.

The variance criteria of TDC 6.215 apply:

TDC 6.220 ... if the request involves only the expansion or reduction of a quantifiable provision in this code by more than ten percent, but not more than 30%, and the criteria in section 6.215 of this chapter are met.

TDC 6.215 A. Special circumstances or conditions including, but not limited to, lot size, lot shape, topography, or size or shape of building, apply to the property, development, or to the intended use and are not typical of the general conditions in the surrounding area;

The applicant states (parenthetical words added by staff for clarity) the following:

This variance is requested to provide a desirable dwelling unit (with) ample living space. (It) will also help fulfill the City's requirements and desire for attached housing or townhouses per the Town Center Plan. The Lot depth and size (for) the parent lot (is) not typical of in-fill development. The applicant feels this is a "special" circumstance.

The parent lot, as a flag lot fronting on SW Halsey Street, was originally approved in 1997 and the lot recorded as parcel 1 of Partition Plat 1998-43 in 1998 (attachment 8)

The setback requirements for attached dwellings (the duplex) were explained to the applicant during a preapplication meeting on May 15, 2014, and in subsequent e-mails, the most recent was May 20, 2014, from the Senior Planner to the applicant (Attachment 9).

As stated in that e-mail, a rear yard setback of 15 feet is allowed for detached single family construction on the proposed Parcel 3.

The Land Division criteria includes a requirement that the proposed parcels be suitable in area and dimension to the type of development proposed. The criterion was evaluated on page 13 of this report and the finding in the matter is dependent upon the Planning Commission's decision in regards to the variance requested.

The Planning Commission may also consider that this variance is not requested in a vacuum, so to speak. The platting of Parcels 1 and 2 at the proposed square footage and the rear yard setback variance is dependent upon the Planning Commission's approval of a variance from the standard that limits the number of units using a shared private driveway to six: approval of the rear yard setback variance only matters if the variance from the shared driveway standard is also approved.

The Town Center Plan does provide for a variety of housing types in the underlying zoning districts: however, the choice of the housing type is not a requirement: it remains the developer's.

Attached development is not required and the zoning allows for a detached single family dwelling on the lot which would only require a 15-foot rear yard setback.

TDC 6.215 B. The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare;

The applicant states (parenthetical words added by staff for clarity) the following:

As part of the TDC procedures of the associated partition application there will be public notice (to) the surrounding property owner for actual input. If legitimate concerns are raised (there is an option for) ... mitigation ... (conditions) if necessary. However, the applicant cannot see how this variance could be

detrimental to any other neighbors public or private. The proposed 16' rear yard setback is actually more constant with overall City zoning than the 20' standard for this particular circumstance.

Written comments received on July 21, 2014, from a property owner in the neighborhood, focuses on the impacts from the number of units that will use the shared private driveway, not the setback reduction (Attachment 2). The comment is not from owners or residents of the nearest abutting development.

TDC 6.215 C. The variance authorized will be consistent with the general purpose and intent of the provision from which a variance is sought; and

The applicant states (parenthetical words added by staff for clarity) the following:

The site is zoned A-2 with Town center Overlay. This is one of the highest densities the City of Troutdale has. In this zoning district the minimum setback from (the rear property line for) most uses and even other, lower intensity uses, is 15 feet. The purpose of setbacks is to provide light and visual space between uses as well as physical buffers between uses for privacy. If 15 foot setback is allowed outright in the A-2 zoning district for other uses inside the TC Overlay and allowed outright outside the TC Overlay the applicant feels (it) is more (consistent) ... to have a rear yard setback of 16 feet versus the 20 foot standard.

The basis of the 20-foot rear yard setback for the duplex proposed on Parcels 1 and 2 is the Town Center Overlay standard that "points" to the CBD dimensional standards for all residential development on lots zoned A-2 Apartment Residential that are in the Town Center Overlay district.

TDC 4.740' (Town Center) Dimensional Standards. Dimensional standards shall be the same as those listed in the underlying zone except as follows:

- A. Apartment Residential (A-2).*
 - 1. The CBD standards for lot width, lot depth, lot area, and setbacks shall apply for duplex, triplex, and attached residential development.*

The proposed development, a duplex on side-by-side platted lots, is by definition attached residential. In the underlying zoning district, A-2, the minimum required rear yard setback for a duplex abutting another A-2 zoning district or commercial zone is 15 feet. The nearest adjacent lots are also zoned A-2. These two lots are built with two-story duplexes that were built before the Town Center standards were adopted. A rear yard setbacks of 15 feet as allowed at the time.

TDC 6.215 D. The variance is the minimum necessary to relieve a practical difficulty and the resulting hardship.

The applicant states the following:

The hardship is that the existing parcel is only 60 feet deep. It's the applicant's position that in order to protect property rights and to meet the minimum density requirements and at the same time provides a "marketable" / "functional" dwelling unit a rear yard setback reduction is necessary. Based upon the review of many different plans the applicant feels that the minimum necessary lot depth reduction is 4 feet or 20%.

Variance from the Minimum 70-foot lot depth standard for all three lots

A variance to decrease the lot depth by "9.94 feet or 14.2%" which results in lot depths of about 60 feet (rounded to nearest whole number). Two different standards for lot depth apply to the request because of the two types of residential construction requested.

The variance is from TDC 3.134 A.2.b.ii(a) applies to Parcels 1 and 2 because of the duplex construction proposed. This is a Central Business District dimensional standard because: the underlying zoning is A-2 Apartment Residential; the lot is in the Town Center; and the use is attached residential.

TDC 3.134 Dimensional Standards.

A. Lot Area, Lot Width, and Lot Depth. 2. Residential uses: b. Residential uses shall have the following dimensional standards: ii. Minimum lot depth: (a) 70 feet for residential units with a driveway from the public street or with access from an alley within a separate tract from the lot.

The variance is from TDC 3.064A.3. is for the lot depth of Parcel 3 because detached single family construction is proposed:

TDC 3.064 Density, Lot Size, and Dimensional Standards.

A. Dimensional Standards. 3. Minimum lot depth: 70 feet for single-family detached dwellings with a driveway from the public street or with access from an alley within a separate tract from the lot; 90 feet for all other uses when there is approved street access; 100 feet for any use with access from an alley within an easement that is part of the lot.

These criteria must be met for the lot depth reduction variances to be approved:

TDC 6.215 A. Special circumstances or conditions including, but not limited to, lot size, lot shape, topography, or size or shape of building, apply to the property, development, or to the intended use and are not typical of the general conditions in the surrounding area;

The applicant's statement on page one of the narrative dated June 18, 2014 includes the following:

Proposal: Reduce lot depth by 9.94 feet or 14.2%.

