



# CITY OF TROUTDALE

*"Gateway to the Columbia River Gorge"*

## AGENDA

### CITY COUNCIL – REGULAR MEETING

Troutdale Police Community Center – Kellogg Room  
234 SW Kendall Court  
Troutdale, OR 97060-2078

**Tuesday, October 9, 2018 – 7:00PM**

#### **Mayor**

*Casey Ryan*

#### **City Council**

*David Ripma  
Randy Lauer  
Larry Morgan  
Glenn White  
Rich Allen  
Zach Hudson*

#### **City Manager**

*Ray Young*

#### **City Recorder**

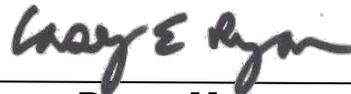
*Sarah Skroch*

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
2. **PUBLIC COMMENT:** Public comment on non-agenda and consent agenda items is welcome at this time. *Public comment on agenda items will be taken at the time the item is considered. Public comments should be directed to the Presiding Officer, and limited to matters of community interest or related to matters which may, or could, come before Council. Each speaker shall be limited to 5 minutes for each agenda item unless a different amount of time is allowed by the Presiding Officer, with consent of the Council.*
3. **CONSENT AGENDA:**
  - 3.1 **MINUTES:** August 28, 2018 City Council Regular Meeting.
4. **PUBLIC HEARING / ORDINANCE (Introduced 9/25/18):** An ordinance to adopt Text Amendments to Chapters 1, 3, 5, and 6 of the Troutdale Development Code. **Chris Damgen, Community Development Director**
5. **PUBLIC HEARING / ORDER:** An order approving the site development review and variances for a proposed development on two parcels with an approximate total area of 8.82 acres located at the intersection of NE 242<sup>nd</sup> Drive and SW Cherry Park Road. **Chris Damgen, Community Development Director**
6. **RESOLUTION:** A resolution providing for current FY 2018-19 Budget Transfers and Appropriation Changes **Erich Mueller, Finance Director**
7. **DISCUSSION:** A discussion to consider pursuing an Ordinance Banning Plastic Bags. **Ray Young, City Manager**

**8. STAFF COMMUNICATIONS**

**9. COUNCIL COMMUNICATIONS**

**10. ADJOURNMENT**



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**Casey Ryan, Mayor**

**Dated: October 3, 2018**

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 (HD Channel 330) and Frontier Communications Channel 38 on the weekend following the meeting - Friday at 4:00pm and Sunday at 9:00pm.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page [www.troutdaleoregon.gov](http://www.troutdaleoregon.gov) or call Sarah Skroch, City Recorder at 503-674-7258.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Sarah Skroch, City Recorder 503-674-7258.

**DRAFT**

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale Police Community Center – Kellogg Room**  
**234 SW Kendall Court**  
**Troutdale, OR 97060**

**Tuesday, August 28, 2018 – 7:00PM**

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**

Mayor Ryan called the meeting to order at 7:00pm.

**PRESENT:** Mayor Ryan, Councilor Ripma (via phone), Councilor Lauer, Councilor Morgan, Councilor White (7:02pm), Councilor Allen and Councilor Hudson.

**ABSENT:** None.

**STAFF:** Ray Young, City Manager; Sarah Skroch, City Recorder; Ed Trompke, City Attorney; Chris Damgen, Community Development Director and Monte Reiser, Chief of Police Multnomah County Sheriff's Office.

**GUESTS:** See Attached.

Mayor Ryan asked, are there any agenda updates?

Ray Young, City Manager, replied there are no updates.

**2. PUBLIC COMMENT:** Public comment on non-agenda and consent agenda items is welcome at this time.

Craig Lichtenthaler, Parks Maintenance Worker III, stated I've worked for the Parks Department for 22 plus years. First off, I'd like to tell Dave (Ripma) to get better. I'm here tonight to see if we could get our contract pushed forward that we are presently dealing with the City. The City has talked about money and I know 3 years ago the Sheriff's Department took over this building and there was quite a bit of money supposedly supposed to be saved by having the Sheriff's Department run things. I mean there's extra money there. I know that Fed-Ex is now in the tax allotment so there's extra money there. We would like to keep our health insurance the same. If you want to keep healthy, happy employees I think we just need to have the City come around and give us a nice contract. Health insurance and a good wage would be very promising to the employees.

Rob Hawks, Troutdale resident, stated I came and spoke before you at the June 26<sup>th</sup> meeting about a neighborhood nuisance issue that I have going on next door to me. I wanted to update you on that. A couple of years ago my direct next door neighbor decided she wanted to open

a business. And this is not the type of business where somebody works from their computer in their home office. This is a business where they get merchandise, strewn it all over their yard, driveway, backyard and advertise and have people drive into the neighborhood to their house and wander around like it's a store, buy their stuff and then leave. I came and spoke to the City Code Compliance Officer last August. The action stopped after several weeks but this spring it started up again completely as it was before. So I came back and let the City know again that I needed this to stop. It was very disruptive. People were coming and going all hours of the morning, day and evening. Noise, gates slamming, dogs barking and it went on and on and on. I thought the City would address it by putting a stop to it but how they addressed it was by giving them a business license. As part of that the neighbor was sent a letter and I received a copy of the letter telling them what they can and can't do running a business in the City of Troutdale. It was obvious when they didn't have the license they weren't following any rules. When they did get a license they received this letter and I'll read a couple highlights from it. It's talking about the Troutdale Development Code under 5.120B, "No home occupation shall emit or produce noise, smoke, dust, odor, glare, traffic, vibration or other impacts greater than that of a typical residential dwelling." That means that the picking up of merchandise cannot occur on the property or on the street in front of the property. This has continued to go on all summer long and including me documenting this yesterday. So not only has it not stopped, it's continuing to this day. 5.130 states, "Home occupations shall be operated entirely within a dwelling." This means that flowers, once potted, plants and other related merchandise cannot be displayed, staged or stored externally. They must be stored internally. If you've seen the house or driven by it you'll see that there's big metal shelves. I describe it as what you would see when you go into the Home Depot garden center with plants stacked all over them. Plant pots stacked on other plant pots all over in front of the house still to this day. It goes on to say that no retail sale of merchandise shall be made on the premises. Again, continuing to this day. 5.140 says, "Business licenses for home occupations may be revoked at any time for noncompliance with the provisions of this Code." So I ask, when does noncompliance actually become an issue? They weren't compliant last year without a license. Now with a license this year they're not compliant after this was mailed to them in June. I was also sent a letter with it and at the end of the letter explaining what was going on next door, the letter ended by saying, "The speed at which we resolve this matter may not be to your liking." Again, I remind you, I brought this to the attention of the City 1 year ago this August. If any of you had a neighbor that was doing this next to your house and you brought it to the City's attention and a year later it was still going on, do you believe that that's acceptable? How many months or years does it take to decide that a business is noncompliant of the Troutdale Development Code and their business license revoked? When will enforcement action finally happen to stop this neighborhood nuisance activity? What good are codes if they're not followed and even worse, if they're never even enforced?

Bill Eggert, Troutdale resident, stated I'm here today to provide public comment on a non-agenda item, specifically, the Sunrise Park Dog Park. We received a letter in the mail along with some of my fellow neighbors a couple weeks ago informing us of the project along our fence line. Today I'm representing my 6 fellow neighbors whose households border the proposed dog park. Over the past week I've solicited feedback from all 6 of my neighbors and I'm here today to tell you that all 6 of us are opposed to the dog park's current location.

However, 5 of the 6 of us are supportive of a dog park in a more centralized location in Sunrise Park. We hope you consider our feedback and include us in any future development of this project. Today I brought with me our signatures and I would like to submit those for public record (the signature page can be found in the meeting packet).

Lisa Alibabaie, Troutdale resident, stated I also am speaking against the proposed dog park in Sunrise Park. First of all, I think we can all agree what a gem Troutdale is and how lucky we are to live here. Sunrise Park is a unique place in our community that used to be a landfill. Now it's a natural habitat for animals. It's quiet and peaceful and a place you can walk and see the magnificent view. In my opinion, I think the sound of barking dogs would disrupt that original intent of that space. It is also a place where there are lots of wildlife. There are coyotes, foxes, rabbits, skunks, raccoons, possums and all kinds of variety of birds including herons, hawks and an occasional eagle. I believe that having dogs in that environment would disrupt the wildlife that live there. Since the trail has been paved there's been an increase in the parks use and the foot traffic alone has already caused some of that wildlife to come into our neighborhoods. I personally have seen skunks, possums and raccoons in my own yard. I think it's great that the park is paved but I think that we need to maintain the original intent of that park. Not to mention the uptick in missing cats. If you do any walking around you'll see a lot of signs for missing cats. I'm wondering if an environmental impact was done to consider what the impact on this park would be. I truly believe we need to protect this habitat. Once it's gone, it's gone. I'm not opposed to a dog park. I think the 1000 Acre woods is a place where people already go or another park where it's more conducive to the public and not a wildlife habitat.

Dale Pollack, Troutdale resident, stated I also would like to speak on the dog park issue. I'm probably more impacted than anybody. It would literally be butted up right next to my gate. In order for me to go into the park I would have to go through the dog park. There's no other way of getting around it. When I first heard about the proposal I didn't know it was in discussion. I just learned of this the other day. But when I looked at it I just couldn't believe that it was proposed to be put in November. I don't want to walk through a dog kennel to get to the park. I've been here since 1987 and it's been a part of Troutdale and I've seen it grow into a beautiful place. It's not that I'm opposed to it. Just not where it's directly impacting neighbors around it.

Twilla Harrington, Troutdale resident, stated I'm in favor of having a dog park but I'm hoping we can think about maybe another location of where that dog park might go. Some of my concerns are, number one, noise. Already where we live we hear everything that happens in the park. Then also runoff and environmental concerns knowing that we already get a huge amount of water runoff on the back side of the hill. Number two is enforcement of the rules around a dog park. Who will be cleaning up and ensuring that waste and other matters are dealt with? I'm hoping we can reconsider an area that would be fair and just to the people who live below it.

Mayor Ryan asked, can I ask you a question while we have the Sheriff's in here? I walk a lot at Sunrise Park and I've seen some people that don't look so desirable. I think a lot of them probably aren't from our area. I don't know what it is about parks and parking lots but the parking lot there seems to have people who don't seem to be from here. Have you seen any

type of criminal type activity? I've actually called the police and there was some stuff going on. Have you seen an uptick of that?

Twillia Harrington replied I have. I jog through the area all the time and I have seen a lot of people that don't seem to be from the neighborhood. And I know personally we've had people come up through our yards thinking there's a way to get to the park from there.

Paul Wilcox, Troutdale resident, stated I have a few corrections on the minutes on the consent agenda. They're mostly typographical but there is one actual misquote. I made copies of my highlights so Sarah could follow along. For the June 12<sup>th</sup> minutes on page 1, Jay Marquis should be Marquess. Page 4 of the same meeting I'm being quoted correcting minutes from a previous meeting, there's a line that starts with, "A couple of other items that were removed." It should read, A couple of items that were moved to be removed. On page 6 there should be a space between Damgen and showed. About 5 lines up from the bottom on the far right, it is of the opinion and it should be at the opinion. Page 15 about 10 lines down in the paragraph that starts with my name it says tax pace and it should be tax base. On Page 19, 3 lines from the bottom it says eluded to and it should be alluded. On the June 26<sup>th</sup> meeting minutes on page 3 the correction got mis-corrected. It should be own home not just home. That's it for the minutes. I do have an additional comment that is unrelated. This is a non-agenda public comment. I'm going to read this because it gets a little technical. It's looking like this November's Council elections will be 2012 all over again; even the day of the month is the same. We expect to have a candidate distribution of 1/1/3 across the 3 positions. The only significant difference is there is only one incumbent rather than the 2 running for re-election. This scenario of 2 unopposed candidates provides further evidence that elect-by-position is not working for Troutdale voters. Under no circumstances should voters be denied, at the very minimum, a say in who doesn't take office. When there are barely more candidates than seats to be filled, voter choice is severely limited, but unopposed candidates within positions leave voters with no choice at all. The present Council had an opportunity following a work session last December to address this flaw in the election process, but declined to act. An alternative method ballot measure could have been placed on the May ballot, which if passed, would now be in effect. It's also noteworthy that the most vocal member of Council opposed to that alternative will now benefit from the current system to the greatest extent possible by running entirely unopposed. I also wanted to respond to some of the people that have come up tonight regarding the dog park. I happen to be the Chair of the Parks Committee and we meet on the second Wednesday of every month. I certainly welcome all those people that have issues with the proposed dog park to come to our next meeting in September.

Ray Young stated I want to make sure that Council understands regarding these minutes. We appreciate Paul's review very much but you need to understand that the law does not require us to have verbatim minutes. The law requires us to just have cryptic notes as minutes and we provide very detailed notes. We have a very good staff who works very hard but they're not trained stenographers. I will just tell you for these kind of corrections I'm not going to ask staff to spend more time catching these unless it really is a strong feeling among you because we do a really good job putting these together as they are but people have so many other duties.

We appreciate Paul coming and mentioning these but these are going to happen because we do provide minutes that are better than what we are required to do.

Mayor Ryan stated we have a big crowd tonight and a lot of Troutdalians here tonight. The staff, Sarah and Kenda, what they do is after this meeting they take this recording and they put these little things on and they sit there and it is a horrible, horrible job. So you guys do a wonderful job. And I talk fast and it's not clear so we do appreciate Paul and his thoroughness but at the same time we appreciate you guys and the amount of work you do so thank you.

Councilor White stated I was thinking the same exact thing.

Breezy Poulin, Community Development Services Coordinator, stated I am a staff and I just want to make sure everybody's really aware that right now the staff is working without contract simply because the City is asking us to put the same amount of money in a VEBA that we're asking be put towards our insurance. In this climate when the United States government is looking at how to make sure that our insurance is held to a standard that doesn't eat at the pockets of those of us that are actually paying our bills and that things don't get worse I find it sad to consider that the City is asking that the local government set a subpar standard. We're not asking for more money, we've been offered more money, we just want our standard of insurance to stay the same. I think it's important that that be recognized. We're not looking for big things here. We just want to continue the standard.

Shirley Prickett, Troutdale resident, stated I want to thank the City for cutting the trees down in front of the school zone blinking lights so that nobody goes faster than 20 mph and gets a ticket because they can't see it but it's also safe for the kids. I want to thank you because you handled it quickly before school started.

### **3. CONSENT AGENDA:**

- 3.1 MINUTES:** June 12, 2018 City Council Regular Meeting; June 26, 2018 City Council Regular Meeting and July 10, 2018 City Council Regular Meeting.
- 3.2 RESOLUTION:** A resolution accepting a perpetual nonexclusive utility easement along NE Harlow Road from BRD Landing, LLC.
- 3.3 RESOLUTION:** A resolution accepting the right-of-way deed from BRD Landing, LLC for NE Harlow Road right-of-way.
- 3.4 RESOLUTION:** A resolution accepting a non-remonstrance agreement from BRD Landing, LLC for NE Harlow Road.

**MOTION: Councilor Morgan moved to approve the consent agenda and the minutes as amended. Seconded by Councilor Lauer.  
Motion Passed 7-0.**

### **4. PRESENTATION: Multnomah County Sheriff's Office public safety contract performance report update.**

Monte Reiser, Chief of Police at Multnomah County Sheriff's Office, stated this evening it's my honor to represent in this annual report the fine men and women of the Multnomah County

Sheriff's Office. I'm here with Chief Deputy Gates and Sheriff Mike Reese and also with me is Deputy DeWayne McQueen. DeWayne is here as a member of the Homeless Outreach and Program Engagement (HOPE) program. I understand that the Council has a very busy agenda this evening so we'll jump right in and begin with a review of some of our accomplishments in this past fiscal year. They include the merging of policing agencies, the Eagle Creek fire post operations, our community academy and our enhanced reserve deputy program. Regarding the merging of policing agencies it's hard to imagine that it's already been 3 years since we began our police services contract. As of August 1<sup>st</sup> we just completed our first year of police services contract with the Fairview Police Department and I can tell you that a lot of work and collaboration took place in terms of us being successful in these contracts. Our law enforcement division now provides seamless services to unincorporated east and northeast Multnomah County. The police contracting model has provided a number of advantages including safety and efficiencies of deputies responding to a wide variety of different calls, performing very important functions under standardized policies, practices, trainings facilities and equipment. This upcoming weekend will mark the one year anniversary of the Eagle Creek fire. I only mention this event as it occurred early in this past fiscal year and had a significant impact on our operations from early September 2017 through October. This event cost the Sheriff's Office about \$200,000.00 to our operating budget which we are in the process of recovering through application through FEMA. We'd like to thank the City once again for their support throughout the fire 6 week operational period to include the use of this facility as a command center. In 2017 Sheriff Reese implemented a new concept we call the Multnomah County Sheriff's Office Community Academy. This one day academy partnered attendees with a sworn Sheriff's Office member to step into the role of a deputy for the day. Attendees participated in training, facility tours and demonstrations that provided understanding about a wide variety of functions performed by the Sheriff's Office. Training included defensive tactics, realistic scenarios in use of force and Councilor Lauer was Troutdale's participant in 2017 and we're pleased that Councilor Allen will be participating in this year's academy. Last month Sheriff Reese welcomed 18 new reserve deputies to Multnomah County Sheriff's Office. They came from the Portland Police Bureau and many have served for several years in that capacity and we're very thankful and fortunate to have this group join our reserve program. You'll be seeing more uniform presence at special events. Reserves assist patrol deputies by conducting transports of offenders to jail located in downtown Portland and that frees up about an hour and a half or up to 2 hours of patrol time for our deputies that are on patrol. Now I would like to introduce Deputy DeWayne McQueen. In 2017 the Sheriff's Office was fortunate to have received funding for a program called Homeless Outreach and Program Engagement, the HOPE team. For fiscal year 2019 we're fortunate to have this program purchased in our budget. Since we receive a lot of questions about the program we wanted to invite this team this evening.

DeWayne McQueen, Deputy at Multnomah County Sheriff's Office, stated along with my partner, Deputy Jeff Schneider and Sergeant Matt Jordan, we are the HOPE team. The Sheriff's HOPE program has a focused mission to establish outreach relationships with the homeless populations in our area in order to link them to social services and stable housing. Although we maintain our outreach approach, the HOPE team still upholds our law enforcement functions while enforcing unlawful camping laws. The HOPE team also conducts and facilitates cleanup

efforts in order to remove significant public hazards from the community. The HOPE team's primary objective is to bring peacekeeping response to neighborhood and business complaints through a process which emphasizes the treatment of all people with dignity and respect. We engage individuals in need and match them to available appropriate human resources such as JOIN, transitional projects and veteran services like the VA and AMVOO which stands for All Military Veterans Outreach Organization. We believe by developing rapport with homeless individuals with a trusted focus approach, homeless citizens will be more receptive to assistance ultimately leading to their shelter. An example of work from the HOPE team that occurred last year is we were notified by the caretaker at Glenn Otto Park about a family living in their car in the parking lot. We contacted the family which consisted of the father, mother and 2 teenage boys. We were able to provide immediate life necessities such as water, blankets and a tent provided by an outreach worker which helped us to build a rapport of trust and compassion with the family. Through multiple contacts and follow up we were able to work with the family and connect them to resources that eventually led them to move from their car to a tent to a family shelter and ultimately to an apartment. I want to thank you for the opportunity to talk about the HOPE team and would be glad to answer any questions you may have.

Councilor Lauer asked, when you find a family, is it more or less that they want help but they just don't know how to get it? Or is it that's a really rare circumstance?

Deputy McQueen replied what's actually rare is that we see full families like that. For families in general, there are a lot of resources that are available and especially emergency type resources. Although there's still a lot of time that it takes to get those resources in line, for families it's easier to get them from their car to emergency shelter and then transitional housing.

Councilor Morgan asked, is this a pilot or is this going to funded long term?

Commander Reiser replied my understanding is it's going to renew this next year. The HOPE team program is a program that's been a terrific asset to our operations. Next is a review of our patrol data for this past year in Troutdale. Commander Reiser showed the Council a PowerPoint presentation (the presentation was included in the meeting packet).

Commander Reiser stated I wanted to reaffirm the Sheriff's Office dedication in providing both security and assisting in organizing some of the special events in Troutdale. As you all know, this is a great community and it's our mission to keep everyone safe. The Sheriff's Office believes that the fundamental most important value is that we have a high level of community trust and partnership. Connecting with the community starts with our member's everyday interaction with citizens. Community outreach can take on a variety of forms from deputies stopping and chatting with citizens in a park or an organized special event. So Deputy Jeremy Costello recently chose a more musical route when he entered this year's first annual law enforcement lip synch challenge. Deputy Costello's video has received more than 4 million views since it was released on July 19<sup>th</sup>. I wanted to share with you a few of our goals and priorities for this next fiscal year. We want to continue to assist the community with livability issues in their neighborhoods. I attended a recent Troutdale Citizen Advisory Committee

meeting and we discussed how the community might appreciate time to discuss some livability issues in their neighborhoods and also learn more about the Sheriff's Office. On October 30<sup>th</sup> from 5:30 pm to 7:00 pm in this room we will hold our first community public safety forum. This will be an event where the Sheriff's Office will provide some information regarding our agency, some of our programs and then have a conversation about issues or feedback that anyone in the community would like to share. We will be marketing this event more in October. This year we'll also be finalizing the purchase of new computers for deputies which will include full installation of our new e-citation software. I hope to continue a strong dialogue and respond to the terrific questions that I'm receiving from the Citizens Advisory Committee. Finally, local and regional hiring challenges in law enforcement continue so we're continuing to discuss ways to improve our public education about careers with the Multnomah County Sheriff's Office. We'll be working with our communications team and having more discussion with the community at the community forum in October. I would like to thank Mayor Ryan and the City Council as well as the City's management team and their staff. I would like to recognize City Manager, Ray Young, who's been a terrific leader in our shared commitment to deliver exemplary contract policing service to the City of Troutdale. I'd like to thank Sheriff Mike Reese for his leadership as well as Chief Deputy Jason Gates, our command team, civilian workers, volunteers and our uniformed deputies who continue to do so much to keep the City of Troutdale safe. Council members, I think fiscal year 2018 was a very productive and satisfying year as your Police Chief.

Mayor Ryan stated you guys are doing an amazing job.

Councilor Lauer stated we appreciate what you guys do. It's not easy and it shows that you guys do great work. Thank you very much.

Councilor White stated I thought it was worth mentioning that I got to see the tragedy when the young man drowned at Glenn Otto Park but I saw an amazing attempt to save his life. They actually got him out of the water which was incredible. The cooperation between AMR, Gresham Fire Department, Multnomah County Sheriff's Office and even TIP who was on scene to comfort the 3 other gentlemen that were with that person that drown, to see it firsthand was pretty impressive. Thank you for all you did.

## **5. UPDATE: Multnomah County Roads update.**

Joanna Valencia, Transportation Planning and Development Manager for Multnomah County, stated thank you for having us this evening. Joining me this evening is Carrie Warren, our project manager for the projects you'll be hearing about this evening. Again, thank you for the opportunity to come up here. I think this comes out of a request that we heard from a past Council meeting for us to come and brief you on a couple of capital projects that are going live or are live. Also to give an overview on how projects come to be. This evening we will be doing just that. In addition to Carrie and I, I just wanted to recognize two other people in the room. Joining us this evening is our Transportation Director, Ian Cannon, and our Road Engineering Manager, Riad Alharithi. We'll be going over the 238<sup>th</sup> Drive project and then also the Stark Street project.

Carrie Warren, Project Manager for the 238<sup>th</sup> Project, stated thank you for having me. This project was originally identified in the 2012 East Metro Connections Plan. Carrie Warren showed the Council a PowerPoint presentation (a copy is attached as Exhibit A to these minutes).

Ray Young stated make sure you check with ODOT on their plan for the Graham Road overpass on I-84 and make sure we don't close both at the same time.

Carrie Warren stated we're in close contact with ODOT. The next project I'm going to talk about is the Stark Street Multimodal Connections project.

Councilor Morgan asked, the design piece in 2019, is there any indication whether there'll be widening involved?

Carrie Warren replied it's still being looked at. We're looking at various options. One of the options is to 4-lane it each way to direct 2 lanes in each direction with the bike lane and the sidewalk. Another option is to keep the existing configuration but widen it and have a center 2-way turn lane. We're looking at different alternatives and trying to figure what's the best for the corridor and what's best for the community.

Councilor White asked, is the road going to be able to stay open during that construction on Stark?

Carrie Warren replied I don't think that that's necessarily been looked at but I'm hoping that it will be. We don't have to do anything to the culvert to make it wider.

Ray Young asked, is there going to be a public outreach attempt and open houses next year during the design phase to get input from Troutdale citizens on what they'd like to see on Stark?

Carrie Warren replied most definitely.

**6. PUBLIC HEARING / ORDINANCE (Introduced 6/5/18, 2<sup>nd</sup> Hearing 6/12/18):** An ordinance adopting Comprehensive Land Use Plan Map and Zoning District Map Amendments on approximately 8.82 acres of land located at the intersection of NE 242<sup>nd</sup> Drive and SW Cherry Park Road.

Councilor Ripma stated I'm wondering if I can get clarification on what's going on.

Mayor Ryan stated we're getting computers set up. I gaveled a little early.

Ed Trompke stated you gaveled open the public hearing on an ordinance introduced June 5<sup>th</sup>, 2018. Second hearing held June 12<sup>th</sup>, 2018 the ordinance adopting comprehensive land use plan map and zoning district map amendments on approximately 8.82 acres of land located at the intersection of NE 242<sup>nd</sup> Drive and SW Cherry Park Road. Now you're going to have a staff report.

Mayor Ryan stated this is a comprehensive land use plan map and zoning district map amendments on approximately 8.82 acres of land. You just read all of this. Call to Order. The public hearing on the comprehensive land use plan map and zoning district map amendments is called to order.

Councilor Ripma stated I don't disagree with what was stated but the actual vote of the Council on the 12<sup>th</sup> was to deny the zone change with a 5-2 vote. We gave the applicant an opportunity to bring some more information to us which is happening tonight and we are given the opportunity to affirm the vote we took on the 12<sup>th</sup> and adopt some findings, or not, depending on what we decide. The way you're reading it and the way it sounds to me is that we're starting over and this is an application for zone change. It is that, as far as it is in opposition to the vote the Council took on the 12<sup>th</sup>. I just want to be clear.

Councilor Morgan stated point of order. Can we read the original motion from the 12<sup>th</sup> as it states the specific direction to staff? Because the findings in today's report are different than initial findings and the direction that we gave to staff.

Councilor Ripma stated I can read the motion because I made it and it's in the minutes. "Councilor Ripma moved to deny the zone change, tentatively, to be finalized at a future meeting subject to staff preparing suitable findings." That's where we are. Then the applicant asked for the opportunity to bring forward more information. They're doing that tonight and that's fine but the order of business for us is to consider that information and proceed on the motion to deny the zone change or accept it. That's where we are. I just want to make that very clear. We're not starting over.

Ed Trompke stated Councilor Ripma is correct that the June 12<sup>th</sup> meeting did have that motion and I'm flipping into the meeting minutes now on July 10<sup>th</sup> which had a slight modification to it but the gist of the June 12<sup>th</sup> motion was to have staff prepare suitable findings. It's on pages 8 and 9 of 25. Councilor Morgan moved to uphold action on item agenda #4 until date certain which is August 28<sup>th</sup> at 7:00pm. Councilor Ripma stated plus the rest of what Ed said. Ed Trompke stated somebody should move then to continue this hearing until a date certain and if the matter passes to set the associated land use portion of it into September and direct staff to schedule that as is appropriate. So the immediate discussion before that was that the Council was allowing the applicant to present more evidence and then to proceed with a vote to either adopt the motion initially made by Councilor Ripma which was to tentatively deny but to direct staff to write more findings appropriate to a denial and so staff then wrote findings appropriate to a denial and also wrote findings incorporating the new evidence that the applicant has sent in, both of which are in your packets. There are 4 possible motions after we hear the staff analysis of the new information that was submitted by the applicant. A couple of them are kind of irrelevant but the first one is to deny and the fourth one would be to approve with the conditions suggested by the applicant in a letter that was submitted and is in the packet. How you proceed is a little unclear because there was a motion to tentatively deny. It was not a denial but it said staff should prepare findings and then the applicant requested the opportunity to present more information which was granted. The fairest way to proceed would be to hear all the information and then to either receive a motion to deny or a motion to approve at the

end of hearing first the staff report then from the applicant and then from the public who are in the room and then having a discussion about it. And unfortunately, Councilor Ripma, I have to disagree with you a little bit. We're not starting new again but we do have to go through the whole process again because there is more new information which was acceptable to Council when the applicant requested the opportunity to present it. So we do have to go through whole procedure again.

Councilor Morgan stated to clarify, the motion was to tentatively deny application subject to new findings.

Ed Trompke stated yes.

**Mayor Ryan called the public hearing on the comprehensive land use plan map and zoning district map amendments to order at 8:24pm.**

Mayor Ryan stated the proposed amendments were last considered at the July 10, 2018 public hearing. Prior to vote, the applicant's legal counsel requested a continuance to a date certain for a further public hearing and waived the 120 day decision requirement in order to submit new evidence. The hearing was continued until August 28<sup>th</sup>, tonight, and duly noticed. The purpose of the hearing is to take new evidence, listen to public testimony and staff input regarding the new evidence and to deliberate to a decision. Does any member of the Council wish to announce any actual or potential conflicts of interest?

None.

Mayor Ryan asked, does any member of the audience have any objections to the Council's jurisdiction to consider this matter?

None.

Mayor Ryan stated we will now hear the staff presentation by Chris Damgen, Community Development Director.

Chris Damgen stated this is a continuation of a hearing that was introduced on June 5<sup>th</sup> and on June 12<sup>th</sup> with the second hearing. You also had deliberation on July 10<sup>th</sup>. What you are hearing tonight is a map amendment application. The application is tied with a larger site development review application but for the purposes of tonight's testimony and deliberation and if you choose to take action tonight it will be based on the map amendments components of the application.

Mayor Ryan stated I want to make sure that everybody knows what we're doing. It's been blurred because the property owner also happens to be the developer. To make this very clear, pretend the property owner is not the developer and they just want to change the amendment to add multi-family housing. That's it. That's what we have to remember. All we're approving is, can this property ever have multi-family housing. The next thing would be the actual project.

We have to be very clear that we're not voting on a project. We're voting on if this property will ever be multi-family housing.

Chris Damgen stated it is a complex case and it's been stretched over a couple of months. A decision can be made tonight on the map amendments component. Planning Commission did make a fourth recommendation to you back in May when they heard it. It is a non-binding decision. You could also continue the hearing to a later date. The applicant did set a date of October 31<sup>st</sup> for a decision that could be made for this application. Public testimony must be toward the map amendment decision criteria and we have those decision criteria available if anybody wants to reference back to that. Chris Damgen showed the Council a PowerPoint presentation (a copy is attached as Exhibit B to these minutes).

Chris Damgen stated within the applicant's correspondence they also had exhibits 1, 2 and 3. A particular interest is exhibit 3 which was a supplemental analysis to the original traffic impact analysis. Part of their original application they had issued a traffic impact analysis (TIA). The new evidence that they wish to present tonight is a change to the TIA that they have presented. They are proposing a public improvement be constructed in concert with potential developments and basically the traffic impact study is designed to reflect the consideration of that public improvement. The exhibit 3 that was in your packet had a slight change to it and I believe we have a copy of exhibit 3 that has been handed out to you and I believe the applicant has it in their presentation as an exhibit that they can point to. Effectively, it will show that Cherry Park Road would have a potential second lane heading in the eastbound direction from the intersection and would serve as a turning right lane into a proposed development in that location. What I want to stress before I move on to the potential actions is this, the traffic impact study suggests that if you were to do nothing that intersection as it's currently structured is going to get worse. I think everybody understands that. What the applicant is suggesting through its traffic study is that with this proposed improvement along Cherry Park Road, adding an eastbound second lane to allow for a right turn into the apartment and a small acceleration lane onto Cherry Park heading toward 257<sup>th</sup> that that improvement will actually do better than doing nothing.

Councilor Morgan stated this is about the zoning application. Why is there exhibit A here on the table if it's just about the zoning piece?

Chris Damgen replied the exhibit A there is not the same exhibit A I'm referencing.

Councilor Morgan stated I agree but it's before us and the issue that's before us is the zoning change.

Ed Trompke stated I think the complex picture was put on the table by the applicant. I did ask the applicant why so this is a little hearsay, they wanted the Council to be aware that they are changing some of the screening the landscaping pieces on it but those are not before the Council tonight and probably should not be talked about any further than that right now. If that comes up at another meeting it would be considered at that time more than now. There is a

second item that was put in front of you which is the project's lane that is supposed to be added by the condition that they've proposed. That one is before you tonight.

Chris Damgen stated to be clear, Councilor, when we're talking about exhibit A we're talking about what was in the staff report.

Councilor Morgan stated I agree but it's distracting. What does the current zoning allow?

Chris Damgen replied the current zoning based on the uses, it's R-5 which is a single family residential zoning district. What that allows for is single family detached homes, just like you have to the south and to the east, single family attached homes like townhomes or condominium type development, accessory dwelling units and manufactured home parks.

Councilor Morgan asked, what are the height restriction currently?

Chris Damgen replied the height restriction is the same regardless. It's 35 feet.

Councilor Morgan stated but there's been conversations about potentially a complex that could encroach on people's backyards and privacy. If this zoning change does go into effect, would it affect at all the height?

Chris Damgen replied correct. The height restriction is 35 feet. Based on the current zoning district a single family house could go up to 35 feet in height.

Councilor Morgan asked, on the zoning change, if not approved, there is no way for the Council then to prevent some of the other potential development that you mentioned?

Chris Damgen replied it would really have to be a situation where an application would be appealed. So effectively if it was a single family subdivision, if it was a manufactured home park, if it clicks on all the design criteria and things that are in the development code, Council doesn't get a swing at it. The Planning Commission in certain situations might if there's a variance or if there's a request from the applicant. But really it doesn't go to Council unless there's an appeal.

Councilor Morgan asked, has there been any other conditional applications applied for in the event that the zoning change is not approved?

Chris Damgen replied I can confirm that we have received a pre-application but we do not have a formal land use application other than the one that's before us.

Councilor Morgan asked, for what development?

Chris Damgen replied it would be for a manufactured home park.

Councilor Morgan asked, so there's a pre-application in the works that could be a manufactured home park.

Chris Damgen stated I will just leave it at that, Councilor. Staff had a pre-application meeting with an applicant and at this point it was last week and we have not had any chance to produce follow up information to that potential applicant. But I will say it's pretty common to have pre-applications and applications never materialize. Mayor, as I close up, just 2 more items for you.

Councilor Ripma asked, the current zoning is R-5 versus the proposed high density zoning would allow for many more units and many more people to live on the land. Is that correct?

Chris Damgen replied that's generally the spirited intent of the zoning district and the land use classification, yes.

Councilor Ripma stated so the number of people and the traffic generated would be greater.

Chris Damgen stated not necessarily because traffic studies have shown and traffic studies are done with the assumption that apartments or multi-family condos typically, because you have a fewer number of people per residential unit, generate less trips. And often times they are located in areas where there may be opportunities to walk, bike or take transit. That's why that assumption is made.

Councilor Ripma states it doesn't make sense to me. And particularly in an area like this that isn't served by transit and not transit lines.

Ray Young stated Mr. Mayor, I would like to remind you to instruct the audience that reaction to testimony is inappropriate, everyone who wants to testify will get an opportunity to but grumbling and sounds and laughter is not appropriate in this room at all during testimony. It's disrespectful to those who are testifying and those considering the issues.

Chris Damgen stated to quickly wrap up my slides we do have the decision criteria for the land use plan map amendment shown here on the screen.

Councilor White stated the developer was proposing concessions because it's R-5 and they wanted to do multi-family, if we change the zoning to allow multi-family can we expect to see those concessions go away? They had greater setbacks, they were proposing additional parking spaces, improvements to the street and the traffic flow.

Chris Damgen replied whenever we have a map amendment application tied with a development proposal staff reviews it in the prism of what the new zoning district would be.

Mike Robinson, Land Use Attorney on behalf of the applicant, stated Councilor White, for the benefit of those in the audience and your fellow council members, this is in the nature of a procedural objection. If I understand what the Mayor is saying and what Council is saying, you don't want to look at that map. That map is before you solely for the purpose of addressing one

of the potential findings advanced by Councilor Ripma for denial of the comp plan map amendment visual effect. We have a legitimate evidentiary right to show you how visual effect can be mitigated by what we're proposing. That's the only reason it's before you. We don't want you to consider the layout or parking or access or anything else.

Mayor Ryan stated I just want to make sure it's clear on what we're voting on tonight.

Ed Trompke stated zoning (map) and comprehensive plan (map) amendments. That's all we're voting on.

Councilor Allen asked, on the HDR, are we able to do such a thing with special consideration or it's that zone or not?

Chris Damgen replied to clarify, HDR is the land use designation, high density residential. Basically, in order to have that HDR designation you have to accompany it with that A-2 apartment residential. In other words, that is the only zoning district that can be paired with that land use application. R-5 is not HDR.

Mayor Ryan stated the Council will now take public testimony on the hearing topic. I will recognize those wishing to speak and any questions should be addressed through me. When you come to the table, state your name and address for the record. Presentation times for all speakers will be limited. The applicant may have 15 minutes for presentation for new evidence. All individuals speaking after that have 3 minutes. I ask the public testimony to be new information, not information that we've already heard. It's new information based off the new findings tonight. Please confine your remarks to the topic of the proposed map amendments and the applicant's new information and avoid repetition and irrelevant information.

Mike Robinson stated we have 2 large exhibits (copies of the exhibits can be found in the meeting packet).

Councilor Morgan stated point of order. Why is it back to an apartment complex?

Ed Trompke replied the applicant just said that one of Councilor Ripma's concerns for denying the comprehensive plan amendment was the effect on adjoining adjacent properties and it was the visual effect so you are directed to look at the trees and landscaping I think especially around the outside edge. Not at where the location of the driveways and all are. Those are site development issues which while they are still a pending issue aren't under consideration until and unless we get passed this step to and if you were to adopt the zoning amendment then you can ask all the questions you want about the layout of the site, the parking adequacy and screening directly. But there is visual impact as an issue tonight for the comp plan amendment. That's really the only reason. Is that why you brought this, Mike?

Mike Robinson replied yes, Mr. Trompke. May I say one other thing on the record so not only Council hears this but our neighbors hear this? Councilor White asked about representations made by the applicant. Whatever we have said during these proceedings we will abide by. My

name is Mike Robinson and my mailing address is: 1211 SW 5<sup>th</sup> Ave, Ste. 1900, Portland, OR 97204. As you've already guessed, I'm here tonight on behalf of the applicant but we also have other folks here tonight. Sitting with me at the table is Chris Brehmer. Chris is a registered professional engineer and does traffic analysis in the state of Oregon. We have Andrew Tull, the planner. We have Matt Bell also with Kittelson. We have Ray Moore with Tri-County Design and the owner and applicant, Carey Sheldon. The reason we're all here is to answer your questions. I want to say thanks to the Council for re-opening the public hearing. I agreed with the City Attorney's characterization and I appreciated Councilor Ripma's questions about what we were doing tonight. This is your opportunity to vote to approve the comprehensive plan map amendment to HDR and the zoning map amendment from R-5 and R-7 to A-2. You're not bound by your tentative vote that you made on June 2<sup>nd</sup>. There's a lot that we can say tonight but I'm going to try and keep it relatively brief. What you're considering tonight is not the site plan or the variance or any of that, it's do you want the site to be zoned for HDR and it's implemented in the A-2 zone? That's what the issue is. If you decide that you do then we'll come back in another publicly advertised hearing and talk about the various applications. First, I thought it would be helpful to remind you about what your main concerns were at the June 12<sup>th</sup> hearing when you voted tentatively to deny this. Clearly the biggest issue for everyone was traffic impacts. Our solution to the traffic impact and I believe the Multnomah County traffic representative is here tonight and my understanding is that the County agrees with our condition of approval. The applicant is essentially committing as a condition of approval to construct that turn lane that frees up capacity. I think your Planning Director got it absolutely right, without this this is going to continue to get worse. You heard tonight, public projects just by their very nature while they're very good, they take time. We're going to do ours. One of your issues on June 12<sup>th</sup> was a lack of a timetable. We are committing to a particular timetable, we're committing to the improvements, it's at our cost, it's not public money and by doing this improvement you maintain a level of service D or better which is your standard. In other words the intersection does not fail either because of our applications trips or because of background traffic growth. Without this improvement and if the public improvement isn't made within a sufficient amount of time the intersection just gets worse and it eventually fails. We're providing an opportunity through the applicant's funding in association with this zoning map and comp plan map amendment to make the improvement and we've given you a condition of approval. I think Councilor Ripma's proposed ordinance includes that. We're committing to fund and make that improvement on a specific timetable. You had some other questions with livability which had to do with the approval criteria in the zoning map amendment. I'll just say, I think you can find that the public interest in approving this outweighs an impact on livability. I think the code language asks, does this project interfere with livability? The answer that we're going to explain more fully in a moment and that we tried to explain in our August 20<sup>th</sup> letter is it does not interfere with livability. I also want to talk about 3 issues Councilor Ripma identified on July 10<sup>th</sup> which is noise, property valuation and visual impact. All of those are properly addressed. Before talking and concluding my part more specifically about the evidence you can rely on, this site really doesn't make sense for LDR zoning. It makes sense for the proposed HDR zoning. It's across from a shopping center on the north and it's on a couple of busy streets. If you look at your map and you look at my letter, noted a number of instances where high density residential is adjacent to LDR. It's a perfectly acceptable zoning district. But what you want to do is mitigate the impacts and the principal impact to mitigate here is traffic and that's what the

applicant's condition of approval does. Conversely, single family housing at this intersection doesn't make sense. I think if it did it would've been built by now. We've been in a very robust housing market. There's a documented demand for housing. I think it's tough to put single family housing at a busy intersection like this. The other thing I want to note is density, in and of itself, is not a reason to deny an application. It's the impacts of density. Councilor Ripma is exactly right. You're going to have more folks, more families and more units here. But what our job to do is to show you that the impacts under your code would significantly adversely affect the adjacent neighbors who live in the single family homes. And that's what I'm going to talk about now. Let me talk about the comprehensive plan map amendment criteria, there was only one that was not met, that was E. That requires that uses in the proposed map "not significantly adversely affect existing or planned uses on adjacent lands." In our letter we tried to give you some assistance with defining what significantly means and we also described what adjacent means. First note, it allows some affect. I think what the Council's required to distinguish between is affects that you normally get any time you have use to use differences versus something that's dramatic, something that really impacts how folks live their life. That's not going to occur when you put this HDR/A-2 next to the LDR/R-5. Density alone is not a basis for denial. I've also heard the testimony about spot zoning. This is not spot zoning. Black letter Oregon law is if you're doing something consistent with a designated map it's not spot zoning. We simply don't recognize that concept as other states do. The point about visual impact is all 3 zone districts are involved here and all 3 comp plan map designations that implement the zone districts all allow the same height. It's 35 feet. So the fact that this development can have a maximum 35 feet is no different than an R-7 zone or an R-5 zone. And you can have 3 story dwellings and they're quite common. We offered the map showing the landscaping to show the significant exterior landscaping buffer. That is a visual buffer combined with the setback. That, I think, mitigates the impact of visual impact that Councilor Ripma suggested was found. There is no noise impact that significantly adversely affects the single family homes. You're going to have noise but it's going to be the same kind of noise that you have anywhere. If you get noise that is not what you would expect from this area that's why you have a noise code. The point is, you have noise from families and cars but it's not noise that's going to significantly adversely affect the adjacent uses. It's the kind of noise that's to be expected and you can have anywhere. Lastly, there's no property valuation or privacy impact. It's not my place to tell Council what to do but I would suggest that you not go down the road of suggesting that impact on privacy or property valuation as a basis for a plan map denial. There is not a single hearing I've ever been to where that issue has not come up and conversely very few hearings recognize that as a legitimate reason to deny an application. But I will tell you there's no substantial evidence that that's going to happen here. Folks can suggest that it might and they might speculate it but we don't have an appraisal report or anything that actually constitutes evidence. So we don't think that's a basis for you to act on denying the application. As Chris said, the reason that you tentatively denied the zoning map amendment is that you couldn't find that the comprehensive plan map amendment as satisfied. Here I think you can find the comprehensive plan map amendment approval criteria are satisfied, therefore, you can find that the zoning map approval criteria are satisfied. And keep in my mind we ask you if you approve this to impose the condition we've requested which requires us to make the traffic impact improvement which mitigates the traffic impacts. That's the real result of density. We're dealing with that and we're

addressing that and we're accepting the responsibility to make sure that it doesn't affect the intersection.

Chris Brehmer, Kittelson & Associates, stated what I want to do is just pick up briefly with Councilor Ripma's question regarding trip generation. We put together a traffic study back in April. That traffic study from a rezoned perspective looks at what's the reasonable worst case amount of traffic that can come out of a single family housing subdivision compared to what could be developed reasonably under the proposed zoning. And what that shows is an increase in trips that would result from the zone change. What that traffic study showed is from a pure code compliance perspective there was a list of mitigations recommended and those mitigations were sufficient to satisfy the Oregon Transportation planning rule as well as Multnomah County's standards. Based on the feedback that was received through the hearing process the applicant is offering and volunteering to make additional improvements above and beyond what are required from a code specific perspective. Specifically they are proposing to dedicate right-of-way along Cherry Park Road that will allow for an additional eastbound lane across the intersection. It will provide a second travel lane. It will also ensure provision of a bicycle lane and sidewalk. To do that we're going to have to rebuild the traffic signal that's there. One of the poles will have to be replaced and reconfigured. Chris Brehmer showed the Council slides of PowerPoint presentation (a copy is attached as Exhibit C to these minutes).

