



# 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, September 16, 2015  
7:00 p.m.

1. **ROLL CALL/PLEDGE OF ALLEGIANCE**
  
2. **APPROVAL OF MINUTES**  
May 20, 2015 Regular Meeting  
May 27, 2015 Work Session  
June 17, 2015 Regular Meeting  
June 24, 2015 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. 15-039 GATEWAY ESTATES SUBDIVISION  
17 lot subdivision with variance, lot line adjustment and tree removal
  
6. **NEW BUSINESS - None**
  
7. **OLD BUSINESS - None**
  
8. **WORK SESSION (if needed)**
  
9. **DEPARTMENT REPORTS**

10. **COMMISSION INITIATIVES AND CONCERNS**
11. **NEXT MEETING – October 21, 2015 Regular Meeting**
12. **ADJOURN**

*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 Chris Damgen, 503-674-7228, or by email at [chris.damgen@troutdaleoregon.gov](mailto:chris.damgen@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  
**May 20, 2015**

**1. Roll Call/ Pledge of Allegiance** – The session was called to order at **7:00 p.m.**

- Commissioners Present: Sandy Glantz, Shirley Prickett, Brian Sheets, Tanney Staffenson and Marv Woidyla
- Commissioners Absent: Kevin Coulton and Frank Grande
- Staff: John Morgan, Planning Director  
Mark McCaffery, Planner  
Liz Walstead, Administrative Assistant
- Guests (see list): W. Bruce Wasson, 150 SW Cherry Park Rd., Troutdale 97060  
Jonah Nail, 12739 SE Marsh Ct., Sandy, OR 97055  
Jason Wesenberg, 5878 SE 29<sup>th</sup> Terr., Gresham, OR 97080  
Bob Mueller, 19697 SE (?), Damascus, OR 97089  
Ryan A. McNaughton, 301 SW Cherry Park Rd., Troutdale 97060  
Kyle Cochran, P.O. Box 841, Sandy, OR 97055  
Jamie Kraft, 342 SE Kibling, Troutdale 97060  
Stan and Helen Nuffer, 149 SW Cherry Park Rd., Troutdale 97060  
Jared Nuffer, 1021 SE 27<sup>th</sup> St., Troutdale 97060  
Allan Roberts, 1949 SW Montmore Way, Troutdale 97060  
Ray Moore, P.O. Box 955, Sandy, OR 97055  
Ron Swaren, 1543 SE Umatilla St., Portland 97202

- Exhibit A.** PowerPoint presentation in agenda item 5, Case File No. 15-018, given by City Planner Mark McCaffery.
- Exhibit B.** Copies of two written comments received from neighboring property owners (Bruce Wasson statement of May 20, 2015, an undated report from certified arborist Jeremy Rappoport, and the May 20, 2015, memo from Troutdale Chief Engineer Travis Hultin
- Exhibit C.** Copies of photos presented by Bruce Wasson at this meeting.
- Exhibit D-1 and D-2:** Copies of two documents presented by John Morgan regarding food cart operations: Oct. 1, 2013, agenda item for the Gresham Planning Commission regarding food and beverage carts, and a copy of a May 15, 2014, document regarding creating a regulatory system for mobile food vending in the City of Aumsville.

## 1a. Agenda Update. None.

## 2. Approval of Minutes:

- February 18, 2015 Work Session. **Commissioner Woidyla moved, with a second from Commissioner Prickett, to approve as written the minutes of February 18, 2015. Commissioner Glantz made an inaudible comment that she did not remember something in the minutes. The motion passed and the minutes were approved by a vote of 4-yes, 1-no (Glantz).**
- February 25, 2015 Regular Meeting. **Commissioner Prickett moved, with a second by Commission Glantz, to approve as written the minutes of February 25, 2015. The vote was unanimous and the minutes were approved.**
- March 18, 2015 Regular Meeting. **Commissioner Prickett moved, with a second by Commissioner Glantz, to approve as written the minutes of March 18, 2015. The vote was unanimous and the minutes were approved.**
- March 25, 2015 Work Session. Chair Staffenson pointed out a typo on p. 3, paragraph 4, regarding Section 7.130, to correct that sentence to read: ‘. . . is recommended to be replaced by the new text which is what developers have been asking ~~form~~ for, per Chair Staffenson.’ **Commissioner Woidyla moved, with a second by Commissioner Glantz, to approve as corrected the minutes of March 5, 2015. The motion passed and the minutes were approved by a vote of 4-yes, 1-abstain (Sheets).**
- April 15, 2015 Regular Meeting. Commissioner Glantz had a correction in the text at the top of p. 5 and asked that it be corrected to read: ‘~~She said was told there will be a concrete sidewalk and a street crossing and there will likely be a designated walking area~~ There is a walkway that goes right through where people will be driving, and they said they would be putting up cones and they will have someone there.’ Chair Staffenson asked for a correction on p. 8 where Commissioner Prickett was quoted as saying ‘It just seemed ~~awful~~ . . .’ and asked that the sentence be corrected to say, ‘It just seemed odd . . .’ **Commissioner Woidyla moved, with a second by Commissioner Glantz, to approve the minutes as corrected the minutes of April 15, 2015. The motion passed unanimously and the minutes were approved.**

3. **Citizen Communications – Non-Agenda Items.** Mr. Ron Swaren, 1543 SE Umatilla St., Portland 97202, said he was a long-term resident of Multnomah County and wanted to comment on two projects. He was a volunteer for a citizen advocacy group against the Columbia River Crossing project because he thought our area could be better served by smaller structures that would be cost-effective to build.

Mr. Swaren said he has become aware that Multnomah County is considering replacing the historic courthouse in downtown Portland with a \$250 million dollar structure. It is in the initial phases of consideration, he added. He said he has also learned that Multnomah County constructed a courthouse at 180<sup>th</sup> and Stark Street that cost approximately \$19 million dollars. He wonders why we need a \$250 million replacement of a building that is functioning well now. Perhaps a second East County courthouse could be located in this area; he said he was just tossing that thought out. If we could have something built for under \$20 million that will serve other residents why not do that instead of a \$250 million replacement.

His second item is that Clark County Commissioners, with citizen prodding, are now considering some other crossings of the Columbia River. Mr. Swaren said he has been an advocate of what is called the Western Arterial Highway which would serve western areas of Portland, Washington County and connect with Clark County. Clark County Commissioner David Madore has proposed an East County bridge, submitted to a plebiscite of Clark County voters; most of them approved that and they also approved a West County bridge. He spoke of an engineering firm and a structure of almost \$900 million going from 192<sup>nd</sup> in Vancouver to 181<sup>st</sup> in Portland, but having done some research he found that there have been some adequate highway structures put up in Oregon and other parts of the country using a certain type of arch design (he also gave names of the engineering firms involved as well as where other bridges were built to this design). He said he believes a cost-effective structure could be placed in East Multnomah County and East Clark County. The idea is that it is being considered now from Camas to Troutdale. His suggestion is with a design similar to what has been done we could have a cost effective solution to the state needs.

Mr. Swaren said he believes this would be a very worthwhile consideration and it could be cost effective as well. He thanked the Commission for their time.

4. **Hearing Procedure.** Chair Staffenson read out loud to the audience the public hearing procedure and then opened the public hearing on the following agenda item.

5. **Public Hearing**

**Type III Quasi-Judicial Procedure**

**Case File No. 15-018**

**Cherry Park Road Subdivision**

**A seven-lot subdivision with variance, lot line adjustment and tree removal for the property located at 231 SW Cherry Park Road.**

Mark McCaffery, City Planner, gave his staff report, a copy of which is included in the agenda packet. A copy of his PowerPoint presentation is included in the record as **Exhibit A**. He explained how the property is developed and the requested development proposal as shown on p. 2 of the application (included in the agenda packet) and includes the removal of the one existing dwelling. The property abuts the northern right-of-way on SW Cherry Park Road.

The proposed lot line adjustment and tree removal are to accommodate the seven-lot subdivision, as is the variance for the shared driveway. Mr. McCaffery said part of the reason for the shared private driveway is that in land division standards and the Transportation System Plan (TSP) there is not to be a supported connection from SW Spence Road to SW Cherry Park Road, and he explained why. He gave more information on the subdivision itself regarding the lot depth and the layout of those lots, the shared driveway, and the requirement by Code that it be a shared-maintenance driveway. An erosion control plan was also given to the Commission in their agenda packet. Photos of the property (**Exhibit C**) were also provided, and said the City determined the number of street trees that will be in the County right-of-way as well as where they will be planted.

The potential of other half-street improvements is not represented here, Mr. McCaffery said. There is currently a sidewalk along the property; there is one requirement that the applicant will have to specify whether or not the sidewalk itself meets ADA requirements or meets any additional half-street improvements that may be required by the County.

He also discussed the proposed removal of evergreen and deciduous trees on the property with the lot line adjustment as six inches or larger in diameter and at breast height. He said he believes the shared private driveway access area will require 11 trees to be removed and the surrounding building envelopes would require approximately another 40 trees to be removed, and he showed an example of that. He further explained tree removals.

He said he has received three comments, two from neighboring property owners and one from Troutdale Chief Engineer Travis Hultin (see **Exhibit B**) and he reviewed them with the Commission. Mr. McCaffery spoke of his suggestion in his staff report that the Commission perhaps consider the applicant submitting with the final plat a tree risk assessment performed by a certified arborist for the proposed removal of the trees on the property, and then request an action item on that, for example an assessment that includes impacts to remaining stands or trees or any other trees proposed to be removed on this property. This assessment can also, according to Code, be reviewed by the Gresham Fire Marshal for any other additional safety concerns or provisions.

He closed his presentation by saying staff felt the application narrative substantially and accurately demonstrated with applicable Development Code provisions for the proposed development and he recommended that the Planning Commission adopt the applicant's narrative for the purposes of the staff report, and he also recommended the subdivision, lot line adjustment, the variance, and the tree removal permit be approved subject to the conditions identified in the Final Order. He added that he has received some public comments from Public Works that were not otherwise posted and he asked the Commission to consider incorporating those comments as part of the staff report, or at least as part of the Final Order as an exhibit, and also incorporate the Conditions of Approval into the Final Order. Additionally, Mr. McCaffery said he did not receive any specific Multnomah County comments pertaining to any improvements along SW Cherry Park Road; these could include improvements to the existing sidewalks and potential lighting. In light of that, he recommended adding to Condition 5 in the Final Order that any conditions or regulations related to right-of-way dedication, easements on the County road frontage, half-street improvements, and/or street access required by Multnomah County are hereby made a part of this decision.

Mr. McCaffery responded to a question from Commissioner Glantz about Tax Lot 2200 which has an existing home on it and whether it can be developed because the use of the private drive is already exceeded. Mr. McCaffery said he believes a couple of things would have to come into play – the lot line adjustment will have to be approved as would a variance to access the shared private driveway. There is no space to have a public street there and one is not supported by the TSP to have a connection here to SW Cherry Park Road, he added.

Chair Staffenson said it appears the applicant is using the Portland Stormwater Manual for their calculations and we are asking them to use the rational method and/or the Santa Barbara method to determine storm water waste and discharge. He wondered why they were not using Portland Stormwater Manual. Mr. McCaffery said Troutdale Chief Engineer gave an explanation, and referred the Chair to item 9 in **Exhibit B**. There were no further questions.

**Applicant.** Ray Moore, All County Surveyors & Planners, Inc., P. O. Box 955, Sandy, OR 97055, and Jonah Nail, applicant/owner, Nail Construction, 12939 SE Marsh Road, Sandy, OR 97055 said they pretty much agree with Mr. McCaffery's staff report and with the Conditions of Approval. They appreciate his hard work and his thorough presentation. The one thing that popped up was that Gresham Fire's conditions look like they may have been a little confused (see the staff report, p. 3, item 3.C.). He said two of the applicant's plans show a 28-foot access road rather than the 23-foot wide access road they refer to, and he also indicates 'no parking' for fire lane use. They widened the road to make it a little nicer. They want to have parking alongside since we are in a 28-foot wide road. Also, in item G. Gresham Fire indicated that they did not see hydrants on the plans; we do propose a new hydrant on the corner of Kendall and SW Cherry Park Road and that will satisfy the requirements. Other than that, he said is okay with the Condition and offered to answer any questions.

A Commissioner asked if the gentleman said he was not familiar with the Santa Barbara method versus Portland's Stormwater Plan. Mr. Moore explained the difference and what they had studied on handling the Troutdale rainfall; there is more detail in their application, he added.

Commissioner Glantz said there were a lot of comments received regarding the trees that will be removed, and asked him to explain more. Mr. Moore said he is not an arborist and they hired professionals to do that study. If he had known these professionals would be needed, he would have asked them to attend this evening, but he spoke of the trees that would be removed. The roadway construction timeline was also discussed.

Chair Staffenson asked those who had signed up to speak to come forward as he called their name, and asked them to please keep their speaking time to five minutes.

**Public Testimony. Proponents.** None.

**Opponents.** Ryan A. McNaughton, 301 SW Cherry Park Road, Troutdale, (see **Attachment 5** of the Staff Report for his letter) said he lives in the house directly east of the proposed development. This is a very unique development for Troutdale as there haven't been many developments here with this kind of large trees. His biggest concern is the trees, he said. He is a horticultural major and has worked in this field for quite a few years. He is concerned about the trees in line with his house; there are about eight of them on his side and about six that they plan to leave on the other side. He said he disagrees with what the arborist said because he thinks the footprints of the homes will cut into them. He read from a statement he's taken from a Jeremy Rappaport, a professional certified arborist and landscaper, from a website in Washington that Mr. McNaughton had taken off the internet (see this report with Mr. McNaughton's letter in **Exhibit B**) relative to protecting and preserving existing trees

in a construction zone to ensure their overall health and vigor. His comments had to do with what could occur during a construction process and the damage caused by that construction, signs of tree decline caused by those activities, the proper protection of tree roots that may be damaged, soil compaction or change in grade, trees damage by construction equipment, scraping, utility trenches cutting across the root systems seriously undermining or compromising the ability of the trees to absorb water and minerals from the soil. He said he feels that is exactly what will happen here to the trees that are proposed to stay. This report was not written specifically for this proposal, Mr. McNaughton said when asked by Chair Staffenson, but he took this article from HG.org. He said the tree risk assessment in detail on this property is done, but the key is that you do not see what will happen to these trees within the first year, or five or ten years. This will undermine the trees and they have to withstand 40- to 60-mile an hour winds in the winter and he talked about this and his concern that his home will become a target for these weakened trees. With as many trees being removed in this proposed development, he would just as soon they cut down all the trees lining his home, for insurance so they don't fall on his home, and let them build the development. Otherwise there is no safe way to say it will happen but it has been shown that the trees will fail.