Narrative: Due to pre existing conditions it is not feasible to meet the lot depth requirement of 70'. All (3) parcels.

Staff identified the two separate codes.

The applicant explains under criterion A the following:

The lot is basically flat. However, the prior land use action on this parcel in 1997 "locked" this Parcel into its current configuration. The future development of this parcel is only allowed by Multnomah County, if access is derived from the "Shared Driveway" which abuts the east property line. This existing East property line as well as the existing West property line cannot be adjusted by the applicant. Thereby creating a situation, that was not a result of actions by the applicant, which precludes development or partitioning of this parcel at a reasonable and allowed density, without the approval of a Lot Depth variance. The applicant feels this is a "special" circumstance.

History of lot shape

When the parent lot was platted, the lot depth was measured from the Halsey street property line to the south property line. Under that evaluation, the parent lot depth is over 130 feet. There was no issue with the standard and no need for a variance at that time, as the definition of lot depth in November 1997 (when the application was made that established the boundaries and lot dimensions of the parent parcel) was:

*The horizontal distance measured mid-way 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.*

In addition and related thereto, was the definition of front lot line in November 1997:

For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating the narrowest frontage of the lot from the street.

The front lot line of the parent lot (that is the subject of this partition plat and various variance requests) was clearly established as the Halsey Street property line based upon both the definition of lot depth and front lot line in effect in November 1997 (Attachment 6), even though driveway access from Halsey was required to be via the shared flag driveway.

The further subdivision of the subject lot results in establishment of the lot depth being measured from the east property line and establishing the east property line as the front property line as explained in the analysis of lot depth and lot frontage under Land Division criterion B1 beginning on page 13 of this report.

TDC 6.215 B. The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare;

The applicant correctly explains in the narrative dated June 18, 2014 for the lot depth reduction that the public notification of the variance request will allow adjacent parties to comment. Property owners within 250 feet were notified in writing of the land use application on July 10, 2014. Only one letter of comment has been received (Attachment 2) and it pertains to the variance from the number of lots using the shared driveway, not the lot depth variance.

The applicant states:

If legitimate concerns are raised (mitigation conditions can be adopted) ... if necessary. However, the applicant cannot see how this variance could be detrimental to any other neighbors public or private.

TDC 6.215 C. The variance authorized will be consistent with the general purpose and intent of the provision from which a variance is sought; and

The applicant states:

The site is zoned A-2 with Town Center Overlay. This is one of the highest densities the City of Troutdale has. In this zoning district the minimum lot depth is 70 feet. This is to ensure that proposed parcels have a reasonable building envelope. This provides an expectation of marketable/functional building depth after deduction of minimum setbacks. The applicant has submitted Exhibit "A" with the proposed single family dwelling unit. This Exhibit illustrates that an attractive, functional and marketable plan does indeed fit on the proposed parcel and still meeting minimum setback requirements.

The applicant did not provide an Exhibit A that illustrates the setback reduction or the proposed single family dwelling.

The applicant is correct that the minimum lot depth required is 70 feet for the two residential uses he has proposed. The purpose of minimum lot depths is one way for the City to assure that a lot is buildable for the intended and/or permitted development. Residential lot depth, in particular, typically allows for enough length to construct a driveway that is at least 18 feet deep (standard parking space length) from the edge of the property line to the garage or carport door so that the vehicle does not overhang into the sidewalk or street. This is desirable in the instance of access from a shared private driveway also, or an alley.

The minimum lot depth of other residential zoning districts that allow either attached or detached single family dwellings in Troutdale are:

MINIMUM LOT DEPTH FOR DETACHED SF DWELLINGS IN RESIDENTIAL ZONES	
ZONE	MINIMUM LOT DEPTH
R-20	100 feet
R-10	100 feet
R-7	80 feet
R-5	70 feet
R-4	70 feet
A-2 outside of Town Center access from public street or private shared driveway ¹	70 feet
A-2 inside of Town Center ²	70 feet

MINIMUM LOT DEPTH FOR DUPLEX IN RESIDENTIAL ZONES	
ZONE	MINIMUM LOT DEPTH
R-20	Use not permitted / not applicable
R-10	100 feet duplex on platted lots
R-7	80 feet duplex on platted lots
R-5	70 feet duplex on platted lots
R-4	70 feet duplex platted or not
A-2 outside of Town Center ³	90 feet
A-2 inside of Town Center ⁴	70 feet

The purpose and intent of the minimum lot depth standard is maintained provided the variance requested for the specific development does not result in an unintended consequence, such as too short of a driveway length.

TDC 6.215 D. The variance is the minimum necessary to relieve a practical difficulty and the resulting hardship. [Adopted by Ord. 705, ef. 5/10/01]

The applicant states:

The hardship is that the existing parcel is over 8,000 square feet. In this Zoning district 4-nits would be a reasonable density for development. It's the applicant's position that in order to protect property rights and to meet the minimum density requirements a lot depth variance is necessary. The minimum necessary lot depth reduction is 9.94 feet or 14.2%.

¹ Actual standard states: TDC 3.064 A. 3. Minimum lot depth: 70 feet for single-family detached dwellings with a driveway from the public street or with access from an alley within a separate tract from the lot; 90 feet for all other uses when there is approved street access; 100 feet for any use with access from an alley within an easement that is part of the lot.

² Actual standards states: TDC 4.740 Dimensional Standards. Dimensional standards shall be the same as those listed in the underlying zone except as follows: A. Apartment Residential (A-2). 1. The CBD standards for lot width, lot depth, lot area, and setbacks shall apply for duplex, triplex, and attached residential development.

³ See footnote number 1 TDC 3.064 A.3.

⁴ See footnote number 2 and the following CBD standard: TDC 3.134 A.2.b.ii. Minimum lot depth: (a) 70 feet for residential units with a driveway from the public street or with access from an alley within a separate tract from the lot. (b) 90 feet for residential units with access from an alley within an easement that is part of the lot. (c) There is no minimum lot depth for lots within the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Avenue from 257th Avenue to the SE Sandy Street right-of-way.

The area of the parent parcel as recorded on the partition plat is exactly 8,000 square feet. The density permitted on this parent lot is a range, depending upon the development requested.