Chris Brehmer stated this is a voluntary measure that the applicant's putting forth to provide additional capacity as a condition of approval in lieu of paying fees. Working towards an ultimate improvement delivers part of that long term capacity now. That significantly improves the operations of the intersection in the long term. Before you were looking at level of service E this would restore the intersection to level of service D. I'm going to turn it back to Mike.

Mike Robinson stated we want to thank you for listening to us tonight. If you have any questions that you haven't asked us, please ask us before the record closes tonight. We ask that the end of tonight when you close the hearing in record that you approve the comprehensive plan map and zoning map amendment to HDR and A-2 and that if you do that that you please include the applicant's request of conditional approval requiring us to construct at our cost the traffic improvement.

Councilor Lauer stated the only question I have is on the letter from the County dated May 29, 2018 on the conditions of approval. Have you initiated work with the City of Gresham?

Mike Robinson replied yes, Councilor Lauer. We were on the phone with Multnomah County and Jim Geller, I think, from the City of Gresham last week. So they're aware of what we've proposed. My understanding is he was fine with the condition we proposed. We have the benefit of the Multnomah County representative and she can give her own opinion.

Councilor Morgan asked, how many units were proposed in your pre-application?

Mike Robinson replied my understanding is that my client had a pre-application meeting for a manufactured home park. I do not know the number of units and there has been no application submitted.

Councilor Morgan asked, so you don't know the answer?

Carey Sheldon, Sheldon Development, stated I believe 72.

Mayor Ryan stated we are now going to open it up to public testimony. When you come up please say your full name and city that you live in or your address. Mr. Young will be limiting it to 3 minutes. I do ask to make it pertinent to the information that was presented this evening.

Rich Shepard, Troutdale resident at 2404 SW 22<sup>nd</sup>, stated I've been provided a lot of written testimony on a lot of the details. They're looking at the big picture rather than the little picture. The elephant in the room is traffic. I think we've all agreed on that. The big issue is traffic and we've heard a lot about what the traffic impact of this high density residential on this corner might be. I've lived here for 25 years and I've seen traffic and development building all over. I think the major issue is that a lot of the staff report, a lot of the applicant has proposed, a lot of what the County is that there's a lot of intention. We intend to do this, we intend to do that. There's no guarantee that it would actually happen. Conditions can change, other things can change and it doesn't happen. If a decision's made to say yes, let's go ahead based on the intentions and it doesn't come through it's not like we can say take it down and reclaim the land. We're stuck with it. Look across at the old McGill farm. Now it's the Gresham Vista Business Park. They're building huge warehouses and distribution centers and more up on Stark. So far they're pretty much empty but there could be 1000's of employees working in that place plus the heavy traffic going back and forth. The other point is the decision to be made. I would suggest that the decision is not binary.

Paul Charpentier, Troutdale resident at 2120 SW Sturges Lane, stated I volunteered to take a survey around Cherry Park and the Woodale neighborhoods on a weekend. I didn't get to everybody. People were just gone. I found 2 people who were for this, 5 people that said they don't sign petitions but I did find 175 people that want to keep it residential. They were really adamant about it. There's a lot of people who are not happy with the Planning Department and City Council. I think the people don't want it.

Mayor Ryan asked, would they be happy with a mobile home park there?

Paul Charpentier replied I don't know. That was never brought up.

Mayor Ryan asked, would you be happy with that?

Paul Charpentier replied I don't know. It's a residential neighborhood for homes. That's what Troutdale is. We're not a business community or industrial community.

Councilor Morgan asked, do you see the quagmire from the zoning standpoint, currently? What the usage is currently permitted versus the appeal or the challenges being proposed?

Paul Charpentier replied I've asked all of these people. I asked them, would you like to keep it R-5 or R-7 with no changes? I've had people invite me in for lunch. People were hugging me and thanking me for doing this.

Ed DeFranco, Troutdale resident at 1401 SW 11<sup>th</sup>, stated more or less have a question and I don't know if it's appropriate but I thought that the issue was that it was an R-7 and an R-5 and that they were trying to make it one lot instead of 2 lots.

Chris Damgen stated the current situation of the properties, there's actually 2 properties that this application would consider. There's a larger property which is zoned R-5 and there's a smaller, narrower property that is zoned R-7. The proposal would be to have both properties become zone A-2 and then through a development application, if approved, would be to do a lot consolidation to turn it into one property.

Keith Glick, Troutdale resident at 1773 SW Daybreak Way, stated yes I would rather see manufactured homes there. When it comes to the height restrictions and that, I'd rather see 3 story single family homes there than massive apartments. It's pretty disingenuous when engineers say that when you have 216 units and 3 storied that there's not going to be an increase in noise pollution. It's a fantasy. The mitigation of the traffic, it hasn't been talked about the traffic going west and turning into the apartments and the impact that it creates there. Plus, there hasn't been anything said about the turning into and coming out of the property onto 242<sup>nd</sup>. There's nothing been said about that. There's no mitigation. And when it comes to mitigation, the word mitigation only means we're going to give you lip service about a problem that probably is never going to be resolved. When you talk about the traffic on Cherry Park, is there going to be restrictions on left turn into the land? Changing the zoning on this is opening up a Pandora's box that we who live here will have to deal with forever. A developer will make whatever he does, earn his money and leave. And leave us with the continuing problems that this change in zoning will create. Nobody has said anything that there will not be any problems.

Sandy Glantz, Troutdale resident at 4450 SE Sweetbriar Lane, stated I have some comments a little bit along the same line. Having an improvement for a couple hundred feet on a lane is just pushing it down into an area that's residential and where you have high schoolers that are walking along that path. You're not really mitigating the traffic impact. You're just pushing it into possibly a greater public safety impact situation. I don't really see how a couple hundred feet on one side mitigates that traffic impact. I also wanted to speak to people in A-2 housing using public transportation and therefore not having as great a transportation impact doesn't really apply given the level of service we have for public transit. Third, Troutdale's parking requirements are very high so having single family homes in there, I don't see that as becoming a parking issue because of our high standards. Fourth community need, I believe it's best served keeping this single family. There's over 550 multi-family units going in in Fairview and that's part of our community. Yet there's maybe a dozen R-5s. Even if those are mobile homes, they're sitting on 5000 to 7000 square foot lots. They can look pretty nice and that also

addresses some of our housing needs where we need some of that lower income that can help people get into those kind of situations. Last, I wanted to agree on the height where it's very different having 3 story townhomes with setbacks and breaks in between them from large multi-family units that A-2 housing addresses.

Wayne Schulte, Troutdale resident, stated I wanted to clarify a little bit on that trips per day for apartment dwellers versus homeowners. According to the highway capacity manual 7 trips per day are the average trips out of an apartment unit. It's 10 trips per day out of a residential single family home. With the apartment, the 216 units, that would equate to about 1512 trips per day. 10% of which would be during peak hours. We also heard about 48 residential units. At 10 trips per day that's 480 trips per day, 48 per hour. One other item, what about the northbound to westbound traffic? We've got a lot of big 53 foot cargo trucks in the area now and a lot more will be coming as they develop that property in the industrial complex. I think we need something to take care of that heavy additional truck traffic load.

Joy Lunneborg, Wood Village resident at 630 NE 241<sup>st</sup> Place, stated my main concern with this is not the zoning in regards to high density housing. I grew up in a home that was surrounded by something that was zoned high density. That had multiple families and multiple units. There was deep impact on my childhood. There was a lot of crime, a lot of noise, people polluting my home. I moved away from that area to the East County in hopes to get away from that. To see it come in and have them badgering consistently to do this, it threatens my family, my life and the way I have always looked at East County. Where there was more low density housing there was a more stable environment. When high density housing came in there was a less stable environment. This is asking too much of a local community.

Paul Wilcox, Troutdale resident, stated since traffic was the basis for denial I'm going to just address those. I did want to point out under Exhibit 3 from Matt Bell & Associates, they say at the bottom "Multnomah County, in coordination with the City of Gresham, has proposed to widen SW Cherry Park Road to provide a continuous 5-lane cross section through the intersection." That should be Glisan Road I think instead of Cherry Park Road. I just wanted to point that out. Also, I'm questioning the benefit of the added lane on Cherry Park to the south. I don't see that much traffic impact of the people turning into the complex coming from the west. If they're coming from the south they're going to turn in off 242<sup>nd</sup>. I don't see the benefit of that entire lane from 242<sup>nd</sup> to 18<sup>th</sup>. Another point I want to make is, Mayor Ryan, you made a distinction about this not being about this development specifically but this isn't Metro coming in and saying, hey Troutdale, this would be a great place for A-2. This is this particular applicant saying if anybody develops as A-2 this is what they need to do to mitigate the traffic issues. Also, there was the issue of the pump station as well. So they're coming in and saying whoever develops this as A-2 has to do these things whether it's them or somebody else down the road.

Brent Kusisto, Troutdale resident at 1863 SW Daybreak Way, stated to me it appears like traffic is still the issue. My understanding is that the burden of proof is on the applicant to show that all these questions are mitigated. It just seems to me like we haven't quite done that yet. I urge a no vote in this case. I want to thank you all for all your service to the community. You do a lot of work.

Taney Staffenson, Troutdale resident, stated I think this is really an interesting one because you have industrial property across the street, commercial property on the other 2 corners, Wood Village, Troutdale and Gresham all coming together. I think it's, what's the best use of the property for the community? Presently, most of it's R-5, 5000 square foot per dwelling and you look at A-2 you're 2000 square foot. I think we need to look at what will work best and long term for that property. Periodically we have to make changes and we debate those things. For the Planning Commission this was one of the toughest ones we've done.

Councilor Morgan asked, did you support the zoning change?

Taney Staffenson replied I did.

Councilor Morgan asked, but it was a difficult decision?

Taney Staffenson replied very difficult decision. I just felt that with the adjacent commercial that it made more sense.

Joanna Valencia, Multnomah County Transportation Planning, stated I just wanted to provide some additional information. There has been a traffic impact analysis that's been completed. There is a 2 step process that usually occurs especially if it's just a rezone. What happens is, in a rezone request we take the worst case scenario. You're saying it's going to be increased in regards to density. One example I use is the Troutdale Town Center area. Do you remember when we were exploring at taking a look at including drive throughs in the town center area? That was just a rezone request. As part of that we looked at what the worst case scenario was and added a 20 year growth rate. So in this instance it's unique because I think the applicant was responding to the concerns that were heard because if you recall the last time we looked at this there was concerns about it increasing the level of service and we didn't know to what extent. And also what that mean in regards to improvements. So there was a lot of unknowns when we first reviewed this about 2 years ago. I think the applicant has tried to address that in regards to providing actually a detailed traffic impact analysis (TIA) in addition to a 2 year growth rate. What the County does is it actually takes a very conservative approach. In addition to the TIA growth rate of 2% we also ask the applicant to take into consideration all the growth that's occurring within the area. So the growth that's occurring around Gresham Vista, the changes that Multnomah County will be doing on 238<sup>th</sup> and the City Hall improvements that are going on in Wood Village. Because we do know that there's congestion and traffic is increasing. All of that is taken into consideration and we take a very conservative approach. In hearing some of the testimony there was concerns about making sure that we're taking into consideration impacts. I really wanted to share that we take a very conservative approach in regards to how the TIA methodology is put into place. I also want to share that the County is also very limited in regards to what we can require to development. There's case law that's called Nollan and Dolan and it has to be related to and proportionate to the impact of the development. In regards to being able to assess that and try to figure out what the impacts were you can tell in the conditions that there was a payment in lieu of, which is now being converted into the construction of the improvement. Also, there's dedication requirements and

signal improvements that are being required. I'm limited in regards to what exactions I can take from the development. I had shared in my testimony with the Planning Commission that we all recognize there's improvements that need to occur in the transportation system all around. It's not just the intersection of 242<sup>nd</sup> and Cherry Park. It's just an all-around system that we're looking at here in East County and we recognize that. In my earlier presentation, I bookmarked the improvement that needs to occur on the intersection. It's projected as a conceptual design of about \$3.5 million. We've been working with the applicant and the City of Gresham to identify exactly what improvements would be required. This is proportionate to the impact that they're creating and so there's the contribution that's occurring. There's also the contributions that are occurring through the system development charges that the City of Gresham is collecting for their third of the intersection leg. They have prioritized this in regards to recognizing the impacts of Gresham Vista to the intersection. As Multnomah County continues to monitor it in regards to prioritizing the project it's great that this improvement is going to occur. There will be continued tracking and making sure that we can get the funding. I don't have \$3 million in my pocket right now to be able to build the intersection. There's a contribution that this development is making in order to address the impact it has having to that intersection.

Councilor Lauer asked, so there's money on the table, there's intent, and it's actually allocated towards construction of this intersection?

Joanna Valencia replied there's SDC's that are being collected by the City of Gresham. As I had shared, it's about a \$3.5 million project. The last I heard from the City of Gresham we're barely in the 100's of thousands in regards to dollars. There'll be the improvement itself that this development will be doing instead, in lieu of a payment. That's essentially a reduction in the \$3 million cost estimate that we have right now. It's that contribution.

Councilor Lauer asked, why wasn't the westbound of Cherry Park heading into Wood Village, why were those lanes not identified as needing updated as well? Is it just there's no room to update it?

Joanna Valencia replied this is all proportionate. That's too much of an exaction so in taking a look at what's proportionate and also what's related to development, in taking a look at the study the impact there's going to be improvements to the signal itself. The developer is doing a 10 foot dedication along the whole frontage of 242<sup>nd</sup>, a 10 foot dedication along the whole frontage of Cherry Park in addition to the improvements construction.

Councilor Lauer stated there might be a conflict of interest. I work for the City of Wood Village as a utility worker. So I don't care if there's 2 lanes or 1 lane. It doesn't make my work day any better or worse. I have no vested interest in that other than I drive this intersection probably a dozen times every day. I feel the traffic. When you first started speaking you started speaking about the original meetings that you guys had about the site development and then the traffic impact. Did you mention something about the projection 20 years out? As the Transportation Planning and Development Manager for Multnomah County, are these improvements within that scope of a 20 year projection for the impacts?

Joanna Valencia stated the widely accepted growth rate is 2.5%. That's widely accepted in regards to what the metro region is expected to see in regards to growth. So when we provide guidance to the engineer that's putting together the TIA, the 2.5% growth rate is the best practices that we apply.

Councilor Allen stated I was on the East Multnomah County Transportation Committee for years. I'm the one who wanted 238<sup>th</sup> to be 4 lanes and I didn't want truck traffic on 238<sup>th</sup>. Would you say I was fairly much the minority view amongst the regional leaders?

Joanna Valencia replied there was a lot of decisions that were made as part of that and there was also a lot of technical analysis that was completed as part of that. As part of the technical analysis it was found that the bottlenecks are really at the intersections. There was definitely your comment in regards to needing 4 lanes but I think there were concerns about impacts to right-of-way and making sure that we can accept the future growth. It's a 20/40 growth model. What was found was that it was really the bottlenecks at the intersections and it was operating fine.

Shirley Prickett, Troutdale resident, stated the only thing I haven't heard discussed is mass transit. Those people that want to live in the area especially along Cherry Park, there is no mass transit. They have to either walk clear down to Halsey, Stark or clear to Troutdale Road. It took us a year to get mass transit for overnight shift at FedEx. We need mass transit as part of that connection.

Ray Young stated Mayor, if you recall, the testimony already given in the packets from before is that TriMet does have lines already proposed for east, west, north and south of that intersection. They're just waiting for the people to be there.

Lyndon Johansen, Troutdale resident at 2025 SW Daybreak Way, stated I don't know if this was answered or not, with the proposed widening of the lane going eastbound on Cherry Park into the property, is that contingent on whether it's increased to a high density? Or will that be done no matter whether it stays as it is zoned now?

Mayor Ryan replied my understanding is it is with the high density development. Does staff have any response to the testimony?

Chris Damgen stated the second lane that they're referring to the eastbound lane off Cherry Park Road, I called it turn lane. Effectively, yes, it would provide access into the property but I believe the design as proposed shows a tapering off just beyond the right turn that would go into the property. So it's really kind of an auxiliary lane that could serve those right turn movements but would allow for a tapering off or a merge further down. I want to make sure that gets clarified for the record. The second thing I would say, and this is just a cautious reminder, on the comprehensive plan you have language in that and I'm going to be paraphrasing it because I don't have the language immediately in front of me that talks about that this community would be open to a variety of housing types and that they recognize high density

residential as a valuable and needed housing stock. If you are making decisions one way or the other please keep that in mind. That is adopted policy of the City.

Councilor White stated if we allow the high density to occur the developer's planning on building the pump station. If we keep it R-5, how would that property be serviced for sewer with its current zoning?

Chris Damgen replied I'm not an engineer, Councilor White. My understanding is that previous subdivision proposals when they went into pre-application would've required a lift station or some heavier utility.....

Councilor White asked, would that be the City's responsibility then?

Chris Damgen replied it would depend on what was proposed, but typically a pump station would be dedicated as part of it. The applicant would be responsible for installation and building it and then the City would assume responsibility.

Ray Young stated the difference is if there's a multi-family high density done, they build the lift station and they're responsible to maintain it in perpetuity. We don't deal with it. If a single family goes in there, they build a pump station and then they hand it over to us to take care of it.

Mayor Ryan stated applicant, you have 5 minutes for any type of response.

Chris Brehmer stated there was testimony early in the public comments about whether we accounted for traffic development, particularly the industrial end to the west. Those future developments and approved developments around us were all accounted for in the traffic study. You heard Ms. Valencia testify that's a County requirement that we have to account for other approved and in process development as well as planned growth. There was a question about the timing of the mitigation, the format would be that all the mitigation would be required prior to occupancy. That's a pretty standard approach so that you're assured that the infrastructure is there. There were comments made about the length of the turn lane that we're proposing to add and that it might not be sufficient. It's difficult to tell from the graphic. The lane we're adding is approximately 500 feet long of full width lane and then it tapers back into the through lane. That 500 feet is a pretty common scenario that you'll see around the metro area where 5 lane roads intersect with 3 lane roads on the other side of the intersection. The 2 lanes are typically very well utilized during the peak hours and then in off peak when traffic is lighter people tend to congregate in the one that goes all the way through. We expect that that will be more than sufficient and it's consistent with what the County and City are planning long term. You heard testimony about the number of trips and that there would be an increase in trips with the apartments. Again, I absolutely agree that a worse-case scenario could increase trips. We've documented that in the traffic study. There's 9 conditions of approval to mitigate that additional trip impact. There were questions about is this additional lane beneficial and what's the benefit of it. We're putting on the ground part of what the County's ultimate plan improvement is, adding eastbound capacity directly benefits the overall intersection. If you think

about this, we're trying to get everybody through a single point in space. If we can move people through eastbound faster that gives us more time to allow westbound left turns to turn so you get east/west efficiency and from a County perspective with that east/west efficiency they can then reallocate to north/south green time and move the overall corridors faster. So that is a real tangible improvement and that's why you see the change from level service E to level service D. The last thing that I'll leave with is really this kind of notion that what we're putting forth is a portion of the ultimate improvement that is planned here. The reason that we chose the lanes and the reason that it's laid out the way it is, is because we can take advantage of the property we're working with now and the frontage that's there and get the dedications from them and put in that first part of the equation. Yes, there are other alternatives that need to happen and as you've heard there's a whole intersection improvement that needs to get there. This is a down payment, if you will, of the ultimate improvement that mitigates the impact of the potential increase in trips with the rezone.

Mike Robinson stated your comprehensive plan recognizes the value of high density development. We have to meet the approval criteria and I think if you look at the record we've made tonight we've met that. Keep in mind this is an appropriate housing type. It's still residential. It's just a different way for families to live and your plan acknowledges it's appropriate. Traffic was the main focus of testimony tonight and Chris did a nice job of explaining it. The condition of approval if you choose to approve our application with the condition binds us to make that improvement. The only way we wouldn't be able to do it is if we came back and asked you not to do it. We're committing to do and you're requiring us to do it. One other fact, our making this improvement not only frees up capacity in the intersection, it frees up public money for other Troutdale improvements. We're taking care of our impact which is what the law requires. So I think at the conclusion of tonight's hearing you have an evidentiary record that allows you to find that all the approval criteria are met. We've addressed our traffic impacts with mitigation and you can approve this application with the conditional approval that we've requested.

Mayor Ryan asked, does the Council have any more questions?

Councilor White stated my question has to do with you guys are voluntarily committing to more concessions with the project. If the zoning change goes through and you decided to sell the property with the new zoning, what happens to those concessions?

Mike Robinson replied they run with the land. That is common practice in Oregon.

Councilor White asked, on the signal upgrades, is that going to be the flashing yellow and green arrow?

Chris Brehmer replied yes. That's one of the mitigations that we identified.

Mayor Ryan asked, at this time, does any member of Council have anything you want to discuss?

Councilor Ripma replied I appreciate the letter from Schwabe, Williamson and Wyatt and the testimony given tonight and I wanted to respond. I think we're in a case where the public clearly does not want this zone change and the Council is able to follow up on the motion I made in June to deny the zone change. I need to address some of the issues raised by the Schwabe letter and the testimony of applicant. In the end I'm going to move that we deny the zone change and adopt the findings of Exhibit A and here's why. My most significant reason is the public doesn't want it, the public most affected by it doesn't want this zone change but I also think it does not meet the criteria. In the letter from Schwabe it talks about a significant adverse effect versus a nonsignificant adverse effect. Basically the letter says that the Council could well find that these effects are not significant. Well, we also could find that they are significant. One of the livability and visual aspects is the potential for more full height 35 foot buildings. As we heard from public testimony and as anyone thinking logically about it would agree, apartment buildings at 35 feet do not have the same visual impact as single family homes that are 35 feet. There is a potential for a significant visual impact and I would urge the Council to find that that is the case. The traffic impact in particular I'll focus on the applicant has agreed to do one modest thing, add a lane along their property line. But what they're agreeing to in the conditions is that they will agree to the County conditions, one of which is the one Councilor Lauer brought up, condition #9. If the applicant needs to work with the County and the City of Gresham to basically widen 242<sup>nd</sup> and that is simply talk. They need to work with the County and the City of Gresham to talk about future improvements to 242<sup>nd</sup>. Gentlemen, in the staff report under tab B is an August 2018 from the City and the County, Marlee Schuld and Joanna Valencia who appeared before us tonight indicating on the second page that the project for widening 242<sup>nd</sup> as a high priority. However, given the number of transportation related issues throughout the County, the project is currently identified as #8 on the County's capital improvement plan. Only the small portion of the approximately \$1.1 million needed to fund the project is available. Folks, that means it's #8 on a project that the County can change later. It is far from a definite improvement that is needed at that intersection. We have ample grounds for denying this zone change under the criteria E uses allowed in the proposed designation will not significantly affect existing or planned uses on adjacent lands. It will. We have a reason to deny this and I'm happy to make a motion. I do point out that if my motion passes we're done with this issue for tonight. Am I allowed to make a motion?

Mayor Ryan replied no, you're not.

**Mayor Ryan closed the public hearing at 10:15pm. The public testimony portion of the public hearing on the Comprehensive Land Use Plan Map and Zoning District Map amendments on approximately 8.82 acres of land located at the intersection of NE 242<sup>nd</sup> Drive and SW Cherry Park Road ordinance is hereby closed.**

**MOTION: Councilor Ripma moved to deny the zone change and adopt the findings of Exhibit A in the staff report supporting that motion. Seconded by Councilor White.**

**Mayor Ryan asked, is there any Council discussion on this?**

**Councilor Morgan asked, so this is the motion that passed in June before the amendment changes? So a yes would deny the application permanently?**

**Mayor Ryan replied yes.**

**Ed Trompke stated a yes vote denies and a no vote does not deny.**

**Councilor Allen stated I want to express some of my thoughts on this. I'm seeing regional leaders directing us to densify. I'm not a real fan of that. I've lived in some pretty terrible places and I've paid attention. I looked at why those were terrible places. One of them was quality of development and the other one is there's basically 2 philosophies with high density. One is, you stuff it all in one particular area and the other is you spread it out. I'm a fan of not densifying it in one particular area because I've found that that's where you get more problems. It reminds me of the projects of the 70's. They didn't work out then and probably never worked out. I prefer them spread out. And I know people don't want them near them but it seems to be less trouble overall. The other thing I'd like to avoid is I really am not a fan of densifying in the neighborhoods. I'd rather leave the neighborhoods the way they are. The reason for it is, is your typical person isn't going to be able to afford a home right off the bat. They're going to often times move into an apartment as a first place or the last place, save up their money and may eventually buy a home and it's nice that they can do that and they can have these varied lifestyles that they can choose. That's why I don't want to densify everything. I'd rather have the distinct possibilities for the freedom of choice.**

**Councilor Hudson stated I am convinced as to the traffic development which will occur should we rezone this. I think it seems that it's something that we would agree to right there on paper and that any developer whether it's Sheldon Development or not would then be held to and I've heard from the County that that would be sufficient to mitigate the traffic impact. So what I would be more focused on is Point E and whether there would be a significantly adverse effect from making the zoning change. Again, whatever development would end up coming in there whether making the zoning change would significantly adversely affect the surroundings. Considering that as R-5/R-7 as it is right now allows for single family attached accessory dwellings and manufactured homes, in comparison to all possible future development I don't see the higher density development as being significantly more adverse than other development possibilities that could exist at the moment.**

**Councilor Ripma stated just in response to that, Zach, but the neighbors do see it being adverse and that's who we represent.**

**Councilor Hudson stated there is definitely a visceral reaction among those who testified tonight to dislike the proposed zoning change. Remember that we're hearing specifically from the people who have that adverse reaction and we're needing to look at our community as a whole. In fact, Point A says when taken into account the needs of the community as a whole, which do include high density housing as put forth in our**

comprehensive plan. I would like to concur with Councilor Allen on the benefit of putting high density zoning in more spaced out arrangements so that it does not all end up next to each other in one part of the city.

**VOTE: Councilor Hudson - No; Councilor Ripma – Yes; Councilor Lauer – No; Councilor Morgan – Yes; Mayor Ryan – No; Councilor White - Yes and Councilor Allen – No.**

**Motion failed 4-3.**

Ed Trompke stated anyone can make a motion or if no one makes a motion then I presume we would table it at least momentarily.

Mayor Ryan stated but if we make a motion for Option 4 then we're agreeing to that and then with the concessions.

**MOTION: Councilor Hudson moved to approve the ordinance with modifications from the prior June 26, 2018 version, with a section requiring satisfaction of two traffic improvement conditions before issuance of any certificate of occupancy, and with findings based upon new evidence and further consideration, attached to the staff report as Exhibit B and supplemented by the two conditions stated on page 7 of the applicant's letter of August 20, 2018. Seconded by Councilor Lauer.**

**Mayor Ryan asked, any discussion?**

**Councilor Allen replied part of the reason why I'm for this is it's next to 2 commercial centers and an employment center. It really doesn't get much better than that for this type of development. There's a need for it.**

**Councilor Morgan stated so you're in favor of the zoning changes for this to be zoned to HDR.**

**Councilor Lauer stated when we first were approached with this I was originally for it and the reason why we can talk at later date. I just feel like it's needed right now. I was against the zoning change last meeting because I don't think that the traffic impacts were answered and I think there was a big question as to how we were going to mitigate or that we even looked at the impacts of the traffic. I feel now after discussing this and speaking with Mrs. Valencia and everyone else from the County that I feel that they've not only mitigated, there's money on the table, it's working, it's going to work, there's a deadline and there's also a 20 year projection of this area. I feel like we're doing a service by doing this. I can support it now.**

**Councilor Morgan stated I didn't like the process. I was a yes coming in today and now I'm no.**

**VOTE: Councilor Hudson - Yes; Councilor Ripma – No; Councilor Lauer – Yes; Councilor Morgan – No; Mayor Ryan – Yes; Councilor White - No and Councilor Allen – Yes.**

**Motion passed 4-3.**

**7. DISCUSSION:** Should Troutdale appoint 2 Council Members to a local cities committee to explore an ordinance banning plastic bags?

Councilor Morgan stated I move to table item #7 until the next regular council meeting.

Mayor Ryan asked, everybody good with that?

Council agreed.

**8. STAFF COMMUNICATIONS**

Ray Young stated Imagination Station is rolling right along. We're looking at a soft opening probably the end of September and we're likely to do an open house, hard opening the first of October. The election cycle has been closed. Councilor Ripma is unopposed, Jamie Kranz is running for position unopposed that Councilor Morgan currently holds and then there are 3 individuals who are running for the 3<sup>rd</sup> that's being vacated by Councilor Allen. We are closed on Monday for Labor Day. At the Urban Renewal site we have big trucks and bulldozers and we are moving forward with surveys so that will be getting cleaned up quickly. Amazon actually is going to start bringing in product and working on Monday. They are up and running and probably full occupancy by the 1<sup>st</sup> of October I think. I've talked to you about this before and I've talked to the businesses downtown and all the people downtown were given notice of this but now that the slurry seal was done on Harlow and Dora we have all the signs ready to go and in the next month we will see Harlow and Dora for one block be one-way streets which will increase our parking in downtown. You'll see that probably in the next 30 days.

**9. COUNCIL COMMUNICATIONS**

Councilor Ripma stated I wanted to thank you, Mr. Mayor, and the Council for the flowers and gifts you sent me when I was in the hospital. I'm now in a nursing home rehabbing and this is going to take a while. I do appreciate all the kind words from numerous Troutdale residents and others. I'm working hard to get back there.

Councilor Lauer stated we're all pushing for you, Dave, to get better. Take it easy and come back stronger than ever.

Councilor White stated the second annual Bigfoot Festival was a huge success. A concern that's kind of growing and it's outside of our city limits but it's on Jordan Road. As soon as you cross the bridge, that's Jordan Road with a lack of a crosswalk in the summer time and people

trying to get to the river. We're starting to have a problem with the second parking lot becoming a problem area.

Councilor Allen stated I have a statement to read. I realize this has probably already been a long City Council meeting so I'll keep this brief. For those of you watching close, you realize by now that I am not re-election to the City Council. I do not see how I can use my limited resources of time and money to battle a lawsuit from Eastwinds Development, LLC and run an effective campaign.

**10. ADJOURNMENT**

**MOTION: Councilor White moved to adjourn. Seconded by Councilor Lauer. Motion passed unanimously.**

Meeting adjourned at 10:31pm.

\_\_\_\_\_  
Casey Ryan, Mayor

Dated: \_\_\_\_\_

**DRAFT**

**ATTEST:**

\_\_\_\_\_  
**Kenda Schlaht, Deputy City Recorder**

# CITY OF TROUTDALE

City Council – Regular Meeting  
7:00PM

Tuesday, August 28, 2018

## PLEASE SIGN IN

Name – Please Print	Address	Phone #
Richard Shepard	2404 SW 22	503-667-4517
Edward DeFranco	1401 SW 11th St	559 355-9597
MICHAEL ROBINSON	1211 SW 5th, Suite 1900 Portland, OR 97204	503-796-3756
Shirley Prickett	2617 SW Industrial John R Troutdale	503-667-5912
eric hochenthaler		
PAUL CHARPENTIER	2120 SW, STURGES LN	503-253-5946
Robert Hawks	4800 SE Viewpoint Dr.	503-667-5660
Robert & Terese	2200 SW 18 way	503 665 0056
Angela Deboy	1389 SW Napoleon PI Troutdale -	
Cheryl Sanders	2225 S.W. Larsson Ave	503-465-5684
PAUL WILCOX	TROUTDALE	
Bill Eggert	2225 SW Kendall Ct	619-972-7320
Twillia Harrington	2301 SW Kendall Ct	503-780-0933
Deeley Pollock	2209 SW Kendall	971 300 9540
Lisa Alibabane	2218 SW Fox Ct.	503-974-5472
Janel Billets	2240 SW Fox Ct	503 780-6869
Susan Johansen	2025 SW Dumbreck Wy.	503 703-4110
Lynne Johansen	"	"
Wayno Schutte	2003 S.W. Stange	503-666-5759
GARY DUNN	1527 SW BERRYESSA PL	503-618-7088
NANETTE SCHRAEDER-RICHARDS	1593 SW NORTH STAR LP	503-516-6911
Jennifer McGuirk	7625 NE SACRAMENTO 97213	503 577 8790
GREG & KAREN ARNTON	2147 SW LARSON AVE	503-312-5085

Name – Please Print	Address	Phone #
Breezy Paulin		
Jon Hughes	Troutdale	
Brent & Rosemary Kuriso	1863 SW Daybrent. Middle.	
Noel DEM	12849 NE Halsey Apt 102	
Debra Mcelister	Troutdale	
Tatjana Heinze	Troutdale	
Ryan Heinze	Troutdale	
Sally Saindy	11	
Carolyn Flaherty	Cherry Ridge, Troutdale	
Ryan Lagura	Canas, WA	
Jay Lunnborg	630 NE 2nd St, W.V. 97060	503-502-1277
Ricard Alhar. Mi	Multo Transp	503-985-015
Fan Cameron	=	↑
Carrie Warren	=	
Susan Howe	Tdale	503-674-7232 ☺
Heidi Timberman	Troutdale	503-666-6948
Tom & Shirley Angell	2339 SW 23rd Troutdale	971-230-4531
Paul Clift	1225d Historic	
Peter Probasco	1522 SW North Star Loop	971-409-8006
Sandy Glantz	4450 SE Sweetbriar Ln.	971-344-4240
TANNY STAFFORSON	1820 Wist Ge Pvn Hm	503-319-9732

Meeting Date: 28 August 2018

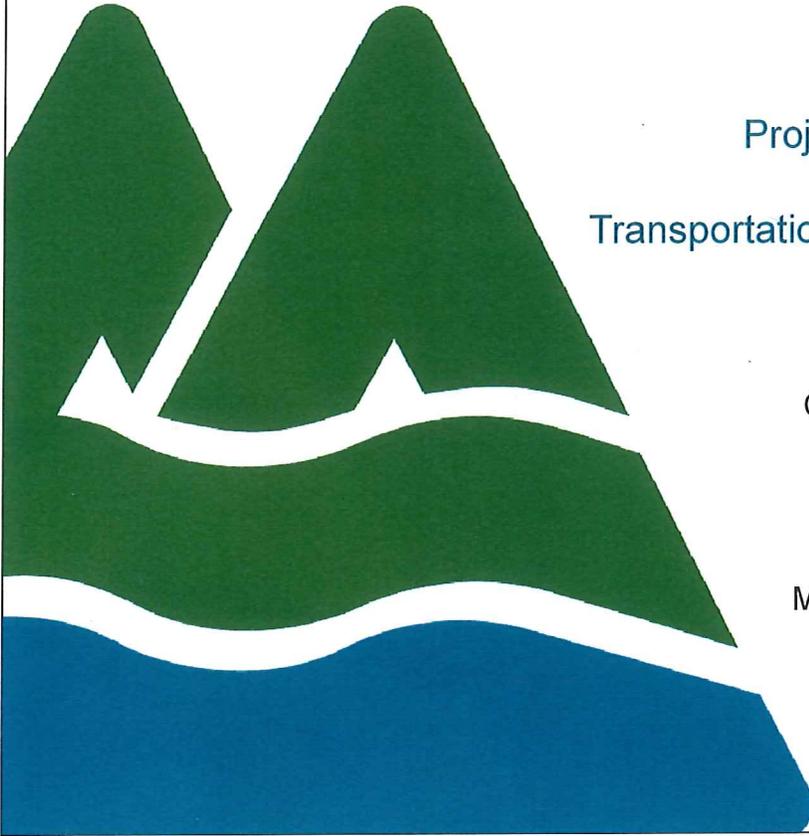
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## Exhibit A

August 28, 2018 Council Meeting Minutes

# MULTNOMAH COUNTY



## Project Updates on 238<sup>th</sup> Drive and Stark Street Projects Transportation Project Prioritization and Funding

August 28, 2018  
City of Troutdale Council Meeting

Joanna Valencia, AICP  
Riad Alharithi, PE  
Carrie Warren, PE  
Multnomah County Transportation

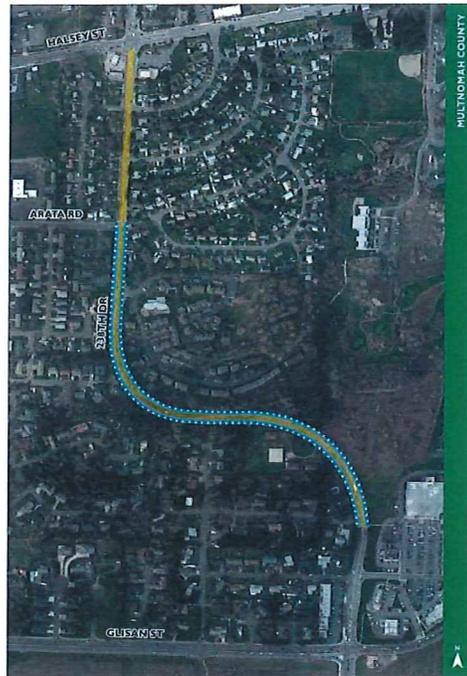
## Agenda

- NE 238<sup>th</sup> Drive
  - Design updates
  - Noise Analysis
  - Cost Challenges and Mitigations
    - Roadway Closure Concerns
- Stark Street Project
- Transportation Project Prioritization and Funding Overview
- Questions / Comments



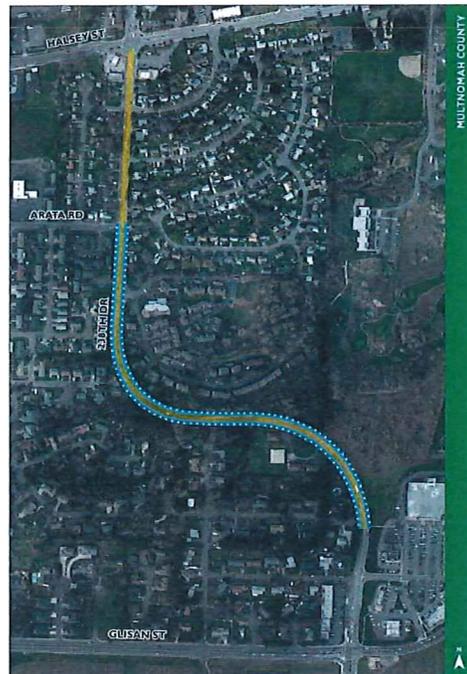
# NE 238<sup>th</sup> Drive Background

- Project identified in 2012 East Metro Connections Plan
- Scope: Widen lanes, multi-modal and Storm water management from NE Oregon St. to NE Arata Road



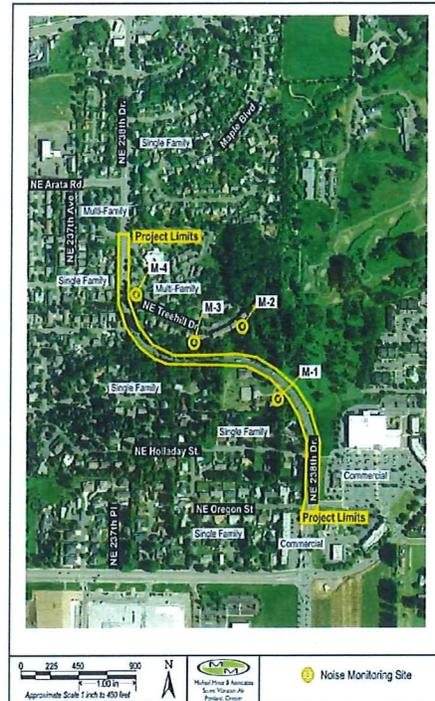
## Design Updates

- Design at 50% completion
  - Project footprint (needed ROW) are identified,
  - Stormwater management plan is identified,
  - Retaining walls types and locations are identified,
  - Environmental impacts are identified, and
  - Working on details to 90% design.
- Schedule
  - Design (2017-2019)
  - Advertise (Fall 2019)
  - Construct (2020)



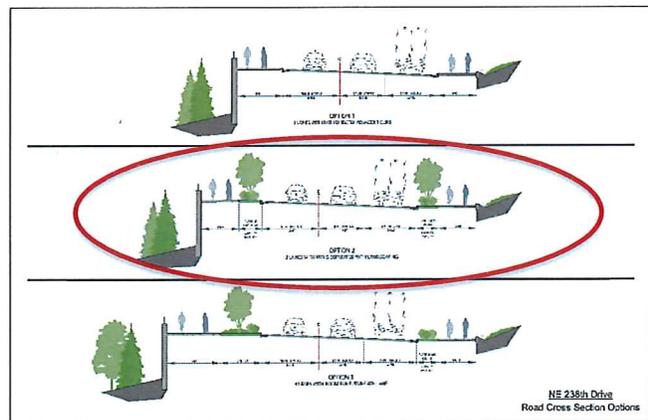
# Noise Analysis Highlights

- Traffic noise predicted to change by -1 dB to +2 dB when compared to the existing noise levels.
- Average person requires a 3 dB or more increase in traffic noise levels.
- People won't notice any difference in the overall traffic noise levels - with or without the project.
- The project will not add noise walls.



## NE 238<sup>th</sup> Drive Challenges

- Design changes due to safety needs and public input:
  - Planter strips added for safety and Stormwater management
  - Wider cross section



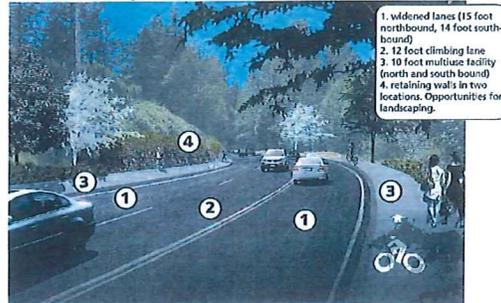
# NE 238<sup>th</sup> Drive Cost Challenges

- 2012 original project cost was at \$8M (\$800K County match). Estimate was done by ODOT, Metro & consultant
- 2012 budget based on conceptual level info
- 30% design estimate is \$1.5M over 2012 budget
- Biggest cost drivers are retaining walls in middle of project and Stormwater management facilities.

Existing 238th - looking north



Refined 238th - looking north



## NE 238<sup>th</sup> Drive Cost Mitigation

- Road Closure
  - Larger work zone cuts cost of walls and construction time
  - Saves \$1.3M
  - Improve safety during construction
- Asphalt (not concrete) sidewalks saves \$200K more



Rhododendron Multi-Use Path - City of Florence, OR



## Roadway Closure Concerns

- Issues to study - **23K** vehicles/day use road
  - Impact to the communities: Cities of Wood Village and Troutdale
  - Impact to businesses on Halsey St. and Glisan
  - Impact to Ped/ bike users
  - Impact to through traffic
  - Duration of road closure
  - Public comment on traffic plan



## 238<sup>th</sup> Drive Questions and Discussion

More Information:  
[multco.us/roads](http://multco.us/roads)  
[@MultCoRoads](https://twitter.com/MultCoRoads)



# Stark Street Multimodal Connections

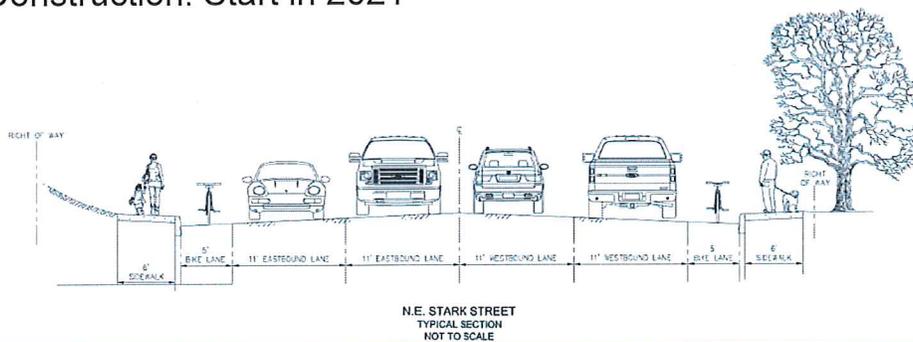


From left to right: (1) Looking eastbound near intersection of 257th Ave; (2) Looking eastbound where Corbeth Lane and Mount Hood Community College driveway intersect, and (3) Looking westbound from intersection of Troutdale Road.



# Stark Street Multimodal Connections

- Scope of project:
  - Close the existing east-west gap in bicycle and pedestrian travel
  - Work may include sidewalk, bike lanes in each direction, ADA curb ramps, curb and gutter, and drainage improvements.
- Anticipated Schedule
  - Design: start in early 2019
  - Right of Way: start in Spring of 2019
  - Construction: Start in 2021



# Life Cycle of a Transportation Project



## A Transportation Project “Life Cycle”

1. Birth of a project: Where do projects come from?
2. How do projects get prioritized?
3. How are projects funded?
4. What are the processes to implement/construct a project?