His other concern is with the displacement of wildlife, but his main concern is with the safety of his family and trees falling on his home. It sounds like they want to have a tree risk assessment done, which is a very detailed assessment. If an in-depth report says it's okay, then he will have no problem, but those trees by his house falling really scares him.

W. Bruce Wasson, 150 SW Cherry Park Road, Troutdale 97060, (see Attachment 6 in the staff report) lives across the street from this proposed development. Mr. Wasson said he is opposed to this proposed development as it currently stands. The trees across the street are what he considers an urban forest. He presented photos of the property and the trees (see Exhibit C) and told how one of the trees, during his tenure in his home, has grown from about 6 feet tall to over 30 feet in 40 years. He considers these trees as old growth timber, he said, as one can see by looking at these photos. To remove them would be a crime. He thinks the Commission will find that on Lots 2 and 3 (or 3 and 4, he wasn't sure), if they start cutting down the trees in a certain location and then construct something and put in foundations and start cutting roots in those two zones, trees will fall. That's basic physics. He showed the Commission where it would probably be safe to put in a few developed lots very easily and still leave a specific growth of trees where they are now. (Mr. Wasson spoke about "this" tree and "that" tree, making it difficult to transcribe exactly where he was looking.) To back up his argument, he showed them a certain stump on Hensley Road, just south of Cherry Park Road just before you take the curve at Sunrise Park, which is what is left after a tree came down this past winter. It was not an old tree, probably less than 20 years old. This winter was not a very nasty one for east winds, but this tree and another on that same street were both taken down by the east wind. He told of other trees that had fallen due to various circumstances that weakened them and brought them down.

Some of the photos showed Mr. McNaughton's house, and Mr. Wasson concurred with Mr. McNaughton that he would be getting a load of firewood. This is a very, very

unacceptable risk. He said he is surprised that the hired arborist did not even address the issue of the tree roots and the inner structure. If they put foundations next to any of these trees, they will cut roots. As soon as you start cutting roots, you will start losing trees. It may take five or ten years, but you will lose them. If anyone here thinks otherwise, then he said he thinks they are not listening to what's been said.

Mr. Wasson said he is also disappointed that after the fire on May 3, this house was not boarded up again (the house location was not identified). There were four fire trucks there when it was burning; it was an arson fire he was told by the Battalion Chief. He is suspicious enough to want to know who set that fire and why. That's a side issue and he said he will let that be. The contractor could cut back the number of proposed houses there and leave that growth of trees in there, and still have a good development. He could cut it back to five lots very easily, one where the house is now and four on the back of the property, and take out as few trees as possible. The number they plan to take out is really, really bad. He said he knows there are people who will not agree with him but you can't get past it, physics are physics.

Commissioner Glantz asked Mr. Wasson if he would rather have all the trees down than have some be dangerous. Mr. Wasson said if you have to, you have to, but he thinks removing trees on his (assuming he meant Mr. McNaughton's) property is not something he really wants to do, either. But he said that would be Mr. McNaughton's decision, and it would devalue his property as well. This is a very beautiful urban forest, Mr. Wasson said, and he thinks it should be preserved. He doesn't mind development or have anything against it, but he thinks these trees should stay put just because of their beauty, the area, and the age of them. His request would be that the applicant go through and review their plans so they can leave those trees, or as many as possible, in there. They will have to remove some but they need to stay away from the roots. Putting in concrete, etc., will cause problems. If they do, the City will be open to a liability in that the potential danger, as in the McNaughton property. We know what the east wind can do out here.

For clarification, Chair Staffenson told Mr. Wasson that they have to work with the zoning of the property and what is allowed. Mr. Wasson agreed, but said they don't need to allow seven houses there. The applicant could do with five houses and save the trees, if they wanted to. He said if the Commission approves this project, he will have to go ask the City Council to revisit it to take two houses out of the plan. He asked if the Commission deals with the type of house going in; Chair Staffenson told him they do not.

**Neutral Party Testimony.** None.

**Commissioner Sheets moved, with a second by Commissioner Prickett, to close the public hearing.** Since there were requests for additional testimony, no vote was taken on this motion.

**Additional Testimony.** Ray Moore spoke again and thanked Mr. Wasson for his photos. He talked about the large trees and their plan to save those; he added another comment about a deciduous tree. To get a street in there, he said, they could build five lots with two of them in the front but that would only save about six trees. He explained which lots would have trees removed.

Jonah Nail also asked to speak again. He likes trees, he said, and that is why he's trying to save as many of them as possible, but if it is a major concern he will plant more. If Mr. McNaughton wants his trees taken down, that's probably a whole other procedure with the City with another application. [Mr. Nail's comments were barely audible.]

Bruce Wasson said five lots could be put in there without even thinking about it, and they could still leave the trees. They could do the back four lots and the one where the house is now. That would give him five lots instead of seven.

**Commissioner Prickett moved, with a second by Commission Glantz, to close the public hearing. The vote was unanimous and Chair Staffenson closed the public hearing.**

**Discussion.** Commissioner Glantz and Chair Staffenson had a brief conversation with Planning Director John Morgan regarding a procedural question. The Commission took a break.

Commissioner Prickett said there has to be better information on each tree and how they will be protected or excluded. The information we have does not state how this will be resolved. She thinks it needs a study in order to give us that. Chair Staffenson paraphrased that she wanted an assessment of each tree that will remain on the property. Commissioner Prickett said that was correct. Commissioner Glantz said there is only so much you can do to mitigate it; it's going to happen. A tree is going to die whether it's cut or not. Right, Commissioner Prickett said, but they should have a way to mark out the area with the trees well identified, each tree and where that root system is so the builder doesn't accidentally go too far. Chair Staffenson asked if she meant an assessment of each tree, and defining a no-dig zone around each tree; she said yes. Commissioner Sheets asked them to explain it further so he could understand what they wanted. Commissioner Woidyla [multiple voices – inaudible]. This would be a condition, Chair Staffenson said. Commissioner Glantz said she believed it would create a [inaudible] to safety. Commissioners Glantz and Prickett had a brief conversation about this {also mainly inaudible}. Commissioner Woidyla said he thinks everyone wants to know the tree root structures and how to protect the bases. The wind factor on non-grouped trees was discussed. Commissioner Woidyla said he thinks everyone wants to identify trees that will be near the construction. Chair Staffenson said he did not think a tree assessment would be that hard to do. To her, Commission Glantz said, that is different from assessing the roots. They would assess the health of the tree, he clarified. Some trees look healthy, from the outside, Commissioner Prickett said.

Commissioner Woidyla said he believes Multnomah County had some say in their comments (see **Attachment 1** in the application document). Given that Cherry Park Road is a County road with their right-of-way, Mr. McCaffery said he was not able to get more specific comment from them on the subdivision. Their requirements are listed in that document. The City of Troutdale has the authority on the trees, he added, but for possible future applications from the applicant to the County, under item 5. Multnomah County Conditions, in the Final Order he did not list their conditions for approval but said he put in proposed language for the Commission in Condition 1.

Planning Conditions, item I, 'Any other conditions or regulations required by Multnomah County, Gresham Fire and Emergency Services, or to comply with state or federal code are hereby made a part of this decision.' He also proposed other language that he read to them, if they decided to add it to this: 'Any conditions or regulations related to rights-of-way that engage in easements on the County Road frontage as to improvement and/or street access required by Multnomah County are hereby make part of this decision.' He replied in the affirmative when Commissioner Woodyla asked if he thought that would cover it. Mr. McCaffery said he might ask the applicant what they think of it; they've been involved with a road variance with the County and the approval of that will come with some Conditions they will need to abide with. Part of that is why he thought putting that additional sentence in here would help. Commissioner Woodyla said he would hope that there isn't anything that we haven't thought of that the County will throw at us.

Mr. McCaffery said this application underwent a pre-app as mentioned in the staff report, and Multnomah County submitted comments then, two of which the applicant has already responded to: one was applying for the road rules variance and they have also included on their plat a five-foot right-of-way dedication along SW Cherry Park Road. They are aware that potentially they might have to remove any substandard organic sidewalk to meet County standards. Whether or not that will come into the County rules access decision that they will be getting shortly he said he could not comment on. But those sorts of things he believes will be covered under the general language that we could put in here. This has been vetted before in some way, so the Commission may know something we don't know about what might be required of the applicants; he said he could not say 100% but it could be helpful as they have been involved in the process since the beginning.

For the record, Commissioner Woodyla said, he hopes the County recognizes that when we make a decision here that there would be input. We would certainly appreciate timely input. Chair Staffenson asked if they were proposing to rewrite Condition C or adding a new Condition. Commissioner Woodyla said he would add a Condition to Condition 5, Multnomah Transportation Conditions, as 5.A.

**Commissioner Woodyla moved to add to the Final Order as Condition 5.A. the following: 'Any conditions or regulations related to rights-of-way that engage in easements on the County Road frontage as to improvement and/or street access required by Multnomah County I hereby make part of this decision.'**

**Commissioner Glantz seconded the motion. The vote was unanimously in favor, and the motion passed.**

**Commissioner Woodyla moved to add to the Final Order under Condition 4. Public Works Conditions, the conditions proposed in Chief Engineer Travis Hultin's memo of May 20, 2015 (see Exhibit B) as Condition 4.A. Commissioner Prickett seconded the motion. The Commission asked staff to rewrite those eight conditions for the Final Order. Commissioners Woodyla and Prickett agreed to the amendment to this motion. The vote was unanimous and the motion passed.**

There was a brief discussion about the tree assessment report and what it would provide, and Commissioner Sheets' concern about an R10 development going in in the

middle of Troutdale. People have their passion for their neighborhood and he respects that. There are safety issues and he said he doesn't know if the Commission can address those issues; it's an R10 property right in the middle of Troutdale and it's pretty unique, he said. There are either protection issues or development issues, so he thinks the Commission trying to craft something different to ensure that each individual tree is susceptible or not susceptible to whatever natural forces are going to or will affect private property, he thinks it's really difficult for us to put in those kinds of Conditions as workable Conditions of Approval. He said he cannot get behind trying to craft a solution for this that works for everybody. He will support the staff recommendation and not impose additional conditions because he thinks they would be very difficult to either enforce or make everybody happy.

Commissioner Glantz said she appreciates his point but if she were the person next door and the structure of the trees and the way the wind blew put them in her living room and jeopardized my family's safety, she believes that falls under public safety which means we need to make a reasonable effort to address it. Commissioner Sheets said he does not think the Planning Commission's crystal ball can try to figure out exactly how a tree is going to fall. Is it likely a tree will fall, he asked. In trying to put any sort of known conditions on it so we can agree, he said he does not have enough information; it is too speculative for him to agree to additional conditions here. Commissioner Woidyla said we also have to look at if it is an unnecessary burden on the developer, and he was sure the developer has a risk assessment for the project for the adjoining property for development; working with that will probably be the best way to go. If we start identifying individual trees then we're down to dandelions and what are we going to do with them, he asked. Commissioner Glantz said there is a big difference with a serious stand of trees. Commissioner Woidyla said there is a big difference in how much a government can intrude, also. Commissioner Glantz said she totally agreed and it's not like some of them cannot be replaced in 20 to 40 years; they're part of our community and don't we call ourselves a Tree City?

Commissioner Sheets said part of his rationale is that the way the plan stands, it keeps some things and gets rid of some things; the plan is a compromise. He thinks it's a smart thing that if we do have to have a bunch of costs that are increased for things that are left behind, the easier thing to do is to not leave anything behind. In our Code, Commissioner Prickett asked, do we not have something that states that they have to put something around them to identify which trees are not [inaudible]. The Code states "tree removal", Mr. Morgan said; it's pretty straightforward. There are four criteria that come into play, and he quoted these and said a tree permit may be granted in these circumstances. One criterion said certain trees might damage other trees or windbreaks; this is the Commission's call. There is nothing in the Code that compels protection and preservation of stands of trees. It's just not a public policy. We have identified which trees potentially are going to be removed, Chair Staffenson said, and which trees are going to be safe. This would just be an assessment of the trees that are going to be saved. Commissioner Glantz said we need to make sure that those that are left standing won't be removed, but she doesn't think we can make the call as to what will be damaged or not. She said she would rather they take down the trees they think may blow over, and in this case she mentioned a risk assessment of the trees that will

be left. She said she doesn't know if we can answer that, we need to have someone qualified do that. She and Commissioner Prickett discussed this.

**Commissioner Woidyla moved to approve File No 15-018 Findings of Fact and Final Order with amended Conditions of Approval with Conditions 4 and 5, as amended.**

Commissioner Prickett asked to correct Condition 1. Planning Commission, item A, to change the word 'plat' in the second sentence to 'plan'; Condition 1., item B., to correct in the first sentence where it says 'street tree of \$600' to 'street tree fee of \$600'. Chair Staffenson asked to correct Condition 3. Gresham Fire Conditions, item C, in the first sentence to change 'approximately 23 feet wide' to 'approximately 28 feet wide.' Mr. Morgan suggested that the Commission make their own set of Conditions of Approval and say that they supersede the Gresham Fire Conditions. Item C. could be phrased in the second sentence in 3.C. could read, 'One side of the hammerhead fire apparatus turnaround will be required to be marked NO PARKING FIRE LANE.' Or you could say for a second sentence, 'the application of No Parking will be in accordance with the Fire Code as prescribed by the Gresham Fire Marshall,' and leave the last sentence out.