ALLOWED USES in A-2 Town Center	MINIMUM LOT AREA	RESULTING DENSITY / NUMBER OF LOTS
Detached Single Family	3,500 square feet	Two lots maximum (remainders or fractions are rounded down in calculating density)
Multiple-Family (Apartment)	As stated in the underlying A-2 zoning district standards: 9,000 square feet required is minimum area required for an apartment building.	Apartments would not be possible on subject site as it is only 8,000 square feet in area.
Duplex, triplex and attached (rowhouse) uses	The minimum lot area is determined from the minimum lot depth and width in the CBD zoning district. TDC 3.134 A.2.a. Those dimensions are 16 feet wide by 70 feet deep for duplex, triplex and attached units, which results in a minimum lot area of 1,120 square feet. The units are not required to be on platted lots.	8,000 square feet divided by 1,120 square feet results in 7 units on the parent lot. Note: under the limitations of type of residential unit permitted at this density that could be configured on the undivided lot as a triplex and fourplex or two duplex and a triplex. Note: this density is predicated upon all other standards of the Code being met, including shared driveway access, lot depth, setbacks, etc.

The request to further divide the parent lot drives a “need” for the application to request a variance from the lot depth standard. Development of this pre-existing conforming lot with permitted residential uses is possible within the lot depth variance as the lot depth is currently met.

The County’s limitation of driveway from the Halsey Street frontage does not negate the current conforming lot dimensions of the parent lot and multiple driveways from the shared private driveway are not precluded from side property lines instead of Halsey.

The policies of Goal 10 Housing do encourage the City to work with developers and provide for many options in housing. The applicant's proposed land division to permit ownership of the real estate as well as the structure is possible with the lot depth variance approval.

Variance from Shared Private Driveway Standard TDC 7.180E.8.a.

The proposed three-lot partition, if approved, will result in a total of seven dwellings being served by one shared access easement.

The applicant states:

Proposal: Increase the quantity of dwellings being served via a "Shared Driveway" from 6 units to 7 or 16.67% (increase).

Narrative: Due to access restrictions conditions in place from Multnomah County the applicant cannot meet a reasonable and allowed density without the requested variance.

The standard for shared private driveways limits the use to six dwelling units: a variance from that standard is necessary.

8. *Shared private drives. Shared private drives serving multiple lots may be approved by the Director when the following conditions are met:*
 - a. *The private drive does not serve more than six dwelling units.*

These criteria must be met for this variance to be approved:

TDC 6.215 A. Special circumstances or conditions including, but not limited to, lot size, lot shape, topography, or size or shape of building, apply to the property, development, or to the intended use and are not typical of the general conditions in the surrounding area;

The applicant states:

The lot is basically flat. However, the prior land use action on this parcel in 1997 "locked" this Parcel into its current configuration. The future development of this parcel is only allowed by Multnomah County, if access is derived from the "Shared Driveway" which abuts the East property line. This is due to the fact that SW Halsey is a minor Arterial. This ... condition (is) not typical of most surrounding properties. If this condition did not exist the applicant could propose access from the Right-of-Way to the North for the Northern most proposed parcel (Parcel 1). In which case a variance would not be necessary, the development or partitioning of this parcel at a reasonable and allowed density, necessitates the

need for a "Shared Driveway" access variance. The applicant feels this is a "special" circumstance.

Under the City's Transportation goals and policies, County Transportation standards are to be supported by the City. The County's requirement that the parent parcel—hence any additional parcels—take access from the shared private driveway was established when the parent lot was platted. The County does have a variance process from its driveway spacing standards that would need to be sought separately from any City land use procedure. If the County did permit a driveway from Halsey to Parcel 1, a variance from the City's standard that limits the number of units using a shared private driveway to six would not be necessary.

TDC 6.215 B. The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare;

The applicant states:

As part of the TDC procedures of the associated partition application there will be public notice of the surrounding property owner for actual input. If legitimate concerns are raised, there are always mitigation options if necessary. However, the applicant cannot see how this variance could be detrimental to any other neighbors public or private.

The City provided written notification to property owners within 250 feet as previously explained in this staff report. Written comments from a neighboring property owner specific to this variance request were submitted (Attachment 2). The main concern raised is the multiplicity of garbage containers on Halsey resulting from development of the lot and the blocking of Halsey street when the garbage truck stops to pick up the containers / bins.

The franchise garbage hauler (Waste Management) requires that the garbage cans / bins be placed curbside, which is defined as three feet from the public street (which would be Halsey frontage) on pick-up days. This applies whether there are six lots or seven lots. Waste Management has the discretion in its contract with the City to have other arrangements with the property owners, but it is not required to go into private driveways to provide service.

Public Works Civil Engineer Amy Pepper read the neighboring property owner's comments and she expressed the following to staff:

There are some potential valid questions in these concerns, whether there are 6 dwelling units or 7 dwelling units. With 7 dwelling units, and the requirement to place the containers at the "curb," up to 21 containers could be placed in the right-of-way on garbage day. The frontage is unimproved, so the containers would have to be placed on the shoulder or the bike lane (if the County considers this an unimproved bike lane). This issue will be resolved when the half-street improvements are finished, however, the timeline for that is uncertain. I

recommend that this concern be forwarded to the County for consideration. The applicant could talk to Waste Management about having service on this private road or mitigate the issue in another way.

There was not time to enter into dialogue with either the County or Waste Management prior to the preparation of this staff report. If staff has any follow-up discussions before the hearing, that information will be brought forward at the hearing for the Planning Commission's consideration.

TDC 6.215 C. The variance authorized will be consistent with the general purpose and intent of the provision from which a variance is sought; and

The applicant states:

The site is zoned A-2 with Town Center Overlay. This is one of the highest densities the city of Troutdale has. "Shared Driveways" limit the number of dwelling units they serve to avoid overly intense usage. Allowing (1) additional dwelling unit to share access to the existing driveway will not "overload" the capacity of this relatively short driveway. In addition SW Halsey is also served via TriMet bus route 77 which would be a mitigating factor on the potential usage.