# Developing a Project

## A. Local Policies

- Based on community desires and needs

## B. Transportation System Plans (TSP)

- Includes project list reflecting community desires/needs

*Fairview (1999) Troutdale (2014)  
Gresham (2013) WV (2012)  
Mult. Co. (2016) Port (2015)*

## C. Sub-Regional Plans

- Refined list of projects from TSPs that support sub-regional desires/needs

*East Metro Connections (2011)  
CCRD Plan (2009)*

## D. Regional Transportation Plan (RTP)

- Project list consistent with TSP project list
- Based on projected growth

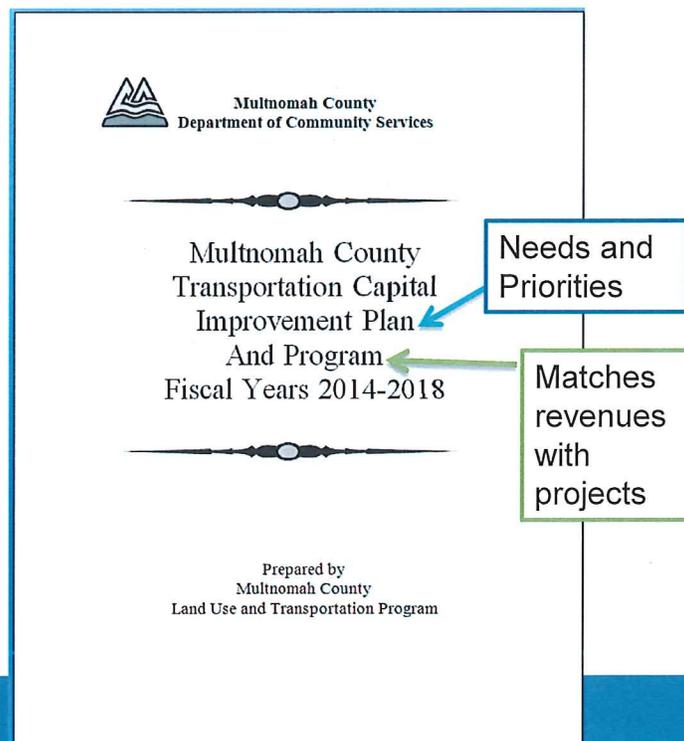
*Every 4 Years  
Next RTP (2018)*

## E. Statewide Plans

- Project list based on state's desires/needs, including projects listed in TSPs, RTPs



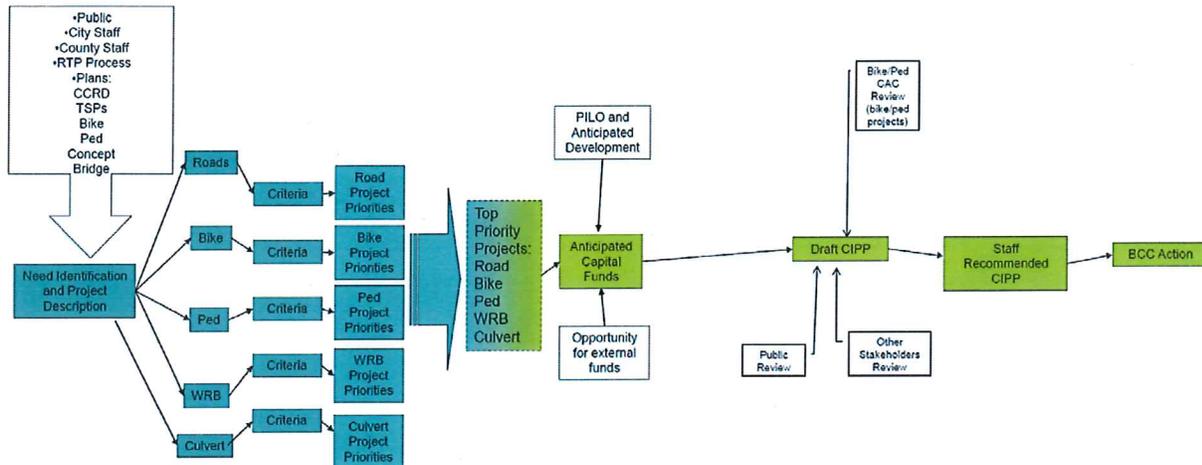
# Capital Improvement Plan and Program



## Multnomah County Capital Improvement Plan and Program

Plan – 20 year Needs

Program – 5 year Funding Strategy



17

## Prioritizing Projects

### A. TSP/RTP Project Lists

	Timeline	RTP List	Local CIP
– Near-term projects →	0-5 yrs.	Constrained	Funded
– Mid-term projects →	6-10 yrs.	Constrained	Unfunded
– Long-term projects →	11-20 yrs.	Unconstrained	Unfunded

### B. Funding Opportunities Arise

- Criteria varies
- Funding amounts vary

### C. Coordination

- Sub-regional / EMCTC
- Regional
- State



# Processes to Implement a Project

- A. Secure Funding
- B. Integrate into Capital Improvement Program
- C. Prospectus and IGA
- D. Design
- E. PE
- F. Construct

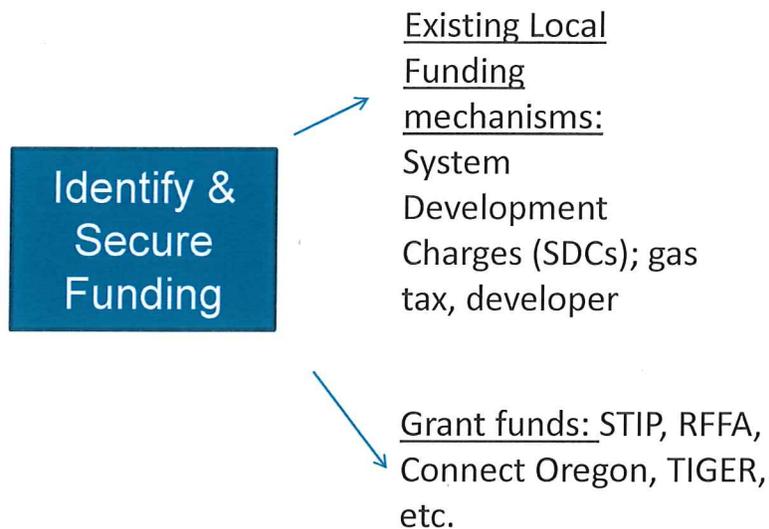


## How are Projects Funded?

- A. Local Funding Sources
  - System Development Charges (SDCs)
  - Transportation Utility Fees
  - Gas Tax and Vehicle Registration Fee Revenues
  - Bonds
- B. Regional Funding Sources
  - MTIP (Metro. Transportation Improvement Program)
- C. State Funding Sources
  - STIP (State Transportation Improvement Program)
  - Connect Oregon
- D. Federal Funding Sources



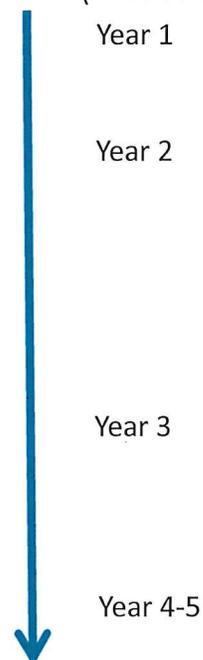
# Funding

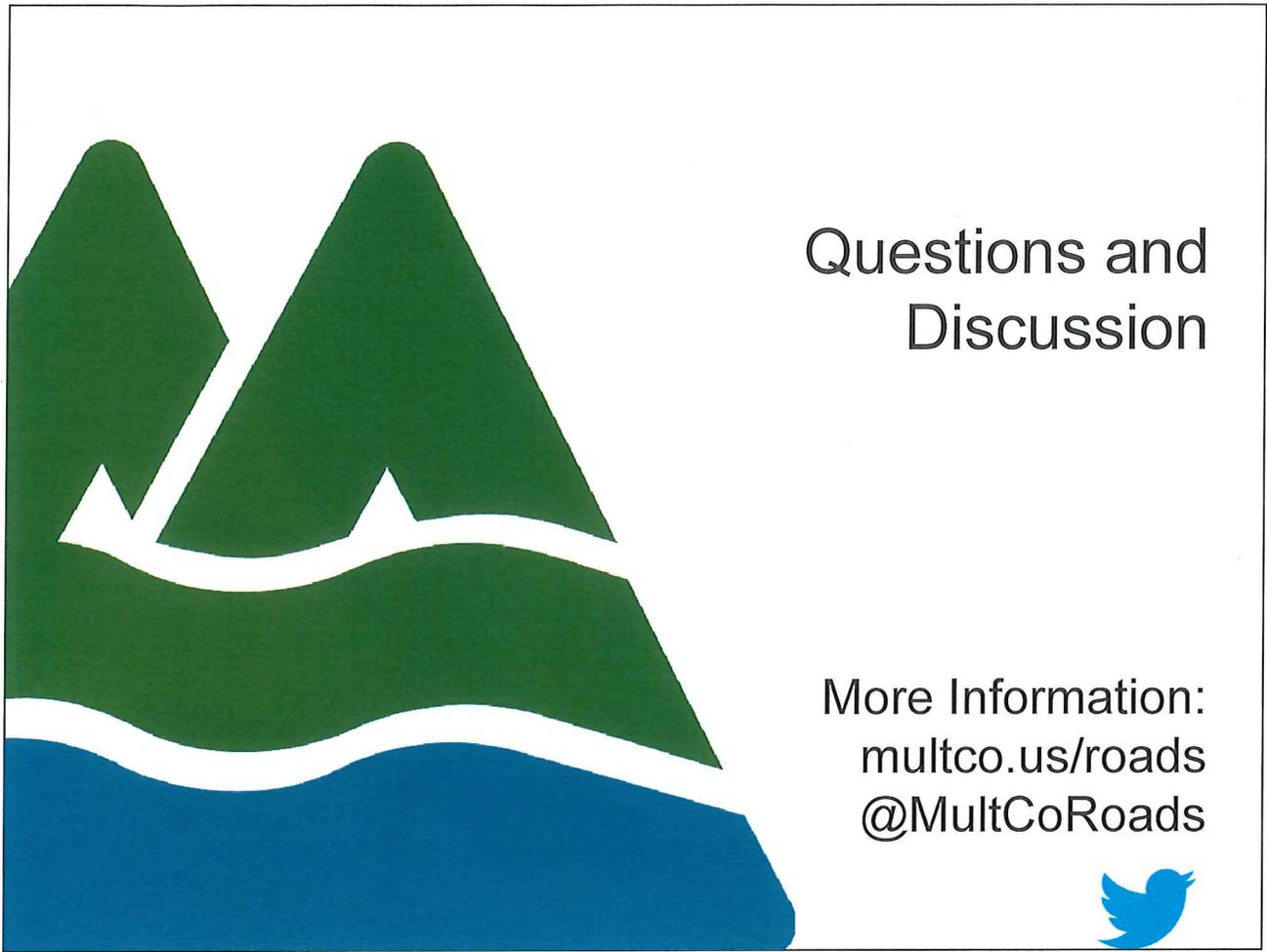


## After a project is funded, now what

- Project is moved forward to ODOT for adoption into STIP
- Project programmed into local jurisdiction Capital Program
- Local jurisdiction works with ODOT in developing IGA to receive Notice to proceed (can start spending money and charging to grant award)
- Local jurisdiction Planning, Preliminary Engineering and Design process occurs. Includes public outreach.
- 100% design completed and go out to Bid
- Construction

Typical Timeline  
(illustrative only)





# Questions and Discussion

More Information:  
[multco.us/roads](http://multco.us/roads)  
[@MultCoRoads](https://twitter.com/MultCoRoads)



**18-017**

**Eagle Ridge Apartment Homes**

Application for Map Amendments | Type IV Procedure

Public Hearing: Tuesday, August 28, 2018

Troutdale City Council | Troutdale Police Community Center

# Staff Presentation

# Public Testimony

## Order of Testimony

1. Applicant
2. Proponents
3. Opponents
4. Neutral Parties / Clarifications
5. Requests for Additional Time

## Reminder:

- All issues raised by a participant must be sufficiently clear and specific to allow PC and other parties to respond.
- Failure to raise an issue during this public hearing may invalidate a future appeal based on that issue.

# Application & Applicable Criteria

## What is being considered first...

- **Comprehensive Land Use Plan Map Amendment** to re-designate both properties to High-Density Residential (HDR)
- **Zoning Map Amendment** to rezone both properties to A-2 apartment residential
- These actions to be approved by **ordinance**

## If the above is approved, what will be considered at next the next hearing...

- **Site Development Plan approval** for a 216 unit apartment complex
- **Variance** for front setback line (20 feet to 10 feet)
- **Variance** for landscaping requirement (25% required, 24.7% proposed)
- These actions can be approved by **order** – only if amendments are approved

# Tonight's Hearing

- **Decision on amendments can be made tonight**
  - Planning Commission's recommendation for approval from the May 30<sup>th</sup> hearing is *non-binding*
  - City Council could vote to continue the hearing to a future meeting date
- Receive testimony during public hearing
  - Applicant's presentation – new evidence to be shared
  - Public testimony
  - Testimony must relate to the decision criteria **ONLY** the map amendments
  - Previous testimony remains part of the record
- Review the decision criteria only for the map amendments
- Review draft findings (Exhibits A, B, C) and discuss amendments
- Take action or continue the hearing to later date

# Clarification of Staff Report Exhibits

- Exhibit A – draft findings for **denial** of the application
  - stemmed from the 5-2 vote to disapprove findings on June 12, 2018
  - originally presented at July 10, 2018 Council hearing during deliberation
  - Reflects amendment proposed by Councilor Ripma at the meeting and clarified thereafter
- Exhibit B – draft findings for **approval** of application
  - drafted in case the new evidence presented by the applicant tonight satisfies Council concerns
  - first time it is being considered
- Exhibit C – draft findings for **approval** of application
  - Findings as originally drafted and recommended for approval by Planning Commission
  - Presented at June 5 and June 12<sup>th</sup> hearings
  - Voted down 5-2 at June 12 hearing
- Exhibit D – **Applicant Correspondence**

# Exhibit D – Applicant Correspondence

- Response to Council deliberations from July 10 meetings and proposed Exhibit A
- Introduction of new evidence
- New proposed condition to address traffic improvements – page 7
- Exhibit 1: Dictionary Definition of “significantly”
- Exhibit 2: Map
- Exhibit 3: Supplemental Analysis to the Traffic Impact Analysis
  - Applicant has submitted a revised Exhibit 3 for the record since the Council Packet was published
  - The revised exhibit has updated road improvements shown; no changes to conclusions were made

# New Proposed Condition

The Applicant shall construct a roadway improvement at the intersection of SW Cherry Park Road and NE 242<sup>nd</sup> Drive as shown in the attached exhibit, “Street and Striping Improvements”, prepared by All County Surveyors (the “Intersection Improvements”) and shall comply with conditions of approval 1-9 in the May 29, 2018 Memorandum from Multnomah County (the “County Conditions”).

The Intersection Improvements shall be complete by the earlier of the time that the Applicant seeks the final residential building certificate of occupancy, or December 31, 2020. The County Improvements shall be completed according to the terms of the County Conditions. ‘Complete’ for purposes of this condition shall mean that the improvements are installed but shall not require acceptance by the relevant governmental entity, or completion of an improvement punch list.”

# Potential Action Items

- 1. Deny** Approval of the Ordinance – Adopt the **Exhibit A** findings
- 2. Approve** the Ordinance – Adopt the **Exhibit B** findings
  - With modifications from the prior June 26, 2018 version of Ordinance
  - With Findings based upon new evidence presented tonight and further consideration
  - No condition that the street improvements be made.
- 3. Approve** the Ordinance – Adopt the **Exhibit C** findings
  - Original findings as presented at June 5 and June 12 public hearings
  - Does not reflect new evidence presented tonight
- 4. Approve** the Ordinance – Adopt the **Exhibit B** findings **with added conditions**
  - With modifications from the prior June 26, 2018 version of Ordinance
  - With Findings based upon new evidence presented to tonight and further consideration
  - Supplemented by two conditions stated on page 7 of Applicant letter (Exhibit D)

# Comprehensive Land Use Plan Map Amendment Decision Criteria

- A. Compliance with the Statewide Land Use Goals and related administrative rules has been met.
- B. Consistency with the applicable goals and policies of the Comprehensive Land Use Plan.
- C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation, and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands.
- D. The Plan provides more than the projected need for lands in the existing land use designation.
- E. **Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.**
- F. Public facilities and services necessary to support uses allowed in the proposed designation are available, or are likely to be available in the near future. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060.

# Zoning District Map Amendment

## Decision Criteria

- A. The proposed zone is appropriate for the Comprehensive Land Use Plan land use designation on the property, and is consistent with the description and policies for the applicable Comprehensive Land Use Plan land use classification.
- B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
- C. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment has a significant effect on the transportation system pursuant to OAR 660-012-0060.
- D. The amendment will not interfere with the livability, development, or value of other land in the vicinity of site-specific proposals when weighed against the public interest in granting the proposed amendment.
- E. The amendment will not be detrimental to the general interest of the community.

# Public Testimony

Comments should be directed towards the City Council

Please have comments relate to the decision criteria  
for the map amendments

# Public Testimony

## Order of Testimony

1. Applicant
2. Proponents
3. Opponents
4. Neutral Parties / Clarifications
5. Applicant Rebuttal
6. Requests for Additional Time

## Reminder:

- All issues raised by a participant must be sufficiently clear and specific to allow City Council and other parties to respond.
- Failure to raise an issue during this public hearing may invalidate a future appeal based on that issue.

# EAGLE RIDGE APARTMENTS

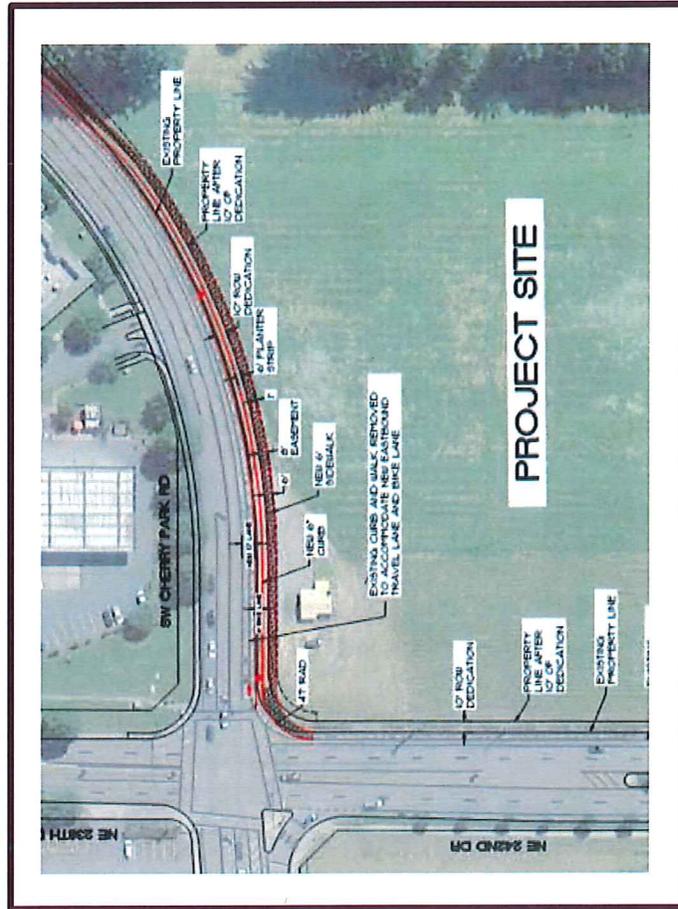
DESIGN REVIEW AND  
COMPREHENSIVE PLAN  
AMENDMENTS



# EAGLE RIDGE APARTMENTS

Developer Proposes to Improve the intersection at Cherry Park and NE 242<sup>nd</sup> to include:

- Frontage Improvements
- Signal Modifications
- Signing and restriping.
- New 12' Travel Lane
- New 6' Bike Lane
- New 6' Sidewalk & 6' Planter



## TRAFFIC IMPACT ANALYSIS SUMMARY

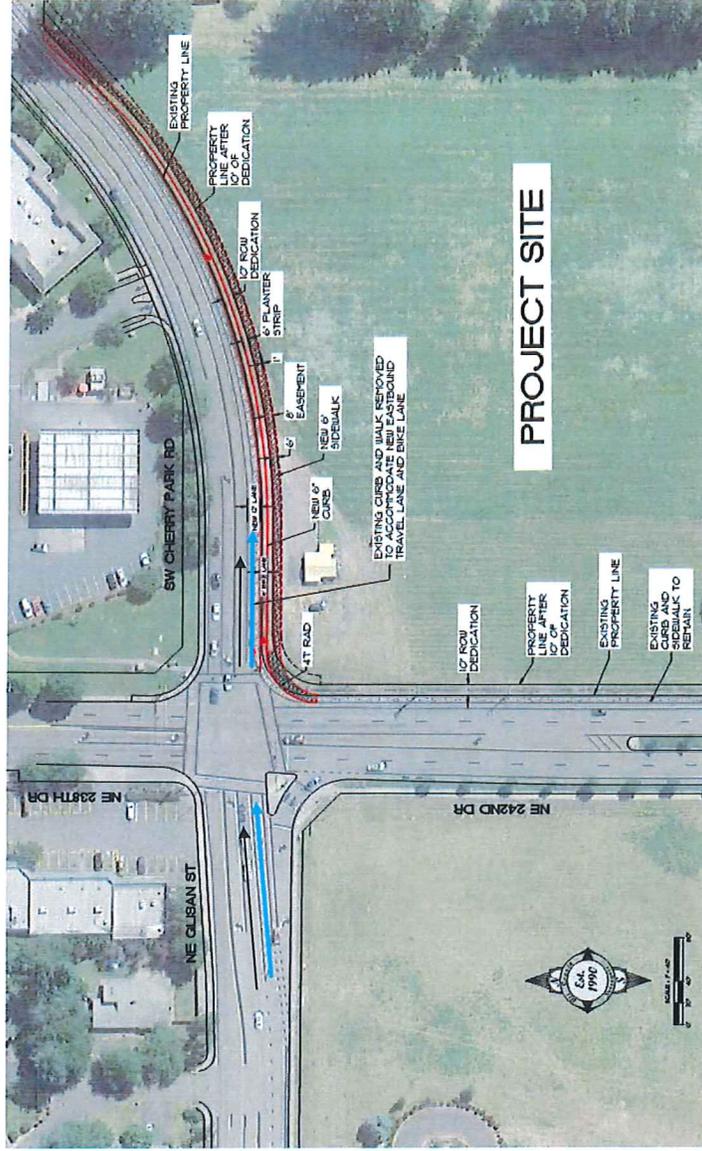
- Identifies transportation issues and recommended mitigation measures
- With mitigation the application satisfies approval criteria, including the Oregon Transportation Planning Rule (TPR)
- Conditions 1-9 from May 2018 County letter

## APPLICANT VOLUNTARY MITIGATION MEASURES:

- Dedicate Cherry Park right-of-way frontage
- Developer Proposes to Improve the intersection at Cherry Park and NE 242<sup>nd</sup> to include:
  - Frontage Improvements
  - Signal Modifications
  - Signing and restriping.
  - New 12' Travel Lane
  - New 6' Bike Lane
  - New 6' Sidewalk & 6' Planter
- Modify the traffic signal
- With mitigation, intersection is projected to operate acceptably in 2040 with proposed zone change and comprehensive plan amendment

# EAGLE RIDGE APARTMENTS

- Additional Lane Creation at Cherry Park



# EAGLE RIDGE APARTMENTS

- Landscape Planting Plan:
- Frontage Improvements
- Enhanced buffering along property boundaries



## EAGLE RIDGE APARTMENTS

- 216 Unit Multi-Family Homes
- Applications have been submitted for Site Development Review, a Comprehensive Plan Map and Zone Change, and two Variances.
- The proposed Applications meet all of the approval criteria and the Applicant accepts all proposed conditions of approval.



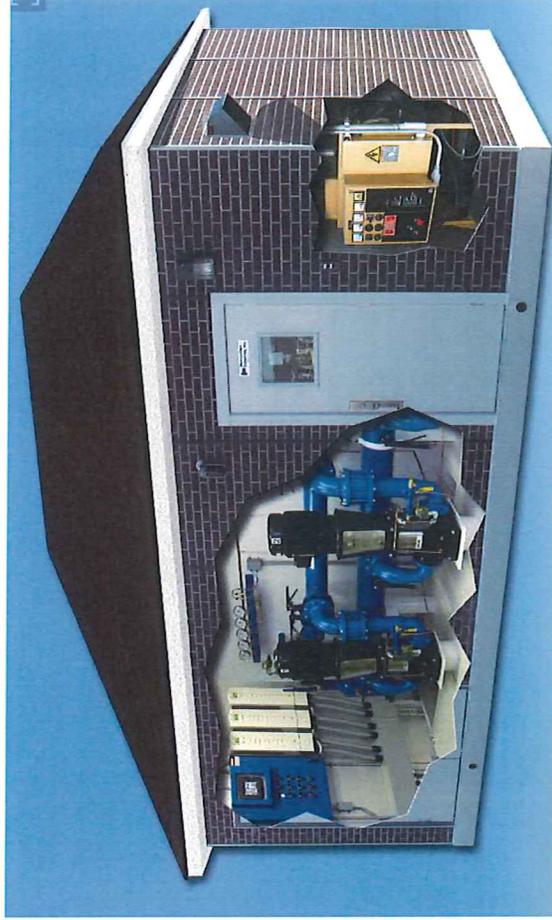
## EAGLE RIDGE APARTMENTS

- The land is zoned R-5 for single family homes.
- Single family homes do not work on the site because this project does not provide sufficient opportunity for a gravity sewer connection.
- The land was on the market for more than 5 years and no one was able to complete a deal for a single family project.



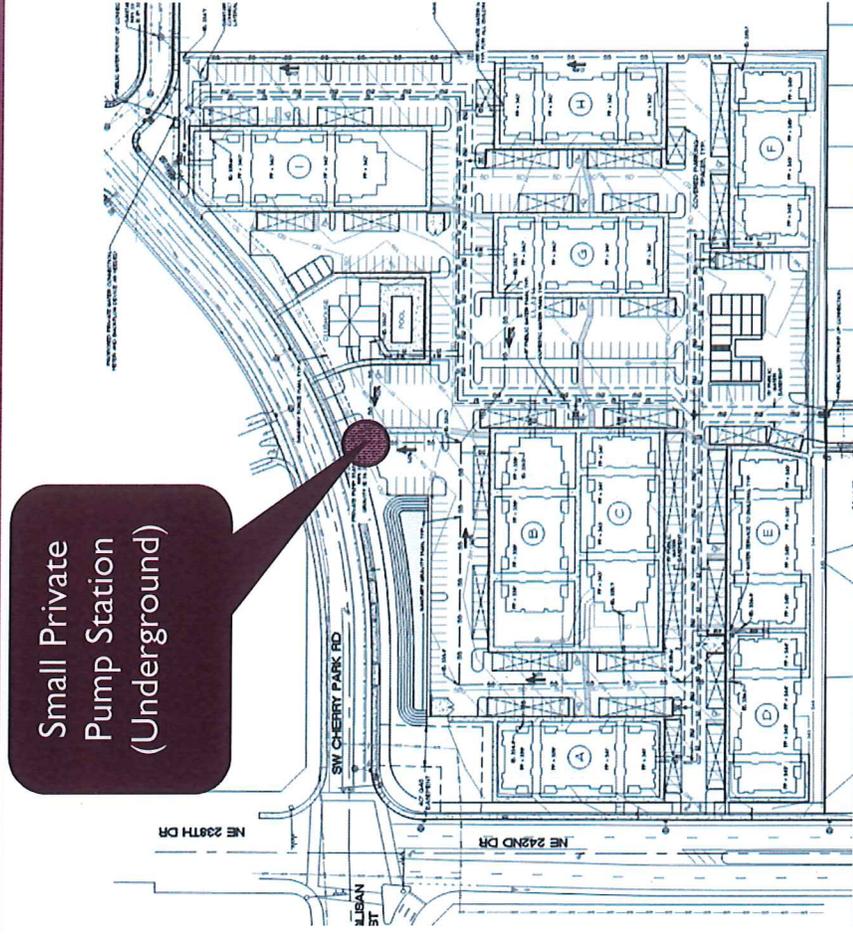
## EAGLE RIDGE APARTMENTS

- Public Pump Stations are not desirable by the City's Engineering and Public Works Department.
- They are expensive to construct and expensive to maintain.



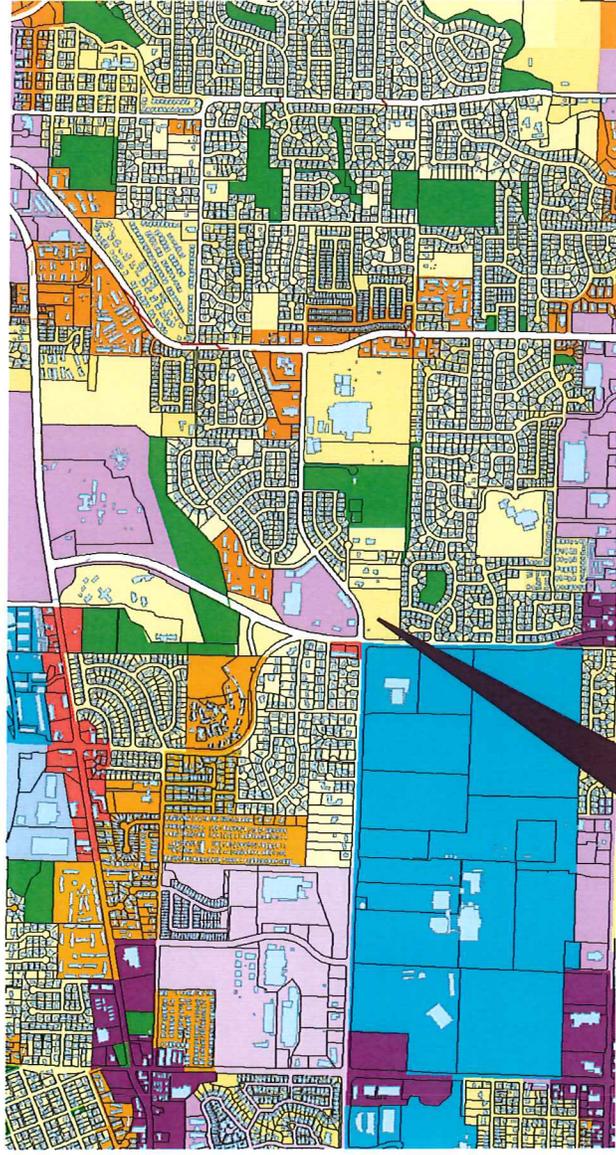
## EAGLE RIDGE APARTMENTS

- The development of the site as a private apartment complex removes the need for the installation of a public pump station as a private pump station can be installed and maintained by the developer.
- A much smaller system can be installed and maintained.



## EAGLE RIDGE APARTMENTS

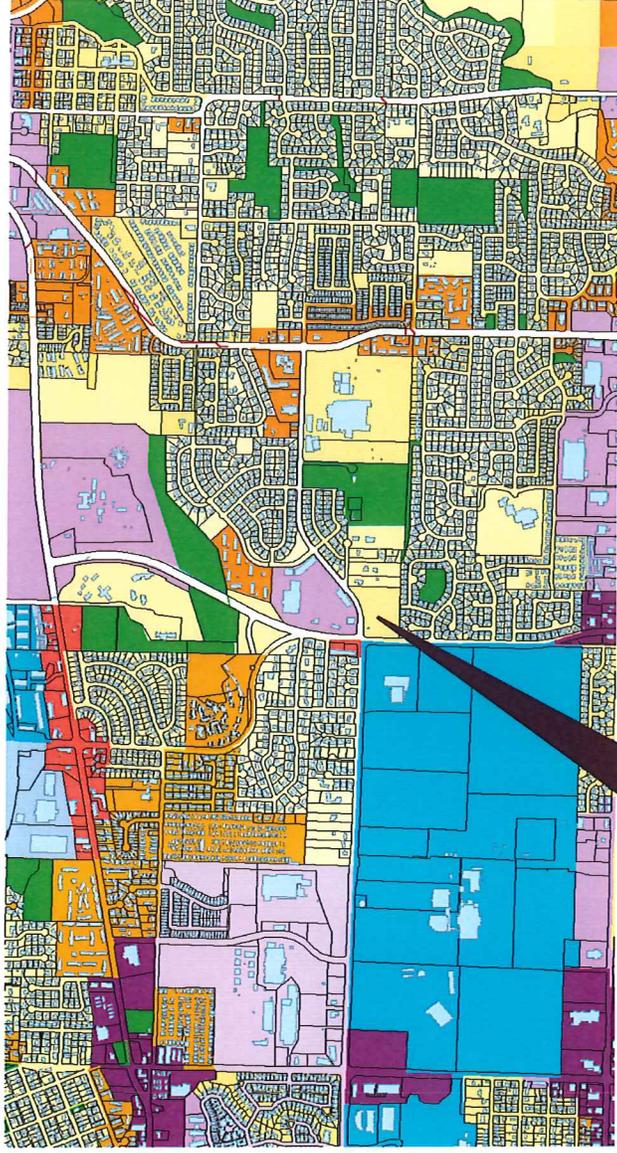
- The site's location makes it ideal for multi-family.
- SW Cherry Park is a Collector, NE 242<sup>nd</sup> is an Arterial
- The site will have Trimet Service next year



Site

## EAGLE RIDGE APARTMENTS

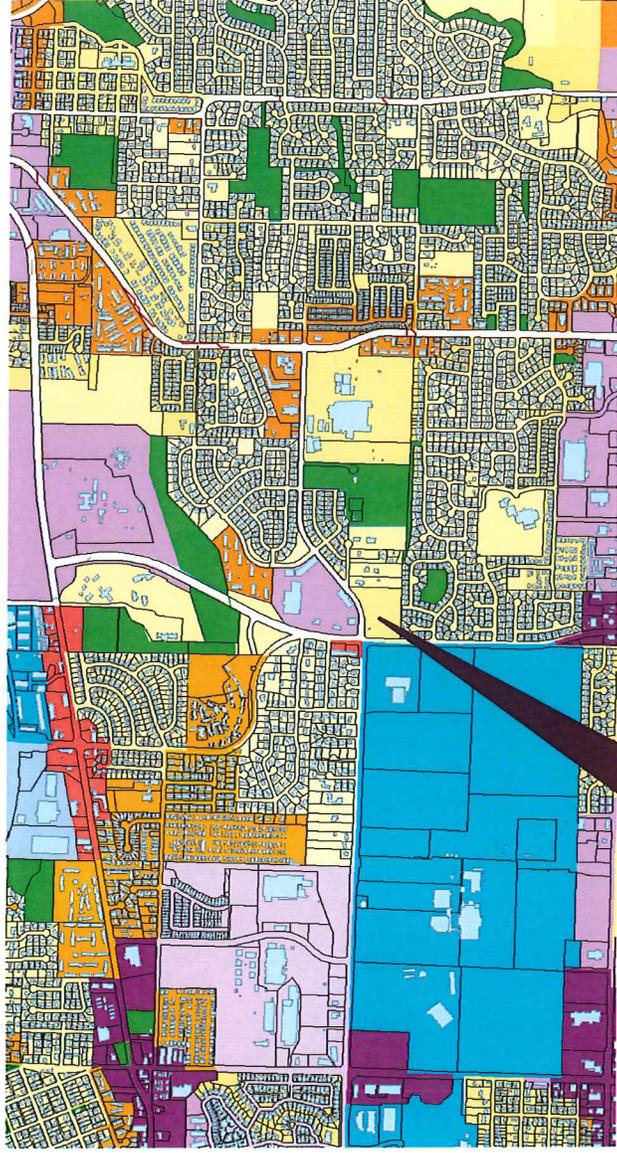
- Apartments are often located on busy corners.
- The site's location provides opportunities to walk to major services, retail, parks, and employment centers.



Site

## EAGLE RIDGE APARTMENTS

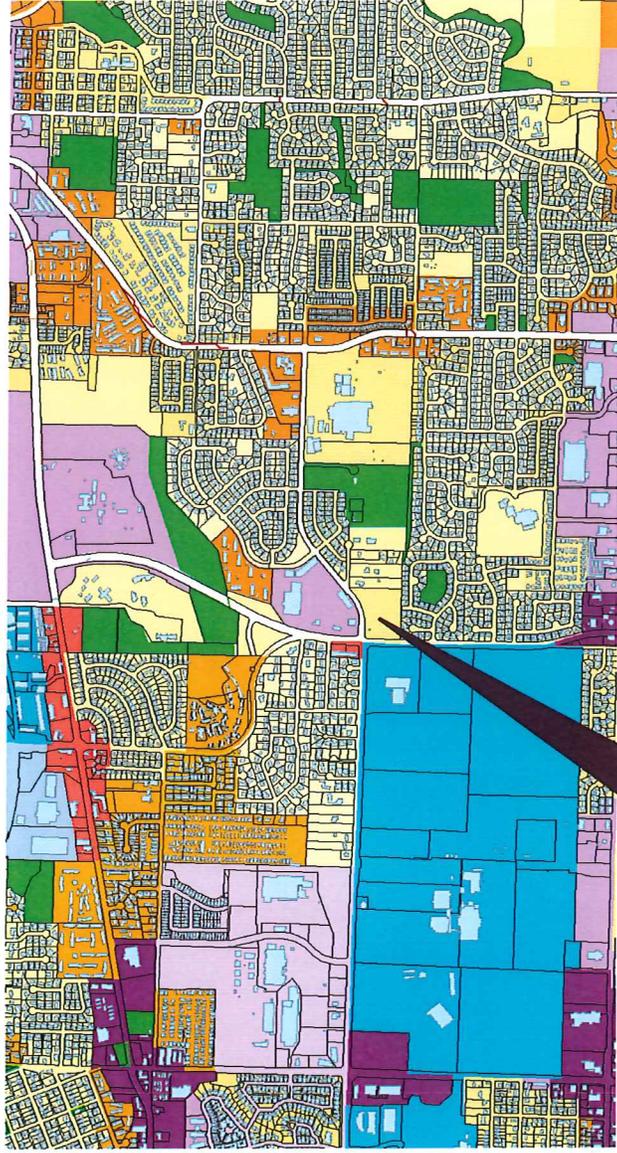
- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
  - This is a proper location for this density due to proximity to existing shopping and employment areas.
  - The development of multi-family homes is not likely to have a negative impact on property values.



Site

## EAGLE RIDGE APARTMENTS

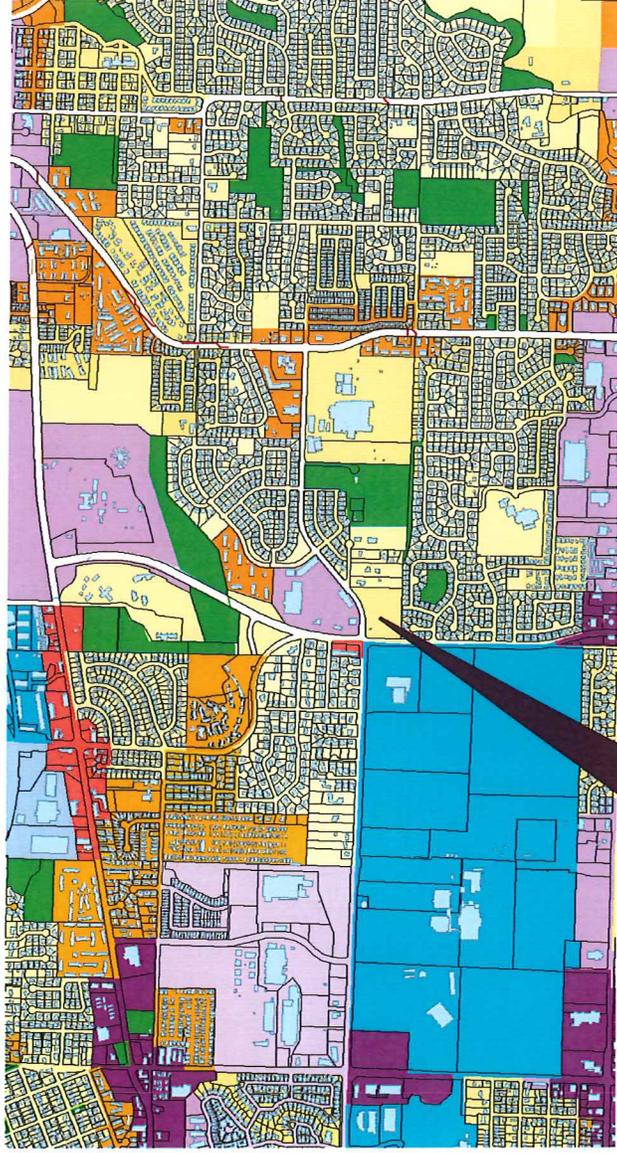
- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
  - School capacity is not likely to be an issue. Enrollment figures have dropped within the District. The impact of multi-family is typically less than single family.



Site

## EAGLE RIDGE APARTMENTS

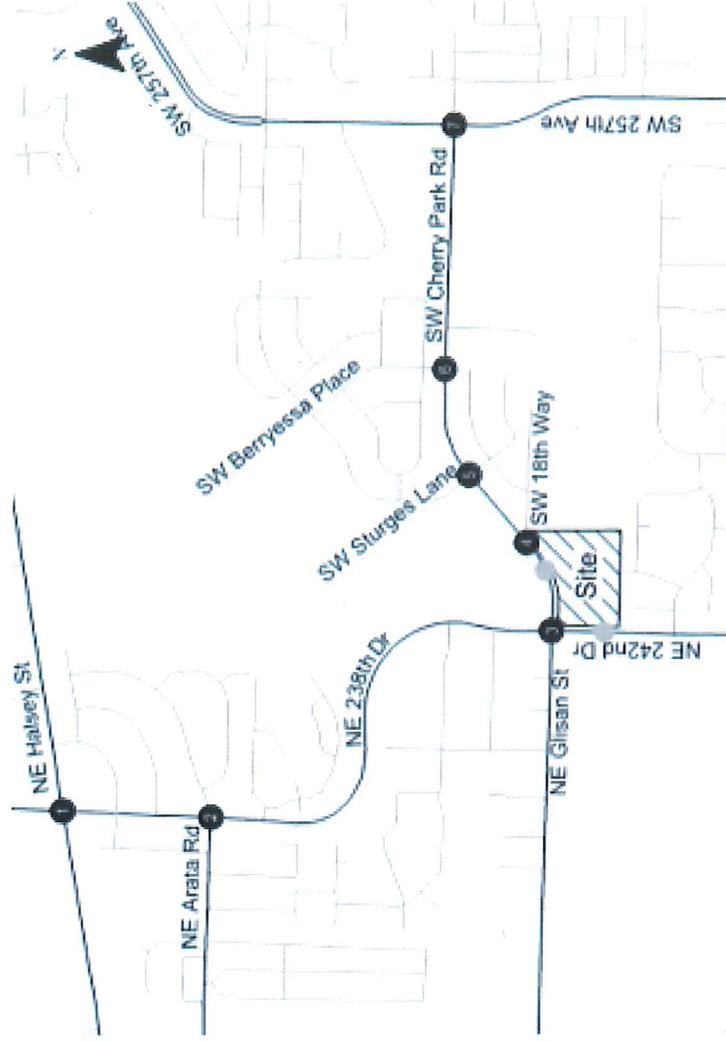
- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
  - Traffic impacts are anticipated to be minimal on the existing neighborhood.
  - The Applicant is proposing signal modifications at NE 242<sup>nd</sup> and SW Cherry Park.
  - The Applicant is willing to install a Rapid Flashing Beacon at 18<sup>th</sup> Avenue to address pedestrian crossing concerns at SW Cherry Park.



Site

## EAGLE RIDGE APARTMENTS

- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
  - Multnomah County, the City of Gresham, and the City of Troutdale have evaluated and agree on intersection mitigations, dedications, and improvements.



# THE CITY'S COMPREHENSIVE PLAN

## High-Density Residential (HDR)

This designation is intended primarily for high-density, multiple-family residential dwellings, including existing developments and vacant land suitable for development at higher densities. Density in this designation is intended to average 21 units per gross acre and 2,000 square feet per dwelling unit. Business and professional offices may be considered appropriate in areas designated HDR given conditional approval. The following areas may be designated HDR:

- **Areas adjacent, or in close proximity, to existing or planned shopping centers, employment centers, transit routes, or minor arterials.**
- **Comprehensive Plans are not static.**
- **Comprehensive Plans are meant to change to reflect changing circumstances. The addition of Trimet, Major Employment, and the Site's walking distance to services makes this proposal ideally suited.**







## SUPPORT FROM LOCAL BUSINESSES

- 17 local businesses within the plaza north of the site have signed a petition in support of this zone change and plan amendment.

## PETITION FOR ZONE CHANGE APPROVAL

If approved, the increase in new residents to the neighborhood will positively impact your business with increased sales and revenue. On property located at the Southeast corner of 242nd and Cherry Park Road, Troutdale, Oregon, Sheldon Development Inc. requests the City of Troutdale to approve a zone change allowing the use for multi-family construction of 216 apartment homes.

Action petitioned for We, the undersigned, support the approval of the zone change request

Printed Name	Signature	Address	Business Name	Date
For Council		1503 SW Cherry Park Rd	Convenient's Home	6/1/18
Brenda Johnson		2500 SW Cherry Park Rd	Goodfather's Pizza	6-1-18
Kimberly Barrett		2500 SW Cherry Park Rd	Goodfather's Pizza	6-1-18
Rui Kong		2507 SW Cherry Park Rd	Mu's Garden	6-1-18
Holly Mosley		2513 SW Cherry Park Rd	Cherry Park Rental	6/1/18
John Serrano		2521 SW Cherry Park Rd	Cherry Park Subway	6/1/18
Diana Clark		2555 SW Cherry Park Rd	126 Donuts	6-1-18
Elanna Vasquez		2555 SW Cherry Park Rd	McDonald's	6-1-18
Fidel Lopez		2441 SW Cherry Park Rd	Tanorio Restaurant	6-1-18
John Brown		2459 SW Cherry Park Rd	Portofino Cook	6-1-18
Virginia Schmitt		2459 SW Cherry Park Rd	Perfect Jack	6/1/18





# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** An Ordinance Adopting Text Amendments to Chapters 1, 3, 5, and 6 of the Troutdale Development Code.