**Commissioner Woidyla agreed to include the above corrections in his motion; Commissioner Sheets seconded the motion in full (with corrections as above as well as Conditions 4 and 5 in the original motion). The vote was 2 yes (Sheets, Woidyla) and 3 no (Glantz, Prickett, Staffenson). The motion did not pass.**

**Commissioner Glantz moved approve the Findings of Fact and Final Order keeping all the corrections in the previous motion as well as those made to Conditions 4 and 5 (see approved two motions) but to add to the Conditions of Approval under Condition 1. Planning Conditions, a new Condition I. (and changing Condition I to J.) that a tree risk assessment be done that includes the integrity of the root structure on the remaining trees and establish a no-dig zone prior to recording of the final plat. Commissioner Prickett seconded the motion.**

In discussion, Commissioner Sheets said he thinks we're getting too far down the path of trying to put additional Conditions on this. We've put in a lot of work in the past few months to break down barriers to development to increase friendly opportunities with developers and to go down those similar paths, he said, he thinks invoking additional Conditions without hard data behind them does not go well with those intentions. He said he doesn't know what else a tree risk assessment is going to do; if they say everything needs to come down and it all comes down and nothing happens. There is no enforcement behind this. If there is anything that needs to be addressed it will be in subsequent proceedings. He and Commissioner Glantz briefly argued this point. Mr. Morgan said their role in this Commission includes protecting the trees' interest. More so, it's the Council that has this role but he said he wonders if the very fact that they had an arborist report done creates knowledge by the property owner that has to be revealed and it remains in the civil realm of those property owners and we are out of it.

**Commissioner Woidyla called the question. The vote was unanimous and the motion passed.**

**On Commissioner Glantz's motion, the vote was 3 yes (Glantz, Prickett and Staffenson), and 2 no (Sheets and Woidyla). The motion passed.**

**6. New Business.** None.

**7. Old Business.** None.

**8. Work Session (if needed).** Mr. Morgan said there is a Work Session scheduled for next week on May 27th. We are three-fourths away from a new draft. If they finish next week, staff will be in the position to craft final language and then move that toward a public hearing in a couple of months after that.

**9. Department Reports.** Mr. Morgan said we have had an additional pithy issue come up. Don't be surprised if it comes up as an additional conflict that has to do with the operation of food cart vendors (in the Troutdale Market Center and the Outlet Mall), and staff has had two instances in the last month where we had to look at Code interpretations. He suggested that as part of the Code discussion that the Commission talk about making amendments to modernize our Code as other cities have done. He passed them copies of two reports (see **Exhibit D-1 and D-2**) to read prior to that discussion and to think about what would be appropriate for Troutdale.

There is a lot of development interest going on, he added. Mr. McCaffery said there are some scheduled pre-apps coming up and there is also a conditional use permit request that will come to the Commission in June, and he gave them a brief description of it. Mr. Morgan reminded the Commission that when an application is filed the ex parte rules are in order and that they should not discuss with anyone what Mr. McCaffery just told them. Mr. McCaffery also briefly updated them on Gresham's huge industrial use piece of land at the corner of Glisan and 242<sup>nd</sup> as he had been invited to that pre-app. He added that he is hoping to get a copy of the pre-app notes and said he will share them with the Commission if they are interested.

Another exciting project, Mr. Morgan said, is that the School District is implementing a lot of the improvements that came with their bond approval so there is some construction at two schools this summer. Not construction, Mr. McCaffery said, but there is a pre-app schedule for the first week of June to discuss two different projects at Reynolds High School property, and the other at Troutdale Elementary School. We have not yet determined if these will need to come before the Commission; he'll know that after the pre-app meeting.

**10. Commission Initiatives and Concerns.** Commissioner Woidyla asked if anyone knew how many people from Troutdale attended the open house at the airport last week. The property is being developed and the airport will be a part of that development and will become very important to business people flying jets. The Port of Portland has the idea that jets only land at the Portland Airport, and we are saying we are a city, we have an airport the can accommodate jets, but if the Port has it their way we will become a small airport and end up like Mulino's airport. What's the next step, Commissioner Glantz asked. Show some interest, Commissioner Woidyla said. He gave a few good arguments against the FAA thinking we are a Bravo 2 airport but they aren't getting good answers from them yet.

Commissioner Glantz said she received a notice that Cochran Road is going to be changed and asked if anyone has heard about this. Mr. McCaffery said it's a County road and they plan to replace the culvert with an actual spanned bridge. We've been notified as a City; he believes they're shooting for 2016. Commissioner Glantz said part of the reason she mentions this is because they listed the owner of the one residence there and for some reason Gresham sent it to her address as having jurisdiction over it. She commented that the project this will make it much safer for foot traffic there.

Commissioner Woidyla said [inaudible] is also talking about assessing a mileage tax fee and doing away with the gas tax. Commissioner Glantz said she heard talk about the marijuana issue was not coming out of Salem (Eugene?). [Someone spoke but was muted by another side conversation.] Commissioner Woidyla confirmed that Commissioner Glantz was talking about the OLCC.

Chair Staffenson said he and Mr. Morgan attended a Metro meeting last month that was productive. Mr. Morgan said he learned today that Clackamas County is in a strong way come out in opposition to the Metro Urban Growth Report. That may have implications coming back to Troutdale's interest. It's not a done deal. We'll see.

McMenamins did a Letter and Map Amendment process for the Multnomah County property (the Pig Farm) north of their current property, Mr. Morgan said, and people were literally whacking weeds down there and resurveying it and submitted their findings, but it reduces the flood plain there by about 80%. They're thrilled, he added.

- 11. Adjourn. Commissioner Prickett moved, with a second by Commissioner Woidyla, to adjourn. The motion passed unanimously and the meeting adjourned at 9:40 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  
**May 27, 2015**

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

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

Commissioners Absent: Sandy Glantz and Frank Grande

Staff: John Morgan, Planning Director  
Mark McCaffery, Planner

Guests (see list): Kyle Sheets, 715 SW 28<sup>th</sup> St., Troutdale, OR 97060  
Jamie Kranz, 342 SE Kibling St., Troutdale, OR 97060

- 2. Work Session. Food Carts.** Planning Director John Morgan reiterated what he'd told the Commission last week on inquiries about foot carts in that our Development Code really does not address any of this trend in food and beverage marketing. Recently there were two instances where we had to administrate our Code, as it is, to try to accommodate them. One was for a drive-up coffee shop, Troutdale's first, at the Troutdale Market Center next to the Dairy Queen. We were able to put that together although it was a cumbersome process and he explained what was done. The second was a classic hot dog cart with a man operating it, located inside the Outlet Mall. His sense was to say no, but since it's outside we worked it so that the use does not require a review. There was no guidance for it in the Code. This is just the beginning of this discussion and there are a lot of these things coming along. He gave them last week copies of ordinances, or studies, of this issue. Gresham's is a more detailed piece and the other, from the City of Aumsville, is simpler in a lot of ways. Both have led to adoption. He suggested that this Commission needs to do something. He asked for the Commission's ideas about them or direction on how they want to deal with it, or if they want a discussion.

**Development Code.** His goal for this evening's meeting, he said, is to get through this first review process in the Code where he hopes they will give him what he needs to craft the final language, and then to bring it back perhaps one more time for them to review, and then we'll be ready to enter the adoption process. If they feel it would be good to include the food carts as part of that, if they have some language on that, he will need some direction about what they may want to do in order to make it happen.

**Exhibit A-1 and A-2. Copies of two documents presented by John Morgan regarding food cart operations: Oct. 1, 2013, agenda item for the Gresham Planning Commission regarding food and beverage carts, and a copy of a May 15, 2014, document regarding creating a regulatory system for mobile food vending in the City of Aumsville.**

**Exhibit B. March 18, 2015, memo from John Morgan to the Troutdale Planning Commission regarding Troutdale Development Code Analysis – Refinement (Chapters 7 – 17); amended to include changes made at the March 25, 2015, Planning Commission meeting.**

the food carts as part of that, if they have some language on that, he will need some direction about what they may want to do in order to make it happen.

Using the two food cart ordinances, the first thing is to realize that it's here. The second is that in both cases it's identified that there are different scales, different things to look at in ways to approach it. Some of it says that the more intense things are actually to be treated more as structures and with parking requirements, access control, etc. That might be the typical coffee kiosk. He told of the temporary nature of these such as a food van, a taco van, temporary stands for hamburgers, and lemonade stands and hot dog stands. They all have different issues which these documents segregate out because you can't treat them all the same. He pointed out where that the degree of regulation goes up depending upon the intensity of the use, and then clearly drops off toward the bottom level, i.e., the hot dog stands. There are communities that are regulating lemonade stands and he senses that is not what this community necessarily wants to see. He offered to go through these documents to discuss the particulars, if the Commissions wishes, to reduce the discussion and to get some direction on how to draft these, again if they so wish.

The issue is if these rise to the level of requiring a site and design review. In the case of a Dutch Brothers, access is the issue, the circulation of traffic and how it moves on and off the site, as well as sewer and water. Unless these structures are permanent they don't have sewer and water connections. People need to be on notice that they cannot take their great water tank and dump it down the storm drain but in a place of disposal. Also, where will people who will need to go to the bathroom; there will be at least one person there, maybe two. A drive-up van is different; how will that work?

He said he was partial to the Aumsville piece and explained why. Commissioner Woidyla asked about the previously granted permit requests and Portland's regulations. Commissioner Prickett asked how they regulate their garbage; Mr. McCaffery said there must be some sort of City requirement for trash and sanitation. His sense is, he said, that Portland has them use underdeveloped lots but requires certain amenities. So the conditions go not necessarily to the people who are running the cart but to the people managing the property, Commissioner Sheets asked. That's his understanding, Mr. McCaffery said. Mr. Morgan said he's not aware of any other city that has such a concentration of carts as Portland.

The Commission discussed carts and temporary structures and the foot traffic they would draw. Mr. McCaffery told of a few sites where foot carts could go. What's worth saying, he added, is that it's an entirely different permitting process. There seems to be a gap, and this brings up a question to the Commission whether it needs to be addressed or not, we're permitting with a piece of Development Code called Street-Side Sales, in Chapter 5, but the permit itself goes through City Hall, much like a business license. We could use the Street-Side Sales for permitting now but the language in that provision limits Street-Side Sales to 60 days. In Oregon produce sells for a little longer than two months. Back in the day one could renew this for another 60 days and our predecessors have interpreted this differently from time to time. Street-Side Sales will also go through the Police Department, Building, Planning, etc., and there is a certain bit of review. If a hot dog cart asks for a renewal, this gives us the chance to see how things have gone for the past two months, and we could be

in a position to issue a denial for another 60 days. There are the carts and there are more significant structures for these sales. The Aumsville provisions are somewhere in the middle. Mr. Morgan agreed.

Commissioner Woodyla said something should be mentioned in ours, if we have one, about restroom availability for employees. There was a discussion on what the County regulates and whether or not the City can police these. Commissioner Sheets said we should not try to regulate County requirements. Restaurants are handled by the State and food carts are handled by the County, Chair Staffenson said. This was discussed.

Mr. Morgan asked if they could give him their general consensus regarding food carts, perhaps on the Aumsville position, so staff could draft a proposed amendment to the Code for their consideration as we continue to create the final draft of the amended Code. Chair Staffenson asked what the benefit of allowing food carts would be. Mr. Morgan said the question is do you want to have food carts in Troutdale and a brief discussion followed which included the use of temporary permits for special events (including the baseball-season food and drink sales in Columbia Park which Mr. McCaffery acknowledged he did not know if that required a permit but would check).

Commissioner Woodyla said he believes the Commission should let staff handle crafting the draft amendment; others agreed and Commissioner Coulson said we should keep the provision of review after 60 days. Mr. Morgan said he agreed with Commissioner Sheets to propose the smallest regulation as possible but keep the tools to make the decisions in case it gets out of hand. Chair Staffenson said another question is how the downtown restaurants feel about food carts in the downtown core, and discussion followed. Commissioner Coulton said permit-limited locations could be made. Mr. Morgan pointed out how Aumsville handled this.

The Gresham piece is too detailed and too complicated, Commissioner Prickett said. Chair Staffenson agreed but said he is motivated to regulate the carts more because of a personal experience. He added that he would probably add a few more controls. Mr. Morgan said the impact on existing businesses leads to a discussion on whether that is an appropriate criterion to use for evaluation the carts.

Staff will craft a draft Code amendment for the Commission's review, Mr. Morgan said.

***Development Code Update.*** Continuing the discussion from March 25<sup>th</sup>, the Commission looked at the proposed Code amendments beginning with Chapter 8 – Site Orientation and Design Standards. Determining the balance between private and public interest is prominent in this Chapter more than others, Mr. Morgan said. He reviewed the March 8, 2015, memo (updated March 25, 2015) of proposed amendments (see p. 9 of this memo, Exhibit B).

Section 8.050 C. The Site Design Review process standards and requiring information of that pertain to the development and compliance with the Code, as shown in the memo, were discussed.

Section 8.058. Design requirements relating to industrial employment and what would happen with the design requirements and possible expansion was discussed. Industrial land review being done by Gresham was another topic of discussion. To compete economically,

Mr. Morgan said, what we want to look at is minimizing the regulation process on industrial land as a switch in philosophy. We could get our review process down to a few days, legitimately. Asking how the Commissioners felt about this prompted more discussion.

Section 8.058.A.2. As stated in the memo, where our Code calls for a building entrance to be attractive and functional, this is highly subjective.

In all of Section 8, there was some disconnection between what we require in the application, Mr. Morgan said, and what we actually look at. We don't necessarily review everything we ask them to submit; colors, fences, decks, thresholds for minor changes, changes in occupancy, etc., all these requirements seem to be overkill and he asked the Commission to look at this. We should ask the applicant to submit only what we will review, i.e., to what degree is it appropriate and necessary to say there is a public interest in reviewing these – a philosophical question. Also, staff recommended replacing any use of the words “should” and “may” with “shall” and “will.” There is no criteria for decision making, Mr. Morgan added, and the current draft provides a proposed language change that is more succinct on what is to be submitted, and this draft includes some criteria on how the application is reviewed (see p. 16-17 of 8.050 Approval Criteria).

Mr. Morgan said staff does not need final decisions from the Commission this evening but they do need some direction. We are setting up the draft to make review a Type II process meaning minor things can be handled by staff. We will continue to check that it all complies with the Code. Neighbors will still have input, he added. It is a criteria-driven process. Site and Design review is a review to determine if an application meets the measureable tangible standards, e.g., setbacks, height, the required landscaping, etc.; there are some discretionary things like traffic impact which is very measurable and is different from design review. Architecture and its review is the question the Commission needs to make, i.e., keep what we have or modify it. Good discussion followed. The Commission said they would prefer modifying it, focusing more on quantifying the standards rather than arbitrary ones. Most of that is in the red text in the document before them, Mr. Morgan said, so he recommended focusing on those. He asked if they could accept that text as proposed updated changes and staff will put it into the draft being crafted, and they can see the whole of it, think about how it could be done differently if they so choose.