The general purpose and intent of limiting the number of units that use a shared private driveway may have many answers, one of which the applicant has provided. Other reasons for the standard may be:

- Concerns for adequate fire, life and safety apparatus access. Gresham Fire and Emergency Service sets the minimum standards for a shared private driveway, including pavement, grade, turning radius and improved width to accommodate the emergency apparatus (Attachment 4). A dead-end road (private or public) in excess of 150 feet in length must have an approved turnaround as defined in the GFES standards. (see proposed condition number 3.)
- Adequate placement of private utility laterals for sanitary sewer, water and franchise utilities. Utility easements either within the shared driveway or on the lots will be necessary (see proposed condition numbers 1 and 2).
- Stormwater treatment swale. An Operation and Maintenance Plan for a water quality facility (Attachment 8) and pertaining to water quality facility for benefit of shared water quality facility on frontage of Parcel 1 of PP 1998-43 (subject site) and Parcels 1 and 2 of PP No. 1998-44 were submitted by the applicant with previous development using the shared private driveway. An easement for this swale should be included on the plat: it will affect access to Parcels 1 and 2 unless it is moved to a different location. See the comments from the City's Civil Engineer (Attachment number 3) and condition number 1 and 2.

- The developer of a shared private driveway is required in the Code: TDC 7.180 E.8.b. "A homeowner's association, or other mechanism found acceptable to the Director is created to maintain the drive." The applicant recorded CC & Rs (Attachment 9) pertaining to the subject site, Parcel 1 of PP 1998-43 as well as Parcels 1 and 2 of PP 1998-44. Declaration number 2 may or may not be specific enough to qualify as acceptable for the maintenance: if not, proposed condition number 1d pertains to clarification of the scope of maintenance language and the need to record additional CC & Rs or an amendment to the existing CC & Rs.
- Lack of sufficient off-street parking if a shared driveway is too narrow to accommodate parallel parking and fire apparatus access. GFES allows parking on one side of roads with 26 to 32 feet of improved surface. The proposed improvement, however is only 20 feet. As such, no parking will be permitted on either side of the shared private driveway (condition number 3).

These mitigating conditions would apply to the shared private driveway whether or not the variance for seven units is approved.

TDC 6.215 D. The variance is the minimum necessary to relieve a practical difficulty and the resulting hardship. [Adopted by Ord. 705, ef. 5/10/01]

The applicant states:

The hardship is that the existing parcel is over 8,000 square feet. In this zoning district 4-units would be a reasonable density for development. It's the applicant's position that in order to protect property rights and to meet the minimum density requirements an increase in dwelling access variance is necessary. A proposed (1) unit addition to the allowed usage is by definition the minimum that could be requested, this is an increase of only 16.67%

The applicant feels that the access variance requested should be approved and will provide parcels that are consistent with the character and intent of the Troutdale Development Code, specifically meeting minimum density requirements. At the same time protecting property and development rights which are inherent to all property owners.

Staff's evaluation of the lot depth variance request (beginning on page 30 of this report) is relevant in making a finding as to whether this variance is the minimum necessary to relieve the stated practical difficulty and resulting hardship.

RECOMMENDATION

In the overall evaluation of applicable development standards for the partition plat as well as the standards from which variances were requested (lot depth, rear yard setback, maximum units using the shared private driveway), staff concludes that the cumulative effect of strictly apply all those standards has unintended consequences for developers. Variances from standards is one way to address unintended consequences of a standard. The essential standards for land division and development on the proposed lots (fire, life and safety) can be met even with the several variances requested.

The draft Findings of Fact and Final Order have been prepared for approval of the three lot partition plat, approval of the lot depth variance for all three lots, approval of the rear yard setback for the duplex lot on Parcels 1 and 2, and approval for seven units to use the shared private driveway as the approved access from the public right-of-way. Draft conditions of approval have also been prepared for the Planning Commission's consideration.



**CITY OF TROUTDALE
PLANNING COMMISSION TYPE III PARTITION PLAT
AND VARIANCES**

**FINDINGS OF FACT, FINAL ORDER and
CONDITIONS OF APPROVAL**

FILE NUMBER: 14-031 PP 1998-043 Parcel 1 Replat and Variances
REPORT DATE: November 12, 2014
HEARING DATE: November 19, 2014

APPLICANT/OWNER: Jay Ellis / JLE Investments LLC

STAFF: Mark McCaffery, Planner
(Majority of report created by Elizabeth McCallum, former Senior Planner)

REQUEST: Three-lot replat with concurrent variances for: a four-foot reduction of the rear yard setback for the duplex proposed on Parcels 1 and 2; for a 9.94-foot reduction in the minimum 70-foot lot depth standard; and shared private driveway to serve 7 units instead of the maximum of six units allowed.

LOCATION: 1024 SW Halsey Street

TAX MAP & TAX LOT: 1N3E26DA-01501

TAX LOT SIZE: 8,000 square feet

PLAN DESIGNATION: High Density Residential (HDR)

ZONING DISTRICT: Apartment Residential (A-2)

OVERLAY DISTRICT: Town Center

APPLICABLE STANDARDS: Troutdale Development Code (TDC) TDC 3.060 Apartment Residential (A-2), TDC 3. Central Business District, TDC 4.700 Town Center, TDC 6.200 Variance and TDC 7.000 Land Division

PRIOR LAND USE APPROVALS: Riley Partition Plat File 97-110

RELATED LAND USE APPROVALS: File 13-001 Partition Plat and Variances

FINDINGS OF FACT:

The staff report dated August 13, 2014, is hereby adopted as the Findings of Fact in this matter.

FINAL ORDER:

Based upon the foregoing, the Planning Commission approves the following with conditions of approval:

- A three lot partition plat being a replat of Parcel 1 of Partition Plat No. 1998-043. The sum of the square footage of the three parcels shall be reconciled with the recorded square footage (8,000 square feet) of the parent parcel and the applicant shall adjust the lot width of Parcel 3 as necessary so that the square footages of the lots comply with the following minimums.
 - Parcel 1 is approved to be not less than 1,120 square feet in area.
 - Parcel 2 is approved to be not less than 1,120 square feet in area.
 - Parcel 3 is approved to be not less than 3,500 square feet in area.
- A variance from TDC 3.134 C.2.d.ii.(a)(ii) to reduce the rear yard setback from 20 feet to 16 feet for a two-story duplex on Parcels 1 and 2.
- A variance from TDC 3.134 A.2.b.ii(a) for Parcels 1 and 2 to reduce the lot depth from 70 feet to not less than 60 feet and from TDC 3.064 A.3. for Parcel 3 to reduce the lot depth from 70 feet to not less than 60 feet as measured between the midpoints of the east and west property lines.
- A variance from TDC 7.180 E.8.a. to permit a maximum of seven units to use the shared private driveway.

CONDITIONS OF APPROVAL:

1. The plat shall include additional annotations on the face and/or within plat notes as follows, or as otherwise determined by the Planning Director and Public Works Director (any changes approved in writing must be provided to the City Planning Division for the land use record).
 - a. Show all existing and proposed easements on the face of the plat.