**MEETING TYPE:**  
City Council Regular Mtg.

**STAFF MEMBER:**  
Chris Damgen

**MEETING DATE:**  
October 9, 2018

**DEPARTMENT:**  
Planning

**ACTION REQUIRED:**  
Ordinance - Adoption

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**

**PUBLIC HEARING:**  
Yes

Approval

**Comments:** Planning Commission from 8/15/17

**STAFF RECOMMENDATION:** Approval

**EXHIBITS / ATTACHMENTS:**

- A. Findings of Fact for Text Amendments – Case File # 75-02
- B. Amended pages to the Troutdale Development Code

**SUBJECT / ISSUE RELATES TO:**

- Council Goals
- Legislative
- Other (describe)

Recently approved state legislation that requires certain cities to amend their development codes in order to comply with the new law and associated rulemaking.

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ State legislation (SB 1051) is prompting this code amendment. Concerns on the law should be directed to the legislative delegation. This is not a Staff-driven initiative.
- ◆ Review the original Staff Report (Exhibit C) for background and proposed amendments to Chapters 1, 3, and 6. Review Exhibits A and B for the truly substantive changes to Code.
- ◆ Consider testimony received already or given at public hearing and entertain any amendments or motions.

Reviewed and Approved by City Manager: 

## **BACKGROUND:**

Governor Kate Brown signed Senate Bill 1051 into law on August 15, 2017. The law requires many cities across the state (including Troutdale) to allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit (ADU) for each dwelling.

An analysis of current ADU standards in the TDC has found that Troutdale's current regulations are not legally on par with the new state legislation. Therefore, a code amendment is required to bring the TDC to compliance with State standards in addition to Metro proscribed standards for housing availability. The law's provisions went into effect on July 1, 2018, with cities requiring to notify the Department of Land Conservation and Development (DLCD) of its text amendment process prior to that date.

City Council was informed of the need to have a code amendment at the May 22, 2018 regular meeting. The Troutdale Planning Commission held two work sessions in March 2018 and June 2018 to help determine reasonable local standards and held a public hearing at their regular meeting on August 15 to receive testimony and forward a recommendation to City Council. Planning Commission voted 5-1 (with one abstention) for the amendments as proposed.

At the hearing on September 25, Staff presented a modification to the proposed findings for the decision criteria. The modified findings are in Attachment A. The modification is based on testimony received from the Fair Housing Council of Oregon and Housing Land Advocates. The findings are not expected to change the draft amendments themselves but would be modified to address concerns on referencing housing and buildable lands studies as required by law.

While Staff understands that there may be considerable opposition from many corners to these amendments, it must be stated that these changes are being required by the State and are not locally driven by Staff or Planning Commission initiative.

## **PROS & CONS:**

### Pros:

- Action will allow the City to effectively regulate accessory dwelling units in compliance with state law with local input on preferences for specific regulation.
- ADUs add to the housing stock of a community, which can help with housing affordability concerns.
- Establishing clear and objective standards makes it easier to submit and review an ADU application for zoning compliance. It does not necessarily mean that it is generally easier to build ADUs, as they remain subject to building code standards.

### Cons:

- Inaction will mean a portion of the City's development code is unlawful and may subject the City to future legal and compliance issues.
- Inaction restricts the City's ability to regulate ADUs via zoning compliance. The City must allow ADU applications by right if all other development standards are met for the underlying zoning district.

**Current Year Budget Impacts:**  Yes (*describe*)  N/A

**Future Fiscal Impacts:**  Yes (*describe*)  N/A

**City Attorney Approved:**  Yes  N/A

**Community Involvement Process:**  Yes (*describe*)  N/A

Planning Commission held a hearing at the August 15, 2018 regular meeting to receive testimony and review the draft amendments. The City Council held a hearing at the September 25, 2018 regular meeting to receive testimony and review the draft amendments and is holding a final hearing at the October 9, 2018 regular meeting.

## Attachment A

## FINDINGS OF FACT FOR TEXT AMENDMENTS – CASE FILE # 75-02

## APPROVAL CRITERIA [TDC 6.1120]

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

The amendments proposed are consistent with the Comprehensive Land Use Plan, with no known conflicts. The amendments proposed are related to Goal 10 (Housing). While the expansion of accessory dwelling units is not specifically referenced in the Plan, the amendments are in the spirit of supporting policies 1.b. (residential areas providing a wide variety of housing types); 1.d (allow development of housing for all income levels) and 4.c (make standards become clear and objective). Furthermore, Goal 14 (Urbanization) calls for the City to “provide for orderly and efficient use of the land” in policy 1. The allowance of ADU in built areas allows for reasonable densification to occur. **The criterion is met.**

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

The text amendment application is a response to Statewide Planning Goals that were modified with Senate Bill 1051, which called for increasing housing variety and opportunities within cities and urban growth boundaries. A review of the most up-to-date residential buildable lands inventory (BLI) and housing needs analysis (HNA) indicate that the proposed change would not negatively impact the City’s future housing capacity and would actually be of benefit. This is because ADUs increase density within the existing built environment, which improves the efficiency of land use in the City and allows for future land to be preserved and more carefully considered for a variety of housing types as called for in the locally adopted Comprehensive Plan. Therefore, **the criterion is met.**

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

The proposed text amendments are consistent with several Metro Code provisions and the overall regional housing goals identified in the 2040 Growth Concept. Within the Urban Growth Management Functional Plan [Chapter 3.07] exist two such provisions. Under Title 1 Housing Capacity, Metro requires cities to establish “at least one accessory dwelling unit for each detached single-family dwelling unit in each zone that authorizes detached single-family dwellings. [3.07.120] Furthermore, under Title 7 Housing Choice, cities “within the Metro region shall ensure that their comprehensive plans and implementing ordinances include strategies to ensure a diverse range of housing types within their jurisdictional boundaries. [3.07.730] The new standards for accessory dwelling units increase Troutdale’s compliance with these provisions. **The criterion is met.**

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

Previous accessory residential unit structures were not clear and objective, which was required by changes in state law. The standards as proposed provide clear standards for applicants to understand and Staff to evaluate accessory dwelling units. The public is able to better pursue constructing additional housing opportunities to the community while being respectful of the community’s desire for reasonable regulations to ensure health, safety, and overall quality of life in those areas where the use is allowed. **The criterion is met.**

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

The City expects the majority of the accessory dwelling unit applications to be in the form of attached additions to the primary dwelling or in the conversion of a portion of the primary dwelling into a separate unit. Detached units are typically considered to be more controversial due to the visual impact on surrounding neighborhoods. Any detached unit proposal would be reviewed at a Type II level, which would allow the proposal to be reviewed based on the site conditions and offer the surrounding area an opportunity to comment on the application. If concerns about health, safety, and welfare of the community exist for that particular application, they can be articulated and appealed accordingly. Furthermore, the City has placed reasonable standards in place with regards to siting, parking, and construction to ensure the effect of having accessory dwelling units on a property are not disruptive to surrounding properties. **The criterion is met.**

# Attachment B

Amended pages to the Troutdale Development Code

Chapter 1 | Chapter 3 | Chapter 5 | Chapter 6

# Chapter 1

Page 1-2 | Item 1.020.04 Accessory Structure

Page 1-5 | Item 1.020.39 Dwelling, Accessory

the word "parcel" unless the context clearly indicates to the contrary. Where words are not defined in this Code, the following sources shall be consulted: State statute, and any dictionary of common usage, all of which shall be interpreted by context. Interpretations of the Code are the responsibility of the Director.

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- .08 Alley. A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.
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- .10 Bed & Breakfast. A structure designed for and occupied as a single-family dwelling, in which travelers are lodged for sleeping purposes and a meal provided, and for which compensation of any kind is paid. A Bed and Breakfast Facility is not a hotel, motel, boarding house or rooming house.
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- .40 Dwelling, Apartment Building. See Dwelling, Multiple-Family.
- .41 Dwelling, Apartment Unit. An individual dwelling unit intended for rent or lease within a multiple-family dwelling, or constructed above, below, behind, or beside another use, including mixed-use dwellings.
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- .43 Dwelling, Duplex. A building with two (2) dwelling units
- .44 Dwelling, Multi-Family. A building with four (4) or more dwelling units.
- .45 Dwelling, Shared. A dwelling unit in which five (5) or more bedrooms are rented or leased. Shared dwelling units include boarding houses, rooming houses, and the like. Shared dwellings are multi-family residential units.
- .46 Dwelling, Single-Family (Attached). A dwelling unit attached to one (1) or more separately owned dwelling units by common vertical walls. This definition includes but is not limited to townhouses and row-houses.
- .47 Dwelling, Single-Family (Detached). A detached dwelling unit, other than a mobile home or trailer house, that is not attached to any other dwelling and is surrounded by open space and yards.
- .48 Dwelling, Triplex. A building with three (3) dwelling units.
- .49 Dwelling Unit. Any building, or portion thereof, with independent living facilities, including provisions for sleeping, eating, cooking, and sanitation, for one or more persons.
- .50 Dwelling, Zero Lot Line. A single-family detached dwelling that is located on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.
- .51 Eating and Drinking Establishment. An establishment where meals or drinks (either alcoholic or non-alcoholic) are prepared and served to the public for consumption. This use includes: Restaurants, Brew Pubs, Cafes, Delicatessens, Sandwich Shops, Taverns, Bars, or other establishments primarily engaged in serving alcoholic beverages.

# Chapter 3

Page 3-3 | 3.012.B

Page 3-6 | 3.022.B

Page 3-9 | 3.032.B

Page 3-12 | 3.042.B

Page 3-15 | 3.052.B

**3.010 SINGLE-FAMILY RESIDENTIAL****R-20**

3.011 Purpose. This district is intended primarily for single-family detached dwellings at the lowest development density provided for in this Code. Such density is considered appropriate in areas developed at this density level or lower, and where natural features such as slope, flood plain, soil condition, etc., make these areas difficult to serve or inefficient to develop at higher densities.

3.012 Permitted Uses. The following uses and their accessory uses are permitted in the R-20 district:

- A. Single-family detached dwellings including manufactured homes on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes.
- B. Accessory dwelling units in accordance with Section 5.900 of this Code.
- C. Parks and playgrounds.
- D. Livestock, poultry, small animals, greenhouses, and nurseries as accessory uses, provided no retail or wholesale business sales office is maintained on a lot of less than two (2) acres, and provided no poultry or livestock, other than household pets, shall be housed within one hundred (100) feet of any residence other than a dwelling on the same lot.
- E. Utility facilities, minor.
- F. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- G. Home Occupations in accordance with Section 5.100 of this Code.
- H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- I. Other uses similar in nature to those listed above.

3.013 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-20 district:

- A. Community service uses.
- B. Day care center or facility other than a child care home.
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Accessory residential dwelling.
- E. Utility facilities, major.

**3.020 SINGLE-FAMILY RESIDENTIAL****R-10**

3.021 Purpose. This district is intended primarily for dwellings in a low-density residential neighborhood environment.

3.022 Permitted Uses. The following uses and their accessory uses are permitted in the R-10 district:

- A. Single-family detached, single family attached, and zero lot line dwellings including manufactured home on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes provided the base density is not exceeded.
- B. Accessory dwelling units, in accordance with Section 5.900 of this Code.
- C. Parks and playgrounds.
- D. Utility facilities, minor.
- E. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- F. Home Occupations in accordance with Section 5.100 of the Code.
- G. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- H. Other uses similar in nature to those listed above.

3.023 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-10 district:

- A. Community service uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Duplex dwellings on the same lot at intersections of any two (2) streets of at least neighborhood collector status. Lot size must comply with R-10 requirements.
- D. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.
- E. Shared dwellings, in accordance with Section 5.090 of this Code.
- F. Utility facilities, major.
- G. Other uses similar in nature to those listed above.

**3.030 SINGLE-FAMILY RESIDENTIAL****R-7**

3.031 Purpose. This district is intended primarily for dwellings in a low-density residential neighborhood environment.

3.032 Permitted Uses. The following uses and their accessory uses are permitted in the R-7 district:

- A. Single-family detached, single family attached, and zero lot line dwellings including manufactured home on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.
- B. Accessory dwelling units in accordance with Section 5.900 of this Code.
- C. Parks and playgrounds.
- D. Utility facilities, minor.
- E. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- F. Home Occupations in accordance with Section 5.100 of this Code.
- G. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- H. Other uses similar in nature to those listed above.

3.033 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-7 district:

- A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Community service uses.
- E. Utility facilities, major.
- F. Other uses similar in nature to those listed above.

**3.040 MEDIUM DENSITY RESIDENTIAL R-5**

3.041 Purpose. This district is intended primarily for dwellings in a medium-density residential neighborhood environment.

3.042 Permitted Uses. The following uses and their accessory uses are permitted in the R-5 district:

- A. Single-family detached, attached, and zero lot line dwellings including manufactured homes and including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.
- B. Accessory dwelling units, in accordance with Section 5.900 of this Code.
- C. Manufactured home parks, in accordance with Section 5.800 of this Code.
- D. Parks and playgrounds.
- E. Utility facilities, minor.
- F. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- G. Home occupations in accordance with Section 5.100 of this Code.
- H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- I. Other uses similar in nature to those listed above.

3.043 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-5 district:

- A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses,
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Community service uses.
- E. Utility facilities, major.
- F. Other uses similar in nature to those listed above.

**3.050 ATTACHED RESIDENTIAL****R-4**

3.051 Purpose. This district is intended primarily for attached residential dwellings in a medium-density residential environment.

3.052 Permitted Uses. The following uses and their accessory uses are permitted in the R-4 district:

- A. Detached and Attached dwellings, duplex, and triplex dwellings, including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.
- B. Accessory dwelling units, in accordance with Section 5.900 of this Code.
- C. Manufactured home parks, in accordance with Section 5.800 of this Code.
- D. Parks and playgrounds.
- E. Utility facilities, minor.
- F. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- G. Home occupations in accordance with Section 5.100.
- H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- I. Other uses similar in nature to those listed above.

3.053 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-4 district:

- A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Community service uses.
- E. Utility facilities, major.
- F. Other uses similar in nature to those listed above.

# Chapter 5

Page 5-1 | Section 5.010 in entirety

Page 5-29 | Section 5.900 in entirety

## Chapter 5 – Miscellaneous Uses, Standards, and Exceptions

5.010 Accessory Structures. Accessory structures are defined in Section 1.020 of this Code and include frame-covered accessory structures. The provisions of this Section apply only to accessory structures affiliated with residential uses. Accessory dwelling units are regulated in Section 5.900 of this Code.

For purposes of these regulations, portable swimming pools less than twenty-four (24) inches in depth are not considered accessory structures and are not subject to the provisions of this Section. Solariums, greenhouses, garages, or other enclosed areas which are attached to the residential structure shall not be considered accessory and shall be subject to the regulatory requirements of the underlying zoning district.

- A. Building Permit – When Required. A building permit shall be required as provided in Title 15, Building Code, of the Troutdale Municipal Code.
- B. Regulatory Requirements. No accessory structure, regardless of whether the structure requires a building permit, shall be erected or maintained, and no existing residential accessory structure shall be altered, converted, enlarged, moved, or maintained unless the structure complies with the following:
1. Cargo shipping containers are not permitted as accessory structures.
  2. No accessory structure shall be located:
    - a. Within the front yard setback or between the street and the front building plane of the dwelling;
    - b. Less than three (3) feet from the rear property line;
    - c. Less than three (3) feet from the side property line;
  3. No accessory structure shall exceed:
    - a. One thousand (1,000) square feet in floor area for any single accessory structure.
    - b. Twenty-five percent (25%) of the gross lot area, or fifty percent (50%) of the area of the required rear yard for all accessory structures cumulatively.
    - c. Twenty (20) feet in height.
    - d. Ten (10) feet in height or two hundred (200) square feet in size if located within a side or rear yard setback.
  4. Private Vehicle Storage on Corner Lot. Notwithstanding any other provision of this Section, residential accessory structures for private vehicle storage on a corner lot that have an entrance from the street side yard shall have a minimum street side yard setback of eighteen (18) feet. Vehicle access from the side street must be approved by the Public Works Director and constructed to City standards.
  5. Height shall be measured in accordance with Section 1.020.15. Setbacks shall be measured from projecting features, including but not limited to eaves and gutters.

**5.900 ACCESSORY DWELLING UNITS**

- 5.910 Purpose. The purpose of this Section is to provide standards for the establishment of an accessory dwelling unit as defined in Section 1.020 of this Code in relation to a primary single family dwelling. This Section is intended to enable a unit to be a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom, and sleeping area.
- 5.920 Review Procedures.
- A. Accessory dwelling units that are considered interior conversions of existing space or are attached to the primary dwelling as a physical addition shall be considered through a Type I review procedure in accordance with Section 6.900 of this Code.
  - B. Accessory dwelling units that are detached from the primary dwelling shall be considered through a Type II review procedure in accordance with Section 6.900 of this Code.
- 5.930 Number of Units. A maximum of two (2) accessory dwelling units are allowed per legal primary dwelling, provided that one (1) unit is either an interior conversion or attached to the primary dwelling and the other unit is detached from the primary dwelling.
- 5.940 Owner Occupancy. The owner of a property shall be required to reside on a full-time basis either in the primary dwelling or in an accessory dwelling unit on the property.
- 5.950 Development Standards.
- A. All accessory dwelling units shall comply with the primary dwelling's building setbacks and height standards of the underlying zoning district and overlay district, if applicable.
  - B. Accessory dwelling units shall not exceed eight hundred (800) square feet in area or fifty percent (50%) of the primary dwelling's floor area, whichever is smaller. For interior conversions only, accessory dwelling units that result from conversion of a floor may occupy the entire floor area, even if that area exceeds eight hundred (800) square feet.
  - C. Detached units shall be positioned within the side or rear yards of the primary dwelling.
  - D. Detached units may not exceed the height of primary dwelling.
  - E. Attached units shall utilize the same paint color as the primary dwelling. Attached units shall utilize the same exterior materials and roofing materials as the primary dwelling, except in instances where the primary dwelling has an exterior or roofing constructed with non-fire resistant materials. In such situations, the applicant may elect to utilize fire-resistant materials to construct attached units.
  - F. One (1) off-street parking space shall be required for each accessory dwelling unit.
  - G. All accessory dwelling units shall meet all applicable health, fire, and building codes.

# Chapter 6

Page 6-20 | 6.915.A.4 and 6.915.B.3

6.915 Review Procedures. Site development review shall be conducted using a Type I or Type II procedure to be determined as follows:

- A. A Type I application shall be used to review all of the following:
  - 1. Change of occupancy from one type of land use to a different type of land use resulting in an increase in vehicle traffic or demand for parking.
  - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds less than twenty-five percent (25%) floor area.
  - 3. Site improvements, such as modifications to a landscaped area or parking area.
  - 4. New accessory dwelling units that are considered interior conversions of existing space or are attached to the primary dwelling as a physical addition, in accordance with Section 5.900 of this Code.
  
- B. A Type II application shall be used to review all of the following:
  - 1. All new development not exempted or made subject to a Type I procedure above.
  - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds twenty-five percent (25%) or more floor area.
  - 3. New accessory dwelling units that are detached from the primary dwelling, in accordance with Section 5.900 of this Code.
  - 4. New bed and breakfast inns.
  - 5. Adjustment to applicable design standards for any development proposal.

6.920 Approval Criteria. In order to approve a site development review application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the proposal is consistent with the applicable approval criteria.

- A. An application for a Type I site development review shall be approved if the proposal meets all of the following criteria. The City decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.
  - 1. The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards, or a variance or adjustment is granted.

## **ORDINANCE NO.**

### **AN ORDINANCE TO ADOPT TEXT AMENDMENTS TO CHAPTERS 1, 3, 5, AND 6 OF THE TROUTDALE DEVELOPMENT CODE.**

#### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. Senate Bill 1051 was signed into law in 2017, requiring certain cities to allow for accessory dwelling units (ADU) in all areas zoned for detached single-family residential dwellings, subject to reasonable, clear, and objective standards.
2. The existing accessory residential unit (ARU) standards in the Troutdale Development Code are functionally obsolete and legally unenforceable without text amendments occurring.
3. Additional clarification on the standards for accessory structures affiliated with residential land uses was deemed necessary in order to clearly delineate the differing standards between accessory structures and accessory dwelling units.
4. The Planning Commission has reviewed proposed amendments at a public hearing during the August 15, 2017 regular meeting and voted 5-1 (with one abstention) to recommend these amendments as presented to City Council for approval.
5. No testimony has been provided by the Oregon Department of Land Conservation and Development or Metro on the amendments as proposed.
6. The City Council has adopted findings consistent with the provisions set forth in Troutdale Development Code Section 6.1100 as set forth in Attachment A.

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

- Section 1. Chapter 1 shall be amended as set forth in Attachment B.
- Section 2. Chapter 3 shall be amended as set forth in Attachment B.
- Section 3. Chapter 5 shall be amended as set forth in Attachment B.
- Section 4. Chapter 6 shall be amended as set forth in Attachment B.

**YEAS:  
NAYS:  
ABSTAINED:**

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**Casey Ryan, Mayor**

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**Date**

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**Sarah Skroch, City Recorder  
Adopted:**

# Attachment A

## FINDINGS OF FACT FOR TEXT AMENDMENTS – CASE FILE # 75-02 APPROVAL CRITERIA [TDC 6.1120]

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

The amendments proposed are consistent with the Comprehensive Land Use Plan, with no known conflicts. The amendments proposed are related to Goal 10 (Housing). While the expansion of accessory dwelling units is not specifically referenced in the Plan, the amendments are in the spirit of supporting policies 1.b. (residential areas providing a wide variety of housing types); 1.d (allow development of housing for all income levels) and 4.c (make standards become clear and objective). Furthermore, Goal 14 (Urbanization) calls for the City to "provide for orderly and efficient use of the land" in policy 1. The allowance of ADU in built areas allows for reasonable densification to occur. **The criterion is met.**

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The text amendment application is a response to Statewide Planning Goals that were modified with Senate Bill 1051, which called for increasing housing variety and opportunities within cities and urban growth boundaries. A review of the most up-to-date residential buildable lands inventory (BLI) and housing needs analysis (HNA) indicate that the proposed change would not negatively impact the City's future housing capacity and would actually be of benefit. This is because ADUs increase density within the existing built environment, which improves the efficiency of land use in the City and allows for future land to be preserved and more carefully considered for a variety of housing types as called for in the locally adopted Comprehensive Plan. Therefore, **the criterion is met.**

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# Attachment B

Amended pages to the Troutdale Development Code

Chapter 1 | Chapter 3 | Chapter 5 | Chapter 6

# Chapter 1

Page 1-2 | Item 1.020.04 Accessory Structure

Page 1-5 | Item 1.020.39 Dwelling, Accessory

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- .04 Accessory Structure. A structure not utilized as a dwelling unit which is subordinate to the principal structure that is located on the same lot serving purposes clearly incidental to the principal structure. Accessory structures include detached garages, detached carports, storage sheds, gazebos, detached decks over twelve (12) inches in height, play structures, or other similar structures detached from the primary structure determined to be similar by the Director.
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- .07 Aggregate Resource. Any and all rock, sand, soil, or gravel product extracted for commercial, industrial, or construction use from natural deposits.
- .08 Alley. A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.
- .09 Automobile Wrecking Yard. See Junk Yard.
- .10 Bed & Breakfast. A structure designed for and occupied as a single-family dwelling, in which travelers are lodged for sleeping purposes and a meal provided, and for which compensation of any kind is paid. A Bed and Breakfast Facility is not a hotel, motel, boarding house or rooming house.
- .11 Bikeway. Any street or path which in some manner is specifically designated for the use of bicycles, or for shared use by bicycles, and other transportation modes compatible with bicycle use. The term "bikeway" includes bike lane and bike path.

- .38 Distribution Center. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including shipment by boat, rail, air, or motor vehicle.
- .39 Dwelling, Accessory. An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.
- .40 Dwelling, Apartment Building. See Dwelling, Multiple-Family.
- .41 Dwelling, Apartment Unit. An individual dwelling unit intended for rent or lease within a multiple-family dwelling, or constructed above, below, behind, or beside another use, including mixed-use dwellings.
- .42 Dwelling, Condominium. A type of residential development offering individual ownership of dwellings—units and common ownership of open spaces, structures and other facilities.
- .43 Dwelling, Duplex. A building with two (2) dwelling units
- .44 Dwelling, Multi-Family. A building with four (4) or more dwelling units.
- .45 Dwelling, Shared. A dwelling unit in which five (5) or more bedrooms are rented or leased. Shared dwelling units include boarding houses, rooming houses, and the like. Shared dwellings are multi-family residential units.
- .46 Dwelling, Single-Family (Attached). A dwelling unit attached to one (1) or more separately owned dwelling units by common vertical walls. This definition includes but is not limited to townhouses and row-houses.
- .47 Dwelling, Single-Family (Detached). A detached dwelling unit, other than a mobile home or trailer house, that is not attached to any other dwelling and is surrounded by open space and yards.
- .48 Dwelling, Triplex. A building with three (3) dwelling units.
- .49 Dwelling Unit. Any building, or portion thereof, with independent living facilities, including provisions for sleeping, eating, cooking, and sanitation, for one or more persons.
- .50 Dwelling, Zero Lot Line. A single-family detached dwelling that is located on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.
- .51 Eating and Drinking Establishment. An establishment where meals or drinks (either alcoholic or non-alcoholic) are prepared and served to the public for consumption. This use includes: Restaurants, Brew Pubs, Cafes, Delicatessens, Sandwich Shops, Taverns, Bars, or other establishments primarily engaged in serving alcoholic beverages.

# Chapter 3

Page 3-3 | 3.012.B

Page 3-6 | 3.022.B

Page 3-9 | 3.032.B

Page 3-12 | 3.042.B

Page 3-15 | 3.052.B

**3.010 SINGLE-FAMILY RESIDENTIAL****R-20**

3.011 Purpose. This district is intended primarily for single-family detached dwellings at the lowest development density provided for in this Code. Such density is considered appropriate in areas developed at this density level or lower, and where natural features such as slope, flood plain, soil condition, etc., make these areas difficult to serve or inefficient to develop at higher densities.

3.012 Permitted Uses. The following uses and their accessory uses are permitted in the R-20 district:

- A. Single-family detached dwellings including manufactured homes on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes.
- B. Accessory dwelling units in accordance with Section 5.900 of this Code.
- C. Parks and playgrounds.
- D. Livestock, poultry, small animals, greenhouses, and nurseries as accessory uses, provided no retail or wholesale business sales office is maintained on a lot of less than two (2) acres, and provided no poultry or livestock, other than household pets, shall be housed within one hundred (100) feet of any residence other than a dwelling on the same lot.
- E. Utility facilities, minor.
- F. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- G. Home Occupations in accordance with Section 5.100 of this Code.
- H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- I. Other uses similar in nature to those listed above.

3.013 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-20 district:

- A. Community service uses.
- B. Day care center or facility other than a child care home.
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Accessory residential dwelling.
- E. Utility facilities, major.

**3.020 SINGLE-FAMILY RESIDENTIAL R-10**

3.021 Purpose. This district is intended primarily for dwellings in a low-density residential neighborhood environment.

3.022 Permitted Uses. The following uses and their accessory uses are permitted in the R-10 district:

- A. Single-family detached, single family attached, and zero lot line dwellings including manufactured home on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes provided the base density is not exceeded.
- B. Accessory dwelling units, in accordance with Section 5.900 of this Code.
- C. Parks and playgrounds.
- D. Utility facilities, minor.
- E. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- F. Home Occupations in accordance with Section 5.100 of the Code.
- G. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- H. Other uses similar in nature to those listed above.

3.023 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-10 district:

- A. Community service uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Duplex dwellings on the same lot at intersections of any two (2) streets of at least neighborhood collector status. Lot size must comply with R-10 requirements.
- D. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.
- E. Shared dwellings, in accordance with Section 5.090 of this Code.
- F. Utility facilities, major.
- G. Other uses similar in nature to those listed above.

**3.030 SINGLE-FAMILY RESIDENTIAL****R-7**

3.031 Purpose. This district is intended primarily for dwellings in a low-density residential neighborhood environment.

3.032 Permitted Uses. The following uses and their accessory uses are permitted in the R-7 district:

- A. Single-family detached, single family attached, and zero lot line dwellings including manufactured home on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.
- B. Accessory dwelling units in accordance with Section 5.900 of this Code.
- C. Parks and playgrounds.
- D. Utility facilities, minor.
- E. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- F. Home Occupations in accordance with Section 5.100 of this Code.
- G. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- H. Other uses similar in nature to those listed above.

3.033 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-7 district:

- A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Community service uses.
- E. Utility facilities, major.
- F. Other uses similar in nature to those listed above.

**3.040 MEDIUM DENSITY RESIDENTIAL R-5**

3.041 Purpose. This district is intended primarily for dwellings in a medium-density residential neighborhood environment.

3.042 Permitted Uses. The following uses and their accessory uses are permitted in the R-5 district:

- A. Single-family detached, attached, and zero lot line dwellings including manufactured homes and including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.
- B. Accessory dwelling units, in accordance with Section 5.900 of this Code.
- C. Manufactured home parks, in accordance with Section 5.800 of this Code.
- D. Parks and playgrounds.
- E. Utility facilities, minor.
- F. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- G. Home occupations in accordance with Section 5.100 of this Code.
- H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- I. Other uses similar in nature to those listed above.

3.043 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-5 district:

- A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses,
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Community service uses.
- E. Utility facilities, major.
- F. Other uses similar in nature to those listed above.

**3.050 ATTACHED RESIDENTIAL****R-4**

3.051 Purpose. This district is intended primarily for attached residential dwellings in a medium-density residential environment.

3.052 Permitted Uses. The following uses and their accessory uses are permitted in the R-4 district:

- A. Detached and Attached dwellings, duplex, and triplex dwellings, including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.
- B. Accessory dwelling units, in accordance with Section 5.900 of this Code.
- C. Manufactured home parks, in accordance with Section 5.800 of this Code.
- D. Parks and playgrounds.
- E. Utility facilities, minor.
- F. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- G. Home occupations in accordance with Section 5.100.
- H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- I. Other uses similar in nature to those listed above.

3.053 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-4 district:

- A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Community service uses.
- E. Utility facilities, major.
- F. Other uses similar in nature to those listed above.

# Chapter 5

Page 5-1 | Section 5.010 in entirety

Page 5-29 | Section 5.900 in entirety

## Chapter 5 – Miscellaneous Uses, Standards, and Exceptions

5.010 Accessory Structures. Accessory structures are defined in Section 1.020 of this Code and include frame-covered accessory structures. The provisions of this Section apply only to accessory structures affiliated with residential uses. Accessory dwelling units are regulated in Section 5.900 of this Code.

For purposes of these regulations, portable swimming pools less than twenty-four (24) inches in depth are not considered accessory structures and are not subject to the provisions of this Section. Solariums, greenhouses, garages, or other enclosed areas which are attached to the residential structure shall not be considered accessory and shall be subject to the regulatory requirements of the underlying zoning district.

- A. Building Permit – When Required. A building permit shall be required as provided in Title 15, Building Code, of the Troutdale Municipal Code.
- B. Regulatory Requirements. No accessory structure, regardless of whether the structure requires a building permit, shall be erected or maintained, and no existing residential accessory structure shall be altered, converted, enlarged, moved, or maintained unless the structure complies with the following:
1. Cargo shipping containers are not permitted as accessory structures.
  2. No accessory structure shall be located:
    - a. Within the front yard setback or between the street and the front building plane of the dwelling;
    - b. Less than three (3) feet from the rear property line;
    - c. Less than three (3) feet from the side property line;
  3. No accessory structure shall exceed:
    - a. One thousand (1,000) square feet in floor area for any single accessory structure.
    - b. Twenty-five percent (25%) of the gross lot area, or fifty percent (50%) of the area of the required rear yard for all accessory structures cumulatively.
    - c. Twenty (20) feet in height.
    - d. Ten (10) feet in height or two hundred (200) square feet in size if located within a side or rear yard setback.
  4. Private Vehicle Storage on Corner Lot. Notwithstanding any other provision of this Section, residential accessory structures for private vehicle storage on a corner lot that have an entrance from the street side yard shall have a minimum street side yard setback of eighteen (18) feet. Vehicle access from the side street must be approved by the Public Works Director and constructed to City standards.
  5. Height shall be measured in accordance with Section 1.020.15. Setbacks shall be measured from projecting features, including but not limited to eaves and gutters.

**5.900 ACCESSORY DWELLING UNITS**

- 5.910 Purpose. The purpose of this Section is to provide standards for the establishment of an accessory dwelling unit as defined in Section 1.020 of this Code in relation to a primary single family dwelling. This Section is intended to enable a unit to be a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom, and sleeping area.
- 5.920 Review Procedures.
- A. Accessory dwelling units that are considered interior conversions of existing space or are attached to the primary dwelling as a physical addition shall be considered through a Type I review procedure in accordance with Section 6.900 of this Code.
  - B. Accessory dwelling units that are detached from the primary dwelling shall be considered through a Type II review procedure in accordance with Section 6.900 of this Code.
- 5.930 Number of Units. A maximum of two (2) accessory dwelling units are allowed per legal primary dwelling, provided that one (1) unit is either an interior conversion or attached to the primary dwelling and the other unit is detached from the primary dwelling.
- 5.940 Owner Occupancy. The owner of a property shall be required to reside on a full-time basis either in the primary dwelling or in an accessory dwelling unit on the property.
- 5.950 Development Standards.
- A. All accessory dwelling units shall comply with the primary dwelling's building setbacks and height standards of the underlying zoning district and overlay district, if applicable.
  - B. Accessory dwelling units shall not exceed eight hundred (800) square feet in area or fifty percent (50%) of the primary dwelling's floor area, whichever is smaller. For interior conversions only, accessory dwelling units that result from conversion of a floor may occupy the entire floor area, even if that area exceeds eight hundred (800) square feet.
  - C. Detached units shall be positioned within the side or rear yards of the primary dwelling.
  - D. Detached units may not exceed the height of primary dwelling.
  - E. Attached units shall utilize the same paint color as the primary dwelling. Attached units shall utilize the same exterior materials and roofing materials as the primary dwelling, except in instances where the primary dwelling has an exterior or roofing constructed with non-fire resistant materials. In such situations, the applicant may elect to utilize fire-resistant materials to construct attached units.
  - F. One (1) off-street parking space shall be required for each accessory dwelling unit.
  - G. All accessory dwelling units shall meet all applicable health, fire, and building codes.

# Chapter 6

Page 6-20 | 6.915.A.4 and 6.915.B.3

6.915 Review Procedures. Site development review shall be conducted using a Type I or Type II procedure to be determined as follows:

- A. A Type I application shall be used to review all of the following:
  - 1. Change of occupancy from one type of land use to a different type of land use resulting in an increase in vehicle traffic or demand for parking.
  - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds less than twenty-five percent (25%) floor area.
  - 3. Site improvements, such as modifications to a landscaped area or parking area.
  - 4. New accessory dwelling units that are considered interior conversions of existing space or are attached to the primary dwelling as a physical addition, in accordance with Section 5.900 of this Code.
  
- B. A Type II application shall be used to review all of the following:
  - 1. All new development not exempted or made subject to a Type I procedure above.
  - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds twenty-five percent (25%) or more floor area.
  - 3. New accessory dwelling units that are detached from the primary dwelling, in accordance with Section 5.900 of this Code.
  - 4. New bed and breakfast inns.
  - 5. Adjustment to applicable design standards for any development proposal.

6.920 Approval Criteria. In order to approve a site development review application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the proposal is consistent with the applicable approval criteria.

- A. An application for a Type I site development review shall be approved if the proposal meets all of the following criteria. The City decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.
  - 1. The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards, or a variance or adjustment is granted.



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** PUBLIC HEARING: An Order Approving the Site Development Review and Variances for a Proposed Development on Two Parcels With an Approximate Total Area of 8.82 Acres Located at the Intersection of NE 242nd Drive and SW Cherry Park Road.

**MEETING TYPE:**  
City Council Regular Mtg.

**STAFF MEMBER:**  
Chris Damgen

**MEETING DATE:**  
October 9, 2018

**DEPARTMENT:**  
Planning

**ACTION REQUIRED: (By Order)**  
Motion

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**  
Approval

**PUBLIC HEARING:**  
Yes

**Comments:** Planning Commission forwarded

**STAFF RECOMMENDATION:** Approval

**EXHIBITS:**

- A. Planning Commission Draft Findings & Recommendation with Conditions of Approval
- B. Application Narrative, Plans, & Traffic Impact Analysis
- C. Written Testimony Received prior to Planning Commission hearing on 5/29/18
- D. Correspondence from Michael Robinson (attorney for Applicant) on 10/01/18

**SUBJECT / ISSUE RELATES TO:**

- Council Goals
  Legislative
  Other (describe)

Land Use Application requiring City Council approval.

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Approval of the application can be accomplished by order (one reading). This was a site development application that was concurrent to the map amendments application approved by City Council on August 28, 2018.
- ◆ Conduct the public hearing to receive testimony from Staff, the Applicant, and interested parties – proponents, opponents, and neutral parties
- ◆ Review the application and the draft findings through the prism of the listed decision criteria for each of the components of the application. Council's decision must relate to these criteria and the application's demonstration of its ability (or inability) to meet the criteria.

Reviewed and Approved by City Manager:

## **BACKGROUND:**

This application is to construct an apartment complex comprised of 216 units across nine buildings with a common area. Parking would be entirely contained on-site and exceeds parking standards for multi-family residential. Access would primarily come from SW Cherry Park Road, with a right-in/right-out access point on NE 242nd Drive, with emergency access and pedestrian connectivity with SW Larsson Avenue to the south.

In most situations, the City Council does not review or approve site development applications. However, this particular site development application is being considered by City Council due to the concurrent nature of its submittal with the map amendments application that was approved at the August 28, 2018 meeting. With the new zoning and land use designations in place on the subject properties, the proposed development is now a permitted use for that site.

Planning Commission held a hearing at the May 29, 2018 special meeting on this application and recommended approval of the site development application and the two accompanying variances by a 4-3 vote. Public testimony was largely in opposition for the same concerns as articulated in the map amendments application—namely traffic, visual impact to surrounding areas, and concerns of property values.

## **PROS & CONS:**

A comprehensive analysis of the proposal can be found in the Staff Report.

### Pros:

- Adds additional housing options to the community
- Improves a property that has been mostly vacant and difficult to develop
- Improves vitality of surrounding commercial properties
- Increases the likelihood of transit service to 242nd and/or Cherry Park Rd
- Property tax collections and SDC contributions
- Proximity to job centers, commercial centers, school, and park – could lessen auto usage
- Traffic improvements partially paid by development and committed by 2020.

### Cons:

- Public testimony from surrounding area has largely been against this proposal
- Traffic impact identified and acknowledged – though can be mitigated

**Current Year Budget Impacts:**  Yes (*describe*)  N/A

**Future Fiscal Impacts:**  Yes (*describe*)  N/A

Development of the property would yield higher property taxes from the subject property.

**City Attorney Approved:**  Yes  N/A

**Community Involvement Process:**  Yes (*describe*)  N/A

Planning Commission held a hearing on May 29, 2018 that was consolidated with the map amendments application. Property owners in the surrounding area were notified of the City Council hearing in accordance with the notification standards Troutdale Development Code.

# Exhibit A

10/9/18 Council Mtg. Item #5

## CITY OF TROUTDALE

PHONE (503) 665-5175 | www.troutdale.info



### Findings of Fact & Recommendation

HEARING DATE: May 29, 2018

FILE NUMBER / NAME	<b>18-017 – Eagle Ridge Apartments – As</b>		<b>118</b>
APPLICATION TYPE	Type IV Comprehensive Plan and Zoning Map Amendments, Site Development Review, Lot Line Adjustment, and Variances		
PROJECT APPLICANT	Carey Sheldon	PROPERTY OWNER	Carey Sheldon
PROJECT LOCATION	242 <sup>nd</sup> Ave & SW Cherry Park Road	TAX MAP / TAX LOT #	1N3E35BC – 00700 / R943350520 1N3E35BC – 00800 / R943350450
LAND USE MAP	Medium Density Residential (MDR) Low Density Residential (LDR)	LAND USE ACTIVITY	Multi-Family Residential
ZONING DISTRICT	R-5 – Residential / R-7 – Single-Family Residential	OVERLAY DISTRICT	N/A

#### PROPOSAL

The Applicant is applying for a **Comprehensive Plan Map Amendment**, a **Zoning Map Amendment**, a **Site Development Review approval**, and **two Variances** for two subject properties at 242<sup>nd</sup> Avenue & SW Cherry Park Road in order to construct 216 multi-family residential units. The properties would require map amendments to allow for the development to occur. Access is proposed off of 242<sup>nd</sup> and Cherry Park Road with a gated fire access proposed at Larsson Ave.

#### PROCEDURE

This application is undergoing a Type IV legislative review procedure as required in Troutdale Development Code (TDC) Chapters 2, 6, and 15. This procedure requires a public hearing and Planning Commission review of the application. Planning Commission may forward a recommendation to City Council, where additional public hearings will be held. City Council is the decision-making entity for Type IV legislative applications. Because of the nature of this application (a development proposal reliant upon approval of map amendments), two approval actions by City Council would be required, though the public hearing will cover both approval actions. Nearby property owners, relevant review entities, and other stakeholders have been notified accordingly. [TDC 2.075 - 2.090]

#### APPLICABLE CRITERIA

Listed below are governing standards that shall apply for this application:

- *Troutdale Development Code (TDC): Ch. 1* Introductory Provision; **Ch. 2** Procedures for Decision Making; **Sec. 3.060** Apartment Residential (A-2); **Sec. 5.600** Erosion Control and Water Quality Standards; **Sec. 5.700** Stormwater Management; **Sec 5.1000** Public Improvements; **Sec. 6.200** Comprehensive Plan Map Amendment; **Sec. 6.900** Site Development Review; **Sec. 6.1300** Variance; **Sec.6.1400** Zoning Map Amendment; **Sec. 7.180** Lot Line Adjustments; **Ch. 8** Site Orientation and Design Standards; **Ch. 9** Off-Street Parking & Loading; **Ch. 11** Landscaping and Screening; **Ch. 15** Amendments; **Ch. 17** General Provisions
- *Troutdale Municipal Code:* 8.26 Outdoor Lighting; 13.10.270 Tree Removal
- *City of Troutdale Comprehensive Land Use Plan*
- Building and Fire Codes
- *Construction Standards for Public Works Facilities*
- Relevant standards in Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)

**FINDINGS OF FACT**

- Planning Commission received public testimony from Staff, the Applicant, and members of the public at the May 29, 2018 hearing.
- The Findings of Fact contained herein are derived from the specific decision criteria outlined in the Troutdale Development Code and are hereby adopted as the Findings of Fact in this matter.
- Conditions of Approval for this application are hereby forwarded to City Council for reference to their final order.

**FORMAL RECOMMENDATION AND CONDITIONS OF APPROVAL**

**FORMAL RECOMMENDATION**

Based upon the attached Findings of Fact, the Troutdale Planning Commission formally recommends **approval** for Case File 18-017 on the count of all decision criteria being met, **subject to the conditions of approval** as stated herein. The recommendation hereby forwarded to the Troutdale City Council for consideration of final action on this application.