**Chapter 9 – Off-Street Parking and Loading, Sections 9.010 and 9.020.** Again, Mr. Morgan said, staff will make the “shall” and “will” changes here. Multi-family parking spaces are a little complex with strange fractions, so he recommended reducing the standards per the norm, as shown in the draft.

Section 9.045 – Off-Street Parking within the Town Center Overlay District. Replacing current text with the updated text in the draft which is based on previous discussions was again discussed. Mr. McCaffery verified that the Commission wants to change this new text from just non-residential uses to including any sort of use within this district. Mr. Morgan verified that there is no change for non-residential uses.

Section 9.060 Landscaping requirements include a suggested amendment to address the fact that they may not be feasible for smaller lots, and staff has specified 20 vehicle spaces as the requirement.

Section 9.060.C. is simply revised to correct a mistake.

Section 9.160 is a suggestion to not get into detail but reference the relevancy; otherwise this would have to be amended every time the Code changed.

Section 9.165.A. – The suggested text is to make the Number/Marking more clear.

Section 9.190.C. – The suggested revision is to define or clarify the level of screening, as stated in the draft.

**Chapter 10 Signs.** Section 10.015. – As written, the Code speaks to the outside structure of the sign; the recommended text is clarifying and simplifying.

Section 10.015.48. Proposed changes were discussed as to whether it should be the same or amended, and whether the Council will accept this revision.

Section 10.020.E.4. The small proposed change to the allowable area of an electronic message center to 30% of the allowable area was explained by Mr. Morgan, as was his statement of concern and perplexity that this Section could be rewritten to reflect more the nature of the art but also to understand the definition of a “message center” and if it means it is purely made up of text or can it have images that move. There is also the question of an appropriate maximum size. Mr. McCaffery said he’s looked this up and finds any direction on these as confusing, as well. After a short discussion, Mr. Morgan said our language is woefully inadequate in terms of defining these to reflect the market that’s out there, and he’s not sure if these standards are what the Commission wants. Commissioners Sheets and Prickett said they would like a stronger definition for text-only and moving signs. We are not supposed to regulate the content, Mr. Morgan said, and gave an example of case law on signs. He asked if staff should find two or three examples from other cities for the Commission to look at. They agreed to this.

Sections 10.025.Q., 10.025.R. and 10.025.T. Staff suggests combining these Sections into one (10.025.Q.) as they essentially provide a similar and rewritten set of regulations in order to be easier to process and administer.

Section 10.030.H. This small change refers to allowing a sign placed on a home occupation dwelling.

Sections 10.070, 10.075 and 10.080 Staff recommends eliminating these in their entirety and replacing Section 10.070 with the submitted text for simplification. The Commission agreed.

**Chapter 11 Landscaping and Screening.** As noted, change here will depend upon revisions to Chapter 8.

**Chapter 15 Amendments.** Section 15.020 The suggested changes prompt addressing the requirements of Ballot Measure 56, as noted in the draft, which clarify the language. Notice posted on the property is included on p. 25 of the draft, Mr. Morgan said. “Expect” in the first sentence will be corrected.

Section 15.060.A. Suggests replacing subsection “A.” with the proposed text.

Section 15.060.C. This section is self-explanatory.

Section 15.130. The suggested proposed text is to remove current text which could place an applicant in jeopardy by suggesting a one-year restriction be applied or no restriction be in place. There was a short discussion on the one-year restriction.

Section 15.160.B. A change in State law reduced the initial hearing date from 45 to 35 days from the date notice is sent to the DLCD; the proposed change addresses this and was briefly discussed.

**Chapter 16 Pubic Deliberations and Hearings.** Section 16.030. Removing the reference to a Hearings Officer was discussed as Troutdale does not have a Hearings Officer (approved).

Section 16.040.B. Staff suggests specific notice requirements be established and Mr. Morgan explained the suggested revisions and the proposed language creating arbitrary power to the Planning Director and adding the language that in no case shall notice exceed the requirements in Section 16.030.C.

Section 16.060. and Section 16.070 also address how and where the notices are handled by the City, with suggested replacement language and specific requirements proposed in Section 16.070, Procedure for Posted or Published Notice. Mr. Morgan explained the proposed language in specific terms. This ensures that the public knows what's going on. If the Commission agrees that a notice should be visible from a car, staff will craft additional language on that.

Section 16.240.D. Staff suggests replacing this subsection with the new language which authorizes the hearing body to view the site in question. This is on the record but clarifies the circumstances regarding trespass.

Section 16.250. A new Section, 16.255 Special Procedural Requirements. Language was proposed to clarify that it compels the Planning Commission to act within 120 days to resolve and/or finish the case.

Section 16,270. Suggested changes here are not necessary.

**Chapter 17 General Provisions.** Staff says a new section clarifying the City is not responsible for the administration or adjudication of deed restrictions and covenants, and replacing Section 17.040 (currently vacant) with new proposed language. The City does not interfere with other laws or Ordinances in this regard.

Section 17.110 staff recommends replacing this Section with the proposed text referencing the City's Municipal Code regarding civil infractions.

**Appendix "A".** It may be appropriate to incorporate this material in Chapter 3, Mr. Morgan said.

**Appendix "B".** It may be appropriate to incorporate this Section as an overlay zone.

**Schedule.** Mr. Morgan said, even though we are behind schedule, he would like to schedule one more work session on the proposed Code amendments; the Commission consented. He also suggested a work session with the City Council, after the Commission approves the last draft, before there are any hearings scheduled. Staff will coordinate and

work on this schedule. The next work session for the Commission will be June 24<sup>th</sup> with the next version of the draft.

- 3. Adjourn.** Commissioner Sheets moved to adjourn; Commissioner Prickett seconded the motion. **The meeting adjourned at approximately 9:40 p.m.**

\_\_\_\_\_  
Tanney Staffenson, Chair

\_\_\_\_\_  
Date

Attest: \_\_\_\_\_  
Rooney Barker, Transcriptionist

**MINUTES**  
**TROUTDALE PLANNING COMMISSION**  
**Regular Meeting**  
Council Chamber  
217 E. Historic Columbia River Highway  
Troutdale, Oregon 97060  
**June 17, 2015**

**1. Roll Call/ Pledge of Allegiance** – The session was called to order at 7:00 p.m.

Commissioners Present: Sandy Glantz, Frank Grande, Shirley Prickett, Brian Sheets, Tanney Staffenson

Commissioners Absent: Kevin Coulton and Marv Woidyla

Staff: John Morgan, Planning Director  
Mark McCaffery, Planner

Guests (see list): Clay Walker  
Joe Mallicoat  
Meghan Mallicoat

**2. Citizen Communication – Non-Agenda Items.** None.

**3. Hearing Procedure.** Chair Staffenson read out loud to the audience the public hearing procedure. No Commissioners said they had any ex parte contact or conflict of interest with this case. Chair Staffenson then opened the public hearing on the following agenda item.

**4. Public Hearing**

**Type III Quasi-Judicial Procedure**

**Case File No. 15-022**

**Archery World – Conditional Use Permit**

**Tenant improvement in industrial flex space for an archery range, office space, equipment storage, and a bow work and repair area in the GI District, at 1053 NW Corporate Drive (Lot 11 of I-84 Corporate Center).**

Mark McCaffery, City Planner, gave his staff report; he did not give a PowerPoint presentation. He explained the overlay districts here as well as the location. A tenant improvement usually does not get land use review unless the use is conditional, as is this application. He also explained the eight criteria used to evaluate this project, and that staff is satisfied with the applicant's response to these. Parking was addressed as were trip generation and artery use, and the lack of adverse impacts. He recommended Commission approval.

**Applicant.** Clay Walker, 11112 NW 27<sup>th</sup> Ct., Vancouver, WA. Mr. Walker, representing applicants Joe Mallicoat and Meghan Mallicoat said they have met the requirements for this project. He spoke of their history with this property, their current business, and said

the archery range will be indoors. All safety processes and procedures are in place. The Mallicoats are focused on family and there is a heavy family and friend component here. Moving to the East County area has long been a dream for them and they are excited to make this happen. He described how the facilities will be laid out and the operating hours.

Mr. Walker responded to the Commission's questions regarding the professional archery offered to the broad variety of competitors and hunters, including the intention of holding competitions on the premises with staggered start times; these will include State competitions. Because of their current location in Vancouver, they will be able to regulate the number of people attending here, including staff, by coordinating them between the two locations. They plan on 'pulling' people from the Troutdale community thus providing more business to this area.

**Public Testimony. Proponents.** None.

**Opponents.** None.

**Neutral Party Testimony.** None.

**Commissioner Sheets moved, with a second by Commissioner Grande, to close the public hearing. The vote was unanimous and Chair Staffenson closed the public hearing.**

**Discussion.** Commissioner Sheets said this application is well vetted and he has no additional comment on the conditions in the building permit.

**Commissioner Sheets moved approve the Findings of Fact and Final Order and Conditions of Approval on file No. 15-022. Commissioner Glantz seconded the motion. There was no discussion. The vote was unanimous and the motion passed.**

**5. New Business.** None.

**6. Old Business.** None.

**7. Work Session (if needed).** A Hearing and Adoption Schedule Development on the Troutdale Development Code Update was distributed (see **Exhibit A**). Mr. Morgan said staff is starting to publish binders that include the portions of the Code that the Commission has reviewed for amendments; the amendments are in the text. These were distributed to the Commission. This effort will probably continue into the fall, Mr. Morgan said.

**8. Department Reports.** Mr. Morgan said he and Mr. McCaffery will be leaving the City's employ as he has resigned from his position as of July 1. Steve Winstead, the Building Official, will assume the Planning Director position. Mr. McCaffery has accepted a planning position with the City of Springfield, beginning in July. His position is being advertised now. Mr. Morgan said he will continue to assist Troutdale but will not maintain office hours here. The City looks to have a solid team in our place by September. The Commission wished them both well.

**9. Commission Initiatives and Concerns.** Commissioner Glantz asked about the Hearing and Adoption Schedule, including the joint meeting with the City Council; Mr. Morgan explained that it was created based on dates for hearing schedules. This prompted a discussion. Commissioner Glantz mentioned the State Legislature's sign-off on the

marijuana issue; Mr. Morgan said they were to have acted last Wednesday but did not. A brief discussion followed.

**10. Next Meeting.** A Work Session is currently scheduled for June 24<sup>th</sup> to start the final review of the amended Development Code.

**11. Adjourn.** Commissioner Prickett moved, with a second by Commissioner Woidyla, to adjourn. The motion passed unanimously and the meeting adjourned at 7:35 p.m.

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Tanney Staffenson, Chair

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Date

Attest: \_\_\_\_\_  
Rooney Barker, Transcriptionist

**MINUTES**  
**TROUTDALE PLANNING COMMISSION**  
**Work Session**  
Council Chamber  
217 E. Historic Columbia River Highway  
Troutdale, Oregon 97060  
**June 24, 2015**

**1. Roll Call/ Pledge of Allegiance** – The session was called to order at 7:03 p.m.

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

Commissioners Absent: None.

Staff: John Morgan, Planning Director  
Mark McCaffery, Planner

Guests (see list): Jamie Kranz, 342 SE Kibling St., Troutdale, OR 97060

**2. Work Session. *Consideration of Development Code Updates.***

Staff distributed binders to the Commission that contained the draft of Development Code Chapters 1-4.

Chair Staffenson called attention to items from previous meetings that were not incorporated into the current draft document. Mr. Morgan said that everything through Chapter 3 was incorporated, and some in Chapter 4. Chair Staffenson said he was referring to discussions at the January 21<sup>st</sup>, February 18<sup>th</sup> and March 18<sup>th</sup> meetings. Mr. Morgan said that is one of the reasons they will be reviewing those this evening; we can correct what he didn't catch or he can re-read the minutes from those meetings to make corrections.

There was discussion on the role in the Code of the Planning Director and who would have the authority for decisions. Until another Planning Director is appointed, Steve Winstead, Building Official, is assuming that position.

The Commissioners pointed out the areas in the proposed Code amendments that needed correction based on previous discussions. Mr. Morgan made note of them and said staff will incorporate them into the final draft.

**Chapter 1 – Introductory Provisions**

Section 1.020 General Definitions

**Exhibit A, Fairview's Chapter 19.80 Light Industrial (LI) District (undated);**

**Exhibit B, Sandy Industrial Park and Light Industrial Park, Code Chapters 17.48, and 17.50 (undated);**

**Exhibit C, Keizer Industrial Business Park (undated); and**

**Exhibit D, Wilsonville Planned Development Industrial Zone (undated).**

p. 1-3 – Bed & Breakfast. The previous change not incorporated here was to say, ‘. . . a ‘meal’ would be provided, not necessarily a breakfast.

p. 1-5 – Day Care, Family Provider. The end of the first sentence should have the word “quarters” inserted after “family living.”

p. 1-6 - Dwelling Unit. Strike “for not more than one family” and replace that with “. . . for not more than two families.”

p. 1-5 – Dwelling, Duplex. Strike “designed” and replace that with “. . . generally intended . . .” The same change should be made in Dwelling, Multi-Family, Dwelling, Single-Family (Attached) and Dwelling, Triplex (on pp. 1-5 and 1-6).

p. 1-7 - Fence, Sight-Obscuring. Chair Staffenson asked the Commission if they agreed with this definition. Mr. Morgan said it was their choice whether or not to be more specific. No objection was voiced.

p. 1-7 – Home Occupation. The second sentence was requested to be removed. There are standards elsewhere in the Code, Mr. Morgan said, and this is just a definition. There is no change.

p. 1-9 – Lot Line Adjustment. This definition was previously deleted; Chair Staffenson asked why we don’t need this. Mr. Morgan said it is all under Property Line Adjustment, p. 1-12.

p. 1-13 – Studio. Mr. Morgan asked if the Commission approved the definition here.

p. 1-12 – Permitted Land Use. The Commission previously asked to delete “Building” from the phrase ‘Building Permit’.

p. 1-15 – Yard, Street Side. The Commission asked about the amending ordinance reference highlighted at the end of this description; Mr. Morgan explained it, adding that he did not know why it was highlighted.

p. 1-23 – Vegetation Corridor. Mr. Morgan said the definitions in this Chapter will be brought over and included into this item, and will be alphabetized rather than numbered. This was discussed as Commissioner Sheets declared for numbering, each giving their reasoning. No audible determination was made.

p. 1-24 – Substantial Improvement, a. 4. Commissioner Glantz pointed out that the word ‘existing’ had been added to “. . . latest market, not assessed, existing value of the existing structure . . .”