- b. Franchise utility easement to the City of Troutdale 8 feet in width along the Halsey Street frontage of Parcel 1 and private utility easement 8 feet in width along the east property line of Parcels 1, 2 and 3.
- c. Stormwater utility easement along the east frontage of Parcels 1 and 2 sufficient to accommodate a vegetation swale or within another location the applicant has the authority to utilize (and as approved by City Public Works) that meets the minimum standards for a vegetation water quality swale as permitted under the Portland Stormwater Management design standards. Record an Operation and Maintenance Plan for the shared driveway storm facility and include the recording number in a plat note. To facilitate including the recording number of the O & M, the O & M will need to be approved as to form by the City Civil Engineer before it is finalized and then be recorded simultaneously with the recording of the partition plat.
- d. Amend the existing Covenant, Conditions and Restrictions, to include specific maintenance responsibilities for the shared private driveway or record a separate document that outlines the maintenance responsibilities for the shared private driveway as required by TDC 7.180 E.8.b. Submit a draft of the maintenance language to the City Planning Director for review and approval prior to finalizing the document. Include a plat note that references the recorded CC & Rs and maintenance agreement. The approved documentation shall be recorded simultaneously with the partition plat so that the recording number can be added to the plat note.
- e. A plat note referencing a deed restriction to Multnomah County pertaining to the proposed lots committing the property owner to participate in future right-of-way improvements. The deed restriction shall be as specified by Multnomah County Transportation in the memorandum from the County Transportation Planner dated July 24, 2014. To facilitate including the recording number of said deed restriction in the plat note, the deed restriction will need to be approved as to form by the County before the plat is recorded and recorded simultaneously with the recording of the partition plat. Provide a copy of the deed restriction that will be recorded with the plat when the final plat is submitted to the City of Troutdale for signature.

- f. A signature page with recitals and signature blocks, including two for the City of Troutdale: one for the Planning Director and one for the Public Works Director is required. A plat note shall reference the land use file number, File 14-031.
2. In addition to conditions regarding utilities and stormwater management described in condition number 1, the following conditions from Public Works shall be satisfied before the final plat is signed by the City of Troutdale or as otherwise allowed, in writing, by the Public Works Director and Planning Director (any changes approved in writing must be provided to the City Planning Division for the land use record).
- a. The applicant shall submit construction drawings as detailed in TDC 7.370: (sketches will not be accepted).

TDC 7.370 Construction Drawing Requirements.

- A. *General. No public improvements shall be constructed prior to approval of formal construction plans by the Director of Public Works or the Director's designee. Designs submitted shall be stamped by a registered professional engineer licensed to practice in the State of Oregon.*
- B. *Submittal Requirements. The subdivider shall submit seven sets of construction drawings that include site grading, erosion control, streets, sanitary sewers, storm sewers, water mains, street lighting, and associated details. Drainage plans shall be accompanied by design calculations (two sets only). Plans shall also include parks and open spaces if public improvements extend into those areas.*
- C. *Design Plan Format.*
 - 1. *General.*
 - a. *Plans shall be submitted on standard sheets having dimensions of 24"x36" or 22"x34".*
 - b. *A vicinity map shall be located on the first sheet of the plans and shall show the location of the project with respect to the nearest collector or arterial level street and major intersection. The first sheet shall also include an index of all sheets contained in the plans.*
 - c. *A title block shall be placed on each sheet of the plan set in the lower right-hand corner, across the bottom edge of the sheet, or across the right-hand edge of the sheet. The title block shall include the name of the project, the name and address of the owner and engineering firm, the sheet title,*

- the total number of sheets, and the number of that particular sheet.*
- d. *The seal and signature of the registered professional engineer responsible for preparation of the plans shall appear on each sheet.*
 - e. *A north arrow shall be shown on each plan view sheet of the plans and adjacent to any detail which is not oriented the same as other details on a common sheet. The north arrow shall, whenever practical, be pointing to the top or right side of the page.*
 - f. *Engineering scales of one inch equals 2', 4', 5', or 10' vertically and one inch equals 10', 20', 40' or 50' horizontally shall be used on all drawings except structural or architectural drawings.*
 - g. *Letter size shall not be smaller than 0.10 inches high.*
 - h. *The location and elevation of the nearest National Geodetic Survey, U.S. Geological Survey, Oregon State Highway Division, or Multnomah County benchmark used as the elevation datum shall be shown or described on the plans. At least one permanent monument shall be installed to City standards and its elevation, state plane coordinate or system grid coordinates, and survey tie data supplied to the City with surveyor's certification.*
 - i. *The description and date of all revisions to the plans shall be shown on each sheet affected.*
 - j. *A general legend shall be shown at least once for each set of drawings.*
 - k. *Construction notes shall be detailed when appropriate.*
2. *Plan views shall include:*
- a. *Street and drainage plan views together, and sanitary sewer and water main plan views together.*
 - b. *All street right-of-ways, property lines, tract boundaries, and easement lines.*
 - c. *The subdivision or partition lot lines, lot numbers, and street names.*
 - d. *Location and stationing of all proposed street centerlines, including all horizontal curve data and curb return data.*
 - e. *Centerline stationing of all intersecting streets.*
 - f. *Transition from one typical section to another.*

- g. *Street associated details such as sidewalks, wheelchair ramps, street monuments, pedestrian accessways, etc.*
 - h. *Complete drainage details, including drain pipe locations, pipe sizes, manholes, dry wells, catch inlets, subsurface drains, and outfall or connection details.*
 - i. *Sanitary sewage collection system showing compliance with the standards of the Oregon Department of Environmental Quality, including sewer pipe locations, pipe sizes, manholes, clean outs, and service line locations.*
 - j. *Water distribution system as an extension of the existing grid system providing for adequate fire flow and system reliability. Drawings shall show the location of all mains, service lines, meters, valves, fittings, fire hydrants, and appurtenances.*
3. *Profile views shall include:*
- a. *Original ground line at centerline, left and right curb lines, and left and right right-of-way lines when cross slopes are significant.*
 - b. *Centerline of existing streets for a distance of 300 feet each way at intersection with proposed street.*
 - c. *Vertical alignment of new streets, including stationing, elevations of control points, vertical curve data, and longitudinal slopes for centerline and top of curbs.*
 - d. *The top of curbs when they deviate from the typical section such as super-elevated sections, offset crowns, cul-de-sacs, eyebrows, and intersection curb returns.*
 - e. *Extension of the profile of the streets that will be extended in the future (stub streets). The extended profile shall be at least 200 feet for local and collector level streets.*
 - f. *All existing and proposed drainage facilities, their type, all invert and crown elevations, slopes, materials, and lengths.*
 - g. *All existing and proposed sanitary and storm lines, their type, all invert elevations, slopes, materials, and lengths.*
 - h. *All known utilities which may or may not conflict or interfere with the installation proposed. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]*
- b. An updated Stormwater Management Report identifying stormwater conveyance, treatment and disposal from the development is required in accordance with TDC 5.800, the *Portland Stormwater Management Manual*, the City of Troutdale