**YEAS:** 4

**NAYS:** 3 (Commissioners Glanz, Kranz, and Prickett)

**ABSTAINED:** 0

  
\_\_\_\_\_  
Tanney Staffenson, Planning Commission Chair

  
\_\_\_\_\_  
Date

**FINDINGS OF FACT – SITE DEVELOPMENT REVIEW APPROVAL CRITERIA [TDC 6.920]**

- A. **The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards, or a variance or adjustment is granted.**

FINDING: The Application calls for multi-family residential units, which are not a permitted use in the R-5 or R-7 zoning districts, however it is a permitted use and matches the spirit and intent of the A-2 zoning district and High Density Residential land use designation. The Applicant is concurrently applying for a Comprehensive Land Use Plan Map and Zoning Map Amendments to address this matter. The lot is considered a continuously curved corner lot; as a result, the frontage on both 242<sup>nd</sup> Ave and Cherry Park Road are held to front yard setback requirements. The Applicant is applying for a variance to reduce this front yard standard from 20 feet to 10 feet. The layout and design meets all other setback requirements and dimensional standards. The Applicant is required to provide the net area in order to confirm density standards are met. Their net area calculation did not take into consideration setbacks, however the maximum using that area was 248 units and the minimum was 199 units. Given they are closer to the minimum than the maximum calculation, it is not believed that density will be exceeded with the correct net area. Provided the Comprehensive Land Use Plan Map Amendment, Zoning Map Amendment, and proposed variances are upheld and associated conditions are met, **the criterion is conditionally met.**

- B. **The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Section 5.300 Nonconforming Uses.**

FINDING: The only known nonconformity on the property is the existing fruit stand, which will no longer be located at the property should this application be approved. On the matter of site utility performance, certain conditions need to be considered. Due to the site's topography, full gravity flow to Basin A or B cannot be obtained, which will require a private sewer pump station to be installed. The Applicant has proposed, and Public Works has conditioned, redirecting the majority of the site to Basin A in order to mitigate some of the deficiencies in Basin B, which currently has several undersized pipes. As such, **the criterion is met.**

- C. **The proposal complies with all of the applicable site design and development standards of this Code, such as landscaping and parking.**

FINDING: The Applicant has met the multi-family design standards and the minimum vehicular and bicycle parking standards are exceeded. The Applicant is required to retain 25% of the property as landscaping, however they have proposed retaining 24.7% and have applied for a variance to address this. The landscaping provided does include screening from the neighboring single-family residential units. As such, **the criterion is conditionally met.**

- D. **If applicable design standards are proposed to be adjusted, the proposed adjustment:**
- a. **Is justified due to unique site conditions.**
  - b. **Conforms to the extent practicable with these design standards.**
  - c. **Mitigates potential impacts from the adjustments to the extent practical.**

FINDING: The Application has requested variance relief with regards to front yard setbacks and landscaping. No design standards are proposed to be adjusted in accordance with provisions in Section 8.240. The variance to the front yard setback allows the site to meet the side yard setbacks, which are located next to single-family homes. Provided the criteria for each of these three respective items are met through the variances, **the criterion is conditionally met.**

**FINDINGS OF FACT – VARIANCE TO TDC 3.064.D.1  
FRONT YARD SETBACK APPROVAL CRITERIA [TDC 6.1325]**

- 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.**

FINDING: The lot is a unique corner lot given the continuously curved nature of the property line. In this instance, a continuously curved property line adjacent to two or more streets of a corner lot shall be considered the front lot line. Such a corner lot has no rear property line, only front and side property lines. The Applicant has proposed a variance to the front yard setback requirement from 20 feet to 10 feet. This variance enables the proposed buildings to be located closer to 242<sup>nd</sup> Ave (arterial) and Cherry Park Road (collector) and retains the side yard setbacks on the east and south property lines which abut single-family residential homes. It also allows for circulation throughout the site. The site was designed in a fashion to mitigate any negative impacts of development on surrounding properties in the most practicable fashion possible while complying with the spirit and intent of the zoning district and its prevailing standards. As such, **the criterion is met.**

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

FINDING: The variance requested is in relationship to the west and north sides of the property, which are along two major streets and not adjacent to residential developments. The 22.5 foot setbacks shall be retained along the southern and eastern property lines.

In addition to this, the clear vision standards are still met for the corner of 242<sup>nd</sup> and Cherry Park Road, as no buildings are proposed along that corner. As such, **the criterion is met.**

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

FINDING: The setback variance only impacts three buildings, two on the west and one on the north; clear vision standards are still met given their placement on the site. The impact this variance has is relatively insignificant to the north, because the corner of one building and potentially the club house are the only structures proposed within the original 20 foot setback. On the west only two buildings are impacted, however their location does not negatively impact clear vision standards and the adjacent use to the west on the other side of 242<sup>nd</sup> is industrial. As such, **the criterion is met.**

- D. The variance is the minimum necessary to relieve a practical difficulty with full compliance and to avoid or minimize the resulting hardship.**

FINDING: The design of the proposed development was submitted with the intent to minimize hardships on the neighboring residential properties and to mitigate effects on surrounding property. Certain design considerations, including parking space lengths and driveway aisles are truly not variable due to safety considerations, which leaves limited room for the proposed buildings. Furthermore, required 10-foot right-of-way dedications from the existing property frontages along 242<sup>nd</sup> Ave and Cherry Park Road have effectively reduced the buildable area of the property. Without the dedication requirement, the placement of the structures would be in full conformity with the setbacks. As such, **the criterion is met.**

**FINDINGS OF FACT – VARIANCE TO TDC 11.010.A.  
MINIMUM LANDSCAPING REQUIREMENT APPROVAL CRITERIA [TDC 6.1325]**

- 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.**

FINDING: The Applicant is aware that surrounding property owners have concerns regarding parking associated with apartments. In order to mitigate this as much as possible, they have proposed 512 parking spaces, 8 spaces above the requirement. In order to accommodate these extra spaces, the landscaping requirement was just barely not met. Parking availability and impacts from not having sufficient spaces are historically more concerning to surrounding land uses than landscaping area requirements. As such, **the criterion is met.**

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

FINDING: A variance of this size will likely not be noticed by adjacent properties or the surrounding neighborhood. The applicant has also proposed a landscaping buffer between the proposed development and surrounding residential properties. As such, **the criterion is met.**

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

FINDING: It is clear by how small this request is that the applicant has attempted to the best of their ability to meet this standard. Therefore, **the criterion is met.**

- D. The variance is the minimum necessary to relieve a practical difficulty with full compliance and to avoid or minimize the resulting hardship.**

FINDING: The landscaping requirement for A-2 zoning districts is 25 percent (25%) and the applicant has proposed 24.7%. This variance is only about 1 percent (1%) of 25 percent (25%). The Applicant could have easily requested a larger variance in order to create room for more units, which the density allows, however it is clear that this is the minimum necessary to relieve a practical difficulty. In f As such, **the criterion is met.**

## PROPOSED CONDITIONS OF APPROVAL

### City of Troutdale Planning Division

1. Public improvements shall be completed prior to the issuance of building permits.
2. Applicant shall be required to satisfy comments made by the review entities included in the corresponding staff report or shall work with Staff to reach an agreement between the parties.
3. Applicant shall be required to have primary access from Cherry Park Road and 242nd Ave. A fire gate shall be installed to ensure no vehicular traffic is allowed at Larson Ave.
4. Net area, as defined in TDC 1.020.97, shall be indicated on the coversheet of a revised plan set to confirm density standards are met. A revised plan set shall be submitted either prior to or alongside building plans at the time building permit submittal.
5. Assuming the setback variance along the front property lines is approved, Applicant shall be required to update site plan to confirm setbacks prior to building plan review. If the variance is not approved, Applicant shall be required to meet the 20 foot setback requirement.
6. Prior to Certificate of Occupancy, Applicant shall be required to apply for a Lot Line Adjustment to eliminate the lot line separating the two tax lots.
7. Before building plan submittal Applicant will need to schedule a pre-submittal meeting with Building and Planning Staff to review any deficiencies in the plans.
8. Site-obscuring shrubbery or a berm, wall, or fence shall be placed along the boundary of each classification of zone, i.e. residential, commercial or industrial, and around unsightly areas such as a trash or equipment storage area (TDC 11.010.D.).
9. Prior to building permit approval, Applicant shall be required to obtain a road rules variance from Multnomah County for the site's proposed access points.
10. Prior to issuance of the Certificate of Occupancy, Applicant shall obtain concurrence from Multnomah County that all transportation requirements have been met, including conditions of the road rules variance.

### City of Troutdale Public Works Department

1. Developer shall obtain a NPDES 1200-C Stormwater General Construction permit approved by DEQ and Erosion and Sediment Control Plan (ESCP) prior to commencing construction. No ground-disturbing activity (other than installation of EC measures) may occur until the 1200-C permit is issued and EC measures have passed an initial inspection.
2. The proposed development shall connect to sanitary sewer in Basin A.
3. The developer shall provide a conceptual street/lot plan for the adjacent underdeveloped properties to the east, prior to this application being reviewed by the City Council.
4. The developer shall dedicate to the public a permanent bike and pedestrian access easement through the site from SW Larsson Ave to SW Cherry Park Road, as directly as is feasible, and shall provide appropriate improved bike and pedestrian facilities along said route, to be maintained by the property owner.

**Gresham Fire & Emergency Services**

1. Provide fire flow per Oregon Fire Code Appendix B. Fire flow for apartment buildings varies based on construction and square footage. OFC App B Table B105.1.
2. Temporary address of 6" shall be provided at EACH construction entrance prior to ANY construction materials arriving on site. Prior to the building final a permanent address placards will be required per Gresham Fire Addressing Policy. A site plan monument sign will be required at each entrance. I can email the policy to you. OFC 505 & 1401
3. Required fire hydrants and access road shall be installed and approved PRIOR to any construction material arriving on site. OFC 1412.1
4. All Fire Dept. Access Roads shall be drawn to scale and shown clearly on plans. The access roads shall be constructed and maintained prior to and during construction. The minimum width is 20' for buildings under 30' in height and 26' wide for locations where buildings are over 30' in height. Access roads in areas where fire hydrants are located are required to be a minimum width is 26' for a length of 20'. When buildings are over 30' in height, a minimum of two fire access points are required. Dead end access roads in excess of 150 feet shall be provided with an approved turnaround. OFC 1410, 503.2.1, D103.1, & D104
5. Required Fire Dept. Access Roads on site shall be designed to support an apparatus weighing 75,000 lb. gross vehicle weight. Provide an engineer's letter stating the access road meets those requirements at time of building permit submittal. OFC, Appendix D, Section D102.1
6. The turning radius for all emergency apparatus roads shall be: 28' inside and 48' outside radius. OFC 503.2.4
7. No Parking Fire Lane signage or curb marking will be required. Fire access roads 20' – 26' wide require the marking on both sides. Indicate on the building permit plans. I can email you our policy. OFC D 103.6
8. Due to the number of proposed units, two separate and approved fire access roads will be required. OFC D106.2
9. Each building is required to be provided with fire sprinklers throughout. This includes balconies, decks and ground floor patios. OFC 903.3, 903.3.1.2
10. A fire alarm system is required. OFC 907.2.9, 907.2.11, 907.6, 907.6.2, 903.4
11. Prior to applying for a building permit provide a fire flow test and report. The fire flow report will verify that the correct fire flow is available and will be required to have been conducted within the last 12 months. OFC 507.3 & B-101.1
12. If a gate is installed on a fire access road, it must meet the requirements of the Gresham Fire Gate Policy. This policy can be faxed to you upon request. OFC 506.1
13. 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.
  - a. For public hydrants, order the connectors and once received then CONTACT the Water Operations Supervisor at the City of Troutdale to schedule installation. OFC 507 & NFPA 24-7.1.3

- b. For private (on site) fire hydrants the connectors will be inspected under permit by Gresham Fire. OFC 507 & NFPA 24-7.1.3
14. Without knowing the building construction types or sizes, a fire hydrant is required to be within 250 feet of the main entrance driveway. Fire hydrants crossing a major thoroughfare will not qualify. The furthest point on each building shall be no more than 400 feet from a hydrant. Show on the building plans where the nearest existing and new hydrants are located. OFC Appendix C and 507
15. A fire hydrant shall be within 50 feet of the fire sprinkler system "FDC". OFC Appendix C 102.2 & NFPA 13E
16. A lockbox will be required for fire department access. The lockbox form can be found on our city website or I can email one to you. You must use the form with our key code. OFC 506
17. Fire apparatus access shall comply with the requirements of OFC 503 and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. OFC 503.1.1
18. 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

#### **Multnomah County Transportation Planning**

1. The Applicant will need to obtain a Construction Permit to construct half street improvements to ensure that the half street meets county standards for ADA on the property's frontage on Cherry Park and 242nd per Multnomah County Road Rules [6.100]. The applicant will need to assess compliance with ADA requirements and get permits for and complete improvements prior to issuance of a Certificate of Occupancy.
2. Thirty days before issuance of Certificate of Occupancy, work with the County to modify the traffic signal at the NE 242nd Drive/SW Cherry Park Road intersection to allow for protective-permissive phasing for the eastbound and westbound left-turn movements.
3. Control the site-access driveway along NE 242nd Drive to right-in/right-out only.
4. Construct site-access driveways per Multnomah County standards and obtain a driveway permit from Multnomah County.
5. Locate and maintain all future landscaping, above-ground utilities, and site signage to provide adequate sight-distance per American Association of State Highway and Transportation Officials (AASHTO) requirements at the site driveways.
6. Construct an enhanced crossing at the intersection of Cherry Park and SW 18th Way that includes marked crossings and the installation of a Rectangular-Rapid Flashing Beacon (RRFB). The applicant shall obtain a construction permit for the installation of this enhanced crossing from Multnomah County.
7. Provide a 10 foot right-of-way dedication and 6 foot slope/utility/drainage/sidewalk/landscaping/traffic control device easement along the site's Cherry Park frontage for future widening of the intersection.
8. Prior to issuance of the Certificate of Occupancy, obtain a road rules variance from Multnomah County for the site's proposed multiple access points.
9. The applicant will need to work with the County and the City of Gresham and contribute a proportionate share to the improvement at the intersection of Cherry Park and 242nd/Hogan to mitigate impacts to the intersection

resulting from this development. The intersection improvement includes widening to accommodate future traffic. The contribution shall be filed with the County prior to issuance of the Certificate of Occupancy.

10. The Applicant is required to obtain approval from the Mid-County Lighting District for street lighting to be installed along the subject property's frontage along SW Halsey Street and West Historic Columbia River Highway. The applicant will need to develop a street lighting design plan that is compliant with Mid-County Lighting District standards. Please contact Chet Hagen, Mid-County Street Lighting District Administrator, at [chet.hagen@multco.us](mailto:chet.hagen@multco.us) or 503-988-0164 for more information.

### **Exhibit B - Application Narrative, Plans, & Traffic Impact Analysis**

Note: This Narrative was submitted by the Applicant prior to the Planning Commission hearing on May 29, 2018. As a result, there are references to the two map amendment applications that were considered by Planning Commission simultaneously with the site development review. The hearing at the regular City Council meeting on October 9, 2018 will consider the site development component of the application and the two associated variances.



**EAGLE RIDGE APARTMENT HOMES  
A SHELDON DEVELOPMENT COMMUNITY  
A REQUEST FOR A COMPREHENSIVE PLAN AMENDMENT, ZONE CHANGE, AND SITE  
DEVELOPMENT REVIEW**

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CHERRY PARK AND SW 242<sup>ND</sup> AVENUE  
TROUTDALE, OREGON

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Attachment B – Pre-Application Notes

Attachment C – Technical Reports

Attachment D - Multnomah County Road Rules Variance Request

Attachment E – Preliminary Development Plans

## GENERAL INFORMATION

Applicant: **Sheldon Development**  
23765 SE Highway 212  
Damascus, OR 97089  
Contact: Carey Sheldon  
Phone: 503-658-3777  
Email: careysheldon17@yahoo.com

Applicant's Representative: **3J Consulting, Inc.**  
5075 SW Griffith Drive, Suite 150  
Beaverton, OR 97005  
Contact: Andrew Tull  
Phone: 503-545-1907  
Email: andrew.tull@3j-consulting.com

## SITE INFORMATION

Parcel Numbers: 2N3E35BC700 and 1N3E35BC0800  
Addresses: No Site Address (TL 700) and 2320 SW 18<sup>th</sup> (TL 800)  
Size: 6.88 ac (TL 700) and 1.94 ac (TL 800); Total Site Size 8.82 acres  
Zoning Designation: R-5 Single Family Residential and R-7 Single Family Residential  
Comp Plan Designation: MDR (Medium Density Residential) and LDR (Low Density Residential)  
Existing Use: Vacant  
Street Functional Classifications: SW Cherry Park Road is Classified as a Collector and NE 242<sup>nd</sup> Avenue is classified as an Arterial.  
Surrounding Zoning: The properties to the south and east are located within the city of Troutdale and are zoned R-7 Single-Family Residential. The properties to the north are located within the city of Troutdale and are zoned General Commercial (GC). The property to the west is located in the city of Gresham and is zoned General Industrial (GI).

## **INTRODUCTION**

### **APPLICANT'S REQUEST**

The Applicant seeks approval of a Type IV Comprehensive Land Use Plan Map Amendment and Zoning District Map Amendment as well as a Site Development Review for a 216-unit multi-family development. This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of Troutdale's Development Code.

### **SITE DESCRIPTION/SURROUNDING LAND USE**

The proposed development site is 8.82 acres in size and is located on the corner of SW Cherry Park Road and NE 242<sup>nd</sup> Drive. The site is currently vacant with gently sloping topography.

The site is currently zoned R-5 Single Family Residential and R-7 Single Family Residential.

### **PROPOSAL**

The applicant seeks a Comprehensive Land Use Plan Map Amendment in order to change the current designation of the subject property from Medium Density Residential and Low Density Residential to High Density Residential. The zoning districts of the subject properties would be changed from R-5 Single Family Residential and R-7 Single Family Residential to A-2 Apartment Residential.

The Applicant also proposes to construct a new apartment community on the site and has submitted a concurrent request for Site Development Review. The proposed development will feature nine new 3-story multi-family buildings, with a total of 216 multi-family units. Also proposed is an onsite clubhouse, a pool, a parking lot, landscaping and a series of open spaces.

## **APPLICABLE CRITERIA**

The following sections of Troutdale's Zoning and Development Ordinance and the City's Comprehensive Plan have been extracted as they have been deemed to be applicable to the proposal and as stated in the City's pre-application notes. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for Comprehensive Plan Amendment and Zone Change and Design Review.

## **TROUTDALE DEVELOPMENT CODE**

### **Chapter 1- Introductory Provisions**

#### **1.010 Title**

**This ordinance shall be known as the Troutdale Development Code (TDC), also referred to as the Code, of 2017.**

**1.015 Purpose. The purpose of this Code is to coordinate City regulations governing the development and use of land and to implement the Troutdale Comprehensive Land Use Plan. It is the policy of the City of Troutdale to accomplish this in a manner that allows Troutdale to develop as a community with its unique character, encourage development that conforms to that character and to assist all persons who propose such development.**

#### **1.016 Applicability.**

**A. This Code applies to all property within the incorporated limits of the City of Troutdale as well as to property outside the incorporated City limits but within the City's urban planning area that is subject to that Intergovernmental Agreement transferring land use planning responsibility from Multnomah County to the City of Troutdale, except for those incorporated properties located east of the ordinary high water line of the west bank of the Sandy River, which are within the boundaries of the Columbia River Gorge National Scenic Area (NSA).**

**B. Property located within both the incorporated limits of the City and the National Scenic Area shall be subject only to the regulations of Sections 4.500 (Flood Management Area), 5.600 (Erosion Control and Water Quality Standards) and 5.700 (Stormwater Management) of this Code, but are also subject to land use review by the Multnomah County Department of Community Services.**

**1.017 Scope and Compliance. A parcel of land may be used, developed by land division, or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy, or otherwise, only as permitted by this Code. The requirements of this Code apply to the person undertaking a development or the user of a development, and to the person's successors in interest.**

**1.018 Consistency with Plan and Laws. Actions initiated under this Code shall be consistent with the adopted Comprehensive Land Use Plan of the City of Troutdale and with applicable state and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.**

### **Chapter 2- Procedures for Decision-Making**

#### **2.005 Types of Procedures for Taking Public Action.**

**Three separate procedures are established for processing development applications and one procedure is established for public actions (legislative) which do not involve land use permits or require consideration of a plan amendment, land use regulation, or City policies. These are Types I-III and Type IV respectively (see Table below):**

**DECISION-MAKING PROCEDURE**

\*\*\*

**Applicant's Finding:** The Applicant acknowledges that the proposed Comprehensive Land Map Amendment, Zoning Map Amendment and Site & Design Review are subject to the standards of the Troutdale Development Code and will be processed concurrently in a Type IV land use review. The complete application will be reviewed by staff who will make a recommendation to the Planning Commission. The Planning Commission will conduct a public hearing and make a recommendation to the City Council, who will make the final decision on the land use action. This standard is met.

**Chapter 3 – Zoning Districts**

**3.030 SINGLE-FAMILY RESIDENTIAL R-7**

**3.031 Purpose. This district is intended primarily for dwellings in a low-density residential neighborhood environment.**

**3.040 MEDIUM DENSITY RESIDENTIAL R-5**

**3.041 Purpose. This district is intended primarily for dwellings in a medium-density residential neighborhood environment.**

**Applicant's Finding:** The site is currently zoned R-7 and R-5. This proposal seeks to change the zoning on the site to A-2 for multi-family residential (attached) homes. The applicable zoning section, therefore, is found below: 3.060- Apartment Residential A-2. This standard is met.

**3.060 APARTMENT RESIDENTIAL A-2**

**3.061 Purpose. This district is intended primarily for apartment, condominium, and similar attached dwellings in a high-density residential environment.**

**3.062 Permitted Uses. The following uses and their accessory uses are permitted in the A-2 district:**

**A. Attached dwellings.**

\*\*\*

**Applicant's Finding:** The proposed attached homes and their accessory uses (clubhouse, pool, garages, parking and open space) are permitted outright in the A-2 zoning district. The proposed use will be permitted outright with the approval of the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment. This standard is met.

**3.064 Density, Lot Size, and Dimensional Standards.**

**A. Dimensional Standards.**

1. **Minimum lot size: Refer to the table in Subsection (B) of this Section for residential uses; fifty-four hundred (5,400) square feet for all other uses.**
2. **Minimum lot width:**
  - a. **Units on separate lots:**
    - i. **Thirty-five (35) feet at the front setback line of any interior lot used for single-family detached and zero lot-line dwellings, duplexes, and the end units of a triplex or attached dwelling.**
    - ii. **Twenty (20) feet for any interior unit of a triplex or attached dwelling.**
    - iii. **Forty (40) feet at the front setback line of a corner lot.**
  - b. **Multiple-unit, attached, duplex, and triplex dwellings, and non-residential uses on one lot:**
    - i. **Sixty (60) feet at the front setback line.**
    - ii. **Seventy (70) feet at the front setback line of a corner lot.**
3. **Minimum lot depth: Seventy (70) feet for single-family detached dwellings with a driveway from the public street or with access from an alley within a separate tract from the lot; ninety (90) feet for all other uses when there is approved street access; one hundred (100) feet for any use with access from an alley within an easement that is part of the lot.**
4. **Minimum lot frontage: Twenty (20) feet.**

**Applicant's Finding:** The minimum lot size per subsection B is 1,500 square feet per unit. The proposed 216 units would require a minimum lot size of 324,000 square feet, or 7.44 acres. This 8.82-acre site is adequately sized to accommodate the minimum lot size of the A-2 zone.

The proposal includes multiple homes in an attractive complex on property which form a corner lot and therefore the minimum lot width is 70 feet at the front setback line, the minimum lot depth is 90 feet and the minimum lot frontage is 20 feet. This site exceeds 600 feet in both the north-south and the east-west dimensions. The lot has over 400 feet of frontage on both NE 242<sup>nd</sup> and SW Cherry Park.

As proposed, all dimensional standards meet the requirements of the A-2 zone.

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

<b>DENSITY STANDARDS FOR MULTI-FAMILY</b>		
<b>Multiple-Unit Dwellings</b>	<b>Minimum Lot Area</b>	<b>Max. Lot Coverage</b>
<b>Over 155</b>	<b>1,500 sq. ft. per unit</b>	<b>55%</b>

**Applicant's Finding:** As discussed above, the proposed 216 units would require 324,000 square feet, or 7.44 acres. The proposed site is 8.82 acres in size and therefore exceeds the

minimum required. The lot coverage of the proposed buildings is 24%, below the maximum lot coverage of 55%. This standard is met.

**C. Minimum Density. Residential development is required to be built at eighty percent (80%) or more of the maximum number of dwelling units per net acre. For purposes of this standard, in computing the maximum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. For computing the minimum number of dwelling units, if the total contains a fraction, then the number shall be rounded down to the next lower whole number. [Example: Computing maximum/minimum dwelling units for a 7,500 sq. ft. parcel:**

- **Allowed density is 1 dwelling per 3,000 square feet.**
- **A 7,500 square foot parcel yields 2.5 dwelling units; round down to 2 dwelling units for maximum number of units.**
- **Eighty percent minimum density is 0.8x2 which yields 1.6 dwelling units; rounded down to 1 dwelling unit for minimum number of units.]**

**Applicant's Finding:** At a minimum lot area of 1,500 sf per unit, the site size of 8.82 acres would permit a maximum total of 256 units. Eighty percent of 256 would be 204 units (rounded down from 204.8). The proposed 216 units exceeds 80% of the maximum permitted density on the site. This standard is met.

**D. Setbacks.**

- 1. Front yard setback: Minimum of twenty (20) feet.**
- 2. Side yard setback: Dwellings, and non-residential structures or uses:**
  - a. Adjoining the A-2 zoning district or a non-residential zoning district: Minimum of five feet.**
  - b. Adjoining a different residential zoning district:**
    - i. Single-story construction: One and one-half times the minimum side yard setback of the adjoining residential zoning district but not less than ten (10) feet.**
    - ii. Two-story construction: Two times the minimum required side yard setback of the adjoining residential district but not less than fifteen (15) feet.**
    - iii. Three-story or greater construction: Three times the minimum required side yard setback of the adjoining residential district but not less than twenty (20) feet.**
  - c. No side yard setback shall apply for the interior side property lines of attached dwelling on individual lots.**
  - d. Ten (10) foot side yard setback shall apply for the exterior side property line for attached dwelling on individual lot.**
- 3. Street side yard setback: Minimum of ten (10) feet unless the street side yard is used for the driveway, in which case the minimum setback shall be eighteen (18) feet to the garage.**
- 4. Rear yard setback:**
  - a. Dwellings and non-residential structures or uses adjoining the A-2 zoning district or a non-residential zoning district:**
    - i. Without an alley: Minimum of fifteen (15) feet.**

- ii. **With an alley that is platted either as an easement or a separate tract that is at least twenty (20) feet in width:**
  - (a) **Minimum of eighteen (18) feet from the nearest edge of the tract or easement to the garage door.**
  - (b) **Minimum of five (5) feet to any other wall of the garage and all other structures as measured from the nearest edge of the tract or easement.**
- b. **Dwellings, and non-residential structures or uses adjoining a residential zoning district other than A-2:**
  - i. **Without an alley:**
    - (a) **Single story construction: The minimum rear yard setback of the adjoining residential zoning district.**
    - (b) **Two-story and greater construction: One and one-half times the minimum rear yard setback of the adjoining residential district but not less than twenty (20) feet.**
  - ii. **With an alley that is platted either as an easement or a separate tract that is at least twenty (20) feet in width, and the alley intervenes between the dwelling or structure and the other residential zoning district: Minimum of twenty (20) feet to the nearest edge of the tract or easement, regardless of the number of stories.**
- 5. **Projections into setbacks: See Section 5.020, Exceptions to Yard Requirements, of this Code.**
- 6. **Accessory structures in setback areas: See Section 5.010, Accessory Structures, of this Code.**
- 7. **Distance between buildings: See Chapter 8.200, Multiple-Unit, Attached, Duplex, and Triplex Dwelling Design Standards, of this Code.**
- 8. **Off-street parking, garages, and carports for multiple-unit attached, duplex, and triplex dwellings: See Section 8.225, Off-Street Parking, Garages, and Carports, of this Code.**

**Applicant's Finding:** Based on these standards, the front yard setback (Cherry Park) is 20 feet, the street side yard setback (242<sup>nd</sup>) is 10 feet, and the side yard setbacks to the east and south are 22.5 feet (7.5 x 3) . The proposed development meets all required setbacks with the exception of the 20-foot front yard setback along SW Cherry Park. The Applicant is requesting a variance to reduce this front-yard setback down to 10-feet, as discussed in response to the City's variance criteria. This standard is met.

**E. Height Limitation. The maximum height of a structure shall be thirty-five (35) feet.**

**Applicant's Finding:** The height of the proposed multi-family structures is 34.7 feet. The height of the clubhouse is approximately 15 feet. Both are below the 35-foot maximum height. This standard is met.

**3.065 Additional Requirements.**

**A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required. All development on lots within the Town Center**

**Overlay District must conform to the applicable standards of Chapter 4.600, Town Center, of this Code.**

**B. All lots in this district shall have frontage or approved access to public streets, public water, and public sewer before construction shall be permitted.**

**C. Recreational facilities for multiple-unit or attached dwelling developments of six (6) units or more on one (1) lot shall be provided in accordance with the regulations of Section 8.235, Recreation Areas, of this Code.**

**D. Off-street parking spaces shall be provided in accordance with the requirements of Section 8.225, Off-Street Parking, Garages, and Carports, and Chapter 9, Off-Street Parking and Loading, of this Code.**

**Applicant's Finding:** This narrative includes description of the proposal's compliance with Chapters 8 and 11 relating to design review and landscaping. The site has frontage on three public streets. Land use approval will determine that the site has approved access to public streets, public water, and public sewer. Recreational facilities, including a swimming pool, clubhouse and community open space, are provided on site. Off-street parking spaces are addressed further in this narrative in Section 8.225 and Chapter 9. This standard is met.

## **Chapter 5 – Miscellaneous Uses, Standards, and Exceptions**

### **5.600 EROSION CONTROL AND WATER QUALITY STANDARDS**

#### **5.610 Purpose.**

**The purpose of this Section is to establish, by reference, erosion control requirements and standards applicable to development activity within the City of Troutdale.**

**5.620 Applicability. This Section is applicable to ground disturbing activities associated with development, subject to the limitations and thresholds set forth in the reference standards specified in Section 5.630.**

**5.630 Reference Standards. The erosion control standards and requirements set forth in the most current edition of Chapter 12.09 of the Troutdale Municipal Code and the most current edition of the Construction Standards for Public Works Facilities are hereby incorporated by reference.**

**Applicant's Finding:** The development of this site is subject to the erosion control standards and requirements of the City of Troutdale. The Applicant acknowledges that a grading and erosion control permit as well as a 1200-C permit will be required prior to grading the site. This standard is met.

### **5.700 STORMWATER MANAGEMENT**

#### **5.710 Purpose.**

**The purpose of the stormwater management standards is to protect surface and ground water quality by providing adequate facilities for the management of stormwater or floodwater**

runoff, and to prevent the degradation of, and promote the enhancement of, primary or secondary protected water features, floodplains, wetlands, and groundwater.

**5.720 Reference Authority.**

**A. The current edition of the City of Troutdale Construction Standards for Public Works Facilities is adopted into this Code by reference. Where conflict exists between this Code and any of these documents, the more restrictive shall apply.**

**B. Other publications or maps adopted by reference to implement the standards of this Chapter are the Metro Title 3 Water Quality and Flood Management Area Map, the Sandy Drainage Improvement District or designee, the Federal Emergency Management Agency's Flood Insurance Rate Maps and Flood Insurance Studies published for the City and the City's Urban Planning Areas, and the National Wetlands Inventory Map.**

**C. Wetland determinations made by the Oregon Department of State Lands record in the Community Development Department.**

**D. The current edition of the City of Troutdale's Troutdale Storm Drainage Master Plan(s).**

**5.730 Applicability.**

**No land use action shall be approved which does not make adequate provisions for stormwater or floodwater runoff. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Water quality treatment for stormwater is required as indicated in the City's Construction Standards for Public Works Facilities.**

**Applicant's Finding:** This land use proposal includes a stormwater report which details adequate provisions for stormwater runoff. The proposed stormwater drainage system is separate and independent of any sanitary sewer system on the site. Stormwater detention and treatment is proposed to meet the City's Construction Standards for Public Works Facilities. This standard is met.

**5.1000 PUBLIC IMPROVEMENTS**

**5.1010 Purpose.**

**The purpose of this Section is to establish procedures and standards for installation of public improvements. No public improvements shall be constructed prior to approval of formal construction plans by the Director of Public Works or the Director's designee.**

**5.1020 Applicability.**

**These standards apply to any land division or development requiring public improvements and any other development requiring public improvements valued at \$25,000 or more.**

**5.1030 Standards.**

**A. Public improvements as part of an approved land division shall be constructed in accordance with the provisions of Chapter 7, Land Division, or of this Code and the current edition of the adopted Construction Standards for Public Works Facilities.**

**B. Whenever a development other than a land division includes public improvement(s) valued at \$25,000 or more, the developer must submit construction drawings for the public improvements in accordance with the requirements set forth in Section 7.130 of this Code, a**

permit application in accordance with the adopted Public Works Design Standards Chapter 12 of the Troutdale Municipal Code, and the Construction Standards for Public Works Facilities.

C. Construction may not begin on the public improvements until the construction drawings are approved and an Authorization to Commence Construction or Public Works Permit is issued by the Public Works Department.

D. The public improvements shall be completed prior to issuance of building permits for the site.

E. Acceptance of the public improvements shall occur only after the requirements in Sections 7.150 and 7.170 of this Code and the Construction Standards for Public Works Facilities have been met. Responsibility for the operation, maintenance, and repair of the public improvements remains with the developer until their improvements are acceptance accepted by the City.

**Applicant's Finding:** This submittal includes proposed public improvements designed to meet Section 7.130 of this Code, the City's Public Works Design Standards and the City's Construction Standards for Public Works Facilities. NE 242<sup>nd</sup> and SW Cherry Park are both under the jurisdiction of Multnomah County. As such, the proposed public improvements are designed to meet County standards (with the exception of access spacing standards for which a road rules variance is being proposed). The proposed public improvements also comply with Multnomah County standards. This standard is met.

## Chapter 6 – Applications

### 6.200 COMPREHENSIVE PLAN MAP AMENDMENT

#### 6.215 Procedure Type.

The Type III procedure, as described in Section 2.060 of this Code, shall apply to quasi-judicial Comprehensive Plan Map amendments. The Type IV procedure, as described in Section 2.065 of this Code, shall apply to legislative zoning map amendments. The Planning Director shall determine if a Comprehensive Plan Map amendment is quasi-judicial or legislative.

**Applicant's Finding:** The City provided pre-application notes to the Applicant stating that the development proposals will be reviewed concurrently through a Type IV land use review process. This standard is met.

#### 6.220 Approval Criteria.

In order to approve a Comprehensive Land Use Plan Map Amendment application, the decision making authority shall make findings of fact based on evidence demonstrating that the following criteria are satisfied for both legislative and quasi-judicial Comprehensive Land Use Plan Map amendments:

- A. Compliance with applicable Statewide Land Use Planning Goals and related Oregon Administrative Rules.

*GOAL 1 : Citizen Involvement*

*Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.*

**Applicant's Finding:** This goal will be met by compliance with the City of Troutdale public notice and public hearing requirements. The City will provide notice to neighborhood planning organizations and land owners within 300 feet and will allow opportunity for citizen participation in the land use review process.

In addition to the City's formal notice, the Applicant has met with members of the public residing within 300 feet of the project site on several occasions. The requirements of this goal can be met.

*GOAL 2 : Land Use Planning*

*Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.*

**Applicant's Finding:** The City of Troutdale Development Code establishes administrative provisions for the review of comprehensive plan amendments and zone changes. This application narrative addresses the relevant provisions of the Code and provides responses to demonstrate compliance with applicable policies and approval criteria. The requirements of this goal can be met.

*GOAL 3: Agricultural Lands:*

**Applicant's Finding:** This Goal is not applicable within the Urban Growth Boundary.

*GOAL 4: Forest Lands:*

**Applicant's Finding:** This Goal is not applicable within the Urban Growth Boundary.

*GOAL 5: Open Spaces, Scenic and Historic Areas and Natural Resources*

**Applicant's Finding:** This Goal is not applicable. No open space, scenic and historic areas or natural resources have been identified on the subject property by the City of Troutdale as a part of its Goal 5 inventory and planning processes. There are no streams, wetlands, wooded areas or other natural features present that would warrant preservation as open space.

*GOAL 6: Air, Water and Land Resources Quality*

*This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as air and groundwater pollution.*

**Applicant's Finding:** This goal is not directly applicable to this application. The City has implemented this goal in its comprehensive plan and implementing ordinances.

*GOAL 7: Areas Subject to Natural Disasters and Hazards*

*Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.*

**Applicant's Finding:** This Goal is not directly applicable to this application. The subject property is not within a flood plain, an area of steep slopes or an area with an identified landslide hazard.

*Goal 8: Recreation Needs*

*This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.*

**Applicant's Finding:** The City of Troutdale has developed a City Parks Plan to identify existing and proposed sites for community parks and recreation facilities. The subject property is not identified as a future park site. There are ample existing park facilities within walking distance of this site. Woodale Park is located immediately south of the subject property in the Woodale subdivision. Columbia Park is located approximately one-quarter mile to the east.

*GOAL 9: Economic of the State*

*Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.*

**Applicant's Finding:** The subject property is located in an area designated by Troutdale for residential development. The proposed change in use will provide for temporary employment for site development and construction of the apartments. These jobs will provide for a benefit to the economy of the state and the immediate community consistent with Goal 9.

*GOAL 10: Housing*

*This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.*

**Applicant's Finding:** The proposed comprehensive plan amendment and zone change would change the existing Medium Density Residential designation to High Density Residential.

The subject property is consists of 6.88 acres currently zoned R-5 (5,000 square foot minimum lot size) and 1.94 acres currently zoned R-7 (7,000 square foot minimum lot size). If developed under the current zoning, assuming 20 percent of the site would be allocated to new streets, the net site areas would be 5.5 acres of R-5 and 1.55 acres of R-7. Dividing the R-5 portion by 5,000 sq. ft. per unit gives a maximum density under existing zoning of 48 lots and dividing the R-7 portion by 7,000 sq. ft. per unit gives us an additional 10 lots, for a total of 58 lots for construction of single-family detached homes. The proposed change to High Density Residential will allow the construction of 216 apartment units on the site.

According to the Comprehensive plan, "The City's existing housing stock (as of 2010) consists primarily of detached, single-family dwellings, making up approximately 75% of the total units. Attached and multi-family housing types (duplex or more units) represent about 18% of the total and manufactured dwellings make up roughly 7%." The proposed amendment would increase the available supply of land for multi-family housing and, therefore, would increase the varieties of housing available to residents of the city. As a result, the proposed plan amendment and zone change would have a positive impact upon the City's ability to comply with Goal 10.

*GOAL 11: Public Facilities and Services*

*Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement.*

**Applicant's Finding:** Sanitary Sewer: There is an existing sanitary sewer line located in SW Larsson Avenue at the south boundary of the site. Because this line is not deep enough to serve the entire property via gravity flow, the applicant's engineers propose the installation of a private sanitary sewer pump station on site, with discharge to the existing manhole on SW Larsson Avenue. If an additional solution to sewerage for the site can be worked out during the site's construction documentation project, the Applicant may seek additional options for the provision of sewer.

Storm Sewer: The City does not have a gravity storm sewer system available to the site, but site soils are suitable for infiltration. The applicant's engineers will design on-site infiltration systems to manage the stormwater on-site.

Domestic Water: There is an existing public waterline in SW Larsson Avenue which will serve as the connection point for domestic water service to the site.

Discussions with City staff at the pre-application conference indicate the City is capable of providing police services. Gresham Fire will provide fire protection services.

*GOAL 12: Transportation*

*This goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."*

**Applicant's Finding:** The City of Troutdale implements this goal by requiring that applications for comprehensive plan amendments and zone changes include a transportation impact analysis (TIA). The TIA for this project has been prepared by Kittelson & Associates, Inc. The TIA is included with the application submittal package. The results of this analysis indicate that the proposed development can be constructed while maintaining safe and acceptable traffic operations at the study intersections and site-access driveways assuming provision of the recommended mitigation measures. Based on the analysis, the following mitigation measures are recommended:

- The site-access driveways should be constructed per Multnomah County standards.
- The site-access driveway along NE 242nd Drive should be restricted to right-in/right-out.
- Install four section signal heads at the eastbound and westbound approaches to the NE 242nd Drive/SW Cherry Park Road intersection to provide flashing yellow arrows.
- Install four section signal heads at the northbound and southbound approaches to the SW 257th Avenue/SW Cherry Park Road intersection to provide flashing yellow arrows.
- All future landscaping, above-ground utilities, and site signage should be located and maintained to ensure adequate sight-distance is provided at the site driveways.

*GOAL 13: Energy*

*Goal 13 says that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."*

**Applicant's Finding:** The proposed amendment would provide for increased density in close proximity to commercial and employment centers, thereby providing for a more energy efficient land use pattern.

*GOAL 14: Urbanization*

*Goal 14 requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.*

**Applicant's Finding:** The subject property is located within the UGB established by Metro and implemented on the City of Troutdale Comprehensive Plan Map. The proposed change in designation would provide for increased density within the urban area, thereby making more efficient use of urban lands.

**GOAL 15 - Willamette Greenaway, 16 – Estuarine Resources, 17 – Coastal Shorelands, 18 – Beaches and Dunes, and 19 – Ocean Resources, do not apply to the subject property as it is not located near these resource areas.**

**B. Consistency with the applicable goals and policies of the Comprehensive Land Use Plan.**

The following goals and policies of the Comprehensive Land Use Plan apply to this proposal:

GOAL 1 – CITIZEN INVOLVEMENT

*The City of Troutdale encourages involvement of its citizens in its planning process through service on the Citizen Advisory Committee, the Planning Commission, or by testifying at public hearings. The City makes every effort to inform its citizens about land use actions occurring in their neighborhoods.*

POLICIES

- 1. Inform the citizens of Troutdale of land use changes affecting their neighborhoods. The City shall continue to involve citizens in all phases of the planning process via the Citizen Advisory Committee, special task forces, and other appropriate means.*
- 2. Keep the public informed of land development proposals occurring in their neighborhoods.*
- 3. Attempt to balance the cost of providing public information with the public's right-to-know.*

**Applicant's Finding:** The Troutdale Development Code states that the City will determine whether a Type III (Quasi-judicial) or Type IV (Legislative) land use review will be utilized by the City to review Comprehensive Plan Amendments and Zoning Map Amendments. The City stated in the pre-application notes that a Type IV process would be used for this proposal. Public notice will be provided to owners of land subject to the City's standards. Hearings will be held before the Planning Commission and City Council. Citizens will be afforded the opportunity to provide testimony in support or in opposition to the proposal at these hearings.

GOAL 2 – LAND USE

*Residential:*

*The plan should provide opportunity for families and individuals of all ages and income levels to have a choice of housing density, type, and cost. Appropriate uses within residential districts include single-family detached homes, attached residential dwelling units and apartments, churches, schools, day care centers, community centers, nursing homes, home occupations, and similar uses. Low density development should be located away from high traffic areas and where there is suitable open space. Low-density residential uses may be located where there are development constraints such as slopes or flood plains if structures can be sited to avoid the problem. Multiple-family locations should include areas adjacent to commercial districts where public services and conveniences are concentrated, and areas along or adjacent to major or minor arterials. In certain locations, apartments may coexist*

*with professional and business uses which do not generate high volumes of traffic. The views and general low-density character of adjacent single-family districts should be preserved.*

**Applicant's Finding:** The subject property is presently designated for Medium Density Residential use and Low Density Residential use and the proposal is to change the designation to High Density Residential. The site is located near commercial development, with Cherry Park Market located immediately to the north across Cherry Park Road. Industrial zoning immediately to the West, across NE 242<sup>nd</sup> Drive will provide for employment opportunities within close proximity of this site. The commercial and industrial use in the area supports a change to High Density Residential per this policy.

***Low-Density Residential (LDR)***

*This designation is intended primarily for low-density, single-family, detached residential dwellings, including existing single-family residential areas and vacant land with constraints to development at higher densities. Densities in this designation are intended to average five units per net acre with lot sizes generally 7,000 square feet and larger. Commercial development with the exception of home occupations and limited neighborhood retail is not considered appropriate within this designation. The following criteria is established for the designation of LDR:*

- 1. Areas already developed at, or approved for, this density.*
- 2. Areas where a need for this type of housing exists.*
- 3. Areas where streets are limited to collectors and local streets.*
- 4. Areas where sensitivity to the natural environment or natural hazards indicates a reduced sensitivity.*

**Applicant's Finding:** A small portion of the subject property is currently designated low-density residential. The site is vacant and is not developed at, or approved for, this density. The site is adjacent to NE 242<sup>nd</sup>, an arterial, which is in opposition to the criteria of LDR development occurring only along collectors and local streets. There are no natural environment or natural hazards necessitating a lower density of development. This site does not meet the criteria for LDR designation.

***Medium-Density Residential (MDR)***

*This designation is intended primarily for medium-density, single-family, detached and attached residential dwellings, including existing developed areas and vacant land suitable for development at this density. Density in this designation is intended to average 8.5 dwelling units per net acre with lot sizes generally 4,000 square feet and larger. Commercial development, with the exception of home occupations and limited neighborhood retail, is not considered appropriate for this designation. The following criteria is established for the designation of areas as MDR:*

- 1. Areas already developed at, or approved for, this density.*
- 2. Areas where a need for this type of housing exists.*
- 3. Areas where streets are limited to minor arterials, collectors, and/or local streets.*

**Applicant's Finding:** Most of the subject property is currently designated medium-density residential. The site is vacant and there is no other Medium Density Residential development

or vacant land within the vicinity of this site. While there is a need for Medium Density Residential land, we believe that the need for High Density Residential land in this area exceeds the need for MDR. The street system in this area is more appropriate for High Density Residential designation, with Cherry Park Road being classified as a major collector and 242<sup>nd</sup> Drive classified as a major arterial roadway.

### ***High-Density Residential (HDR)***

*This designation is intended primarily for high-density, multiple-family residential dwellings, including existing developments and vacant land suitable for development at higher densities. Density in this designation is intended to average 21 units per gross acre and 2,000 square feet per dwelling unit. Business and professional offices may be considered appropriate in areas designated HDR given conditional approval. The following areas may be designated HDR:*

- 1. Areas already developed at, or approved for, this density.*
- 2. Areas adjacent, or in close proximity, to existing or planned shopping centers, employment centers, transit routes, or minor arterials.*
- 3. Areas where there are no known geological hazards, flooding, or soils subject to slippage.*
- 4. Areas adjacent to parks and recreation, permanently protected open space, or bodies of water, as long as #2 and #3 above apply.*

**Applicant's Finding:** The site is not presently developed, but the property is in close proximity to shopping (Cherry Park Market) and industrial development (Subaru distribution center) immediately to the west in Gresham. Trimet plans to add a transit route with a stop at the corner in front of this development in the next few years. The site sits at the corner of an arterial (NE 242<sup>nd</sup>) and a major collector (SW Cherry Park). There are no known geological hazards, flood plain areas, or areas subject to slippage on the subject site. The site is not adjacent to parks, but two are nearby (Woodale Park, to the south, and Columbia Park, located approximately one-quarter mile to the east). This site is ideally suited to high-density residential development.