## Chapter 2 – Procedures for Decision-Making

p. 2.2 – Pre-Application Conference. Commissioner Glantz asked for an explanation of “days” in the third sentence, “. . . shall be held with 30 days of the request,” asking what kind of days would be used. Mr. Morgan said he does not believe there is a description of what kind of days will be used. The Commissioner pointed out (on p. 2-3, Submission of Application, A.) that there is a reference to 30 working days as opposed to calendar days. To be consistent, Mr. Morgan said, any time we find the word ‘days’ we will insert that they are calendar days. For time computations, Commissioner Sheets said, there are occasions when working days are sometimes not

counted. P. 2-4, 2.060 Referral and Review of Applications, the sentence “Within five days of deeming an application complete . . .” was also discussed. Mr. Morgan said he will check the statutes. One exception was made to say “working days” (in Section 2.060). In this case, as it’s a filing, it makes perfect sense to say “working days,” he added.

p. 2-2 – Application Materials, B. Chair Staffenson said his file shows this item to read, “. . . reasons for the request, evidence showing compliance with applicable criteria of the Development Code, and the remainder of that sentence was deleted. Mr. Morgan made the correction. Same item, C., was also amended to read, “Proof that the property affected by the application is in the fee exclusive ownership of the applicant, or that the applicant has the consent of any and all parties in title to the property.” The Commissioner agreed. Item C, he said, would then read “Proof that the property affected by the application is in the exclusive fee ownership of the applicant . . .” The Commission agreed to this change. Chair Staffenson said we deleted D. State identification numbers of the property affected by the application, as we do not know what they are; and tax lot identification was substituted. These corrections will be made.

p. 2-5, Type III Procedure, A. Chair Staffenson said the Commission had approved adding in the second-to-last sentence, “to be consistent with the Supreme Court decisions” instead of that shown in this document, i.e., “to confirm with applicable legal requirements”. The last would cover anything that’s wrong, Mr. Morgan said; Commissioner Sheets said ‘legal requirements’ is pretty global. Also, Mr. Morgan said, statutes can change and this would not have to be changed. The ‘legal requirements’ phrase was approved.

### **Chapter 3 – Zoning Districts.**

#### **Section 3.040 Single-Family Residential**

p. 3-18 – 3.042 Permitted Uses, item A. Commissioner Glantz pointed out an alphabetical error.

p. 3-31 – 3.064 Density, Lot Size, and Dimensional Standards, item B., Commissioner Glantz pointed out that there are density standards for multi-family dwellings; Mr. Morgan said he caught that just today and in the next draft this will be corrected.

p. 3-51 – 3.136 Additional Requirements, item D, 2. Commissioner Glantz ask about the parking spaces; Mr. Morgan explained that a an apartment unit *in conjunction with* a commercial use does not use as many parking spaces because at night it is assumed that the customer parking spaces will be used by the apartment residents, so a minimum number of spaces is required.

p. 3-59 – 3.150 – Industrial Park, 3.160 – Light Industrial, and 3.170 General Industrial.

Mr. Morgan distributed the promised examples of Codes from four other cities’ Industrial Districts, where he highlighted on each the lot coverage text:

- **Exhibit A, Fairview’s Chapter 19.80 Light Industrial (LI) District;**

- **Exhibit B, Sandy Industrial Park and Light Industrial Park, Code Chapters 17.48, and 17.50;**
- **Exhibit C, Keizer Industrial Business Park; and**
- **Exhibit D, Wilsonville Planned Development Industrial Zone.**

None of these documents are identical to Troutdale's Development Code, Mr. Morgan explained, but will show as examples of what other communities are doing. The Commission discussed them and it was determined to enter these documents into the record.

p. 3-60 – Section 3.154 Dimensional Standards, Item D – Lot Area was discussed and a correction requested (inaudible). A previous approval of 60% approved by four Commissioners in the February 18, 2015, work session was also discussed regarding Section 3.154.A.2 (“*Changes maximum lot coverage in item 2 to 60% [from 50%]. Discussion on this item whether 50% is enough.*”).

p. 3-62 – 3.162 Permitted Uses, Item A. In March, Commissioner Glantz said the Commission added language “as defined by the Department of Environmental Quality,” at the end of this sentence, and in Item B additional language was previously added which is not shown here: “This limitation shall not apply to the processing or manufacturing of beer, wine, bread, jam and similar items.” In Item J, One caretaker residence, she said, the following was added: “. . . *in conjunction with an existing industrial use. The dwelling shall be limited to a mobile or manufactured home.*” After the next item, Commissioner Sheets asked to return to a discussion on removing this added phrase. No determination on this was audible.

p. 3-65 – 3.170 – General Industrial, under item 3.172 Permitted Uses, an Item K was added: “Property line adjustments, partitioning and subdividing the property pursuant to provisions in Chapter 7.” Commissioner Glantz said they had approved this. On p. 3-63, she said they had added item Q, “Property line adjustments for partitioning or subdividing property pursuant to provisions in Chapter 7.” Also, on p. 3-66 – 3.172 Permitted Uses, the same phrase was included as item K.

p. 3-62 – 3.161 Purpose. The fourth sentence, “Professional offices . . .” Chair Staffenson said he thought we had removed the phrase, “. . . in compliance with Title 4 of the Metro Urban Growth Management Functional Plan ” and replaced it with “in compliance with the Troutdale Development Code.” Commissioner Prickett agreed. Mr. Morgan will make that correction.

Mr. McCaffery said, back to the Dimensional Standards, item E, one of the additional requirements in the GI zone was the original standards for industrial use in conjunction with the Industrial spaces, and that language was prompted by the Functional Plan. This was done in the early 1990s, he added, and explained why. No decision/change was audible here. That same language is in General Industrial, on 3-66, Mr. Morgan said, and will be corrected.

p. 3-70 – 3.180 Open Space, 3.184 Conditional Uses, We removed D. and E. and renumbered the other items, Commissioner Glantz said. These were moved to

playgrounds, she said she thought. Chair Staffenson said ballfields and tennis courts were both proposed to be moved to Permitted Uses but we decided on no change here.

**Chapter 4 – Zoning District Overlays.**

No amendments were proposed for this Chapter; it will be deferred to the next work session.

**General Discussion.**

Mr. Morgan said he will provide clean and corrected copies at the next work session. He updated the Commission on the Council’s work session schedule. Mr. Morgan said he could summarize major items for the Council, if the Commission agreed; Chair Staffenson said he would rather they have work sessions. They trust this Commission, he added, and he hears from them that if staff has done the job they normally do, that should be sufficient. The future work sessions and hearings were discussed. It was discussed whether or not the Commission will recommend they should have a joint work session with the Council. The consensus was for Chair Staffenson to discuss this approach with the Mayor. The meeting calendar was reviewed. A tentative meeting of the Commission was set for July 29<sup>th</sup> and the possibility of a public hearing on August 19<sup>th</sup>.

The Commission thanked Mr. McCaffery for his work as his last day with the City will be in early July.

- 3. **Adjourn.** Commissioner Sheets moved to adjourn; Commissioner Prickett seconded the motion. **The meeting adjourned at 8:33 p.m.**

\_\_\_\_\_  
Tanney Staffenson, Chair

\_\_\_\_\_  
Date

Attest: \_\_\_\_\_  
Rooney Barker, Transcriptionist



**CITY OF TROUTDALE  
NOTICE OF PUBLIC HEARING  
Before the TROUTDALE PLANNING COMMISSION**

**TYPE III PROCEDURE  
17-LOT SUBDIVISION  
FILE NO. 15-039 GATEWAY ESTATES**

**THE FOLLOWING TYPE III QUASI-JUDICIAL PUBLIC HEARING WILL BE HELD BEFORE THE TROUTDALE PLANNING COMMISSION IN THE COUNCIL CHAMBERS AT 219 E HISTORIC COLUMBIA RIVER HIGHWAY, LOWER LEVEL, TROUTDALE, OREGON 97060 on WEDNESDAY, SEPTEMBER 16<sup>th</sup>, at 7:00pm.**

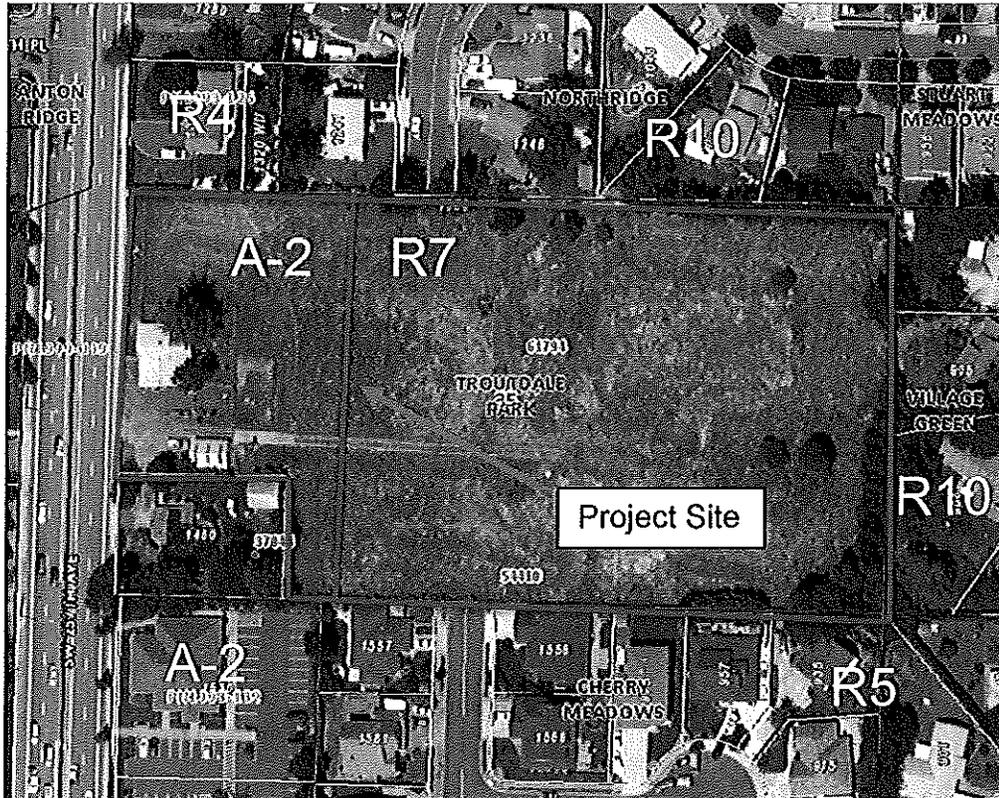
<b>Applicant</b>	Alex Mauck
<b>Property Owner</b>	Gateway Estates, LLC
<b>Proposal</b>	17-lot single family detached residential subdivision with one (1) of the proposed lots to be located in the A-2 with the remaining 16 lots (3.57 acres) located in the R-7 Single Family Residential.
<b>Location</b>	1360 SW 257 <sup>th</sup> Avenue
<b>Site Size</b>	194,713 sf or 4.47 acres
<b>Tax Map &amp; Tax Lot</b>	1N3E35AA-05700
<b>Plan Designation</b>	Low Density Residential
<b>Zoning District</b>	R-7 Single Family Residential and A-2

**APPLICABLE CRITERIA**

- Troutdale Development Code (TDC): 1.000 Introductory Provision; 2.000 Procedures for Decision Making; 3.030 R-7 Single Family Residential; 3.060 A-2 Apartment Residential, 5.600 Erosion Control and Water Quality; 5.800 Storm Water Management; 7.000 Land Division
- Troutdale Municipal Code Tree Removal
- Construction Standards for Public Works Facilities
- Building and Fire Codes
- Multnomah County Transportation / Road Rules

VICINITY MAP

1360 SW 257th Ave



**Legend**

- Survey Record
- Subdivision Plat
- Condo Plat
- Partition Plat
- HB2067
- Township
- Section
- Taxlots
- Taxlots

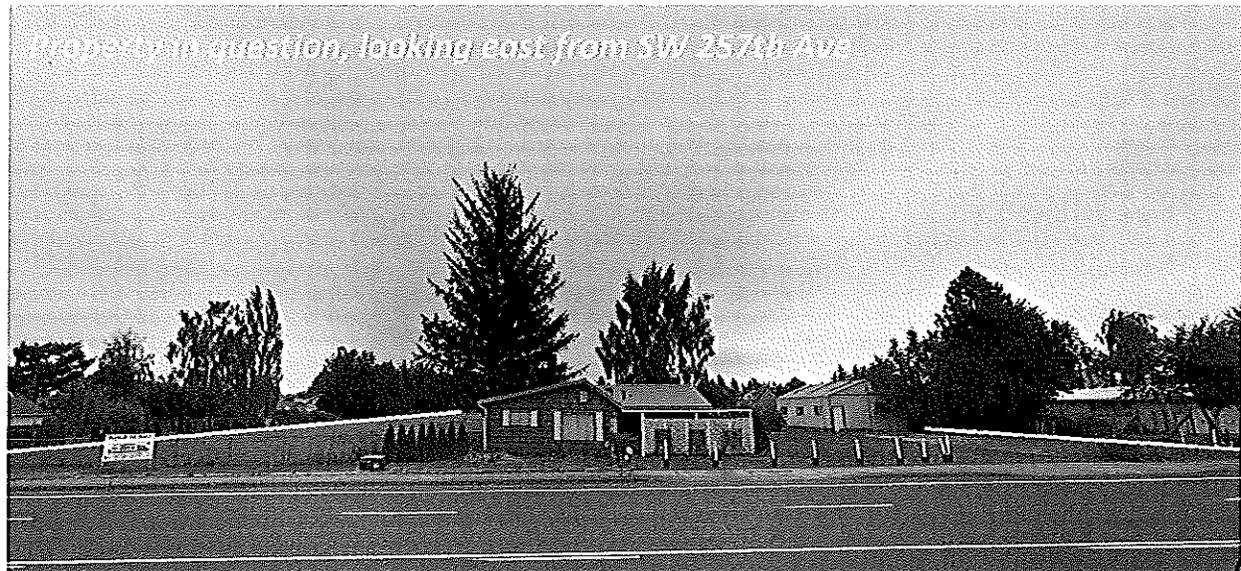
**Notes**

1 in = 100 ft

This map is provided for informational purposes only. Information used to develop this map has been obtained from many sources, and is not guaranteed to be accurate. Multnomah County assumes no responsibility for the accuracy of information appearing on this map.