Construction Standards for Public Works Facilities, and Multnomah County standards. This report must address the stormwater hierarchy as detailed in the PSMM. The plan and system must be approved (by Public Works Civil Engineer) and installed prior to issuance of building permits to any vacant lots that will be served by the shared private driveway. The system shall be privately owned and maintained. An updated Operations and Maintenance plan (O & M) for the private storm system shall be approved by the City's Civil Engineer and recorded simultaneously with the plat as described in condition 1 herein or as otherwise agreed to in writing by the Public Works Director and Planning Director. Any changes approved in writing must be provided to the City Planning Division for the land use record.

3. Comply with conditions requested by Gresham Fire and Emergency Services, including but not limited to the following or as otherwise approved in writing by the Fire Marshal: any changes approved in writing must be provided to the City Planning Division for the land use record.
 - a. Residential homes up to 3,600 square feet require a minimum of 1,000 gpm fire flow; 3,601 - 4,800 sq. ft. require 1,750 gpm, and 4,801 - 6,200 sq. ft require 2,000 gpm. OFC App B
 - b. Each building is required to be sprinklered if the code's minimum water flow is not available. OFC App B
 - c. All access roads shall be not less than 20 foot wide. Roads 20'-26' wide require NO PARKING FIRE LANE signs on both sides; roads 26'-32' wide require NO PARKING FIRE LANE on one side. Dead end access roads in excess of 150 feet shall be provided with an approved turnaround. The access roads need to support 75,000 lbs. Provide documentation the current shared access road can support the imposed load. OFC 503
 - d. The turning radius for all emergency apparatus roads shall be: 28' inside and 48' outside radius. OFC 503.2.4
 - e. All Fire Dept. Access Roads shall be constructed and maintained prior to and during construction. OFC 1410

- f. Fire hydrants were not shown on the plans. I could not verify that each house has a fire hydrant within 600 feet of the furthest point on the house. It is very important that the hydrants meet spacing requirements per the Oregon Fire Code. OFC 508.5.1 & App C
 - g. Put a note on the plans stating "All watermains and hydrants shall operate prior to construction materials arriving on site". OFC 1412.1
 - h. Access roads shall not exceed 12% grade. OFC 503.2.7
4. Comply with applicable building codes, including but not limited to the following or as otherwise approved by the Building Official (any changes approved in writing must be provided to the City Planning Division for the land use record):
- a. Permits for construction on the lots will be required in accordance with Oregon Residential Specialty Code 2011, Section 105.1.
 - b. A grading permit will be required for all grading on the new site in conjunction with the building permit.
5. Comply with applicable Multnomah County Transportation Standards, including but not limited to the following, or as otherwise authorized, in writing, by the County Engineer. If other requirements from the County Engineer are agreed to provide the Planning Division a copy of those written requirements for the land use record prior to recording the plat.
- a. Furnish deed restrictions for each of the three lots committing the property owner to participate in future right-of-way improvements. A non-remonstrance agreement, or "deed restriction" will require that the property participate in standard Major Arterial road improvements along the SW Halsey Street frontage of the original parent parcel that are not completed as part of the site's required interim improvements. Contact Pat Hinds at (503) 988-5050 ext. 83712 to complete the deed restriction. Provide the City of Troutdale Planning Division with a copy of the recorded deed restriction.
 - b. No access will be allowed along the SW Halsey Street frontage, only via the shared private driveway.

- c. Acquire a driveway permit for each of the three lots. Multnomah County Road Rules Section 18.250 requires an access/encroachment permit for all lots taking access from roads under County jurisdiction. Please contact Alan Young at (503) 988-3582 to obtain access permits. A copy of the driveway permit shall be submitted to the City of Troutdale with the building permit applications for each lot.
 - d. Any work within the right-of-way (of SW Halsey Street), including the removal of trees or any increase in storm-water drainage from the site to the right-of-way will require review and a permit from Multnomah County in accordance with MCRR 18.750, DCM 5.1.
 - e. Any deviation from the County Standards as set forth in the Road Rules or the County's Design and Construction Manual, shall be reviewed through the County variance process as described under Road Rules Section 16.000.
6. The final plat shall be delivered to the Community Development Department for approval within one year following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request by the subdivider, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plat.
 - a. Submit five copies of the final plat drawings and proposed easement documents intended to be filed simultaneously with the plat.
 - b. Submit \$300 in street tree fees for the City to purchase two street trees. The fee is due at the time the final plat drawings are submitted to the Planning Division for review.
 7. After the City and Multnomah County Surveyor have issued the final redlines on the final plat, submit to the City Planning Division three originals (drawn on 7-10 mil double-matted polyester drafting film or equivalent) together with any other supplementary material (documents to be recorded) as indicated in condition number 1 herein.
 8. Construction may not commence on the lots until the plat and requested documents are recorded, the shared private driveway improvements are acceptable to GFES, the water quality facility for the shared driveway is constructed and accepted by Public Works, and

all utilities have been provided to the new lots in accordance with the Construction Standards for Public Works Facilities, or as otherwise agreed to in writing by the Public Works Director and Planning Director.