### **GOAL 3 – AGRICULTURAL LAND**

*There are no identified agricultural lands within the City of Troutdale. These statewide goals are not applicable within corporate limits of the city.*

**Applicant's Finding:** As discussed above, this Goal is not applicable within the City of Troutdale's planning area.

### **GOAL 4 – FOREST LAND**

*There are no identified forest lands within the City of Troutdale. These statewide goals are not applicable within corporate limits of the city.*

**Applicant's Finding:** As discussed above, this Goal is not applicable within the City of Troutdale's planning area.

### **GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES**

*Troutdale is blessed with a unique and physically attractive setting. Open spaces and scenic views, proximity to the Columbia Gorge, and the presence of urban "wilderness areas" contribute to the special character of the community. The City strongly supports preservation of its open spaces, especially the Beaver Creek and Sandy River Canyons.*

**Applicant's Finding:** There are no identified Goal 5 resources on the subject property (i.e. resources, wetlands, aggregate, wildlife habitat, historic sites or resources, or energy resource). The City has not included the subject property in its Goal 5 inventory for this reason. As a result, this Goal and its implementing are not applicable to the subject property.

#### GOAL 6 – AIR, WATER, AND LAND RESOURCES QUALITY

*The quality of life in Troutdale is directly related to the air, water, and land quality in the community. Troutdale is proud of its environment and will work to maintain it.*

#### POLICIES

- 1. Cooperate with Metro and DEQ in efforts to attain air quality standards in the Portland-Vancouver AQMA.*
- 2. Use measures described in the DEQ Handbook in regulating land development activities within the City.*
- 3. Recognize and assume responsibility for operating and regulating wastewater system as indicated in Metro's Waste Treatment Management component.*
- 4. Recognize Metro's responsibility and authority to prepare and implement a solid waste management plan, support Metro's "Procedures for Siting Sanitary Landfills", and participate in these procedures as appropriate since solid waste disposal is a regional concern requiring regional solutions.*
- 5. Maintain environmental quality by guiding future development and land use activities. Prohibit activities that will significantly deteriorate the existing high quality of the air, water, and land resources.*
- 6. Adhere to federal and state standards relating to air and water quality.*
- 7. Maintain a quiet and healthful environment for residents of Troutdale.*
- 8. Ensure that new commercial, industrial, and community service facility development is landscaped and designed so adjacent properties are not negatively impacted. Seek assistance from DEQ when assessing noise impact from this type of development.*

**Applicant's Finding:** These policies are guides to City action. Where appropriate, they are implemented by the Troutdale Development Code. The proposed use will be designed in conformance with City standards for treatment and discharge of storm water. It will meet requirements for handling of solid waste. The proposed land use is residential in character and will not significantly deteriorate air, water, or land resource quality. The proposed residential use will not generate significant levels of noise.

#### GOAL 7 – AREAS SUBJECT OT NATURAL DISASTERS AND HAZARDS

*The preserved natural landscape areas along stream corridors and dramatic hillsides that contribute to Troutdale's scenic beauty also provides the greatest potential for natural hazards. Troutdale has areas affected by steep slopes, with potential for flooding due to*

*storm run-off and high groundwater, landslides, and high velocity winds. Areas where development is constrained by natural hazards are shown on the Natural Hazards map.*

**Applicant's Finding:** Not applicable. The subject property is not located in a 100-year flood plain, does not contain slopes in excess of 15% grade and is not located in a known landslide hazard area. Troutdale does experience high wind at times, but response to this condition is addressed by requiring new buildings to conform to special wind-related building code requirements. There are no known seismic faults or volcanic areas within the Troutdale planning area.

#### GOAL 8 – RECREATIONAL NEEDS

*The City of Troutdale is fortunate to be within a metropolitan area offering a variety of cultural activities. The City's location as the "Gateway to the Columbia River Gorge" provides a unique and beautiful natural environment with almost immediate access to a wide variety of outdoor recreational opportunities.*

**Applicant's Finding:** This standard is not directly applicable to the subject property as it has not been identified as a future park and recreation site. There are several recreational sites and facilities within close proximity of this site to meet the recreational needs of future residents. The closest, Wooddale Park, a small community park, is located to the south of the subject property in the Wooddale subdivision. Columbia Park, a wooded natural area, is located approximately 700 feet east of the subject property and, just beyond that, are the athletic fields for Reynolds High School.

#### GOAL 9 – ECONOMIC DEVELOPMENT

*Troutdale's economic goal is to provide employment opportunities for its citizens and a stable tax base for the community. The City's assets are its excellent access to transportation facilities, its natural and lifestyle amenities, and the availability of public services. Troutdale is poised for economic expansion.*

**Applicant's Finding:** As a residential project, the proposed development will provide direct benefit to the economy through the provision of construction jobs during the construction of the project. It will also benefit local building supply companies. Once developed, the future residents of the apartment project will benefit the local economy by shopping at local retail outlets, including the Cherry Park Market project immediately north of this site. In addition, this housing type is considered "workforce housing", bringing more opportunity for employees of locally-based businesses to both live and work in the City of Troutdale. The policies of this section of the Comprehensive Plan, however, relate to commercial and industrial development and are not directly applicable to this proposal.

#### GOAL 10 – HOUSING

*The City of Troutdale is committed to providing the opportunity for residents to obtain decent housing at appropriate densities, costs and locations. The City, through its land use planning process, has provided the opportunity for a diversity of housing types and locations.*

**Applicant's Finding:** The proposed change in land use designation would provide for an increase in the supply of multi-family land and a decrease in the supply of buildable land.

*Policies:*

1. *General*

- a. *Residential developments shall be located in close proximity to employment and shopping facilities to allow Troutdale residents easy, convenient access to job site and shopping needs.*
- b. *Residential areas shall offer a wide variety of housing types in locations best suited to each type and shall be developed in a way which will not create environmental degradation.*
- c. *Establish minimum densities for new residential developments excluding residential dwellings built in conjunction with a commercial use. Require that new development achieve at least 80% of the maximum density per net acre allowed by the zoning district.*
- d. *Allow development of housing for residents at all income levels in the city.*

**Applicant's Finding:** The subject property is in close proximity to shopping and employment opportunities at Cherry Place Market, the Subaru distribution center and other industrial and commercial areas to the west provide employment opportunities, as well as Reynolds High School to the east. Addition of high-density residential development to this site that is adjacent to a major collector and an arterial will allow for a variety of housing types in locations best suited to each type. The proposed development complies with the minimum density levels. This multi-family housing development proposal is a much-needed housing type to support residents of all income levels in the City. This standard is met.

6. *Alternative Housing Types.*

- a. *Maintain an adequate supply of land to provide for housing types within the City's residential land use categories consistent with findings from housing needs analyses.*

**Applicant's Finding:** The City's Comprehensive Plan identifies that 75% of the residential supply in the City is single-family detached, and 74% of the residential supply is owner-occupied. The Comprehensive Plan housing policies call for a greater variety of housing types for a variety of income levels. The proposed multi-family development would provide 216 units of a much-needed residential housing type. This standard is met.

- b. *Recognize condominium ownership as a legitimate and affordable housing alternative.*

**Applicant's Finding:** This standard is not directly applicable, as condominium ownership is not proposed.

- c. *Recognize the need for housing for senior citizens and other residents in the city with special needs, such as physical or other disabilities. Allow senior center and*

*special needs complexes, or other developments that serve primarily senior citizens and those with special needs.*

**Applicant's Finding:** This standard is not applicable, as it is not aimed specifically at the needs of senior citizens or other residents in the city with special needs. However, each building will have ground-floor units and convenient, safe pedestrian connectivity that can serve those with limited mobility.

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

**Applicant's Finding:** This standard is not applicable. Single-family attached homes could be built under either the existing or proposed zoning. The project does not include single-family attached homes.

*e. Recognize the use of "zero lot line" siting as a method of increasing the usable outdoor area of a detached single-family lot.*

**Applicant's Finding:** This standard is not applicable, as zero lot line development is not proposed.

*f. Recognize multi-family dwellings as a legitimate and needed housing type in Troutdale and allow multi-family developments in areas designated for such in the Comprehensive Plan.*

**Applicant's Finding:** The proposed amendment supports this policy by providing needed vacant land for High Density Residential uses.

*g. Allow a mix of housing types as part of a Planned Development as an attractive and desirable alternative to providing just a single type of housing in a subdivision.*

**Applicant's Finding:** This standard is not applicable, as a mix of housing types is not being proposed.

*h. Allow a mix of multi-family dwellings and professional offices, or limited commercial, in the high density residential and town center planning area outlined in the Comprehensive Plan.*

**Applicant's Finding:** This standard is not applicable, as mixed-use development is not being proposed.

*i. Allow manufactured homes parks as an affordable alternative housing type in areas designated medium density residential.*

**Applicant's Finding:** This standard is not applicable, as a manufactured home park is not being proposed.

- j. Provide for manufactured home park developments under clear and objective standards.*

**Applicant's Finding:** This standard is not applicable, as a manufactured home park is not being proposed.

#### *7. Neighborhood Character*

- a. Consider the need for neighborhood identity during the subdivision review process in terms of street patterns and lot arrangement, access to major streets, and relationship to surrounding land uses.*
- b. Allow the establishment of neighborhood groups in order to give citizens within a neighborhood more identify with that particular neighborhood.*

**Applicant's Finding:** The applicant is sensitive of the need to preserve the identity of the neighborhoods to the south and east. Buffering through appropriate placement of apartment buildings and garage units and landscape screening will be provided. Prevention of undesirable use of local streets to the south will be achieved by providing an emergency vehicle access gate at the site's southern boundary line. The access point will allow for pedestrian traffic but will not permit public vehicular access to the subdivision located south of the property.

### **GOAL 11 – PUBLIC FACILITIES AND SERVICES**

#### **Public Facilities Plan**

*The Comprehensive Plan provides basic information about water, sanitary sewer and storm drainage facility needs over the next twenty years, including a list of needed projects, maps showing the locations of those projects and policy language regarding coordination with other providers of these services in Troutdale. More detailed information about existing and future public facility needs is found in the City's Public Facilities Plan adopted by the City as an implementing element of this Comprehensive Plan.*

**Applicant's Finding:** As discussed above, storm sewer and water services are all available to serve the needs of the proposed development or can be engineered to meet the needs of the development. The site does have a very specific deficiency related to sewer in that the adjoining public sewer system was not constructed at a depth sufficient to allow for gravity service for the entire property. This issue has prevented the development of the site as a single family subdivision for several years as a single family development would require the installation of a public sewer lift station. Because the cost of a public system is so great and because the City's Engineering and Public Works Department is not in favor of the creation of a public lift station, the best alternative for this development to achieve service is to create a privately owned and maintained pump station. In order to offset the costs associated with

the installation and on-going maintenance of a private lift station, the developer has proposed to rezone the property to A-2 to allow for higher densities and a multi-family unit type. Specific plans for these facilities will be reviewed in the design review application to follow.

## **GOAL 12 – TRANSPORTATION**

### **TRANSPORTATION SYSTEM PLAN**

*The City of Troutdale has prepared and adopted a Transportation System Plan (TSP) as the transportation planning element of the Comprehensive Plan. The TSP contains policies related to the provision of the transportation facilities and services, as well as information about current and needed future transportation facilities, costs and funding. The TSP should be referenced for policies and other specific information about transportation facilities in Troutdale.*

**Applicant's Finding:** The applicant has retained Kittelson & Associates, Inc. to prepare a Traffic Impact Analysis, which has been included with this land use application. The TIA has addressed the potential impacts associated with the proposed zoning map amendment and the proposed development and has offered conclusions in support of the proposed development.

## **GOAL 13 – ENERGY CONSERVATION**

*The City of Troutdale encourages energy conservation and wise use of resources.*

### **POLICIES**

- 1. Offer incentives for the use of more energy-efficient techniques through the Development Code.*
- 2. Recognize the increasing importance of solar orientation in the subdivision and design review processes.*
- 3. Promote energy-efficient land use location.*
- 4. Ensure energy-efficient provision of facilities and services.*
- 5. Promote and facilitate the retrofitting of homes and commercial/industrial facilities for energy conservation.*
- 6. Promote the use of alternative energy sources.*

**Applicant's Finding:** The proposed apartment project will be built to comply with all energy requirements of the building code. The location of the site on major transportation corridors and near areas for shopping and employment promotes an energy efficient land use pattern.

## **GOAL 14 – URBANIZATION**

*The City of Troutdale's policy is to provide for an orderly and efficient transition from rural to urban land use and to provide urban services ultimately from Strebin Road to the Columbia River.*

**Applicant's Finding:** This standard is not applicable. The subject property is located within the urban area and is served with all public facilities necessary to allow the development of this site.

***GOAL 15 – WILLAMETTE RIVER GREENWAY***

***GOAL 16 - ESTUARINE RESOURCES***

***GOAL 17 - COASTAL SHORELANDS***

***GOAL 18 – BEACHES AND DUNES***

***GOAL 19 – OCEAN RESOURCES***

**Applicant's Finding:** Because there are no resources governed by these Goals within Troutdale, they are not applicable to this proposal.

**C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation, and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands.**

**Applicant's Finding:** The first policy listed under Goal 10- Housing in the Troutdale Comprehensive Plan (Page 45) is "Residential developments shall be located in close proximity to employment and shopping facilities to allow Troutdale residents easy, convenient access to job sites and shopping needs. This site is located in close proximity to multiple employment opportunities, including the nearby Subaru plant and the Gresham Vista Projects. There is access to nearby shopping. A near-term future transit line is proposed to run in front of this site with a stop at the corner of NE 242<sup>nd</sup> and SW Cherry Park. The next three housing policies in the Comprehensive Plan call for a wider variety of housing types, minimum residential densities and development of housing for residents at all income levels. This proposed Comprehensive Plan Map Amendment allows for multi-family housing, widening the housing variety in the City (currently 75% single-family detached). The proposed site plan identifies compliance with the minimum density requirement (80% of maximum density allowed on the site) and provides housing for residents at varying income levels. This type of quality workforce housing exactly meets the policies of the Housing section of Troutdale's Comprehensive Plan. This standard is met.

**D. The Plan provides more than the projected need for lands in the existing land use designation.**

**Applicant's Finding:** The existing land use designations of low density residential and medium density residential are utilized primarily for single-family detached residential development. According to Goal 10- Housing in the Troutdale Comprehensive Plan (Page 44), approximately 75% of the City's housing stock consists of detached, single-family dwellings. This standard is met.

**E. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.**

**Applicant's Finding:**

The proposed designation allows for residential uses, which are compatible with the existing residential uses on adjacent lands. The placement of higher density development, such as the proposed multi-family development, at the intersection of an arterial and a major collector (and future transit stop) provides for a more compatible use of the site than single-family residential. The proposal will not significantly adversely affect existing uses on adjacent lands. This standard is met.

**F. Public facilities and services necessary to support uses allowed in the proposed designation are available, or are likely to be available in the near future. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060.**

**Applicant's Finding:**

Public facilities and services necessary to support the multi-family development are available to the serve the site. A complete Transportation Planning Rule (TPR) analysis is included in the Traffic Impact Analysis (TIA) provided by Kittelson & Associates, Inc. The TPR analysis finds that the proposed comprehensive plan map amendment and zoning map amendment will result in a significant effect on the transportation system. Therefore, mitigation measures are identified in the TIA to result in no further degradation to the transportation system. This standard is met.

**6.900 SITE DEVELOPMENT REVIEW  
6.905 Purpose.**

**The purpose of this Chapter is to advance all of the following objectives in the public interest:**

- A. Carry out the development pattern and plan of the City through efficient and effective review of site development proposals;**
- B. Promote the public health, safety and general welfare;**
- C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and**
- D. Encourage efficient use of land resources and public services, and provision of transportation options.**

**Applicant's Finding:**

The proposed multi-family development is both efficient and an effective development strategy for this residential site. The property is adjacent to a transit corridor planned for completion within the next few years. The site is also near many new employment areas, including Subaru and the Gresham Vista Projects with approximately 1,000,000 square feet of manufacturing and warehousing space. The separate placement of the nine buildings on the site allows for adequate light and air, reduces overcrowding of the land, provides adequate transportation, water supply, sewage, fire protection, pollution control, surface water management and protection against natural hazards. The density of the proposed development allows the efficient use of the land and public services. The

provision of transportation options is enhanced by increasing the need for transit along 242<sup>nd</sup> (Tri-met's planned Line 25), potentially elevating this service on the Eastside Service Enhancement Plan. This standard is met.

#### **6.910 Applicability and Exemptions.**

**Site development review approval is required for new development, change of use resulting in increased vehicle traffic or requiring an increase in minimum parking pursuant to Chapter 9, Building Expansions and to expand a nonconforming use or development. Except as specified by a condition of approval on a prior city decision, or as required for uses subject to conditional use permit approval, site development review is not required for the following:**

- A. Change in occupancy from one allowed land use to another allowed land use.**
- B. Physical expansion of existing structures by ten percent (10%) or less, occurring in a single expansion or in several aggregated expansions relative to the originally approved project.**
- C. Single-family detached dwelling (including manufactured home on its own lot).**
- D. Duplex on a single lot.**
- E. Home occupation.**
- F. Accessory structures that do not require a building permit, with or without accessory parking.**
- G. Public improvements required by city standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires site development review.**
- H. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair.**

#### **6.915 Review Procedures.**

**Site development review shall be conducted using a Type I or Type II procedure to be determined as follows:**

- A. Type I application shall be used to review all of the following:**
  - 1. Change of occupancy from one type of land use to a different type of land use resulting in an increase in vehicle traffic or demand for parking.**
  - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds less than twenty-five percent (25%) floor area.**
  - 3. Site improvements, such as modifications to a landscaped area or parking area.**
- B. Type II application shall be used to review all of the following:**
  - 1. All new development not exempted or made subject to a Type I procedure above.**
  - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds twenty-five percent (25%) or more floor area.**
  - 3. New accessory residential units.**
  - 4. New bed and breakfast inns.**
  - 5. Adjustment to applicable design standards for any development proposal.**

**Applicant's Finding:** The proposed development does not qualify for a site development review exemption. The proposal requires a Type II site development review as this is a new development not exempted or made subject to a Type I procedure. This standard is met.

## **6.920 Approval Criteria.**

**In order to approve a site development review application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the proposal is consistent with the applicable approval criteria.**

**A. An application for a Type I site development review shall be approved if the proposal meets all of the following criteria. The City decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.**

- 1. The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards, or a variance or adjustment is granted.**
- 2. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Section 5.300 Nonconforming Uses.**
- 3. The proposal complies with all of the applicable site design and development standards of this Code, such as landscaping and parking.**
- 4. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.**

**Applicant's  
Finding:**

This proposal requires a Type II development review and, as such, this section is not directly applicable. However, Section 6.920.B requires compliance with all of the criteria in 6.920.A. This design review application complies with all of the applicable provisions of the proposed underlying zone, A-2, with the exception of the proposed front yard setback variance, discussed further in Section 6.1300. The proposal includes upgrades to the surrounding transportation network. The proposal complies with all of the applicable site design and development standards of the Development Code, such as landscaping and parking. There are no existing conditions of approval for this site. This standard is met.

**B. An application for a Type II site development review shall be approved if the proposal meets all of the following criteria. The City decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.**

- 1. The proposal complies with the approval criteria specified in Section 6.920.A.**
- 2. If applicable design standards are proposed to be adjusted, the proposed adjustment:**
  - a. Is justified due to unique site conditions.**
  - b. Conforms to the extent practicable with these design standards.**
  - c. Mitigates potential impacts from the adjustment to the extent practical**

**Applicant's  
Finding:**

As discussed above, the proposed development complies with the approval criteria specified in Section 6.920.A. The proposal includes an adjustment (variance) to setback standards, as discussed in Section 6.1300. This variance is justified due to the shape and configuration of the site. The reduced yard setbacks allow the development to provide adequate parking and circulation, as well as amenities, on the site. While the maximum number of units permitted by the A-2 zone on this 8.82-acre site would be 256, the proposal includes 216 units to allow as much

open space and circulation on site as possible. The proposal conforms to the extent practicable with these design standards and mitigates potential impacts from adjustments to the extent practical by meeting all other design standards. This standard is met.

**6.925 Maintenance. All approved on-site improvements shall be the ongoing responsibility of the property owner or occupant. The owner, occupant, or agent shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, and shall be kept free of refuse and debris. All on-site improvements shall be controlled by maintaining, pruning, trimming, or otherwise so that:**

- A. It will not interfere with the maintenance or repair of any public facility;**
- B. It will not restrict pedestrian or vehicular access; and**
- C. It will not constitute a traffic hazard because of reduced visibility.**

**Applicant's Finding:** The ongoing maintenance of the landscaping and common spaces and amenities will be the ongoing responsibility of the property owner. This standard is met.

**6.930 Compliance.**

- A. The development site shall be checked by the staff to ensure compliance with final approved plans prior to issuance of an occupancy permit.**
- B. The development must be completed as per the approved final plans including landscaping and recreation areas before the occupancy permit is issued.**
- C. It shall be the duty of the Director to enforce these regulations, and to assure that conditions of final development approval are carried out.**

**Applicant's Finding:** The Applicant acknowledges the City's review process and the requirements for issuance of an occupancy permit. This standard is met.

**6.1300 VARIANCE**

**6.1305 General Provisions.**

- A. The variance procedures are intended to allow modifications of specific standards contained within this Code when authorized as provided below.**
- B. In approving a variance request, the approving authority may attach reasonable conditions, restrictions, or safeguards to mitigate any adverse impacts which may result by reason of the approved variance.**
- C. Separate variance provisions apply to uses within the Vegetation Corridor and Slope District and the Flood Management Area.**
- D. Because variance applications arise from unique situations, the decision making authority will consider each application on its own facts and merits. Variances are discretionary, prior variances allowed within the City do not establish a precedent or control present or future variance applications.**

**6.1310 Regulations Which May Not Be Varied.**

- A. No variance may be granted which will permit a use not permitted in the applicable zoning district.**

**B. No variance may be granted which will increase the maximum residential density or decrease the minimum residential density allowed in the applicable zoning district.**

**C. No variance may be granted to the provisions of Chapter 5.300, Nonconforming Uses and Developments of this Code.**

**6.1315 Type I Variance. The Director may grant a variance under the Type I procedure if the request involves the expansion or reduction of a quantifiable provision in this Code by no more than ten percent (10%), and the following criteria are met:**

**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; and**

**Applicant's Finding:** This proposal includes a variance request to reduce the front yard setback from the standard of 20 feet down to 10 feet (a 50% variance of this standard). This request is not listed as a "regulation which may not be varied". While this is a Type III variance request (more than 30%), this standard is applicable as the Type III variance refers back to these criteria.

The Applicant has also requested a variance to the landscape requirement listed in section 11.010.A to allow 24.7 percent landscaping instead of 25 percent, as normally required.

With regard to the setback variance, special circumstances apply to this property that are not typical of the general conditions in the surrounding area. This site is at the intersection of an arterial and a collector in the northwest corner and adjacent to low-density residential along the eastern and southern property lines.

The proposed variance will permit the multi-family buildings to be closer to SW Cherry Park Road (a major collector). The requirement of the project to dedicate 10-feet of right-of-way along SW Cherry Park limits the size of the site for multi-family development and "pushes" the developable area toward the low-density neighborhoods to the east and south.

The variance will allow the development (which is not proposed at maximum density of the A-2 zone) to meet the setback standards at the property lines adjacent to the developed single-family neighborhoods to the east and south. A main priority of this proposal is to provide multi-family housing compatible with surrounding low-density neighborhoods. This standard is met.

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

**Applicant's Finding:** A variance to the front yard setback (adjacent to SW Cherry Park) will allow the development to maintain the required 22.5-foot setbacks along all adjacent properties. The landscaping percent provided by the applicant is within 2 percent

of the required landscape percentage. There is no detriment to the public welfare in granting either variance. This standard is met.

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

**Applicant's Finding:** The proposed variance is to the front yard setback requirement of the A-2 zoning district. Setbacks are intended to provide space between buildings and other properties and between buildings and the public right-of-way, particularly when there is off-street parking proposed in front of a building (such as a driveway to a garage). In this case, the parking is all internal to the site and there is no parking proposed on driveways connected to the buildings (such as on a single-family structure). The variance is consistent with the general purpose of setbacks to provide space from adjacent properties and does not conflict with the purpose of some front yard setbacks to allow room for vehicle parking.

The proposed landscape percentage provided on site is similar to the requirement. The provision of 2 percent more landscaping would be impossible to note without precisely measuring the entire site therefore the applicant's proposal is consistent with the general intent of the requirements of Section 11.010.A. In both cases, the standards for granting these variances are met.

**D. The variance is the minimum necessary to relieve a practical difficulty with full compliance and to avoid or minimize the resulting hardship.**

**Applicant's Finding:** The 10-foot reduction in the required 20-foot setback allows the site to be developed with multi-family housing, open space, amenities, parking, and circulation and still meet all required setbacks along all property lines adjacent to existing neighborhoods. This is the minimum necessary variance to relieve a practical difficulty with full compliance with the setback standards and to minimize the hardship of both the lot configuration and the required right-of-way dedication.

Granting of the variance to allow for 24.7 percent landscaping instead of 25 percent landscaping is the minimum necessary to allow for relief from the underlying standards and avoid modifications to the site plan which may reduce livability, living areas, or the provision of adequate parking. This standard is met.

**6.1320 Type II Variance. The Director may grant a variance under the Type II procedure if the request involves the expansion or reduction of a quantifiable provision in this Code by more than ten percent (10%), but not more than thirty percent (30%), and the criteria in Section 6.1315 are met.**

**6.1325 Type III Variance. The Planning Commission may grant a variance under the Type III procedure if the request involves the expansion or reduction of a quantifiable provision in this Code by more than thirty percent (30%), or if the request is referred to the Planning Commission in accordance with Section 6.1335 of this Chapter. The variance shall be granted**

only if the Planning Commission determines that the criteria in Section 6.1315 of this Chapter are met.

**Applicant's Finding:** The nature of the setback variance request requires a Type III procedure. The criteria in Section 6.1315 are discussed above. This standard is met.

**6.1330 Type III Special Variance.** The Planning Commission may grant a special variance under the Type III procedure if the request involves waiving a provision in this Code, not involving a quantifiable standard, is not prohibited by Section 6.1310, and the following criteria are met: **A. The unique nature of the proposed development is such that the intent and purpose of the regulations and of the provisions to be waived will not be violated;** **B. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted; and** **C. Application of the provision to be waived is unreasonable and unwarranted due to the specific nature of the proposed development.** **D. A special variance is not required for a Type II design adjustment as provided in Section 8.240.**

**6.1335 Referral to Planning Commission.** The Director may refer any variance request involving the expansion or reduction of a quantifiable provision of this Code by thirty percent (30%) or less to the Planning Commission if the Director determines that a higher level of review is justified given the complexity or controversial nature of the request. A variance that is referred to the Planning Commission shall be considered in accordance with Section 6.1325 of this Chapter.

**Applicant's Finding:** This is a Type III Variance request requiring review by the Planning Commission. This standard is not applicable.

## **6.1400 ZONING MAP AMENDMENT**

### **6.1405 Purpose.**

The purpose of a Zoning Map Amendment application is to provide a mechanism for quasi-judicial and legislative amendments to the zoning map. It is recognized that such amendment may be necessary from time to time to reflect changing community conditions, needs, and desires and to fulfill regional obligations.

### **6.1410 Applicability.**

The Zoning Map Amendment application shall apply to any change to the City's zoning map.

### **6.1415 Procedure Type.**

The Type III procedure, as described in Section 2.060 of this Code, shall apply to quasi-judicial Zoning Map Amendments. The Type IV procedure, as described in Section 2.065 of this Code, shall apply to legislative Zoning Map Amendments. The Planning Director shall determine if a Zoning Map Amendment is quasi-judicial or legislative.

**Applicant's Finding:** The City pre-application notes identified this as a Type IV land use review. This standard is met.

**6.1420 Approval Criteria.**

**In order to approve a Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:**

**A. The proposed zone is appropriate for the Comprehensive Land Use Plan land use designation on the property, and is consistent with the description and policies for the applicable Comprehensive Land Use Plan land use classification.**

**Applicant's Finding:** The applicant seeks a Comprehensive Land Use Plan Map Amendment in order to change the current designation of the subject property from Medium Density Residential and Low Density Residential to High Density Residential. The zoning districts of the subject properties is proposed to change from R-5 Single Family Residential and R-7 Single Family Residential to A-2 Apartment Residential. With approval of the Comprehensive Land Use Plan Map Amendment, the proposed Zoning Map Amendment to A-2 will be entirely consistent with the description and policies of the Comprehensive Land Use Plan. The proposed multi-family development is exactly the type of development designated in the High Density Residential land use designation. This standard is met.

**B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.**

**Applicant's Finding:** The uses permitted in the A-2 zone can be accommodated on the 8.82-acre site without exceeding its physical capacity. As shown on the proposed site plan, the site can accommodate multi-family development with associated parking and circulation, pedestrian facilities, site amenities and open space. The site is adequately sized to serve other uses permitted in the A-2 zoning district. This standard is met.

**C. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment has a significant effect on the transportation system pursuant to OAR 660-012-0060.**

**Applicant's Finding:** The proposed development plan identifies adequate public facilities, services and transportation networks in place (or needing enhancement) for development of the property. The TPR analysis included in the TIA prepared by Kittelson & Associates, Inc. identifies that the proposed zoning map amendment does have a significant effect on the transportation system. The TIA also identifies mitigation measures that can be utilized to off-set the significant effects on the transportation system, pursuant to OAR 660-012-0060. This standard is met.

**D. The amendment will not interfere with the livability, development, or value of other land in the vicinity of site-specific proposals when weighed against the public interest in granting the proposed amendment.**

**Applicant's Finding:** This site is immediately adjacent to land zoned R-7 and developed as single-family residential. The proposed zoning map amendment will result in a higher level of residential development adjacent to these low density residential neighborhoods.

While residential development is inherently compatible with residential development, there are two areas where high density residential and low density residential significantly differ: traffic generation and size of buildings. Regarding traffic generation, the land use submittal includes a traffic study identifying mitigation measures that will offset any potential impacts to the transportation network. Regarding the size of the buildings, the Applicant proposes thoughtfully designed buildings carefully placed on the site so as to minimize impacts to neighboring properties. The Applicant will provide landscaping buffers along all property lines to further mitigate the high density residential use next to the low density neighborhood.

The public interest in granting the proposed amendment, as discussed previously, is satisfied with this proposal in that the City's Comprehensive Plan Policies call for an increase in housing-type variety. Providing multi-family residential adjacent to single-family residential provides the type of variety sought by the Comprehensive Plan policies. With the mitigation measures identified above, there is little interference with the livability, development or value of any surrounding properties when weighed against the public interest in granting the proposed amendment. This standard is met.

**E. The amendment will not be detrimental to the general interest of the community.**

**Applicant's Finding:** The City of Troutdale stands to benefit tremendously from this proposed comprehensive plan map amendment. As mentioned herein, the project will place workforce housing in close proximity to existing businesses and major transportation corridors. The proposed housing will be located close to several new and prospective employment sites. The proposed development will help with the City's housing diversity goals and This standard is met.

**Chapter 8 – Site Orientation and Design Standards**

**8.000 SITE AND DESIGN STANDARDS**

**8.010 Purpose.**

**The purpose of this chapter is to advance all of the following objectives in the public interest:  
A Carry out the development pattern and plan of the City and its comprehensive plan policies through efficient and effective review of site development proposals;**

- B. Promote the public health, safety and general welfare;**
- C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and**
- D. Encourage efficient use of land resources and public services, and provision of transportation options.**

#### **8.020 Applicability and Exemptions.**

Site development review approval is required for new development, building expansions, expansion of a nonconforming use or development, and changing of use resulting in increased vehicle traffic or requiring an increase in minimum parking pursuant to Chapter 9. Except as specified by a condition of approval on a prior City decision, or as required for uses subject to conditional use permit approval, site development review is not required for the following:

- A. Change in occupancy from one allowed land use to another allowed land use;**
- B. Physical expansion of existing structures by ten percent (10%) or less, occurring in a single expansion or in several aggregated expansions relative to the originally approved project.**
- C. Single-family detached dwelling (including manufactured home on its own lot);**
- D. Duplex on a single lot;**
- E. Home occupation;**
- F. Accessory structures that do not require a building permit, with or without accessory parking;**
- G. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires site development review;**
- H. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair.**

**Applicant's Finding:** This proposal does not qualify for a site development review exception. Therefore, the site development review criteria are addressed in this narrative. This standard is met.

#### **8.030 Pedestrian Walkways.**

In addition to the standards above, all industrial parks, commercial developments, and community service uses shall meet the following requirements for pedestrian walkways:

##### **A. Number and Placement.**

- 1. At least one pedestrian walkway shall be provided to each street, other than limited access freeways, abutting the property.**
- 2. Pedestrian walkways shall reasonably connect building entrances to one another, to public street entrances, and/or to existing or planned transit stops.**
- 3. Where practicable, on-site walkways shall connect with walkways, sidewalks, bike paths, alleyways, and other bicycle or pedestrian connections on adjacent properties used as, or planned for, industrial parks, commercial, multiple-family, or community service uses.**
- 4. Where practicable, pedestrian walkways and driveways shall provide a direct connection to walkways and driveways on abutting developments.**

5. **A required walkway or walkway connection need not be provided where another required sidewalk or walkway route provides a reasonably direct alternate route. An alternate route is reasonably direct if the walking distance increases by less than fifty percent (50%) over the other required route.**
6. **Pedestrian walkways are required between those parts of a site that people on the site normally would walk between. Walkways are not required between buildings or portions of a site which are not intended for, or likely to be used by, pedestrians. Such buildings and features include truck loading docks, warehouses not including office/warehouse combinations, automobile sales lots, temporary uses, outdoor storage areas, etc.**

**Applicant's Finding:** This proposal does not include an industrial park, commercial development or community service and, therefore, this standard is not applicable.

**B. Routing.**

1. **Pedestrian walkways shall be as direct as reasonably possible.**
2. **Pedestrian driveway crossings should be minimized. Internal parking lot circulation and design shall maintain ease of access for pedestrians from streets and transit stops.**
3. **The on-site pedestrian circulation system shall connect adjacent streets to the main entrance of the primary structure on the site in a reasonably direct route.**

**Applicant's Finding:** Pedestrian walkways are proposed to connect all building to the public sidewalk. This standard is met. Pedestrian driveway crossings have been minimized to the greatest extent possible, easing access for pedestrians to streets and future transit stops. The on-site pedestrian circulation system will connect the buildings to adjacent streets in a reasonable direct route. This standard is met.

**8.040 Transit Facility Design.**

**Any Type II land divisions where further divisions are possible, and all Type III land divisions, multiple-family developments, community services uses, and commercial or industrial uses located on an existing or future transit route shall meet the requirements of Tri-Met for transit facilities. Applicants shall consult with Tri-Met to determine necessary transit facility improvements in conjunction with the proposed development. Proposals shall be consistent with the road crossing improvements that are identified in the City Transportation System Plan on streets with existing or planned transit service.**

**Applicant's Finding:** This multi-family development is adjacent to a future transit route (Tri-met Line 25). The Applicant has consulted with Tri-met to determine necessary transit facility improvements in conjunction with the proposed development. Tri-met has indicated that the exact timing and design of Line 25 will be determined by a public outreach project for the Eastside Service Enhancement Plan. The Applicant will continue to discuss this future line with Tri-met in regards to development on this site. This standard is met.

**8.045 Additional Transit Related Design Standards.**

**All commercial and community service development, and any industrial development designed to accommodate fifty (50) or more employees and located on parcels within six hundred (600) feet of existing or planned transit routes shall meet the following requirements:**

\*\*\*

**Applicant's Finding:** This site does not include commercial, community service or industrial development and, as such, this standard does not apply.

## **8.200 MULTIPLE-FAMILY, ATTACHED, DUPLEX, AND TRIPLEX DWELLING DESIGN STANDARDS**

**8.205 Purpose.** The purpose of this Section is to provide general design standards for residential

dwelling other than single-family detached, zero lot line dwellings, and duplex dwellings on separate lots. This Chapter is intended to promote and ensure that high quality architectural building designs for these types of residential developments are maintained throughout the City.

**8.210 Applicability.** In addition to the development standards of the underlying zoning district or overlay zoning district and applicable Sections of Chapter 8, Site Orientation and Design Standards, of this Code, the provisions of this Section apply to all residential dwellings other than single-family detached, zero lot line dwellings, and duplex dwellings on separate lots. This Section also does not apply to dwelling units built above, below, or behind the street level floor of a commercial use.

**Applicant's Finding:** The proposed multi-family buildings are not proposed to be built above, below, or behind the street level floor of a commercial use and, therefore, the design standards of 8.200 apply. This standard is met.

### **8.215 General Design Standards.**

**A. Building Entrances.** The primary entrance to buildings that do not have residential units above or below other residential units shall face toward a public or private street, unless the lot configuration, site characteristics, onsite circulation, or other conditions make it impractical to face a building's primary entrance to the street. Exception: A primary entrance is not required to face a street designated as an arterial.

**B. Building Separation.** Multiple residential buildings on a single lot shall be separated at least fifteen (15) feet from one another.

**C. Pedestrian Access and Circulation.**

- 1. Private streets or driveways greater than twenty (20) feet in length and that serve more than one (1) dwelling unit shall have sidewalks on at least one (1) side that connect to the nearest public street.**
- 2. Each primary entrance to a residential building shall be connected to a sidewalk onsite that connects to either a public street, private street, or driveway.**
- 3. Onsite pedestrian circulation shall be continuous and connect streets abutting the site, ground level entrances, common buildings such as laundry and recreation facilities, parking areas, shared open space and play areas, abutting transit stops, and any pedestrian amenities such as plazas, resting areas, and viewpoints. There shall be at least one (1) pedestrian connection to an abutting street frontage for each two hundred (200) linear feet of street frontage.**

- 4. Vehicle/pedestrian conflicts shall be minimized by providing pedestrian routes that are separated from parking lots, including onsite sidewalks that connect to garbage enclosures or recycling areas and mailboxes.**

**Applicant's Finding:** The proposed multi-family buildings have residential units above and below residential units and therefore, Subsection A above is not applicable. The proposed buildings are all separated by at least fifteen (15) feet from one another. There are sidewalks along both sides of the driveways to NE 242<sup>nd</sup> and SW Cherry Park and along one side of the driveway to SW Larson Ave, all of which connect to the nearest public street. Onsite pedestrian circulation is continuous to all buildings and connects to all streets abutting the site. There is a minimum of one (1) pedestrian connection to abutting street frontages for each two hundred (200) linear feet of street frontage. On-site sidewalks connect buildings to trash enclosures, recycling areas and mailboxes to minimize vehicle/pedestrian conflicts. This standard is met.

### **8.220 Architectural Elements and Building Facades.**

**Residential units shall be designed with vertical and horizontal offsets to break up rooflines, define private outdoor areas, allow greater views, and admit light and air to unit interiors. Large, blank walls shall be avoided. Windows and projecting walls shall be used to break up larger walls in order to establish visual interest.**

- A. No wall of a residential building shall exceed a length of forty (40) feet without a foundation offset of at least four (4) feet for a distance of at least sixteen (16) feet.**

**Applicant's Finding:** The proposed buildings included within this plan include foundation offsets which have been proposed at lengths of less than 40 feet. Foundation offsets have been placed with a minimum plane change of at least 4 feet for lengths of at least 16 feet. The result is a series of well-articulated plans which meet the requirements of this section. This standard is met.

- B. The wall of a building that faces a public street shall incorporate architectural features including, but not limited to, at least three (3) of the following:**

- 1. Porches.**
- 2. Balconies.**
- 3. Dormer windows.**
- 4. Recesses/alcoves.**
- 5. Unique entry areas, such as porticos or atriums.**

**Applicant's Finding:** The proposed buildings included within this plan set have incorporated porches, balconies, recesses and alcoves, meeting three of the required architectural features described within this section. This standard is met.

- C. The same level of architectural design and quality of materials shall be applied to all sides of the building.**

**Applicant's Finding:** The proposed buildings contain high quality design and materials along each façade. This standard is met.

**D. The following window detail shall be incorporated into the building design:**

- 1. Windows shall account for at least fifteen percent (15%) of any rear or front building elevation no matter what the building's orientation on the lot is.**
- 2. Windows shall account for at least ten percent (10%) of any side building elevation no matter what the building's orientation is.**
- 3. All windows shall have outer casings or frames.**

**Applicant's Finding:** As shown on the attached plans, front facades have been provided with approximately 24 percent glazing and side facades have been provided with approximately 15 percent glazing. All proposed windows will be framed as shown within the architectural plan set. This standard is met.

**E. Garages, carports, and accessory structures shall maintain the same level of design, aesthetic quality, and architectural compatibility as the residential structure(s).**

**Applicant's Finding:** The site's garages, carports, and accessory structures will be constructed out of materials which are similar in quality and composition to the primary residential buildings. The result will be an architecturally compatible site design. This standard is met.

**F. Roofline offsets shall be provided at intervals of forty (40) feet or less to create variety in the massing of structures and relieve the effect of a single, long roof. Roofline offsets shall be a minimum four (4) foot variation either vertically from the gutter line, or horizontally.**

**Applicant's Finding:** Each of the buildings on site has been provided with an articulated roofline which provides architectural interest and massing relief. Rooflines have been offset in intervals of no more than 40 feet with breaks of at least four feet in height. This standard is met.

**G. The rooflines of attached dwellings shall be multi-gabled or have varied parapets over every unit's main entrance.**

**Applicant's Finding:** The Applicant design incorporates a multiple gabled approach to achieve the required articulation. This standard is met.

**H. Rooflines, porches, and doors shall have trim.**

**Applicant's Finding:** All proposed rooflines, porches, and doors will be provided with trim. Rooflines will specifically be provided with 2x8 Facia. Doors will be provided with trim as shown within the architectural details. This standard is met.

**8.225 Off-Street Parking, Garages, and Carports.**

In addition to the standards of Chapter 9, Off Street Parking and Loading, off-street parking for attached dwellings on a single lot shall include these design standards:

**A. Parking lots may not be located between a multiple-family structure and the right-of-way the structure fronts on.**

**B. If there is no parking lot or alley access to attached dwellings, and motor vehicle access is from the street, parking must be either in an attached garage that is set back a minimum of five (5) feet behind the front door of the residential structure, in a detached accessory structure located at least fifty (50) feet from the front property line, or in a parking area at the side or rear of the site, or shall comply with the following standards:**

- 1. The garage door width of the dwelling is fifty percent (50%) or less of the width of the street facing elevation, and does not extend beyond the front door; or**
- 2. The garage door is behind or even with the front door and the dwelling has a roofed front porch, which is at least 1/3 as wide as the front elevation and at least five (5) feet deep. The porch may encroach within the required front yard setback a maximum of five (5) feet without a variance provided the foundation for the dwelling complies with the minimum front setback standard; and**
- 3. The street facing wall of the dwelling contains at least one (1) window on the ground floor that allows visibility of the street.**

**C. Side and rear yard setbacks for parking lots and/or garages shall be the same as the minimum building setbacks of the underlying zoning district or the same as the minimum building setback of any adjacent residential zoning district, whichever is more restrictive. Side and rear yard setbacks based on building height shall not be applied to parking lots or the access driveways.**

**Applicant's Finding:**

There are no parking lots separating any of the multi-family buildings from the right-of-way they front on. There are no attached garages. All proposed buildings have windows on the street-facing wall that allow visibility to the street. The side yard setback of the R-7 (adjacent) zoning district is 7.5 feet. The nearest parking space along this (eastern) property line is 12 feet from the property line, exceeding the minimum. The rear yard setback of the R-7 zoning district is 20 feet. The parking areas along this (southern) property line are a minimum of 20 feet from the property line, meeting this standard. This standard is met.

**8.230 Outdoor Private Space.**

**Outdoor private space is required for each residential dwelling unit.**

**A. Each ground level dwelling unit shall have an attached accessible outdoor private space of not less than sixty (60) square feet in area. Individual outdoor areas for ground level units must be visually screened from each other by walls, fences, or vegetation screening that is at least six (6) feet high and totally sight-obscuring.**

**B. Each upper level unit shall have an attached outdoor private space, such as a balcony, of not less than sixty (60) square feet in area. The area shall be enclosed, screened, or otherwise designed to provide privacy from adjacent units by walls, building offsets, or similar sight-obscuring screening.**

**Applicant's Finding:**

Each ground level dwelling unit has a minimum of 60 square feet of attached, accessible, screened outdoor private space. Each upper level dwelling unit has a

minimum of 60 square feet of attached, accessible, screened outdoor private space (balconies). This standard is met.