Scale: 1:1,200  
Printed: 8/5/2015

STREET VIEW



## EXISTING CONDITIONS

The lot is developed with a single family dwelling and several agricultural structures which is primarily used as pasture land. The majority of the property is cleared land, with trees generally lined on the periphery of the property. The zoning is R-7 Single Family Residential and A-2 Apartment Residential. No overlay district is applied to this property. The lot abuts a County road (257<sup>th</sup> Avenue) with a Major Collector functional classification.

## HISTORY

The applicant received a Findings of Fact and Final Order for a tentative plat of Gateway Estates (as an 18-lot subdivision) with a Lot Depth Variance on April 16, 2008. While the Planning Commission approved the request, the actual subdivision application was never finalized. In 2014, the applicants approached Staff at a Pre-Application meeting to subdivide the property in a different fashion. Since the date of that meeting, the applicant has reverted back to the original proposal, this time with a proposed 17-lot subdivision (not creating a division for the A-2 zoned lot).

## PROCEDURE

A pre-application for the proposed subdivision was held on May 1, 2014. Pre-application comments were received from Building, Public Works, Multnomah County, and Gresham Fire. The Troutdale Development Code (TDC) defines a subdivision as the creation of four or more lots. The proposal is classified as a subdivision and subject to a Type III procedure, which requires notice to adjacent property owners, affected agencies, and a quasi-judicial hearing before Planning Commission.

A notice of public hearing and request for agency comment was sent August 21, 2015.

## APPLICATION SUMMARY

- 17-lot Subdivision: of which 16 lots will be 7,000 square feet minimum, detached single family dwellings (**Attachment 2**) and one (1) lot will be zoned A-2.

## ATTACHMENTS

- Attachment 1: Gateway Estates Narrative (2/19/08)
- Attachment 2: Residential Plot Plan
- Attachment 3: Findings of Fact and Final Order from Previous Case (9/27/08)
- Attachment 4: Comments from Building Official (Steve Winstead, 9/9/15)
- Attachment 5: Comments from Public Works
- Attachment 6: Comments from Multnomah County Transportation
- Attachment 7: Comments from Gresham Fire (Robert Mottice, 8/31/15)

## **EVALUATION**

As indicated in the pre-application conference, the applicant was required to submit with the land use application a narrative and plans in order for the proposal based on the following criteria. Staff reviewed the applicant's narrative and finds it to substantially and accurately address underlying zoning, land division and variance criteria of the Troutdale Development Code. Other applicable codes including but not limited to Building and Fire Codes, County Road Rules, and Construction Standards for Public Works Facilities have been addressed by affected agencies and are incorporated as attachments to this staff report. Supplemental findings not otherwise addressed in the applicant's narrative are discussed below.

## **TRANSPORTATION SYSTEM PLAN – STREET CONNECTIVITY**

Per the Troutdale TSP, new subdivision street layouts are required to connect, when practicable, to the City's traffic grid and right-of-way dedication is required with new developments. The proposed subdivision shows connectivity between two existing segments of SW Wright Place and the creation of a cul-de-sac to service internal lots.

## **STREET LIGHTING**

The Subdivider is responsible for any new street lighting required for SW Wright Place and SW 14<sup>th</sup> Court.

- Mid-County Lighting District designs the street lighting in public right-of-way and is responsible for establishing that Troutdale Municipal Code 8.26.065 A is met.
- This neighborhood is not required to install decorative street lights as required in the CBD.

## **STREET TREES**

Street trees are required with new land division. The number of trees are outlined by provisions in Troutdale Municipal Code Section 13.10.100. According to the Troutdale Development Code, 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. Street trees shall be maintained by the property owner (Troutdale Municipal Code, Chapter 13.10). 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.

## UNDERGROUND UTILITIES

### C. Underground Utilities.

1. New installations: All subdivisions or partitions shall be required to install underground utilities including, but not limited to, natural gas, electric power, and telecommunications facilities to serve the subdivision or partition. The utilities shall be installed and easements provided pursuant to the requirements of the utility company. Electric power transmission lines, including primary feeder lines, and transformer vaults shall be underground.

2. Underground conversions: All subdivisions or partitions shall be required to convert existing overhead utilities within or abutting such subdivision or partition to underground in accordance with Chapter 12.11 of the Troutdale Municipal Code.

- In addition to the underground utility requirement, all development will be required to conform with Construction Standards for Public Works Facilities as noted in the Public Works Conditions of this report.

## TREE REMOVAL

The property in question is a largely cleared area with mature trees growing along the property's boundaries, particularly in the southeastern corner. Tree removal provisions are found in the Municipal Code (TMC 13.10.270). An application for any land use permit shall show trees regulated by this section on a site plan. A tree removal permit will be required in accordance with TMC Section 13.10.270 for all trees with a greater than 6 inch diameter.

- The caliper and location of the trees to be removed was identified on the applicant's existing conditions and grading and erosion control plan sheet.

## MULTNOMAH COUNTY ROAD RULES

At the time of delivery of this Staff Report, Multnomah County had not provided feedback for this application. The County reserves the right to provide comments at the Planning Commission hearing and place conditions in the Findings of Fact and Final Order.

**STAFF RECOMMENDATION**

The property in question has not been significantly altered, nor have its characteristics changed since 2008. It is Staff's opinion that the submitted narrative of February 19, 2008 (and associated attachments from that narrative) are still relevant to the project, aside from minor changes to the TDC and the TSP in subsequent years that may apply.

The Findings of Fact and Final Use dated April 16, 2008 contain conditions that remain relevant to the site today. The majority of the conditions outlined in this particular application reflect the Findings of Fact and Final Use from the 2008 application (**Attachment 3**). With any conflict found in the implementation of these conditions between previous and current codes, the present and effective code shall supersede any allowed conditions. The applicant is responsible for providing to the City of Troutdale updated geotechnical and stormwater reports and shall produce a plat consistent with provisions outlined in the TDC.

Therefore, the Land Use Application narrative provided by the applicant (**Attachment 1**) substantially and accurately demonstrates compliance with the applicable development and municipal code provisions for the proposed development. Staff hereby recommends the Planning Commission adopt the applicant narrative for the purposes of this report and recommends the subdivision be approved subject to the conditions identified in the Final Order.

# Gateway Estates

Tax Lot 5700, Assessor's Map 1N 3E 35AA  
1360 SW 257<sup>th</sup> Ave.  
Troutdale, Oregon 97060  
Multnomah County

## Narrative

February 19, 2008  
FDG # E07-050



EXPIRES: 12/31/09  
SIGNATURE DATE: \_\_\_\_\_

Prepared By:



**Firwood Design Group, LLC**

**Surveying • Engineering • Planning**

39120 Proctor Blvd., Suite #1  
Sandy, Oregon 97055  
503.668.3737- fax 503.668.3788  
Fdg@firwooddesign.com

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**Narrative**

**Tax lot 5700, Assessor's Map T1N R3E 35AA  
1360 SW 257<sup>th</sup> Avenue  
Troutdale, Oregon 97060**

**For**

**Albert M. Mauck  
1360 SW 257<sup>th</sup> Ave.  
Troutdale, Oregon 97060**

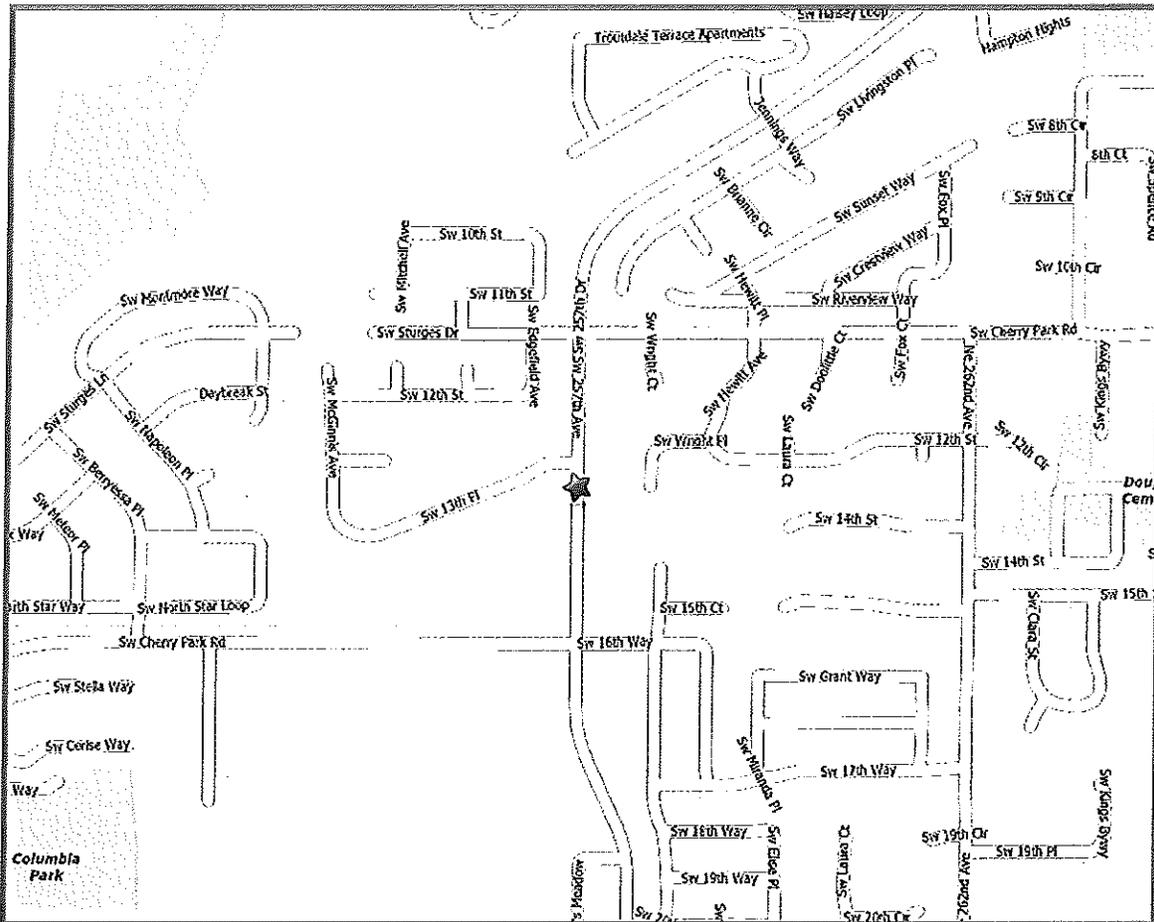
**February 19, 2008**

Prepared by:  
Firwood Design Group, LLC  
39120 Proctor Blvd., Suite #1  
Sandy, Oregon 97055  
(503) 668-3737  
Project No. E07-050

## Project Location and Description

The proposed 18 lot subdivision is located at 1360 SW 257<sup>th</sup> Avenue, in the City of Troutdale (See Vicinity map below). This site is surrounded by single family detached residences. The proposed subdivision proposes to divide Tax Lot 5700, Multnomah County Assessor's Map 1N 3E 35AA, into 18 lots, based on the zoning of the property. Two of the proposed lots (lots 17 & 18 see preliminary plat) will be located in the A-2 Apartment Residential zone area, consisting of approximately 0.91 acres. The remaining 3.57 acres (lots 1-16 see preliminary plat) is located in the R-7 Single Family Residential.

The proposed subdivision is shown on the attached preliminary plat, with all lot line dimensions and areas depicted. The access for the single family residential portion of the subdivision will be provided via the proposed extension of SW Wright Place as shown in the preliminary plan. The access to the two lots located within the Apartment Residential area shall be provided via a shared private driveway off SW 257<sup>th</sup> Avenue located in a 40' shared access easement.



*Vicinity Map*

## R-7 Type II Lot Dimension Variance Request for Lot 1

Due to the constraints placed on the proposed lot 1 by the A-2 zoning boundary on the East side and the proposed Right of Way for S. Wright Place as the Western lot line, we are requesting a type II variance to reduce the proposed lot depth 18.6% from the required 80 foot to 65.1 foot. Included below is the approval criteria listed in TCD 6.215 and our response to each of the four items;

- 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;*

As stated above the circumstances driving this lot depth variance request is the A-2 Zoning line constraining the Eastern lot line and the proposed right of way for S. Wright place constraining the Western lot line. The A-2 zoning lines position with respect to the existing location of S. Wright Place only allows for a proposed lot depth of 65.1' as measured from the center of the lot with all other lot design criteria meeting the minimum standards.

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

As you can see from the Exhibit Map included in Appendix E of this narrative the lot as proposed is still of sufficient size to accommodate a 1650 square foot building foot print within all the required building envelope. Bearing this in mind it is our belief that this variance if granted will not have any injuries or detrimental impacts to the adjacent properties, surrounding neighborhood, or public welfare.

- C. *The variance authorized will be consistent with the general purpose and intent of the provisions from which a variance is sought;*

We believe that if this variance is authorized it will be consistent with the general purpose and intent of the provisions, because as you can see from the attached Exhibit Map the resulting building envelope will still be consistent with the R-7 Zoning area. The main purpose for it would be to alleviate the physical restraints placed on the lot by the A-2 zoning line and the existing location of S. Wright Place.

- D. *The variance is the minimum necessary to relieve the practical difficulty and the resulting hardship.*

As can be seen from the attached preliminary plat and Exhibit map is the minimum necessary to keep from losing a lot in a subdivision that is already on the lower end of the allowable lot density requirement within the R-7 zoning area.