9. Minimum setbacks on the lots shall be:

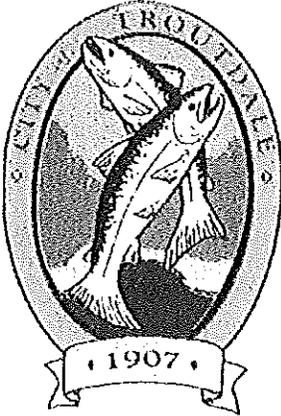
- a. Parcel 1: A minimum street side yard setback of 8 feet measured from the Halsey frontage property line. A minimum rear yard setback measured from the west property line of 16 feet. A zero setback from the south property line based upon attached single family residential construction on this Parcel and Parcel 2. A minimum front yard setback to the garage door measured from the east property line of not less than 20 feet. A minimum front yard setback of 15 feet to the front façade of a residential unit as measured from the east property line and a minimum of ten feet to the front porch of a residential unit.
- b. Parcel 2: A minimum rear yard setback measured from the west property line of 16 feet. A zero side yard setback from the north property line based upon attached single family residential construction on this Parcel and Parcel 1. A minimum 5 foot side yard setback measured from the south property line. A minimum front yard setback to the garage door measured from the east property line of not less than 20 feet. A minimum front yard setback of 15 feet to the front façade of a residential unit as measured from the east property line and a minimum of ten feet to the front porch of a residential unit.
- c. Parcel 3: A minimum front yard setback of 20 feet as measured from the east property line (except as provided herein for the porch). The garage shall be subordinate to the main dwelling by being set back a minimum of five feet behind the front door of the residence or by compliance with the following standards: the garage door width is 50% or less of the width of the street facing elevation and does not extend beyond the front door; or the garage door is behind or even with the front door and the dwelling has a roofed front porch, which is at least 1/3 as wide as the front elevation and at least five feet deep. The porch may encroach within the required front yard setback a maximum of five feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and the street facing wall of the dwelling contains at least one window on the ground floor that allows visibility of the street. A minimum rear yard setback of 15 feet as measured from the west property line. A minimum side

yard setback of 5 feet from both of the south property lines and the north property line.

10. Any other conditions or regulations required by Multnomah County, Gresham Fire and Emergency Services, or to comply with state or federal codes are hereby made a part of this decision.

APPROVED this 19th DAY OF NOVEMBER 2014

Tanney Staffenson, Chair
Troutdale Planning Commission



**CITY OF TROUTDALE
COMCAST CUMOD/EXPANSION
Staff Report
Type III Conditional Use Permit / Site & Design Review
FILE: 2014-045**

APPLICANT/OWNER: Brian Varricchione, Mackenzie, applicant
Comcast, owner

STAFF: Mark McCaffery, Planner

REQUEST: Conditional Use Permit and Site and Design Review for 7,995 square foot building addition for installation of computer equipment and machinery; installation of two back up electrical generators and utility shed in the existing screened satellite yard south of the building; and construction of outdoor mechanical equipment in new screened yard north of the building.

LOCATION: 540 SW Halsey Street, Troutdale, OR 97060

TAX MAP & TAX LOT: 1N3E25CB 02002

TAX LOT SIZE: 1.60 acres

PLAN DESIGNATION: Commercial

ZONING DISTRICT: Central Business District (CBD)

OVERLAY DISTRICT: Town Center (TC)

APPLICABLE STANDARDS

- Troutdale Development Code (TDC): 2.000 Procedures for Decision Making; 3.130 Central Business District; 4.700 Town Center Overlay District; 5.600 Erosion Control and Water Quality; 5.800 Stormwater Management; 6.000 Conditional Uses; 8.000 Site Orientation and Design Standards; 9.000 Off-Street Parking and Loading; 10.000 Signs; 11.000 Landscaping and Screening.
- Troutdale Municipal Code Tree Removal and Outdoor Lighting
- *Construction Standards for Public Works Facilities*
- Building and Fire Codes
- Multnomah County Transportation Standards including Halsey Street Concept Plan

PRIOR LAND USE APPROVALS

- CU 96-095: Construct a major utility for cable TV (Paragon Cable / applicant)
- SDR 97-004: Construct a receiving station for Paragon Cable approved under CU 96-095
- SDR 99-078: Add 5,775 square feet to existing building approved under SDR 97-004.
- SDR 00-005: Addition of 3,750 square feet to an existing building built for Paragon Cable (identified as Phase III in the SDR decision / not constructed)

PROCEDURE

The requested development is a modification to an existing major utility facility that has conditional use approval. The modification is a major change to the previously approved facility as defined in TDC 6.395 Changes and Modifications, because the floor area expansion (TDC 6.395A.4) is more than a ten percent increase from existing floor area. The existing building is 7,344 square feet. The proposed building expansion is 7,995 square feet.

6.395 Changes and Modifications

- A. Minor Changes. Minor changes to an approved conditional use may be approved under a Type I or a Type II procedure depending on the nature of the change, provided that such changes meet all of the following:
1. Do not violate any previous conditions of approval for the conditional use.
 2. Do not change the use.
 3. Do not change the boundaries of the development.
 4. Individual or cumulative changes do not increase the floor area on the site by more than ten percent, up to a maximum of 10,000 square feet, or in those cases not involving structures, individual or cumulative changes do not increase the exterior improvement area on the site by more than ten percent, up to a maximum of 10,000 square feet.
 5. Do not increase traffic volumes to the site more than ten percent over current conditions.
- B. Major Changes. Any change to an approved conditional use that does not qualify as a minor change shall be considered a major change. Major changes shall be processed as a new application and shall be made in accordance with the procedures specified in this chapter. [Adopted by Ord. 791, ef. 2/21/08]

The property is zoned Central Business District (CBD). Major utility facilities are conditional uses within this zone, which requires a Type III land use application. Type III public hearing before the Troutdale Planning Commission is required with concurrent site and design review. The applicant submitted the concurrent application in accordance with this provision.

OVERVIEW

A pre-application for the proposed expansion was held on August 7, 2014. Pre-application comments were received from Building, Public Works, Multnomah County Transportation, and Gresham Fire. A detailed report identifying applicable development code provisions was provided to the applicant by Senior Planner, Elizabeth McCallum.

The conditional use permit and site and design review application for the proposed expansion (attached to this report as Exhibit A) was received on September 17, 2014 and deemed complete on October 8, 2014 in accordance with section TDC 2.050. A notice of public hearing and request for agency comment was mailed on October 10, 2014.

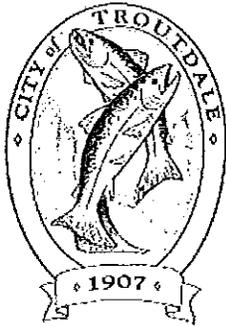
COMMENTS

- Steve Winstead, Building Official, October 14, 2014
- Amy Pepper, Civil Engineer, Public Works, October 21, 2014

- Robert Mottice, Deputy Fire Marshal, Gresham Emergency Fire, July 31, 2014 (acknowledgment no changes to pre-app comments by email on October 15, 2014 by Shawn Durham, Deputy Fire Marshal)

STAFF RECOMMENDATION

The Land Use Application Narrative provided by the applicant (Exhibit A) substantially and accurately demonstrates compliance with the applicable development code provisions for the proposed expansion. Staff hereby adopts the applicant narrative for the purposes of this report and recommends the conditional use permit and site and design review for the Comcast Facility Expansion be approved subject to the conditions identified in the Final Order.