### **8.235 Recreation Areas.**

**A. Recreational facilities or open space areas are required for attached dwelling developments that contain six (6) or more dwelling units on one (1) lot. Such recreational facilities and open space areas must be located on the development site or on a lot adjacent to the site. Common recreation areas, whether indoor, outdoor, or both, shall be provided at the rate of at least two hundred (200) square feet per dwelling unit. No more than fifty percent (50%) of the required recreation area may be in passive open space. Recreation facilities may include children’s play structures and play equipment and shall be located outside of bioswales, detention ponds, steep slopes, or a vegetation corridor as defined in this Code. More than one (1) recreation area may be developed on the site. Any play structure exceeding ten (10) feet in height must comply with the underlying zoning district setbacks.**

**B. Recreation facilities or open space areas are not required for development within the area between Historic Columbia River Highway and 2nd Street extended west to its intersection with 257th Avenue from 257th Avenue to the SE Sandy Street right-of-way.**

**Applicant's Finding:** This development proposes 92,646 square feet of designated open recreation space. The proposed 216 dwelling units require 43,200 square feet of recreational facilities or open space areas (216 units x 200 sf/unit). A total of 26,526 square feet of the designated open recreation space is active space, exceeding the required minimum. This standard is met.

### **8.240 Authority to Adjust Standards.**

**A. Because of the diverse topography, parcel configurations, and site characteristics within the City, it is neither practical nor feasible to uniformly apply these design standards to all development projects. The Director may grant adjustments to these design standards upon making the following written findings:**

- 1. The adjustment is justified due to the unique site conditions.**
- 2. The proposal conforms to the extent practicable with these design standards.**
- 3. Any impacts from the adjustments are mitigated to the extent practical.**
- 4. The decision to adjust a standard is a Type II decision.**

**Applicant's Finding:** No adjustments are requested to the required design standards. This standard is met.

## **Chapter 9 – Off-Street Parking and Loading**

### **9.005 Off-Street Parking Required.**

**Off-street parking and loading space shall be provided for all developments. For purposes of this Chapter, in computing the total number of required off street parking spaces, if the total contains a fraction, then the number shall be rounded up to the next higher whole number. The provision for, and maintenance of, off-street parking and loading facilities shall be a continuing obligation of the property owner. No building permit, or any other required permit for a structure or use under this or any other applicable rule, ordinance, or regulation, shall be**

issued with respect to off- street parking and loading, or land served by such facilities, until satisfactory evidence is presented that the property is, and will remain, available for the designated use as a parking or loading facility.

**9.010 Residential Off-Street Parking Space Requirements.** The minimum and maximum off-street parking space requirements are as follows:

Type of Use	Minimum	Maximum
Multiple-family dwelling (apartments)	2 spaces per dwelling unit plus one space per three dwelling units for guest parking	No maximum

**Applicant's Finding:** The 216 proposed dwelling units require 432 parking spaces for residents and an additional 72 for guests, for a total of 504 required parking spaces. The proposal includes 512 parking spaces, exceeding the minimum requirement. This standard is met.

**9.040 Reduction of Required Parking Spaces.**

**A. Any existing or proposed use subject to minimum off-street parking requirements and located within four hundred feet (400) feet of an existing transit route may reduce the number of required parking spaces by up to ten percent (10%) by providing a transit stop and related amenities including a public plaza, pedestrian sitting areas, or additional landscaping, provided such landscaping does not exceed twenty-five percent (25%) of the total area dedicated for transit- oriented uses.**

**B. Required parking spaces may be reduced at a ratio of one (1) parking space for each one hundred (100) square feet of transit amenity space provided above and beyond the minimum required by this Code.**

**C. Required off-street parking spaces may be reduced by one (1) parking space for every onstreet parallel parking space located adjacent to the subject site. For purposes of calculating the amount of adjacent on-street parking spaces, the following applies:**

- 1. Adjacent shall mean on the same side and within the same block as the use.**
- 2. The minimum length of each on-street, parallel parking space shall be twenty-two (22) feet.**
- 3. If a continuous section being measured contains a fractional portion of twenty two (22) feet, then the number of on-street spaces for that continuous section shall be rounded down to the next lower whole number.**
- 4. Breaks in the on-street parking for driveways or similar parking restrictions, such as fire hydrants, shall not be counted.**

**D. Uses which are not eligible for these reductions include truck stops, building materials and lumber sales, nurseries, and similar uses not likely to be visited by pedestrians or transit customers.**

**Applicant's Finding:** No reduction in parking is proposed and, therefore, this standard is not applicable.

**9.045 Landscaping and Screening.**

**A. Except for a residential development which has landscaped yards, parking areas containing more than twenty (20) vehicle spaces shall include landscaping to cover not less than ten percent (10%) of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, or groundcover.**

**B. Parking areas shall be divided into bays of not more than twenty (20) parking spaces in parking areas with twenty (20) or more spaces. Between, and at the end of each parking bay, there shall be planters which have a minimum width of five (5) feet and be at least seventeen (17) feet in length. Each planter shall contain one major structural tree and groundcover which has been deemed appropriate by the Director. Truck parking and loading areas are exempt from this requirement.**

**C. Parking area setbacks shall be landscaped with major trees, shrubs, and groundcover as specified in Chapter 11, Landscaping and Screening, of this Code.**

**D. Wheel stops, bumper guards, or other methods to protect landscaped areas shall be utilized. No vehicles may project over a property line. No vehicle shall overhang a public right-of-way, sidewalk, or landscaped area unless adequate area is provided for safe pedestrian circulation.**

**E. Fences, walls, or hedges shall not be placed within front or street side setback areas except at the street side edge of parking lots when allowed within setbacks.**

**F. Where parking adjoins a residential zoning district, there shall be a sight- obscuring screen which is at least eighty percent (80%) opaque when viewed horizontally from between two (2) and eight (8) feet above average ground level. The screening shall be composed of materials which are an adequate size so as to achieve the required degree of screening within three years after installation.**

**Applicant's  
Finding:**

The submitted materials include a landscaping plan identifying at least ten percent (10%) of the area devoted to parking facilities as uniformly distributed landscaping. Parking areas are divided into bays of not more than twenty (20) parking spaces. There are planters between and at the end of each parking bay measuring a minimum of five feet by seventeen feet (5' x 17'). As detailed on the landscaping plan, each planter contains at least one major structural tree and groundcover that may be deemed appropriate by the Director. Parking area setbacks are landscaped consistent with other parking area landscaping. The parking lot is designed so that no vehicles will impact landscaping, overhang the public right-of-way or a property line or impact pedestrian circulation. Fences, walls and hedges will be placed as permitted. Parking adjoining residential zoning will be screened as required by this Section. This standard is met.

**9.050 Paving.**

**A. Parking areas, driveways, aisles, and turnarounds shall be paved with concrete, asphalt, or comparable impervious surfacing. Porous concrete, grasscrete, or comparable porous paving surfacing may be used in place of impervious surfacing to reduce stormwater runoff, when approved by the Director. Gravel and similar erodible surfaces are not acceptable.**

**B. Approaches shall be paved with concrete surfacing constructed to City standards. If a street is not paved, the approach may be maintained to the same standard as the street until the street is paved.**

**C. Temporary overflow parking in conjunction with community events, special events, events of citywide interest, or sporting events, is allowed on an unpaved parking area on a parcel of**

at least one-half acre in size, provided such parking does not occur within the Vegetation Corridor and Slope District. If a fee is charged for parking, it shall not be considered a commercial parking lot for purposes of zoning compliance.

**Applicant's Finding:** The parking areas, driveways, aisles, turnarounds, and approaches will be appropriately paved and surfaced. This standard is met.

#### **9.055 Drainage.**

**Parking areas, aisles, and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public right-of-ways, and abutting private property**

**Applicant's Finding:** The submitted plans detail a stormwater planter in the northwest corner of the site adequately sized to accommodate all on-site stormwater. No stormwater will sheet flow onto sidewalks, public right-of-way or abutting private property. This standard is met.

#### **9.060 Lighting.**

**Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create a hazard to the public use of a street. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use. Lighting fixtures shall also comply with the requirements of Troutdale Municipal Code, Chapter 8.26.**

**Applicant's Finding:** The submitted materials include a photometric plan detailing the provision of appropriate lighting on the site. This standard is met.

#### **9.065 Shared Use of Parking Facilities.**

**A. Except for residential uses, required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.**

**B. In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately with a reduction of up to twenty-five percent (25%) to account for shared parking between adjacent businesses and services.**

**C. Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.**

**Applicant's Finding:** This proposal is for a residential use and, therefore, this standard is not applicable.

#### **9.070 Driveways.**

**A. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of twenty (20) feet for a two-way drive or twelve (12) feet for a one-way drive, but in either case not less than the full width of the approach for the first twenty (20) feet of the driveway. The improvement shall be constructed to the standards for private drives.**

**B. A driveway for a single-family or two-family dwelling shall have a minimum width of ten (10) feet.**

**C. Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width, but such clearance may be reduced in parking structures.**

**D. Parking lots more than three (3) acres in size intended for use by the general public shall provide street-like features along driveways, including curbs, sidewalks, street trees or planting strips, and bicycle routes.**

**Applicant's Finding:** As identified on the submitted plans, the driveways, aisles, turn around areas and ramps are all designed to meet the minimum requirements of Section 9.070. This standard is met.

#### **9.075 On-Site Circulation.**

**A. Groups of more than three (3) parking spaces shall be permanently marked.**

**B. Except for a single-family or two-family dwelling, groups of more than three (3) parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner. No backing movements or other maneuvering shall be permitted within a street right-of-way other than an alley.**

**C. Pedestrian walkways, separation, and differentiation of materials in parking lots three (3) acres or larger intended for public use shall be provided pursuant to Section 8.030 of this Code.**

**Applicant's Finding:** All parking will be permanently marked. As stated above, adequate aisles, turnaround areas and driveways will be provided with no backing movements or other maneuvering within a street right-of-way. This standard is met.

**9.080 Bicycle Parking Facilities. Multiple-family developments; industrial, commercial and community service uses; transit transfer stations; and park and ride lots, shall meet the following standards for bicycle parking facilities:**

**A. Number/Type.**

- 1. The required minimum number of short-term bicycle parking spaces (stays of less than four (4) hours) shall be five percent (5%) of the total number of automobile parking spaces provided for the use. In no case shall less than one (1) bicycle parking space be provided even when no automobile parking spaces are being provided.**
- 2. The required number of long-term bicycle parking spaces (stays of more than four (4) hours and all-day/monthly) shall be three percent (3%) of the total number of vehicle parking spaces provided for the use and fractions rounded down.**
- 3. For transit centers, high capacity transit stations, inter-city bus and rail stations, and park-and-ride lots, at least eight (8) long-term and at least two (2) short-term bicycle parking spaces are required. For other major transit stops (frequent service bus stops) at least two (2) short-term spaces are required.**

## **B. Location.**

- 1. Bicycle parking shall be located on-site, convenient to building entrances, and have direct access to both the public right-of-way and to the main entrance of the principal use.**
- 2. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.**
- 3. Bicycle parking may be provided within the public right-of-way in areas without building setbacks, subject to approval of the appropriate governing official and provided it meets the other bicycle parking requirements.**

**C. Parking Space Dimensions.** Each required bicycle parking space shall be at least two and one half (2.5) feet-by-six (6) feet, and when covered, provide vertical clearance of at least seven (7) feet. An access aisle of at least five (5) feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length standard.

**D. Parking Facilities.** Bicycle parking facilities shall offer security. Long-term bicycle parking shall be in the form of a lockable enclosure, a designated bicycle storage area inside a building on-site, a covered rack, or another form of secure parking where the bicycle can be stored, as approved by the Director. Short-term bicycle parking shall be in the form of a stationary object (i.e., a "rack") or other approved structure, covered or uncovered, to which the bicycle can be locked. Bicycle racks shall be securely anchored to the ground or to a structure and shall be designed to hold bicycles securely by means of the frame. Bicycle parking facilities shall be constructed so as to not obstruct walkways.

**E. Signing.** Where bicycle parking facilities are not directly visible and obvious from the public right-of-way, entry and directional signs shall be provided to direct bicyclists from the public right-of-way to the bicycle parking facility.

**F. Exemptions.** Temporary street-side sales and temporary uses, such as fireworks stands and Christmas tree sales, and single-family and two-family residences, are exempt from these standards.

**Applicant's Finding:** The 512 parking spaces require 26 bicycle parking spaces. The bicycle parking spaces will be located within the breezeways of each building at a rate of four spaces per breezeway. This will result in the placement of a total of 72 bicycle parking spaces. This standard is met.

## **9.085 Setbacks.**

**A. Parking areas which abut a residential zoning district shall meet the building setback of the most restrictive adjoining residential zoning district.**

**B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single-family dwellings, required parking may be located in front of a garage.**

**C. In industrial districts, when greater setbacks are required for structures, parking lots may be within twenty (20) feet of any front, side street, or rear property line and within five (5) feet of any side property line. There shall be a sight-obscuring screen which is at least eighty percent (80%) opaque when viewed horizontally from between two (2) and eight (8) feet above eighty percent (80%) average ground level. The screening shall be composed of**

materials which are an adequate size so as to achieve the required degree of screening within three years after installation.

**D. Parking areas shall be set back from a lot line adjoining a street the same distance as required building setbacks. Regardless of other provisions, a minimum setback of ten (10) feet shall be provided along the property fronting on a public street in an industrial district. The setback area shall be landscaped as provided in this Code.**

**Applicant's Finding:** No parking is proposed within a front or side yard setback abutting a public street. The side yard setback of the R-7 (adjacent) zoning district is 7.5 feet. The nearest parking space along this (eastern) property line is 12 feet from the property line, exceeding the minimum. The rear yard setback of the R-7 zoning district is 20 feet. The parking areas along this (southern) property line are a minimum of 20 feet from the property line, meeting this standard. This standard is met. The front yard setback is 20 feet (northern property line). The parking is proposed to maintain this required setback along the front property line. This standard is met.

#### **9.090 Truck Parking.**

**In residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-ton capacity used in the conduct of a business activity shall be permitted, except vehicles and equipment necessary for farming and truck gardening on the premises where such use is permitted.**

**Applicant's Finding:** Overnight parking of trucks or other equipment is not proposed or anticipated with this multi-family residential development. This standard is met.

#### **9.095 Handicapped Parking Facilities.**

**The required number of handicapped parking spaces shall be in conformance with the applicable provisions of the State of Oregon Structural Specialty Code.**

**Applicant's Finding:** The site includes 12 ADA parking spaces, in conformance with the applicable provisions of the State of Oregon Structural Specialty Code. This standard is met.

**9.100 Carpool and Vanpool Parking. New industrial, commercial, and community service developments with fifty (50) or more on-site full-time equivalent employees shall meet the following requirements for carpool and vanpool parking:**

**A. Number/Marking. The greater of one space or five percent (5%) of required employee parking spaces shall be marked and signed for use as a carpool/vanpool space. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only"**

**B. Location. Designated carpool/vanpool spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped spaces provided.**

**Applicant's Finding:** This proposal does not include industrial, commercial or community service development and, therefore, this standard is not applicable.

#### **9.105 Off-Street Parking Restrictions.**

**A. Parking spaces in a public street, including an alley, shall not be considered required parking.**

**B. Required parking shall be available for parking of operable passenger vehicles of residents, customers, and employees only, and shall not be used for the storage or display of vehicles or materials.**

**Applicant's Finding:** Required parking will not be in a public street and will be available for operable passenger vehicles. Storage and display of vehicles or materials in any parking area is not proposed. This standard is met.

**9.110 Design Requirements for Off-Street Parking. The following off-street parking development and maintenance shall apply in all cases:**

**A. Size.**

**1. The standard size of a parking space shall be 9'x18' (162 s.f.).**

**2. The compact size of a parking space shall be 8'x16' (128 s.f.). Up to thirty-five percent (35%) of required parking spaces may be compact spaces.**

**3. Handicapped parking spaces shall be in conformance with the State of Oregon Structural Specialty Code, Chapter 11 Accessibility.**

**4. For parallel parking, the length of the parking space shall be increased to twenty two (22) feet.**

**B. Aisles shall not be less than:**

**1. 25 feet in width for 90° parking.**

**2. 20 feet in width for 60° parking.**

**3. 20 feet in width for 45° parking.**

**4. 12 feet in width for parallel parking on one side.**

**5. 16 feet in width for parallel parking on both sides.**

**Applicant's Finding:** The proposed development includes 512 parking spaces. 172 of the proposed spaces (33.5% of the total number of spaces) are compact. 390 are standard spaces, 21 are located within garages and the final 12 are ADA-accessible. There are no parallel parking spaces. All aisles are 25 feet in width. This standard is met.

**9.115 Loading Facilities.**

**A. The minimum area required for commercial and industrial loading spaces is as follows:**

**1. 250 square feet for buildings of 5,000 to 19,999 square feet of gross floor area.**

**2. 500 square feet for buildings of 20,000 to 49,999 square feet of gross floor area.**

**3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.**

**B. The required loading area shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.**

**C. Loading areas shall be screened from public view, public streets, and adjacent properties in compliance with applicable provisions of Chapter 11 of this Code.**

**D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.**

**E. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than twenty-five (25) students.**

**F. Exceptions and Adjustments. Loading areas within a street right-of-way in the Central Business District may be approved when all of the following conditions are met:**

- 1. Short in duration (i.e., less than one hour).**
- 2. Infrequent (less than three operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone).**
- 3. Does not unreasonably obstruct traffic.**
- 4. Does not obstruct a primary emergency response route.**
- 5. Is acceptable to the applicable roadway authority.**

**Applicant's Finding:** The loading standards discussed above apply to commercial, industrial and school sites. This standard is not applicable to the multi-family development.

**9.120 Off-Street Parking Plan. A plan drawn to scale, indicating how the off-street parking and loading requirement is to be provided, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled, and shall include, but not be limited to:**

- A. Delineation of individual parking spaces.**
- B. Circulation area necessary to serve spaces.**
- C. Access to streets, alleys, and properties to be served.**
- D. Curb cuts.**
- E. Dimensions, continuity, and substance of screening.**
- F. Grading, drainage, surfacing, and subgrading details.**
- G. Delineations of all structures or other obstacles to parking and circulation on the site.**
- H. Specifications as to signs and bumper guards.**

**Applicant's Finding:** The submitted plans include detailed off-street parking areas in compliance with the City's off-street parking and circulation standards. This standard is met.

**9.125 Off-Street Parking Construction. Required parking spaces shall be improved and available for use at the time of final building inspection.**

**Applicant's Finding:** The required parking will be improved and available for use at the time of the final building inspection. This standard is met.

## **Chapter 11 – Landscaping and Screening**

### **11.010 Minimum Basic Improvements.**

**These standards apply to developments other than single family detached and duplex dwelling units on a single lot.**

**A. The minimum area of a site to be retained in landscaping shall be as follows:**

<b>Zoning District or Use</b>	<b>Percentage</b>
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**Applicant's Finding:** After right-of-way dedication, the size of this site is 8.57 acres. Therefore, the area required to be retained in landscaping is 93,328 square feet. This proposal includes 92,646 square feet of landscaping or 2.12 acres of landscaping. The landscape area provided is 24.7 percent of the overall site. As this proposal is within 10% of the required minimum, the Applicant has included a request for a Type I variance. This standard is met.

**B. For attached dwellings, including mixed-use development, usable recreation areas shall be provided for development containing more than five (5) dwelling units at the rate of two hundred (200) square feet per dwelling unit. Such areas shall be counted as part of the required landscaping percentage. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc.**

**Applicant's Finding:** This development proposes 92,646 square feet of designated open recreation space. The proposed 216 dwelling units require 43,200 square feet of recreational facilities or open space areas (216 units x 200 sf/unit). More than 50% of the designated open recreation space is active space. This standard is met. This standard is met.

**C. Except for portions approved for parking, loading, or traffic maneuvering, a required setback area abutting a public street, and open area between the property line and the roadway in the public street, shall be landscaped. This landscaping shall be counted as part of the required landscaping percentage, except for that portion of the landscaping within the street right-of-way.**

**Applicant's Finding:** Landscaping is proposed abutting all public streets and property lines. This standard is met.

**D. Site-obscuring shrubbery or a berm, wall, or fence shall be placed along the boundary of each classification of zone, i.e. residential, commercial or industrial, and around unsightly areas such as a trash or equipment storage area, or an outdoor industrial or commercial activity.**

**Applicant's Finding:** This site will be developed as multi-family residential and is adjacent to low-density residential. While not a boundary of a zoning classification (i.e. residential to commercial or industrial), the Applicant is proposing to buffer the site from neighboring properties with additional site obscuring plantings. This standard is met.

**E. Landscaping that is required by a land use approval shall be irrigated to ensure the survivability of the landscaping.**

**Applicant's Finding:** All required landscaping will be irrigated. This standard is met.

**F. At least seventy-five percent (75%) of the required landscaped area shall be planted with a suitable combination of trees, shrubs, or evergreen groundcover.**

**Applicant's Finding:** As identified on the submitted landscaping plan, a minimum of 75% of the required landscaped area will be planted with a suitable combination of trees, shrubs or evergreen ground cover. This standard is met.

**G. Plant Material:**

- 1. Trees shall be species having an average mature spread of crown of greater than fifteen (15) feet and trunks which can be maintained in a clean condition with over five (5) feet of clear wood. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread.**
- 2. Trees shall be a minimum of seven (7) feet in overall height or one and one-half (1½) inches in caliper immediately after planting. Adjacent to any public right-of-way or easement, the following species shall be prohibited: poplar, willow, cottonwood, fruit trees, nut trees, and ailanthus. Selected conifers may be planted adjacent to public right-of-ways or easements if approved by the Director. See the City's list of recommended tree species.**
- 3. Shrubs shall be a minimum of one (1) gallon in size or two (2) feet in height when measured immediately after planting. Hedges, where required to screen and buffer off-street parking from adjoining properties, shall be planted with an evergreen specie maintained so as to form a continuous, solid, visual screen at time of planting.**
- 4. Vines for screening purposes shall be a minimum of one (1) gallon in size or thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.**
- 5. Groundcovers used in lieu of turf, in whole or in part, shall be planted in such a manner as to provide complete coverage within one (1) year.**
- 6. Turf areas shall be planted in species normally grown as permanent lawns in Troutdale. Acceptable varieties include improved perennial rye and fescues.**
- 7. The use of native plants throughout the site is encouraged if the site abuts vegetation corridors, steep slopes, wetlands, or floodplain. If native plants are used exclusively, a reduction of five percent (5%) of the minimum landscaping requirement will be authorized.**
- 8. Plants listed in the current Oregon Department of Fish & Wildlife Oregon Invasive Species Action Plan as invasive are prohibited.**

**Applicant's Finding:** The submitted landscaping plans identify the proposed plant material on the site in full compliance with this standard. This standard is met.

**H. Landscaped areas may include architectural features or artificial groundcovers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust (medium coarse), decorative hard paving, and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed twenty-five percent (25%) of the required landscaped area. Artificial plants are prohibited in any required landscaped area.**

**Applicant's Finding:** Architectural features and/or artificial groundcovers, if utilized, will not exceed 25% of the required landscaped area. Artificial plants are not proposed. This standard is met.

**I. Existing trees with a six (6) inch DBH or greater shall be preserved except when removal is specifically authorized by the Site and Design Review Committee or in the development approval.**

**Applicant's Finding:** A total of 62 existing trees greater than six (6) inches DBH will be removed from the site. These consist of a handful of trees surrounding the existing house on the eastern property and a hedgerow of trees which separates the two properties along the site's internal boundary line. Due to the nature and intensity of the proposed development at the locations where these trees exist, preservation is not practical or realistic. This standard is met.

**J. The area of the vegetation corridor on a site being developed counts toward the required landscape area.**

**Applicant's Finding:** The Applicant acknowledges that any vegetation corridors can be counted toward required landscape area. This standard is met.

**11.015 Garbage and Recycling Container Enclosures.**

**All enclosures used to contain garbage and recycling containers at multiple-family, commercial, industrial, or institutional developments must conform to the following minimum standards:**

**A. Screening. All enclosures for garbage and recycling containers must be screened from public view. Screening shall consist of six (6) foot high walls constructed of any of the following materials:**

1. Cyclone fencing with slats.
2. Wooden fencing.
3. Concrete blocks.
4. Materials other than the above-mentioned as approved on a case-by- case basis.

**B. Gates. Gates must meet the following requirements:**

1. Must have a latch or some type of device which will keep the gate shut after it is closed. The device can be above or below ground.
2. Must have a mechanism to keep gates open during trash removal. The device can be above or below ground.
3. Wheels are not required; however, the hinge must be adequate to support the weight of the gate.

**C. Base Material/Flooring. The entire base dimension must meet the following requirements:**

1. Must be made out of concrete. Concrete shall have a nominal thickness of four (4) inches. Exceptions to the base materials may be approved by the Director where warranted.
2. Must be positively sloped to the drainage system.

**Applicant's Finding:** The trash and recycling facilities will be screened from public view. The proposed screening will consist of six (6) foot high walls constructed from the approved materials. The gates will be designed to latch shut when not in use and latch open during debris removal. The base will be made of concrete of a minimum 4" thickness and will be sloped positively to the drainage system. This standard is met.

**11.020 Performance Bond or Security.**

**Landscaping must be installed prior to final occupancy. If weather conditions or other circumstances beyond the control of the developer or owner make completion of the landscaping impossible, an extension of up to six (6) months may be applied for by posting "security" equal to forty percent (40%) of the cost of the landscaping with the City, assuring installation within six (6) months. "Security" may consist of a performance bond payable to the City, cash, certified check, time certificates of deposit, assignment of a savings account, or other such assurance of access to funds necessary for completion as shall meet the approval of the City Attorney. Upon acceptance of the approved security, the owner may be allowed occupancy for a period of one hundred-eighty (180) days. If the installation of the landscaping improvement is not completed within one hundred-eighty (180) days, the City shall have access to the security to complete the installation and/or revoke occupancy. Upon completion of the installation, any portion of the remaining security minus administrative charges of twenty-five percent (25%) shall be returned to the owner. Costs in excess of posted security shall be assessed against the property, and the City shall thereupon have a valid lien against the property which will come due and payable.**

**Applicant's Finding:** The Applicant acknowledges that landscaping must be installed or secured prior to final occupancy. This standard is met.

**11.030**

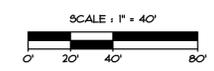
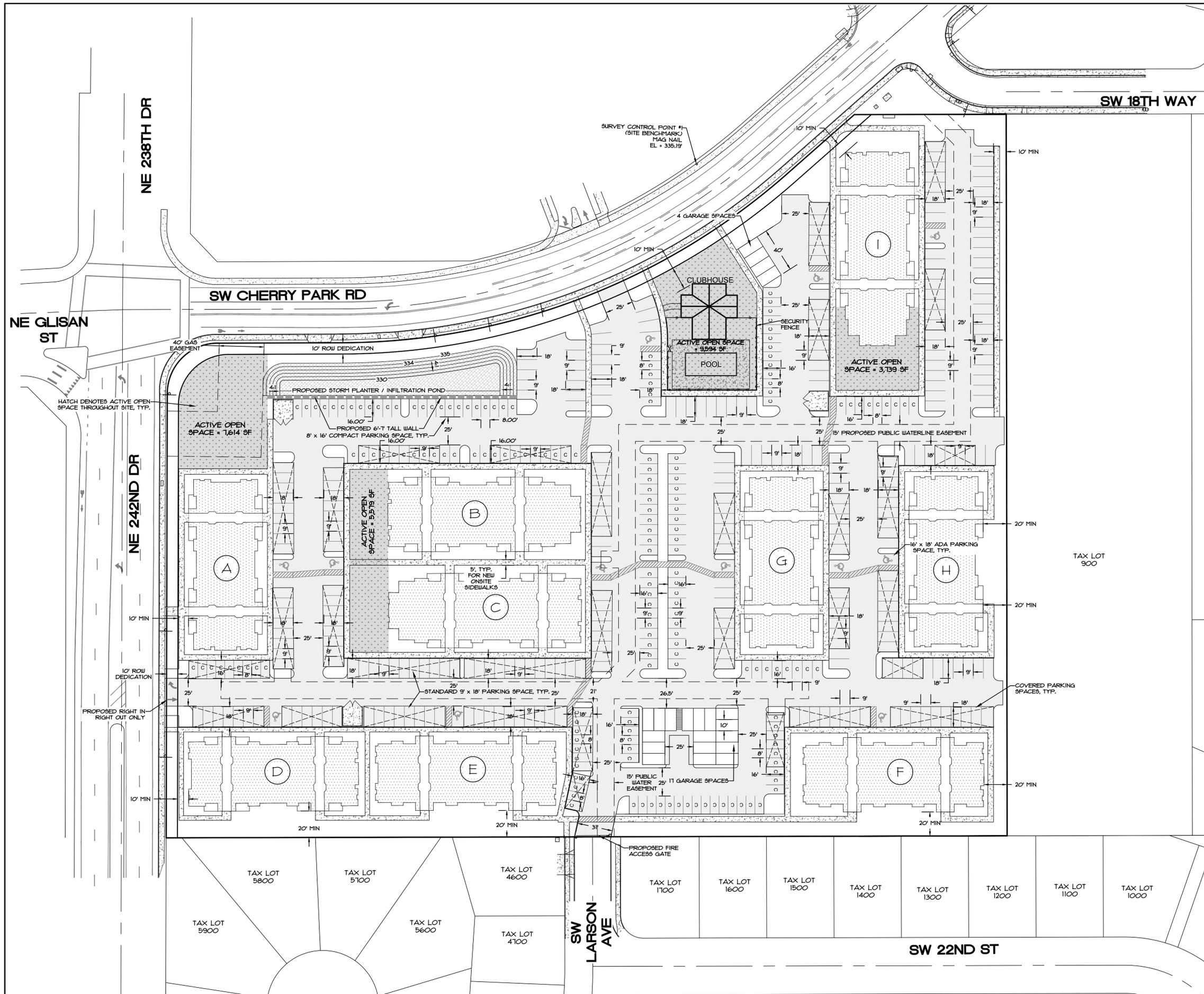
**Guarantee. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two (2) years. This guarantee shall ensure that all plant materials survive in good condition and shall guarantee prompt replacement of dead or dying plant materials.**

**Applicant's Finding:** The Applicant acknowledges that all landscape materials and workmanship will be guaranteed by the developer and/or installer for a period of time not to exceed 2 years. This standard is met.

**SUMMARY AND CONCLUSION**

Based upon the materials submitted herein, the Applicant respectfully requests approval from the Troutdale City Council of this application for a Comprehensive Plan Amendment, Zoning Map Amendment and Site & Design Review.





**NOTES**

TOTAL SITE AREA: 18.82 ACRES  
 SITE AREA POST DEDICATION: 18.51 ACRES  
 PROPOSED ZONING: A-2 (APARTMENT RESIDENTIAL)  
 DENSITY PROPOSED: 216 UNITS  
 PARKING PROPOSED: 512 SPACES:  
 21 GARAGE SPACES  
 112 COMPACT SPACES (42 UNDER CARPORTS)  
 301 STANDARD SPACES (193 UNDER CARPORTS)  
 12 ADA PARKING SPACES  
 MINIMUM OPEN RECREATION SPACE REQUIRED:  
 200 SF X 216 UNITS = 43,200 SF REQUIRED  
 MIN 50% HAS TO BE "ACTIVE" (21,600 SF)  
 TOTAL OPEN SPACE PROPOSED: ± 92,646 SF (2.13 AC)  
 TOTAL ACTIVE OPEN SPACE: 26,526 SF  
 PROPOSED CARPORTS  
 SITE LAYOUT COMPLETED BY: D'BOL DESIGN, LLC

**BUILDING LEGEND**

- (A) BUILDING PLAN B-600 - 24 UNITS  
ROOF AREA: 9,306 SF
- (B) BUILDING PLAN A-400 - 24 UNITS  
ROOF AREA: 10,235 SF
- (C) BUILDING PLAN A-500 - 24 UNITS  
ROOF AREA: 10,235 SF
- (D) BUILDING PLAN B-100 - 24 UNITS  
ROOF AREA: 9,306 SF
- (E) BUILDING PLAN C-800 - 24 UNITS  
ROOF AREA: 9,821 SF
- (F) BUILDING PLAN C-900 - 24 UNITS  
ROOF AREA: 9,821 SF
- (G) BUILDING PLAN B-300 - 24 UNITS  
ROOF AREA: 9,306 SF
- (H) BUILDING PLAN B-200 - 24 UNITS  
ROOF AREA: 9,306 SF
- (I) BUILDING PLAN A-100 - 24 UNITS  
ROOF AREA: 10,235 SF

NOTE:  
 THIS IS A PRELIMINARY DRAWING FOR  
 PLANNING PURPOSES ONLY. NOT FOR  
 CONSTRUCTION.

DATE	NO.	REVISION	BY

SCALE	VERT.	N/A
HORIZ.	DATE:	04/13/2018
SECTION	FILE:	18-018-PLANNING.dwg
TWP.	RANGE	
IN	3E	

**EAGLE RIDGE APARTMENT HOMES**  
 CIVIL SITE PLAN  
 PROJECT LOCATION: 2320 SW 18TH WAY, TROUTDALE, OR 97060

**Surveyors & Planners, Inc.**  
 Surveying, Planning and  
 Civil Engineering  
 P.O. Box 955, Sandy, OR 97055  
 Phone: (503) 668-4731  
 Fax: (503) 668-4730  
 DATE OF PLOT: 04/13/2018

SHELDON DEVELOPMENT INC.  
 CAREY SHELDON  
 23765 SE HUY 212  
 DAMASCUS, OR 97089

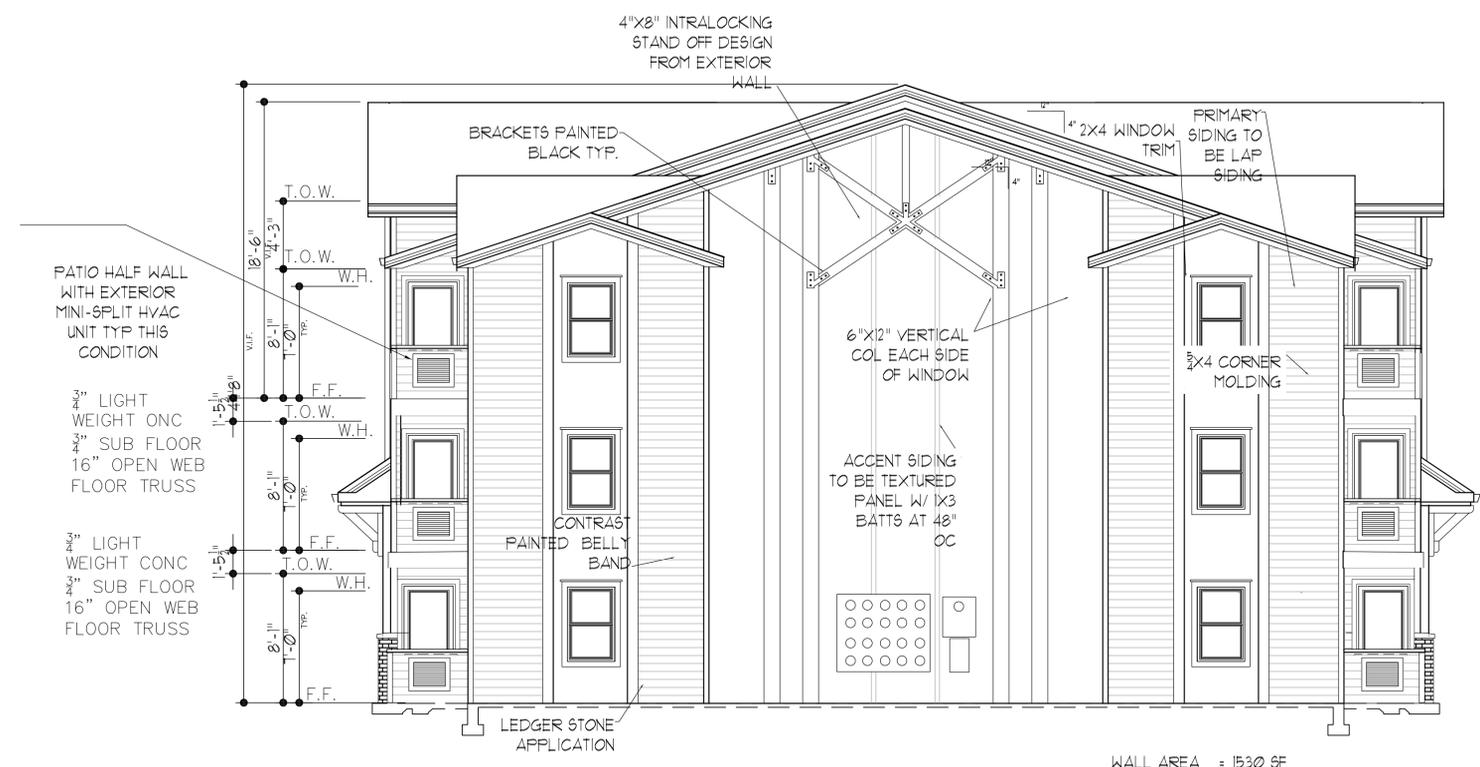
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**1 SOUTH SIDE ELEVATIONS**  
 SCALE: 1/8" = 1'-0" NORTH ELEVATION SIMILAR AND 'OPPOSITE HAND

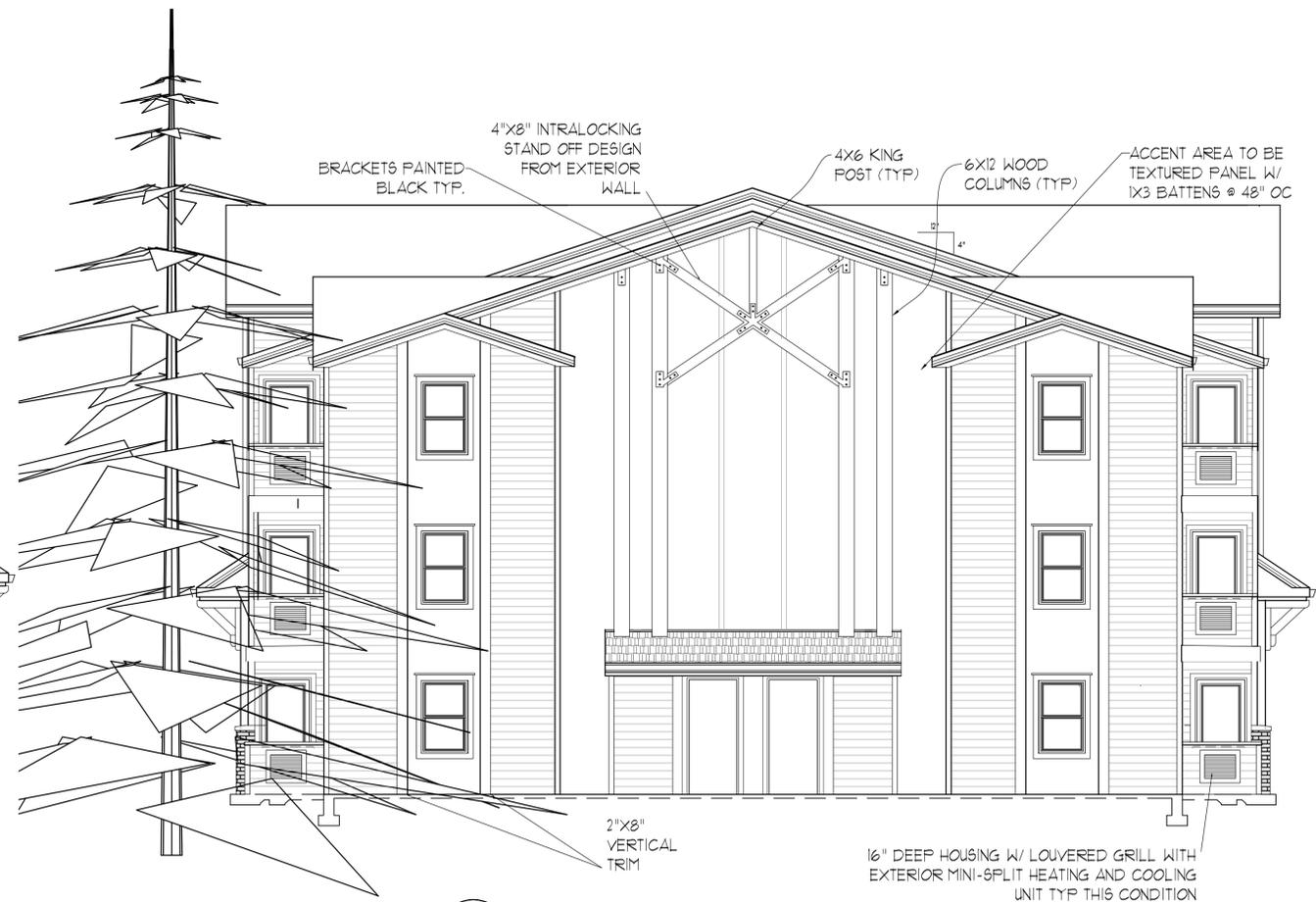
WALL AREA = 4612 SF  
 WINDOW AREA = 1152 SF = 24.9%

NOTE:  
 PRIMARY SIDING TO BE LAP  
 SIDING WITH 1" EXPOSURE  
 ALL HORIZONTAL BANDING IS TO  
 BE A CONTRASTING PAINTED  
 STRIPE.  
 all trim to be cedar forest trim



**2 WEST ELEVATION**  
 SCALE: 1/8" = 1'-0"

WALL AREA = 1530 SF  
 WINDOW AREA = 234 SF = 15.3%



**3 EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"

16" DEEP HOUSING W/ LOUVERED GRILL WITH  
 EXTERIOR MINI-SPLIT HEATING AND COOLING  
 UNIT TYP THIS CONDITION

The written dimensions on this plan supercede scaled distances DO NOT SCALE THE DRAWINGS

Any variations from conditions and dimensions shown on the drawings shall be reported to the d'BoI Design, LLC for resolution prior to proceeding with the work otherwise the contractor shall be solely responsible for the cost of any necessary work

**d'BoI Design, LLC**  
 1299 Saginaw St.,  
 Salem, Oregon 97302  
 Tel: (503) 461-9806  
 E-Mail: [info@dbol.com](mailto:info@dbol.com)

**LYVER ENGINEERING & DESIGN**  
 7090 SE 108TH  
 PORTLAND OREGON 97286  
 PHONE: (503) 705-5283 FAX: (503) 462-7449  
 TROY@LYVER-ED.COM WWW.LYVER-ED.COM

**CHERRY PARK APARTMENTS**  
 PROJECT LOCATION:  
 2320 SW 18TH WAY  
 TROUTDALE, OR 97080

**Sheldon Development, Inc.**  
 237654 SE HWY 212  
 DAMASCUS, OREGON 97089

PRELIMINARY PLANS 3/30/2018

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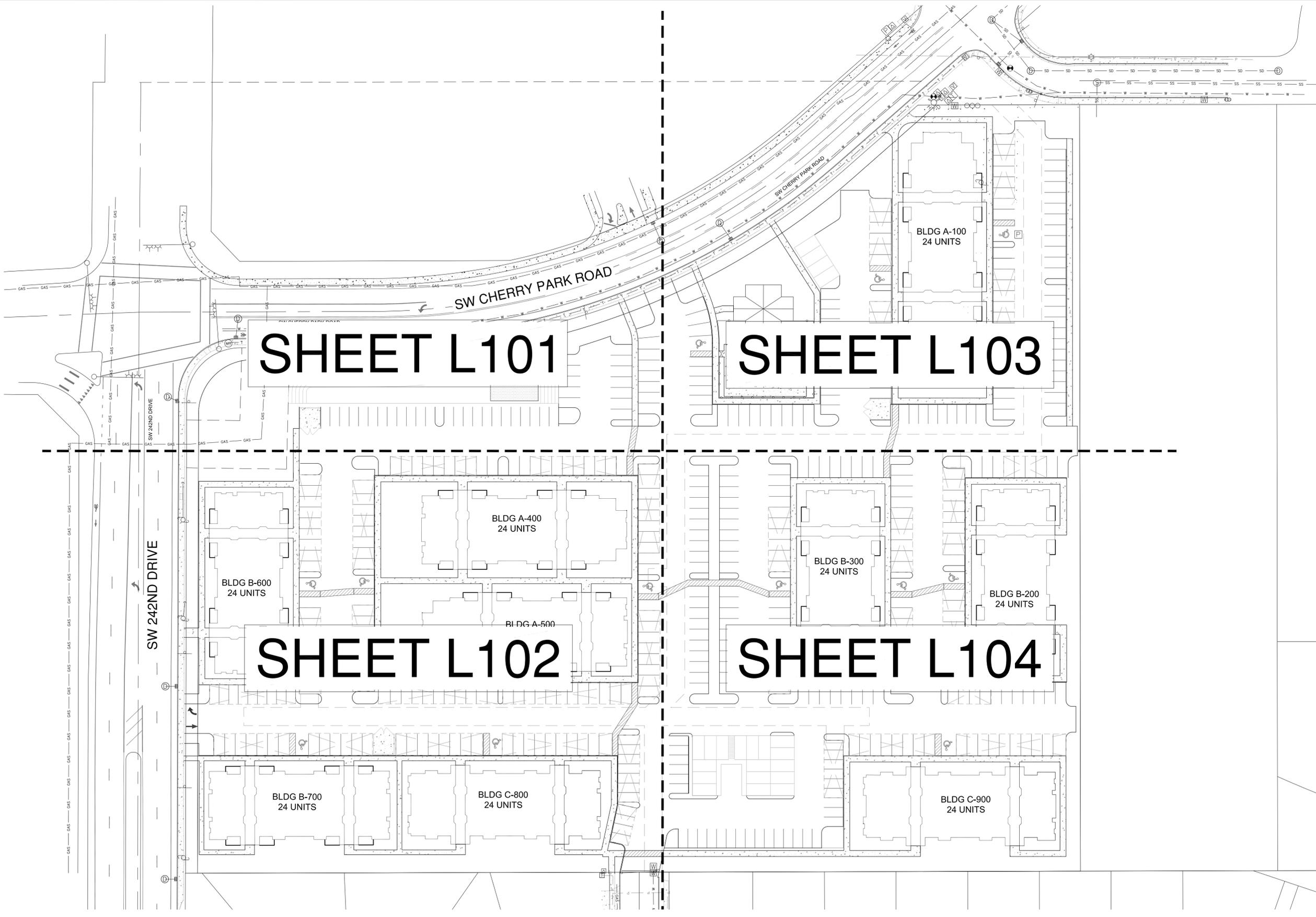
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 PROJECT: CHERRY PARK APARTMENTS  
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 SHEET: 180201-2  
 DATE: 3/30/2018  
 SHEET: **A2.2**