### **A-2 Zoning Conditional Use Applications**

Currently it is the owner's intent, to utilize the 2 lots located within the A-2 Zoning area as Professional offices or clinics which will require a separate conditional use hearing prior to development of the prospective site plans. The preliminary plat lot sizes and dimensions for lots 17 and 18 meet the dimensional standards for non-residential uses on these lots. Additionally all Right of Way dedications and Easement required by Multnomah County including the shared access easement have been incorporated into the preliminary plat. Finally all frontage improvements along SW 257<sup>th</sup> Avenue shall be designed and constructed as part of the conditional use applications.

### **Existing Conditions**

The sites topography is gently rolling with slopes ranging from 1-3 percent, no known hazardous conditions existing on site, and the site is not subject to flooding or ponding. Currently the site is occupied by an existing residence, with multiple agricultural structures and is primarily used as pasture land. The water and sewer needs of the existing residence are being met by an existing well and septic tank respectively and will be removed/abandon with the development of this site in accordance to State Health Division Standards.

### **Soil Survey**

The SCS soils study for Multnomah county Oregon defines this soil on site as a Multnomah Silt Loam, 0 to 3 percent slopes. In general these are classified as hydrologic group B soil having moderately high infiltration rates when thoroughly wet. Consisting chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. See the attached Geotechnical Evaluation for this site in Appendix B.

### **Fire Service**

The project site is located within the Gresham Fire and Emergency Services service area, therefore the design plans shall comply with all the Gresham Fire and Emergency Services Standards and all fire codes at the time of construction. In order to ensure that all fire protection needs are met for the proposed residential portion of the subdivision it

is our intention to replace the existing water main running through the property with a new 8" main and install a new fire hydrant at the intersection of S. Wright Place and S. 14<sup>th</sup> Court. The fire protection needs for the two prospective office buildings will be address along with the SE 257<sup>th</sup> Avenue frontage improvements in the conditional use applications.

### **Public Utilities**

The proposed subdivision is located within the City of Troutdale water and sanitary sewer service area. The sanitary sewer service to this site will be achieved by extending the Cities sanitary sewer mains to the site by connecting to an existing manhole within S. Wright Place to the north of the site (see attached utility plan). The water service to this site will be provided by improving and relocating the water main that currently runs through the site (see attached utility plan).

### **Erosion Control**

A preliminary erosion control plan has been included for this site. Additionally a NPDES 1200-C permit will be obtained if warranted prior to the commencement of any construction activities on the site.

### **Tree Removal**

In general a majority of the trees located within the proposed subdivision will not be removed as a result of the site improvements. However, there are two existing Ash trees that are currently located within the northern right of way of S. Wright Place that will need to be removed in order to construct the required road extension for S. Wright Place (see attached Street and Utility plan for location). An Arborist report will be included with the tree removal permit application for any additional trees that are proposed to be removed with the site improvements.

### **Street Lighting**

The final construction plans will incorporate all street lighting requirements as determined by the Mid-County Lighting District.

### **Stormwater Management**

#### **Objective:**

To ensure the developed stormwater flows from this site meet both the City of Troutdale's current storm water management requirements and that of the City of Portland's Stormwater Management Manual.

Methodology:

The Santa Barbara Urban Hydrograph Method (as outlined in the King County Surface Water Design Manual, 1990 with SCS Type 1A rainfall distribution) was used to create the hydrographs (see appendix for calculations) and to estimate the peak flows for the design storms.

References:

City of Portland's Stormwater Management Manual, Revision #2, Sept. 1, 2002  
USGS Soil Maps for Multnomah County, Oregon  
City of Troutdale Construction Standards for Public Works Facilities May 1997  
City of Troutdale Permitted Drywell Area Map #VI-10

Proposed Stormwater Treatment:

The Stormwater treatment for all public facilities within and including the Right-of-Way shall be provided via Stormfilter Catch Basins and a Manhole structure located within the Right-of-Way (see attached Street, Storm, and Utility Plan for locations).

In order to determine the locations and number of filter unit required to adequately treat the stormwater runoff from this site, we have split the site into 4 different sub-catchment (see stormwater basin map in Appendix A for Sub-Catchment locations) areas corresponding to the stormwater runoff that would be intercepted by each of the four proposed curb inlets. The table below lists the calculated rates for each of the 4 sub-catchments using a design water quality storm of 0.9in/24hr (1/3 of the 2yr/24hr design storm) and the total number of Stormfilter units required to adequately treat the stormwater runoff for each of the sub-catchments (note: the Stormfilter unit requirements are based on the 15gpm (0.03cfs)/unit flow capacity)

Sub-Catchment #	Calculated Peak Flow (cfs)	# of Units Required
1	.03	1
2	.02	1
3	.04	1.33
4	.04	1.33

*See Appendix A for Stormwater Calculations*

Based on the table above it was determined the stormwater flows for sub-catchments 1 and 3 can be treated by a Stormfilter Curb inlet unit. However, the stormwater flows

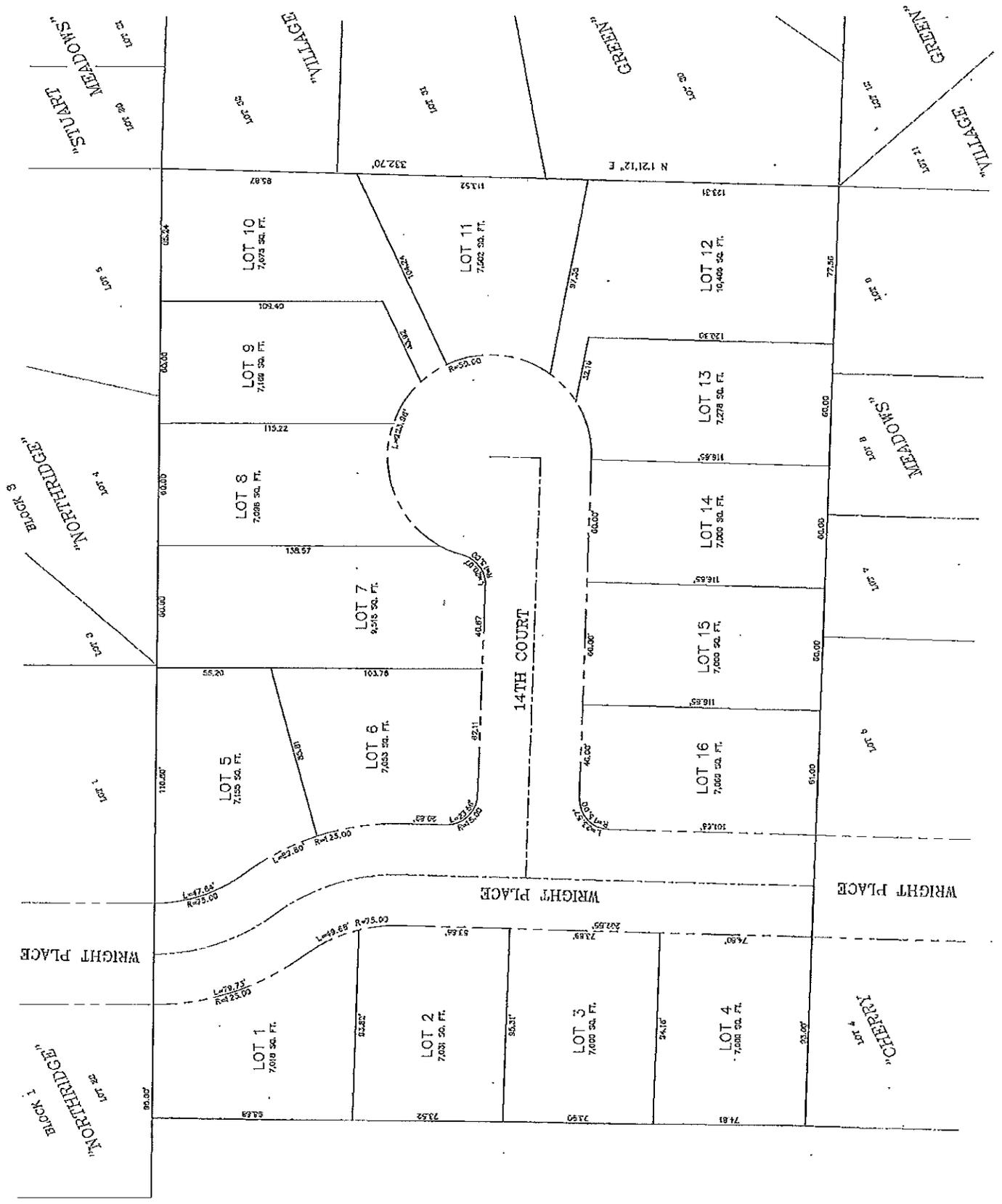
from sub-catchment 3 and 4 will have to be combined into a 3-filter-unit manhole structure in order to meet the stormwater treatment requirements.

Proposed Stormwater Runoff Control:

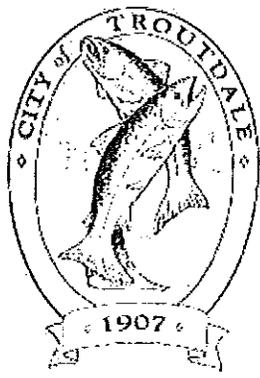
Based on the Drawing #VI-10 (Permitted Drywell Area) of the City of Troutdale's Construction Standards for Public Works Facilities (see Appendix A) and the Geotechnical Evaluation Performed on this site (see Appendix B) it was determined that the stormwater runoff from this site can be directed into drywells and infiltrated. Additionally we have reviewed the State of Oregon Water Supply Well Report (MULT 61608 see Appendix A) filed for the existing well on site in order to determine if the static ground water level in the site is sufficiently low enough to ensure the bottom of the proposed drywells will be a minimum of 10 feet above the ground water elevation. We have included the stormwater calculations for the 25YR/24HR rainfall event showing that the two proposed 20' deep drywells will sufficiently filtrate all the stormwater runoff generated for the proposed public Right-of-Way using a design infiltration rate of 80 in/hr which is significantly lower than the measured infiltration rates on-site (See Geotechnical Evaluation in Appendix B)

Conclusion:

Based on the attached stormwater calculations it is apparent that the proposed subdivision will meet all stormwater management requirements by implementing the proposed stormwater treatment and control structures as described above.



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**CITY OF TROUTDALE  
PLANNING COMMISSION  
FINDINGS OF FACT AND FINAL ORDER  
TENTATIVE PLAT of GATEWAY ESTATES  
An 18-Lot Subdivision  
With a Lot Depth Variance for Lot 1**

FILE NUMBER: 08-011

OWNER/APPLICANT: Alex S. Mauck, Personal Representative of the Estate of Albert M. Mauck

APPLICANT: Firwood Design Group/ Robert Badgett

HEARING DATE: April 16, 2008

STAFF REPORT: April 9, 2008

STAFF: Elizabeth A. McCallum, Senior Planner

PROJECT NAME: Gateway Estates

LOCATION: 1360 SW 257<sup>th</sup> Avenue

TAX MAP / LOT #: 1N3E35AA 05700

REQUEST: 18-lot subdivision. 16 lots in the R-7 zoning district and 2 lots in the A-2 zoning district.

AREA: About 4.53 acres

PLAN MAP: HDR – High Density Residential & LDR – Low Density Residential

ZONING: A-2 Apartment Residential & R-7 Single Family Residential

OVERLAY DISTRICT: Appendix B Supplemental Development Standards for 257<sup>th</sup> Avenue

**FINDINGS OF FACT:**

The staff report dated April 9, 2008, is hereby adopted as the findings for the tentative plat of Gateway Estates and the following:

1. Testimony was given at the hearing that there are pine trees on the north and east property lines of the site that are not shown on the tree inventory, drawing number 1. Alex S. Mauck, the owner / applicant stated that he had no intention to remove the trees during construction of the subdivision.

**ORDER:**

Based upon the Findings of Fact, the Planning Commission approves:

1. A tentative plat for an 18-lot subdivision of land identified as Tax Lot 5700 on Tax Map 1N3E35AA;
2. A variance from the minimum lot depth for proposed Lot 1 up to a maximum reduction of 14.9 feet; and
3. Approval to remove the trees shown on the tree inventory (drawing number 1) from the property during and after construction of the subdivision as necessary to build driveways and houses on the lots.

**CONDITIONS OF APPROVAL**

1. Apply for a National Pollutant Discharge Elimination System 1200-C (NPDES) permit through the City of Troutdale. Approval of the permit is required prior to any tree removal, grubbing or grading of the site.
2. Construction of the subdivision must comply with applicable fire codes, including, but not limited to the following:
  - a. Provide fire flow per Oregon Fire Code section 508.3 and Appendix B. The minimum fire flow for one and two-family dwellings with a total fire area not exceeding 3,600 square feet is 1,000 gpm at 20 psi. Larger houses will require a greater fire flow. Other types of occupancies, such as apartments, have a minimum fire flow requirement of 1500 gpm at 20 psi, but the requirement could be greater due to the total fire area and the type of construction.