**CITY OF TROUTDALE
PLANNING COMMISSION TYPE III CONDITIONAL USE
PERMIT AND SITE & DESIGN REVIEW**

**FINDINGS OF FACT, FINAL ORDER and
CONDITIONS OF APPROVAL**

**FILE NUMBER: 14-045
REPORT DATE: November 12, 2014
HEARING DATE: November 19, 2014**

APPLICANT/OWNER: Brian Varricchione, Mackenzie, applicant
Comcast, owner

STAFF: Mark McCaffery, Planner

REQUEST: Conditional Use Permit and Site and Design Review for 7,995 square foot building addition for installation of computer equipment and machinery; installation of two back up electrical generators and utility shed in the existing screened satellite yard south of the building; and construction of outdoor mechanical equipment in new screened yard north of the building.

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- SDR 00-005 Addition of 3,750 square feet to an existing building built for Paragon Cable (identified as Phase III in the SDR decision / not constructed)

FINDINGS OF FACT

The staff report dated November 12, 2014, is hereby adopted as the Findings of Fact in this matter.

FINAL ORDER

Based upon the foregoing, the Planning Commission approves the following with conditions of approval:

CONDITIONS OF APPROVAL

1. Building conditions:
 - a) Permits will be required in accordance with reference (a) and (b) Section 105.1.
 - b) Electrical generators are typically designed to meet the requirements of NFPA 110. Gresham Fire will conduct this review.
 - c) See Gresham Fire for site access and other issues.
2. Public Works conditions:

- a) The applicant shall apply for a Site Development permit prior to any land disturbing activities on this site.
- b) The applicant shall prepare and submit an SDC Worksheet/Agreement and pay any incremental
- c) System Development Charges prior to obtaining building permits.
- d) The applicant shall submit an updated Industrial User Wastewater Survey with the building permit application

3. Gresham Fire conditions:

- a. Temporary addresses of 6" shall be provided at EACH construction entrance prior to ANY construction materials arriving on site. Prior to the building final permanent 10" address numbers will be required per GFES addressing policy. I can email the policy to you. **OFC 505 & 1401**
- b. Required fire hydrants and access road shall be installed and approved PRIOR to any construction material arriving on site. **OFC 1412.1**
- c. All Fire Dept. Access Roads shall be drawn to scale and shown clearly on plans. The access roads shall be constructed and maintained prior to and during construction. The minimum width is 20' for buildings under 30' in height and 26' wide for locations where buildings are over 30' in height. Access roads in areas where fire hydrants are located are required to be a minimum width is 26' for a length of 20'. Please provide a detailed "Fire Access" plan prior to building plan submittal. **OFC 1410, 503.2.1 & D103.1**
- d. Current plans (SD 1.0 and C2.0) show the Fire Access, which shall provide access to within 150 feet of all portions of the proposed building(s). This currently not provide for the proposed building(s).
- e. Required Fire Dept. Access Roads on site shall be designed to support an apparatus weighing 75,000 lb. gross vehicle weight. Provide an engineer's letter stating the access road meets those requirements at time of building permit submittal. **OFC, Appendix D, Section D102.1**
- f. The turning radius for all emergency apparatus roads shall be: 28' inside and 48' outside radius. **OFC 503.2.4**
- g. No Parking Fire Lane signage or curb marking will be required. Fire access roads 20' – 26' wide require the marking on both sides. Indicate on the building permit plans. I can email you our policy. **OFC D 103.6**

- h. All private hydrants shall be serviced and flow tested prior to submitting for building permits. If using a public hydrant for your fire flow for this building addition provides a fire report of nearest hydrant. Please contact Troutdale Water to let them you will be testing. Please provide service reports to Gresham Fire. Private hydrant shall be painted safety red. **OFC 507.2.3 /NFPA24 A7.1.4**
- i. The required fire flow for this project is 2500 gpm at 20psi if using Type V-B construction. **OFC 507.3 and Appendix B105.1**
- j. If a gate is installed on a fire access road, it must meet the requirements of the Gresham Fire Gate Policy. This policy can be faxed to you if requested. **OFC 506.1**
- k. Each public or private fire hydrant used for fire flow for this property shall have a 5-inch **Storz** adapter with National Standard Threads installed on the 4 ½ -inch fire hydrant outlet. The adapter shall be constructed of high-strength aluminum alloy, have a Teflon coating on the seat and threads, and use a rubber gasket and two (2) set screws to secure it in place. The adapter shall be provided with an aluminum alloy pressure cap. The cap shall be attached to the hydrant barrel or Storz adapter with a cable to prevent theft of the cap. Adapter shall be Harrington HPHA50-45NHWCAP or equal approved by Gresham Fire.
- l. **For private (on site) fire hydrants the connectors will be inspected under permit by Gresham Fire. OFC 507 \$ NFPA 24-7.1.3**
- m. A fire hydrant shall be within 50 feet of the fire sprinkler system "FDC". **OFC Appendix C 102.2 & NFPA 13E**
- n. Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be BLUE. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the marker accordingly. **OFC 508.5.4**
- o. May be required to do a performance test for the current building and the addition for "Emergency responder radio coverage". **OFC 510.1**
- p. Permits are required for the installation of the 2 generators through the Troutdale Building Department. Installation shall comply with OFC 2014, NFPA 110.

- q. Is this a level 2 installation? **NFPA 110 4.4**
 - r. The area is seismic area D and may require 96 hours of fuel storage (day tank). **NFAP 110**
 - s. Propose equipment shall be installed in an area where it is protected from flooding and other similar disasters. **NFPA 110.7.2.3**
 - t. Fuel tank shall comply with NFPA 30
 - u. Area around the generator will need to have lighting. **NFPA 110 7.3**
 - v. Will need to have 36 inches of clearance on all sides. Distance may be greater due to fuel tank and can increase to 5 feet from buildings and up to 15 feet from combustible vegetation. **NFPA1107.9.12.1**
 - w. The proposed building maybe required to have fire sprinklers installed throughout if the required fire flow is not available. **OFC B10**
4. Any other conditions or regulations required by Multnomah County, Gresham Fire and Emergency Services, or to comply with state or federal codes are hereby made a part of this decision.

APPROVED this 19th DAY OF NOVEMBER 2014

Tanney Staffenson, Chair
Troutdale Planning Commission