- b. The proposed fire hydrant location, as noted on the plans, is approved per OFC 508.5.1.
    - c. Access is approved per OFC 503.
  3. Construction of the dwellings and any future construction of professional offices, must comply with applicable building codes.
  4. Any tree that is not removed during construction of the subdivision shall be protected during construction with barrier fencing installed outside of the dripline of the trees prior to any grading, grubbing or approved tree removal on the site. Storage of equipment of any kind is prohibited within the dripline of the subject trees. Call the Planner for an inspection of the fencing prior to issuance of the authorization from Public Works to commence construction. Removal of any tree not identified in the tree inventory (drawing number 1) shall require a tree removal permit.
  5. The Director of Public Works shall issue an "Authorization to Commence Construction" upon the subdivider's completion of the following:
    - a. The subdivider shall request in writing to the Director of Public Works that he be allowed to commence construction.
    - b. The subdivider shall pay all outstanding fees, assessments, and liens on the property including, but not limited to, sewer or water assessment, and all taxes on any property being deeded to the City or dedicated to the public.
    - c. The subdivider shall submit and obtain the City's approval of the construction drawings.
    - d. The subdivider shall submit and obtain the City's approval of a Performance Guarantee in accordance with TDC section 7.350, Guarantee.
    - e. No construction shall take place prior to issuance of an "Authorization to Commence Construction". This includes grading, grubbing or tree removal, even if the NDPES 1200-C permit has been issued.
  6. The applicant is required to submit detailed construction drawings for the subdivision to Public Works through the Planning Division. The fee shall be paid at the time the plans are submitted. The drawings will be evaluated for compliance with the City of Troutdale *Construction Standards for Public Works Facilities* and the following:

- a. The new water main in SW Wright Place must be connected to the existing water mains in SW Wright Place to the north and south for looping purposes.
- b. Water service for Lots 17 and 18 fronting on 257<sup>th</sup> Avenue shall be taken from the existing water main in SW 257<sup>th</sup> Avenue.
- c. The section of the proposed water main between SW Wright Place and SW 257<sup>th</sup> Avenue should be deleted along with the associated water easement across Lot 2.
- d. Lots 17 and 18 shall take sanitary sewer service from the main in SW 257<sup>th</sup> Avenue.
- e. The section of proposed sanitary sewer main from SW Wright Place to the rear of Lots 17 shall be deleted from the plat along with the associated sanitary sewer easement across Lot 3.
- f. Any existing septic tanks on the site must be identified on the construction plans and be properly abandoned in accordance with DEQ regulations. The developer shall provide documentation to Public Works with the construction plans. The existing house on what will be Lot 17 shall be connected to the public sanitary sewer main in SW 257<sup>th</sup> Avenue prior to issuance of the Certificate of Completion of the subdivision.
- g. Drywells shall be "Rule Authorized" by DEQ prior to the City's approval of construction drawings for the public infrastructure and issuance of the Authorization to Commence Construction.
- h. Four existing drywells on the site shall be decommissioned/closed in accordance with DEQ UIC regulations. Verification of closure shall be submitted to the City Public Works department prior to issuance of the Certificate of Completion for the infrastructure.
- i. Stormfilter catch basins are not an approved device for treatment within the right-of-way. The Stormfilter Manhole is an approved device. The applicant shall revise the plans to comply with the Portland Stormwater Management Manual prior to submitting the construction plans for review.
- j. Prior to issuance of the Certificate of Completion for the subdivision, the developer shall submit an Operations and Maintenance (O&M) Plan for the water quality facilities.

- k. A six-foot utility easement to the City of Troutdale on all lot frontages on SW Wright Place and SW 14<sup>th</sup> Court. The final plat shall include the City of Troutdale standard Utility Easement language. All utilities shall be undergrounded, including, but not limited to, electrical, cable television, and telephone wiring. The utilities shall be installed and easements provided pursuant to the requirements of the utility company. Electric power transmission lines, or primary feeder lines, and transformer vaults shall be underground. The applicant shall contact PGE to have the utility pole that was used to serve the stables removed or undergrounded if the service is still required within the utility easement on the south side of lots 1, 3, 4 and 5 Block 2 Northridge.
- 7. The Developer shall pay for all street signs required within this subdivision prior to the issuance of the Certificate of Completion.
- 8. Street lighting shall be provided in compliance with the Mid-County Lighting District standards and TMC 8.26.065 Street Lights. The street lights shall have a cutoff type light fixture so that the cutoff angle of light rays emitted by the lamp, light source or luminaire is 90 degrees or less. The light fixture may be oriented so that its cutoff angle is measured perpendicular to the grade line of the street rather than level with the ground beneath the fixture. The cutoff angle is formed by a line drawn from the direction of light rays at the light source to the grade line of the street. The Mid-County Lighting District staff shall make the determination for compliance with TMC 8.26.065 or an equivalent standard used by the District.
- 9. The subdivider shall reimburse the City for the actual cost the City incurs for construction inspection of the improvements within 30 days following receipt of an invoice for such costs. Final acceptance of the improvements shall not occur until all such reimbursements are received by the City.
- 10. A Certificate of Completion shall be issued when the following items are completed:
  - a. Operation, maintenance, and repair of improvements that are to become public are the responsibility of the subdivider until the subdivider makes written request to the City for their acceptance and the City Council accepts such improvements by Resolution. Acceptance will not occur until after a Certificate of Completion has been issued and as-built drawings (one Mylar set and four copies) have been received by the City.
  - b. The Director of Public Works has verified that the required public improvements have been constructed in accordance with the applicable construction drawings, standards, and specifications.

- c. The subdivider has submitted a financial assurance in an amount which is not less than ten percent of the cost of the improvements. The financial assurance shall run for a period of at least two years following issuance of the Certificate of Completion by the City and shall require the subdivider to promptly correct all deficiencies of workmanship and materials within the development for that period. The City Council may require a larger financial assurance, or require the financial assurance to run for a longer period.
  - d. The subdivider has submitted a financial assurance equal to the total estimated cost, guaranteeing the placement of the final lift of asphaltic concrete on all streets constructed with the development. The subdivider shall place the final lift on all streets after 90% of the buildings within the development have received Certificates of Final Inspection or two years have transpired since the issuance of the Certificate of Completion, whichever occurs first.
11. The names of the new City streets shall be SW Wright Place and SW 14<sup>th</sup> Circle.
12. Comply with Multnomah County standards for 257<sup>th</sup> Avenue.
- a. As part of the final plat, the applicant shall dedicate a five-foot slope/ utility/ drainage/ sidewalk/landscaping / traffic control device easement along the site's 257<sup>th</sup> Avenue frontage for the benefit of Multnomah County.
  - b. If the 5-foot right-of-way dedication proposed is not required by the County it may be omitted from the plat.
13. The developer of Gateway Estates shall pay for 37 street trees. The fee for the trees is \$150.00 per tree and must be paid prior to signature by the City of the final plat for recording. The builder of each home shall prepare the planter strip with planting soil and sod after each home is completed. The City of Troutdale will plant the street trees within the prepared planting strips during the next planting season following completion of all the homes within the subdivision, or as otherwise determined by the City's Parks and Facilities Maintenance Superintendent. The applicant is advised to inform builders and the future home owners not to plant trees in the planter strips and to hold-off on planting shrubs or flowers in the tree planter strips until after the trees are planted.
14. Flag driveways shall be paved a minimum width of 10 feet prior to occupancy of the dwellings on Lots 10 and 12.

15. The developer shall install a six-foot high fence along the rear lot lines of Lots 1 through 4 prior to the issuance of the Certificate of Completion for the subdivision.
16. The tentative plat is valid for one year following approval, during which time the final plat drawings must be submitted to the Planning Division along with the final plat review fee (1/2 of the tentative plat fee). The final plat drawings shall include the statement that the plat is subject to the conditions of approval of City of Troutdale File No. 08-011.
17. The applicant shall pay the final plat fee at the time the final plat drawings are submitted for review to the Planning Division. The final plat fee is \$1,240.00.
18. Upon review and approval of the final plat drawings, the applicant shall provide at least three Mylar drawings of the approved final plat with a guarantee as specified in Troutdale Development Code 7.350, if the applicant chooses to file the subdivision plat before the improvements are made.
  - a. The subdivider may elect to complete all required public improvements and all other items required as part of the construction drawings and applicable conditions of approval (hereinafter "improvements") prior to requesting approval of the final plat. In such case, no performance guarantee will be required. All improvements must be completed in accordance with City standards, inspected, and accepted by the City prior to approval of the final plat. A warranty of workmanship and materials shall be required as specified in section 7.410, Certificate of Completion, of this chapter. All improvements shall remain the property of the subdivider until formally accepted by the City.
  - b. If the subdivider elects to file the subdivision plat prior to the completion and acceptance of the improvements, the subdivider shall:
    - 1) Secure a surety bond, present a cashier's check or certified check for deposit with the City, or provide an Irrevocable Letter of Credit with the City as beneficiary as assurance for faithful performance of the required improvements (hereinafter collectively referred to as "financial assurance"). The value of the financial assurance shall be equal to 110% of the estimated value of the improvements. The value of the financial assurance shall not diminish during the life of the instrument. All estimates furnished by the subdivider shall be verified by the Director of Public Works.

- 2) Obtain permits from the City of Troutdale to demolish all existing buildings on the property, including the house addressed at 1360 SW 257<sup>th</sup> Avenue.
  - 3) Decommission existing drywells, water wells, and cesspools/ septic tanks and/or drain fields on the site.
- c. In the event the subdivider fails to satisfactorily complete all improvements within the time authorized and the City desires to complete such improvements, the City shall be authorized to use the cashier's check, certified check, or Irrevocable Letter of Credit to complete the improvements, or to bring an action or claim on the surety bond.
- d. If the amount of the financial assurance exceeds costs and expenses incurred by the City to complete the improvements, the City shall release the remainder. If the amount of the financial assurance is less than the cost and expenses incurred by the City, the subdivider shall be liable to the City for the difference.

**APPROVED THIS 16th DAY OF APRIL 2008**

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Daniel Haskins, Planning Commission Chair

## Troutdale Building Department Memorandum

Date: 09SEP15

From: Stephen Winstead, AIA, Building Official, City of Troutdale

To: Planning File 15-039

Subject: TYPE III PROCEDURE, 17-LOT SUBDIVISION GATEWAY ESTATES

The following comments are provided to the applicant for response. The response can be part of the construction documents when submitting for a building permit.

1. As a 17-Lot Subdivision for single Family Residences, Oregon requires these structures to be designed in accordance with the 2014 Oregon Residential Specialty Code.
2. Troutdale is in a high wind exposure depending on the location to the Columbia River. Upon submittal for building permits this will need to be addressed as part of the lateral design.
3. Troutdale is also subject to higher levels of radon which will need to be addressed with the design of each of the single family residences.

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September 16, 2015 | File: 15-039 | ATTACHMENT 5

Comments from Public Works will be offered at the Planning Commission meeting.

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September 16, 2015 | File: 15-039 | ATTACHMENT 6

Comments from Multnomah County were not received at the time of packet delivery. Any comments received before September 16<sup>th</sup> will be shared at the Planning Commission meeting.

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**2015- 039**

**FROM: Robert Mottice Gresham Fire**

**DATE: August 31, 2015**

**FIRE COMMENTS:**

1. Residential homes up to 3,600 sq ft 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*
2. Each building is required to be sprinklered if the code's minimum water flow is not available. *OFC App B*
3. 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*
4. Fire access roads longer than 150 feet will be required to have an approved area for turning the apparatus around. If public streets then they shall comply with Troutdale Standards. *OFC 503.2.4*
5. The turning radius for all emergency apparatus roads shall be: 28' inside and 48' outside radius. *OFC 503.2.4*
6. All Fire Dept. Access Roads shall be constructed and maintained prior to and during construction. *OFC 1410*
7. Every house will be required to have 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*
8. Put a note on the plans stating "All watermains and hydrants shall operate prior to construction materials arriving on site". *OFC 1412.1*
9. 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.

- *For public hydrants, order the connectors and once received then CONTACT the Water Operations Supervisor at 503-618-2626 to schedule installation OFC 507 & NFPA 24-7.1.3*
- *For private (on site) fire hydrants the connectors will be inspected under permit by Gresham Fire. OFC 507 & NFPA 24-7.1.3*

10. 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*

11. Access roads shall not exceed 12% grade. *OFC 503.2.7*



**CITY OF TROUTDALE  
PLANNING COMMISSION TYPE III PROCEDURE  
17-LOT SUBDIVISION**

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

**FILE NUMBER: 15-039  
REPORT DATE: September 9, 2015  
HEARING DATE: September 16, 2015**

<b>Applicant</b>	Alex Mauck
<b>Property Owner</b>	Gateway Estates, LLC
<b>Proposal</b>	17-lot single family detached residential subdivision with one (1) of the proposed lots to be located in the A-2 with the remaining 16 lots (3.57 acres) located in the R-7 Single Family Residential.
<b>Location</b>	1360 SW 257 <sup>th</sup> Avenue
<b>Site Size</b>	194,713 sf or 4.47 acres
<b>Tax Map &amp; Tax Lot</b>	1N3E35AA-05700
<b>Plan Designation</b>	Low Density Residential
<b>Zoning District</b>	R-7 Single Family Residential and A-2

**APPLICABLE CRITERIA**

- Troutdale Development Code (TDC): 1.000 Introductory Provision; 2.000 Procedures for Decision Making; 3.030 R-7 Single Family Residential; 3.060 A-2 Apartment Residential; 5.600 Erosion Control and Water Quality; 5.800 Storm Water Management; 7.000 Land Division
- Troutdale Municipal Code Tree Removal
- Construction Standards for Public Works Facilities
- Building and Fire Codes
- Multnomah County Transportation / Road Rules

### **FINDINGS OF FACT**

The Staff Report with Attachments with a hearing date of September 16, 2015 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**

#### **Planning Conditions:**

- A. Consistent with Conditions of Approval from File Number 08-011, dated April 16, 2008.

#### **Building Conditions:**

- A. As a 17-Lot Subdivision for single Family Residences, Oregon requires these structures to be designed in accordance with the 2014 Oregon Residential Specialty Code.
- B. Troutdale is in a high wind exposure depending on the location to the Columbia River. Upon submittal for building permits this will need to be addressed as part of the lateral design.
- C. Troutdale is also subject to higher levels of radon which will need to be addressed with the design of each of the single family residences.

#### **Gresham Fire Conditions: (*supersedes any previous comments*)**

- A. Residential homes up to 3,600 sq ft 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. Fire access roads longer than 150 feet will be required to have an approved area for turning the apparatus around. If public streets then they shall comply with Troutdale Standards. **OFC 503.2.4**
- E. The turning radius for all emergency apparatus roads shall be: 28' inside and 48' outside radius. **OFC 503.2.4**
- F. All Fire Dept. Access Roads shall be constructed and maintained prior to and during construction. **OFC 1410**
- G. Every house will be required to have 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**
- H. Put a note on the plans stating "All watermains and hydrants shall operate prior to construction materials arriving on site". **OFC 1412.1**
- I. 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.
- ***For public hydrants, order the connectors and once received then CONTACT the Water Operations Supervisor at 503-618-2626 to schedule installation OFC 507 & NFPA 24-7.1.3***
  - ***For private (on site) fire hydrants the connectors will be inspected under permit by Gresham Fire. OFC 507 & NFPA 24-7.1.3***
- J. 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**
- K. Access roads shall not exceed 12% grade. **OFC 503.2.7**

**Public Works Conditions**

Conditions will be delivered at the Hearing.

**Multnomah Transportation Conditions**

The County reserves the right to place conditions on this application.

**APPROVED this 16<sup>th</sup> DAY OF September 2015**

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Tanney Staffenson, Chair  
Troutdale Planning Commission