REVISIONS		
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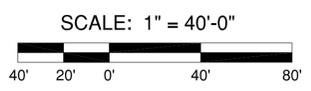
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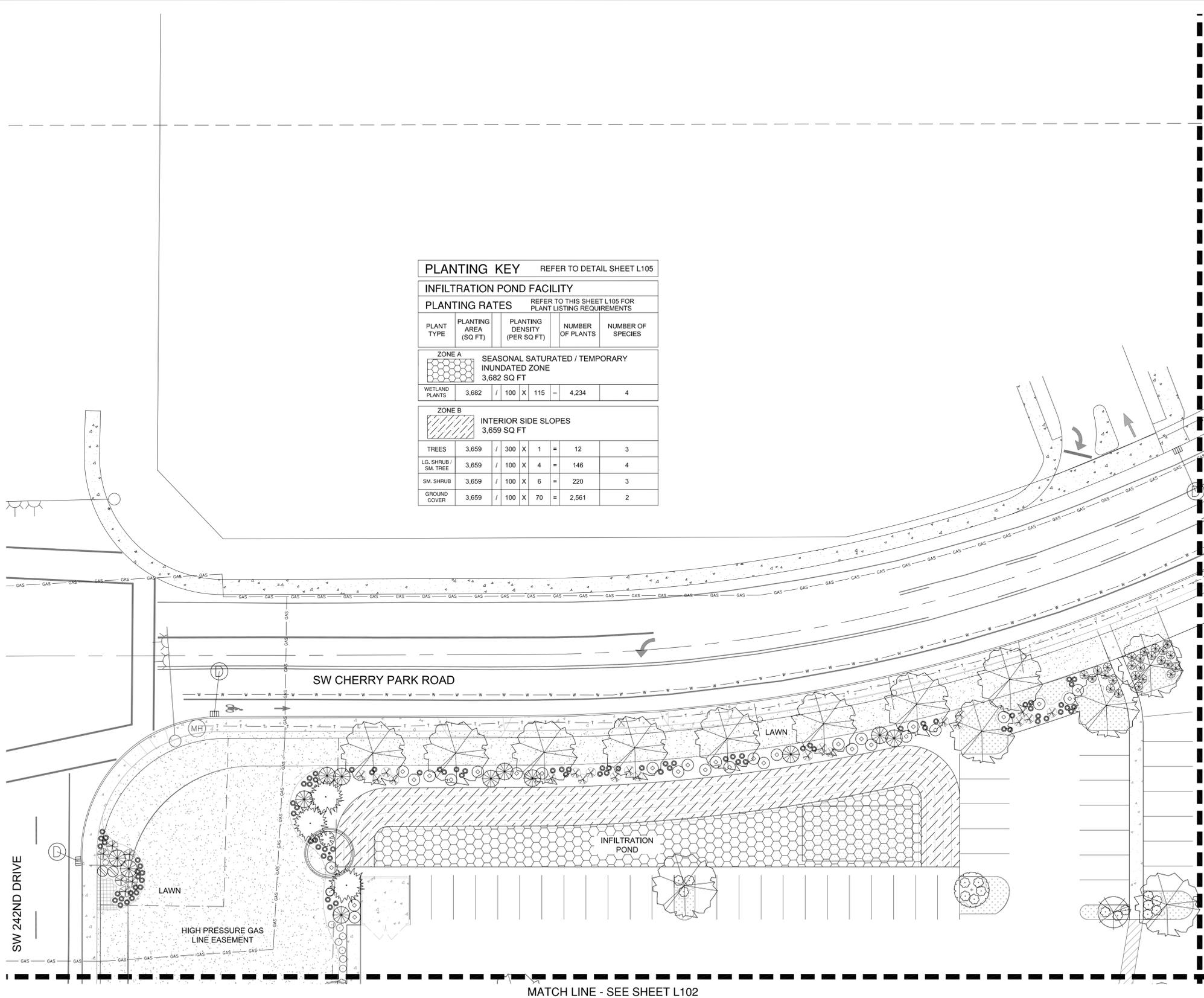
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 ISSUE DATE: 4/10/2018  
 JOB NO.: 1812

SHEET:  
**L100**  
 OF 6



NOT FOR CONSTRUCTION





**PLANTING KEY** REFER TO DETAIL SHEET L105

**INFILTRATION POND FACILITY**

**PLANTING RATES** REFER TO THIS SHEET L105 FOR PLANT LISTING REQUIREMENTS

PLANT TYPE	PLANTING AREA (SQ FT)	PLANTING DENSITY (PER SQ FT)	NUMBER OF PLANTS	NUMBER OF SPECIES
<b>ZONE A</b> SEASONAL SATURATED / TEMPORARY INUNDATED ZONE 3,682 SQ FT				
WETLAND PLANTS	3,682	/ 100 X	115 =	4,234
				4
<b>ZONE B</b> INTERIOR SIDE SLOPES 3,659 SQ FT				
TREES	3,659	/ 300 X	1 =	12
				3
LG. SHRUB / SM. TREE	3,659	/ 100 X	4 =	146
				4
SM. SHRUB	3,659	/ 100 X	6 =	220
				3
GROUND COVER	3,659	/ 100 X	70 =	2,561
				2

**PLANT MATERIALS LISTING:**

SYM	TREES	QTY.	SIZE	CONDITION	REMARKS
⊙	Acer circinatum Vine Maple	103	5-6"	B&B	Multi-stem Collected
⊙	Cercidiphyllum japonicum Katsura	29	1.5" Cal.	B&B	
⊙	Chamaecyparis obtusa 'Gracilis' Gracilis Hinoki Cypress	59	6-7"	B&B	
⊙	Carpinus betulus 'Fastigiata' Columnar Hornbeam	14	1.5" Cal.	B&B	
⊙	Magnolia grandiflora 'Little Gem' Little Gem Magnolia	7	6-7"	B&B	
⊙	Prunus yedoensis 'Akebono' Akebono Cherry	8	1.5" Cal.	B&B	
⊙	Prunus 'Sargentii' Sargent's Columnar Cherry	31	1.5" Cal.	B&B	
⊙	Styrax japonica Japanese Snowbell	20	1.5" Cal.	B&B	
⊙	Thuja plicata 'Hogan' Hogan Cedar	60	6-7"	B&B	
⊙	Thuja plicata 'Smaragd' Emerald Green Arborvitae	25	5-6"	B&B	
⊙	Zelkova serrata 'Green Vase' Green Vase Zelkova	41	2" Cal.	B&B	Street Tree
Total Trees		397			

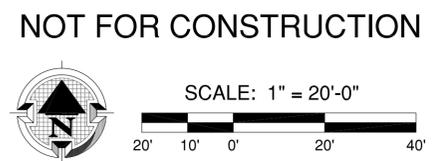
SYM	SHRUBS	QTY.	SIZE	CONDITION	REMARKS
⊙	Arbutus unedo 'Compact' Compact Strawberry Bush	89	5 Gal	Can	
⊙	Cornus sericea 'Kelsey' Kelsey Dwarf Redtwig Dogwood	719	1 Gal	Can	
⊙	Cornus 'Elegantissima' Variegated Redtwig Dogwood	35	5 Gal	Can	
⊙	Hydrangea 'Cityline' Dwarf Hydrangea	23	2 Gal	Can	
⊙	Hydrangea paniculata 'Littlelime' Littlelime Hydrangea	55	5 Gal	Can	
⊙	Mahonia repens Creeping Mahonia	54	1 Gal	Can	
⊙	Polystichum munitum Sword Fern	88	2 Gal	Can	
⊙	Prunus 'Ottolukken' Dwarf Ottolukken Laurel	130	18-24"	B&B	
⊙	Prunus x ostenia Dwarf Red-Leaf Sand cherry	22	18-24"	B&B	
⊙	Rhododendron 'Boursault' Boursault Rhododendron	217	18-24"	B&B	
⊙	Rudbeckia fulgida 'Goldsturm' Black Eye Susan	128	1 Gal	Can	
⊙	Rosa 'Double Knockout Red' Knockout Rose	187	2 Gal	Can	
⊙	Spiraea japonica 'Little Princess' Little Princess Spirea	225	2 Gal	Can	
⊙	Viburnum davidii David Viburnum	278	1 Gal	Can	
⊙	Viburnum tinus 'Spring Bouquet' Spring Bouquet Viburnum	229	5 Gal	Can	
⊙	Viburnum plicatum 'Maresii' Shasta Viburnum	33	5 Gal	Can	
Total Shrubs		2,561			

SYM	GROUND COVER	QTY.	SIZE	CONDITION	REMARKS
⊙	Rubus calycinoides 'Emerald Carpet' Creeping Raspberry	2,001	4"	Pots	18" O.C.
⊙	Hemerocallis 'Stella d'oro' Stella d'oro Daylily	98	1 gal	Can	24" O.C.
⊙	Lawn (seed)				25,578 SF

**APPROXIMATE LANDSCAPE AREA**

R/W LAWN AREA:	25,578 SF
R/W PLANTING AREA:	69,620 SF
WATER QUALITY POND AREA:	8,232 SF
TOTAL LANDSCAPE AREA:	103,430 SF

REFER TO SHEET L105 FOR POND PLANT SCHEDULE, PLANTING DETAILS & NOTES



**REVISIONS**

REV.	DATE	DESCRIPTION

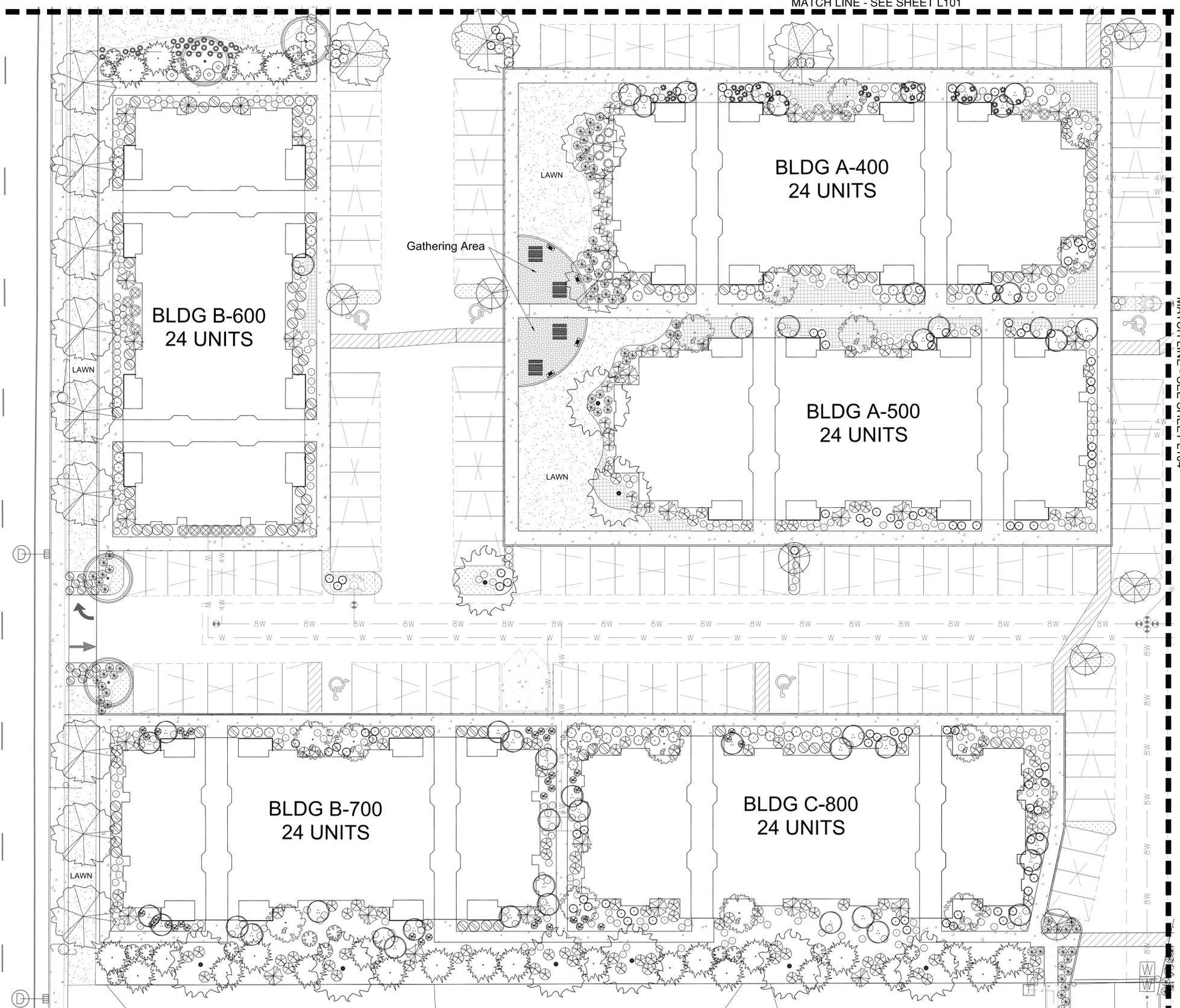
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 CHECKED BY: \_\_\_\_\_ TM  
 ISSUE DATE: 4/10/2018  
 JOB NO.: 1812

SHEET:  
**L101**  
 OF 6

MATCH LINE - SEE SHEET L101

MATCH LINE - SEE SHEET L104



PLANT MATERIALS LISTING:

SYM	TREES	QTY.	SIZE	CONDITION	REMARKS
⊙	Acer circinatum Vine Maple	103	5-6"	B&B	Multi-stem Collected
⊙	Cercidiphyllum japonicum Katsura	29	1.5" Cal.	B&B	
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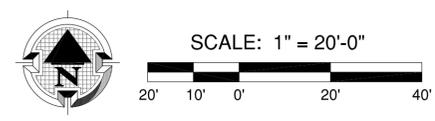
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TOTAL LANDSCAPE AREA:	103,430 SF

REFER TO SHEET L105 FOR POND PLANT SCHEDULE, PLANTING DETAILS & NOTES

NOT FOR CONSTRUCTION



**MEARS DESIGN+GROUP**  
LANDSCAPE ARCHITECTURE & PLANNING  
PO BOX 23338 | PORTLAND, OREGON | 97281  
PHONE: 503.601.4516 | FAX: 503.924.4688

REGISTERED 540  
LANDSCAPE ARCHITECT  
TROY MEARS  
OREGON 12/21/2003

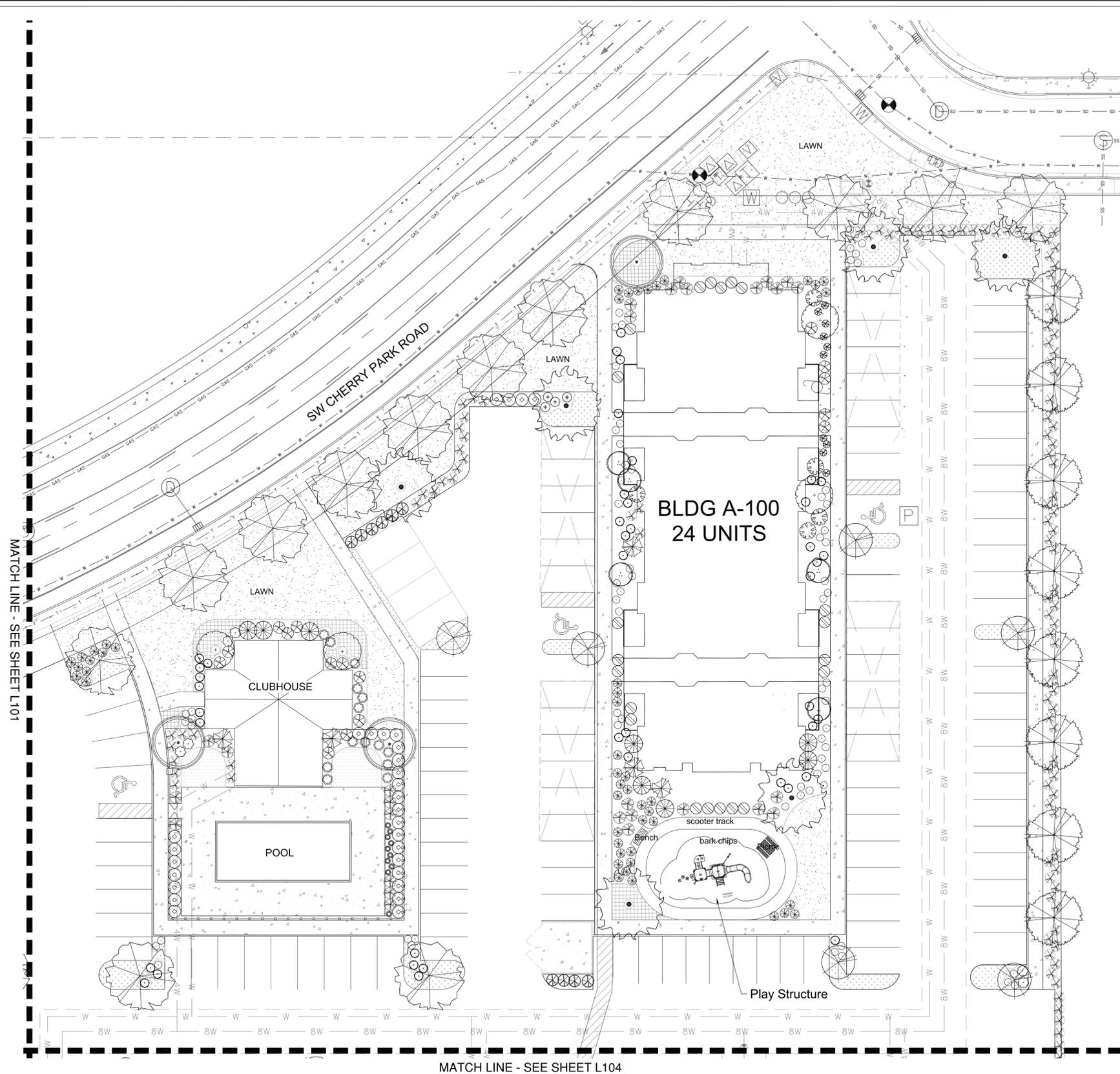
**CHERRY PARK MULTI-FAMILY**  
PLANTING PLAN  
SHELDON DEVELOPMENT, INC.  
2320 SW 18TH WAY, TROUTDALE, OREGON

REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:  
**PLANTING PLAN**

DRAWN BY: \_\_\_\_\_ CL  
CHECKED BY: \_\_\_\_\_ TM  
ISSUE DATE: 4/10/2018  
JOB NO.: 1812

SHEET:  
**L102**  
OF 6



**PLANT MATERIALS LISTING:**

SYM	TREES	QTY.	SIZE	CONDITION	REMARKS
⊙	Acer circinatum Vine Maple	103	5-6"	B&B	Multi-stem Collected
⊙	Cercidiphyllum japonicum Katsura	29	1.5" Cal.	B&B	
⊙	Chamaecyparis obtusa 'Gracilis' Gracilis Hinoki Cypress	59	6-7"	B&B	
⊙	Carpinus betulus 'Fastigiata' Columnar Hornbeam	14	1.5" Cal.	B&B	
⊙	Magnolia grandiflora 'Little Gem' Little Gem Magnolia	7	6-7"	B&B	
⊙	Prunus yedoensis 'Akebono' Akebono Cherry	8	1.5" Cal.	B&B	
⊙	Prunus 'Sargentii' Sargent's Columnar Cherry	31	1.5" Cal.	B&B	
⊙	Styrax japonica Japanese Snowbell	20	1.5" Cal.	B&B	
⊙	Thuja plicata 'Hogan' Hogan Cedar	60	6-7"	B&B	
⊙	Thuja plicata 'Smaragd' Emerald Green Arborvitae	25	5-6"	B&B	
⊙	Zelkova serrata 'Green Vase' Green Vase Zelkova	41	2" Cal.	B&B	Street Tree
Total Trees		397			

SYM	SHRUBS	QTY.	SIZE	CONDITION	REMARKS
⊙	Arbutus unedo 'Compact' Compact Strawberry Bush	89	5 Gal	Can	
⊙	Cornus sericea 'Kelsey' Kelsey Dwarf Redtwig Dogwood	719	1 Gal	Can	
⊙	Cornus 'Elegantissima' Variegated Redtwig Dogwood	35	5 Gal	Can	
⊙	Hydrangea 'Cityline' Dwarf Hydrangea	23	2 Gal	Can	
⊙	Hydrangea paniculata 'Littlelime' Littlelime Hydrangea	55	5 Gal	Can	
⊙	Mahonia repens Creeping Mahonia	54	1 Gal	Can	
⊙	Polystichum munitum Sword Fern	88	2 Gal	Can	
⊙	Prunus 'Ottoluken' Dwarf Ottoluken Laurel	130	18-24"	B&B	
⊙	Prunus x ostenia Dwarf Red-Leaf Sand cherry	22	18-24"	B&B	
⊙	Rhododendron 'Boursault' Boursault Rhododendron	217	18-24"	B&B	
⊙	Rudbeckia fulgida 'Goldsturm' Black Eye Susan	128	1 Gal	Can	
⊙	Rosa 'Double Knockout Red' Knockout Rose	187	2 Gal	Can	
⊙	Spiraea japonica 'Little Princess' Little Princess Spiraea	225	2 Gal	Can	
⊙	Viburnum davidii David Viburnum	278	1 Gal	Can	
⊙	Viburnum tinus 'Spring Bouquet' Spring Bouquet Viburnum	229	5 Gal	Can	
⊙	Viburnum plicatum 'Maresii' Shasta Viburnum	33	5 Gal	Can	
Total Shrubs		2,561			

SYM	GROUND COVER	QTY.	SIZE	CONDITION	REMARKS
⊙	Rubus calycioides 'Emerald Carpet' Creeping Raspberry	2,001	4"	Pots	18" O.C.
⊙	Hemerocallis 'Stella d'oro' Stella d'oro Daylily	98	1 gal	Can	24" O.C.
Lawn (seed)		25,578 SF			

APPROXIMATE LANDSCAPE AREA	
R/W LAWN AREA:	25,578 SF
R/W PLANTING AREA:	69,620 SF
WATER QUALITY POND AREA:	8,232 SF
TOTAL LANDSCAPE AREA:	103,430 SF



**CHERRY PARK MULTI-FAMILY**  
 PLANTING PLAN  
 SHELDON DEVELOPMENT, INC.  
 2320 SW 18TH WAY, TROUTDALE, OREGON

REVISIONS		
REV.	DATE	DESCRIPTION

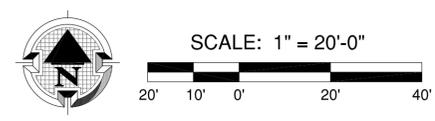
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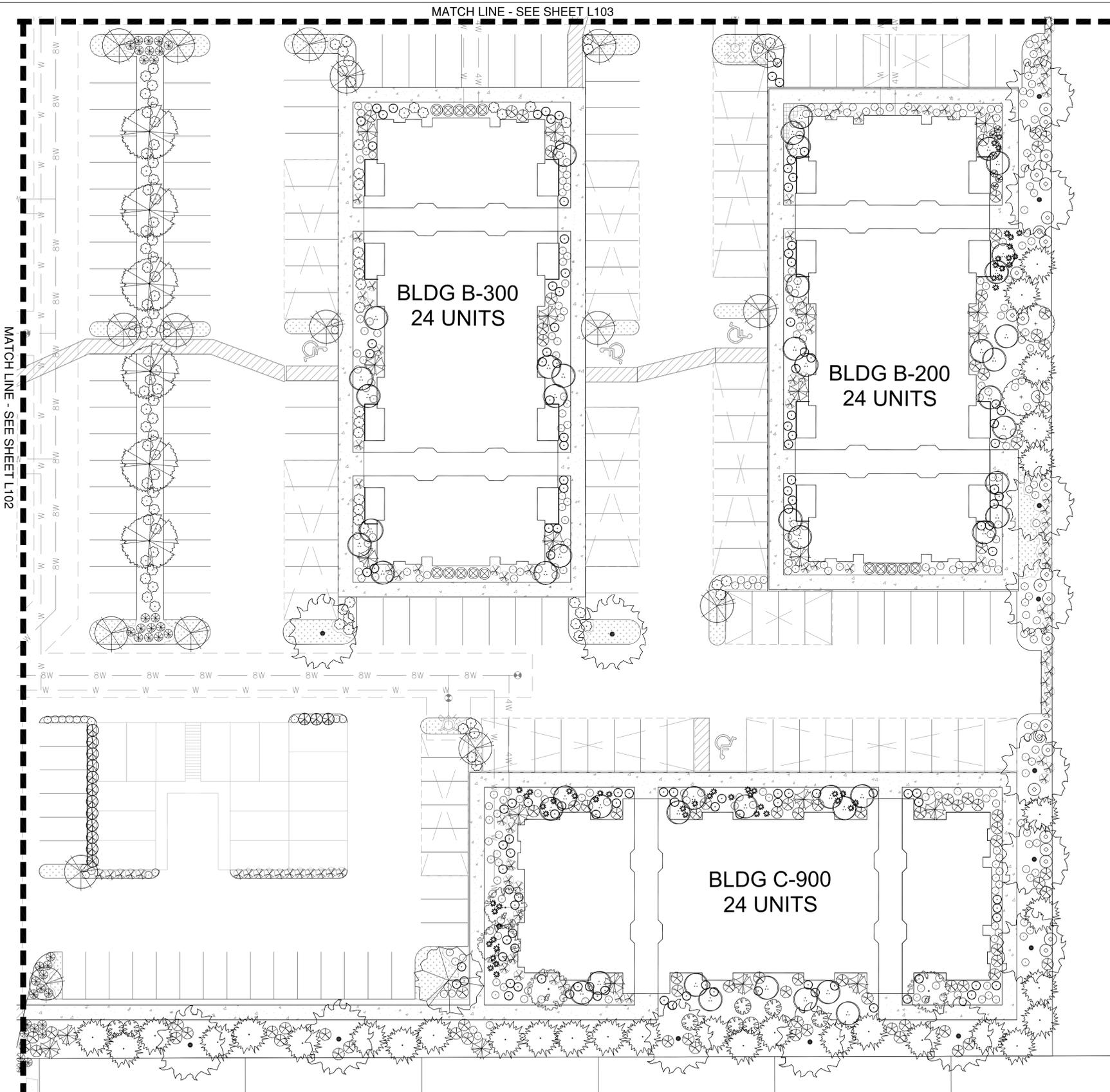
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 ISSUE DATE: 4/10/2018  
 JOB NO.: 1812

SHEET:  
**L103**  
OF 6

REFER TO SHEET L105 FOR  
POND PLANT SCHEDULE,  
PLANTING DETAILS & NOTES

**NOT FOR CONSTRUCTION**





**PLANT MATERIALS LISTING:**

SYM	TREES	QTY.	SIZE	CONDITION	REMARKS
⊙	Acer circinatum Vine Maple	103	5-6"	B&B	Multi-stem Collected
⊙	Cercidiphyllum japonicum Katsura	29	1.5" Cal.	B&B	
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⊙	Viburnum tinus 'Spring Bouquet' Spring Bouquet Viburnum	229	5 Gal	Can	
⊙	Viburnum plicatum 'Maresii' Shasta Viburnum	33	5 Gal	Can	
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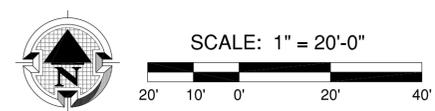
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**APPROXIMATE LANDSCAPE AREA**

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R/W PLANTING AREA:	69,620 SF
WATER QUALITY POND AREA:	8,232 SF
TOTAL LANDSCAPE AREA:	103,430 SF

REFER TO SHEET L105 FOR  
POND PLANT SCHEDULE,  
PLANTING DETAILS & NOTES

**NOT FOR CONSTRUCTION**



**MEARS DESIGN+GROUP**  
LANDSCAPE ARCHITECTURE & PLANNING  
PO BOX 23338 | PORTLAND, OREGON | 97281  
PHONE: 503.601.4516 | FAX: 503.924.4688

REGISTERED  
540  
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OREGON  
12/21/2003

**CHERRY PARK MULTI-FAMILY**  
PLANTING PLAN  
SHELDON DEVELOPMENT, INC.  
2320 SW 18TH WAY, TROUTDALE, OREGON

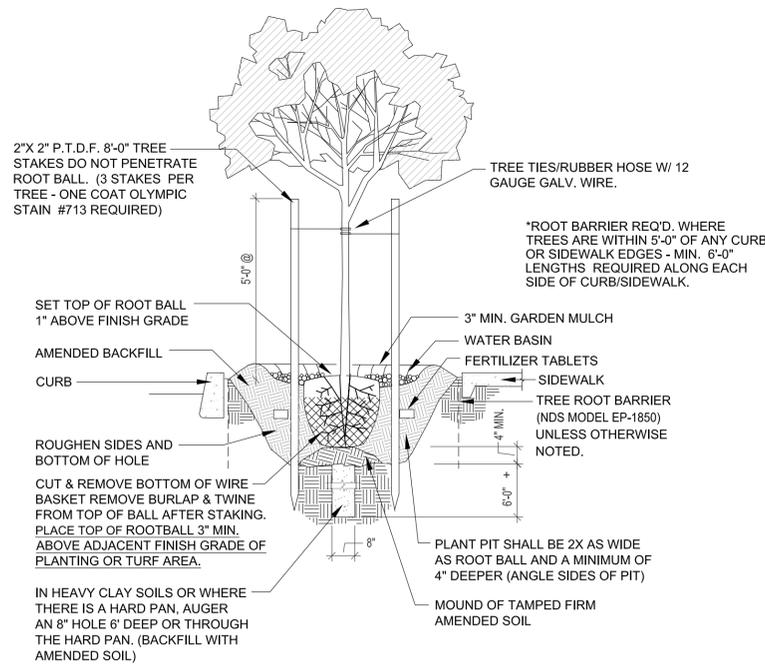
**REVISIONS**

REV.	DATE	DESCRIPTION

SHEET NAME:  
**PLANTING PLAN**

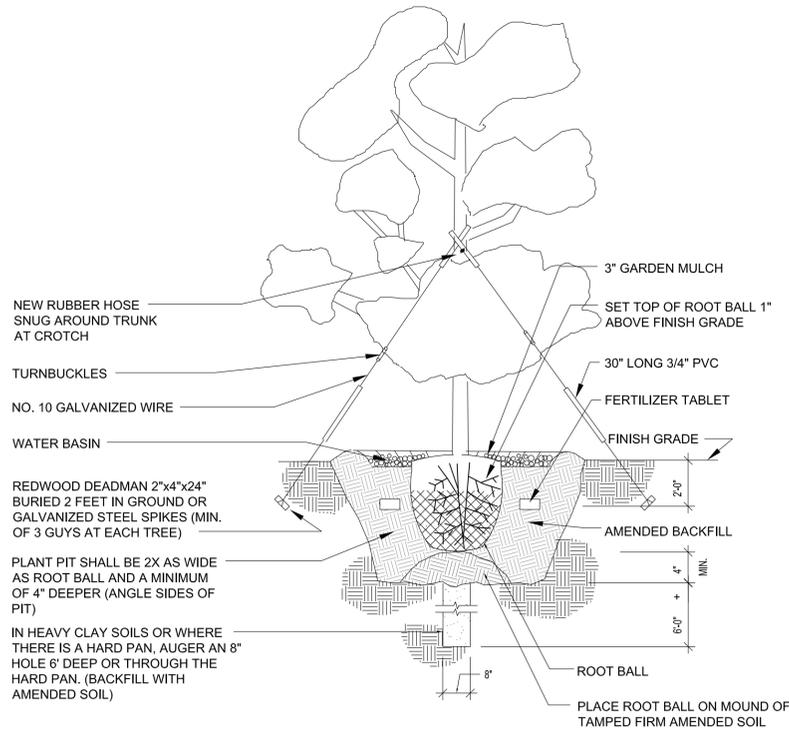
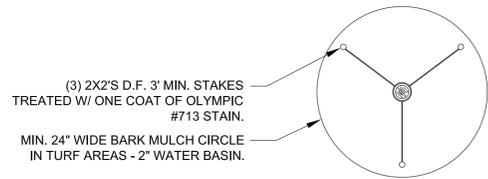
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ISSUE DATE: 4/10/2018  
JOB NO.: 1812

SHEET:  
**L104**  
OF 6



TREE PLANTING DETAIL

N.T.S.

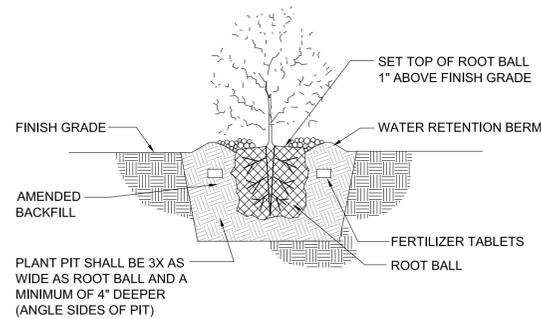


EVERGREEN TREE PLANTING DETAIL

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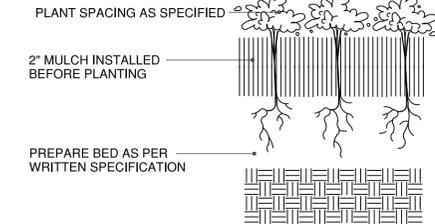
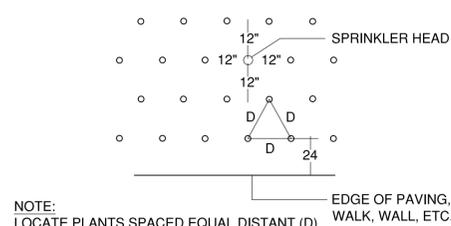
TYPICAL PLANTING NOTES:

1. B&B stock may be substituted with container stock of equal grade.
2. Container stock may be substituted with B&B stock of equal grade.
3. Plant material shall conform with American Standard for Nursery Stock, ANSI Z60.1, 2004 edition.
4. All trees shall be branched.
5. Refer to project technical specification for topsoil requirement. All planting beds shall have a minimum of 18 inches topsoil. Re-use of existing topsoil is recommended, but must meet specifications.
6. Garden mulch all planting beds with 3" min. Layer of specified garden mulch.
7. In the event of a discrepancy between this material listing and the drawings, the drawings shall govern the plant species and quantities required.
8. In the event of question or lack of clarity on drawings, Landscape Contractor is to call Landscape Architect before proceeding.
9. Landscape contractor is to notify Landscape Architect prior to installation of plant material to approve final placement.
10. Landscape Contractor to verify plant material quantities.
11. Contractor will provide a one year warranty on all provided & installed plant material from date of final approval by owner's representative.



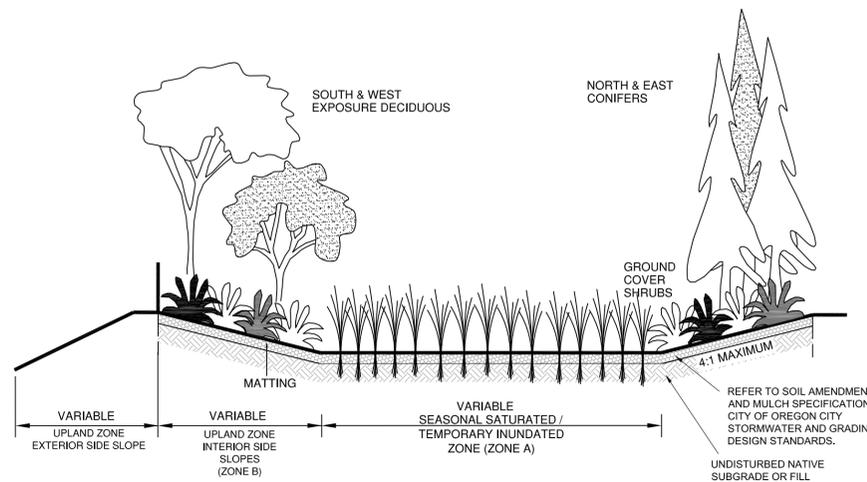
SHRUB PLANTING DETAIL

N.T.S.



GROUNDCOVER PLANTING DETAIL

N.T.S.



A INFILTRATION POND / SECTION

L105 PER CITY STANDARDS REFER TO CIVIL FOR GRADING REQUIREMENTS

NTS

LISTING FOR INFILTRATION POND FACILITY

(REFER TO PLANTING DETAILS SHEET L105)

ZONE A		SEASONAL SATURATED / TEMPORARY INUNDATED ZONE	Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Size	Minimum Plant Height	Spacing Format
3,682 SQ FT		Plant Communities							
Wetland Plants	Slough Sedge ( <i>Carex obnupta</i> )	1059	Herb	Wet	Part	Plug	6"	1' o/c.	
	Creeping Spike Rush ( <i>Eleocharis palustris</i> )	1059	Herb	Wet	Part	Plug	6"	1' o/c.	
	Spreading Rush ( <i>Juncus patens</i> )	1058	Herb	Wet	Sun	Plug	6"	1' o/c.	
	Small Fruited Bulrush ( <i>Scirpus microcarpus</i> )	1058	Herb	Wet	Part	Plug	6"	1' o/c.	
	Total Herbaceous Plants	4234							
ZONE B		UPLAND ZONE INTERIOR SIDE SLOPES	Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Size	Minimum Plant Height	Spacing Format
3,659 SQ FT		Plant Communities							
TREES	Vine Maple ( <i>Acer circinatum</i> )	5	Tree	Dry/Moist	Part		1" cal.	Single	
	Douglas Fir ( <i>Pseudotsuga menziesii</i> )	4	Tree	Dry	Sun		6'	Single	
	Red Maple ( <i>Acer rubrum</i> )	3	Tree	Moist	Part		1" cal.	Single	
	Total Tree	12							
LG. Shrub/ Sm. Tree	Red-Osier Dogwood ( <i>Cornus sericea</i> )	37	Shrub	Wet	Part		30"	Cluster	
	Nootka Rose ( <i>Rosa nutkana</i> )	37	Shrub	Wet	Part		30"	Cluster	
	Douglas Spiraea ( <i>Spiraea douglasii</i> )	36	Shrub	Wet	Sun		30"	Cluster	
	Serviceberry ( <i>Amelanchier alnifolia</i> )	36	Sm. Tree	Dry	Part		30"	Single	
	Total Large Shrubs / Small Tree	146							
Sm. Shrub	Birchleaf Spirea ( <i>Spiraea betulifolia</i> )	74	Shrub	Moist	Sun	1 gal.		Cluster	
	Snowberry ( <i>Symphoricarpos alba</i> )	73	Shrub	Dry	Part	1 gal.		Cluster	
	Oregon Grape ( <i>Mahonia aquifolium</i> )	73	Shrub	Dry	Sun	1 gal.		Cluster	
	Total Small Shrubs	220							
G.C.	Kinnikinnick ( <i>Arctostaphylos uva-ursi</i> )	1281	Shrub	Dry	Sun	1 gal.	1.5'	Cluster	
	Coastal Strawberry ( <i>Fragaria Chiloensis</i> )	1280	Shrub	Dry	Sun	1 gal.	6"	Cluster	
	Total Groundcover	2561							

Site Description:  
Detention Pond Planting

Site Requirements:

1. Removal of all invasive species to improve growing conditions for native seedlings/plantings and to encourage regeneration and recruitment of native vegetation is required.
2. Preserve site's existing native vegetation to the maximum extent practicable.
3. Planting / Enhancement as follows:  
Detention Pond Planting area is 7,341 sq.ft. (0.17 acre)  
Zone A:  
Plant Requirements: (4,234) Wetland Plants  
Zone B:  
Plant Requirements: (12) trees; (146) large shrubs/small trees; (220) small shrubs; (2,561) groundcover

All plants to be pit planted with additional organic matter if required but no traditional fertilizer is necessary. Plant placement shall be consistent with layout as shown on plans. Shrubs shall be placed consistent with layout as shown on plans. Modification may be necessary dependent on existing native material to remain. Verify all modifications with owner's representative prior to planting.

- Refer to plant table and plan for plant species, location, distribution, quantities, size, condition and requirements.
- A native seed mix has been specified for the buffer area only. All plants to be pit planted with additional organic matter if required but no traditional fertilizer is necessary. Plant placement shall be consistent with the form of the naturally occurring plant community.

4. Plant installation requirements: All trees, shrubs and groundcovers planted in the upland area are to be mulched a minimum of three inches in depth and 18 inches in diameter. Appropriate mulches include those made from composted leaves or bark that have not been chemically treated. Contractor to provide required temporary irrigation during two year maintenance period.
  - Mulch: Organic materials such as compost, bark mulch, leaves, sawdust, straw or wood shavings cannot be used within any portion of the landscape area that might drain into a wet pond or wetland.
  - Pit (pocket) plant trees and shrubs where located within tree protection fencing. Refer to Tree Protection Plan and specifications for requirements.
  - Plugs installation: All areas where plugs are specified to be planted shall have a minimum of 6 inches topsoil with 3 inches of garden mulch spread over top of the entire planting area as shown on plans.
5. Monitoring and maintenance: Contractor is responsible for monitoring and maintaining the site during two year maintenance period. All new plant material is to be tagged. The removal of non-native, invasive weeds is necessary throughout the two year maintenance period, or until a healthy stand of desirable vegetation is established. The site is to be monitored a min. of two times per year, by June 1 and September 30. If at any time the landscaping falls below the 80% survival level, the contractor shall reinstall all deficient planting at the next appropriate planting opportunity.
6. Guarantee: Plant and tree materials must be in healthy condition at the end of a two-year guarantee period, or for one full growing season from date of substantial completion, whichever is longer. Contractor is responsible to assume liability for all plant material and to guarantee plants against disease, insect infestation, desiccation, sunscald, freeze damage, or any other condition that would cause plants to be unhealthy or to die.
7. Temporary Irrigation system: Provided & Installed by Landscape Contractor.

REVISIONS

REV.	DATE	DESCRIPTION

SHEET NAME:  
DETAILS & NOTES

DRAWN BY: \_\_\_\_\_ CL  
CHECKED BY: \_\_\_\_\_ TM  
ISSUE DATE: 4/10/2018  
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SHEET:  
**L105**  
OF 6

NOT FOR CONSTRUCTION

## Traffic Impact Analysis

Conclusions and Recommendations can be found beginning on Page 29 of the report.

Please Note: Due to file size, referenced appendices in the report were not included. Access to the appendices can be obtained through the Community Development Department by request.

## MEMORANDUM

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Date: April 20, 2018

Project #: 21417.0

To: Marlee Schuld, City of Troutdale  
Johanna Valencia, Multnomah County

From: Matt Bell and Anthony Yi, P.E., Kittelson & Associates, Inc.

Project: Eagle Ridge Apartment Homes

Subject: Traffic Impact Analysis

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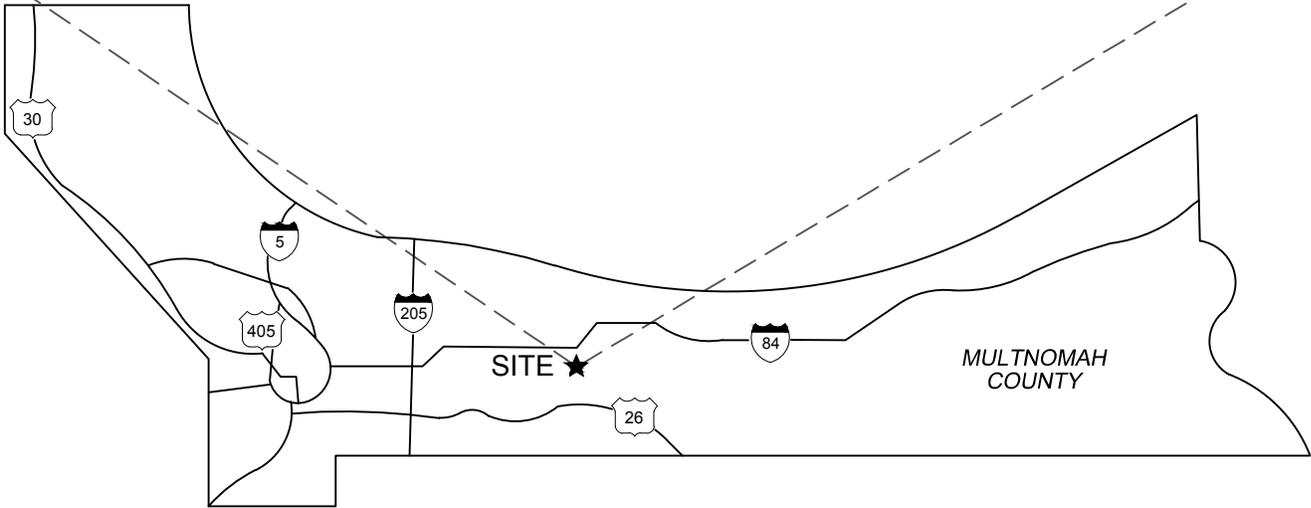
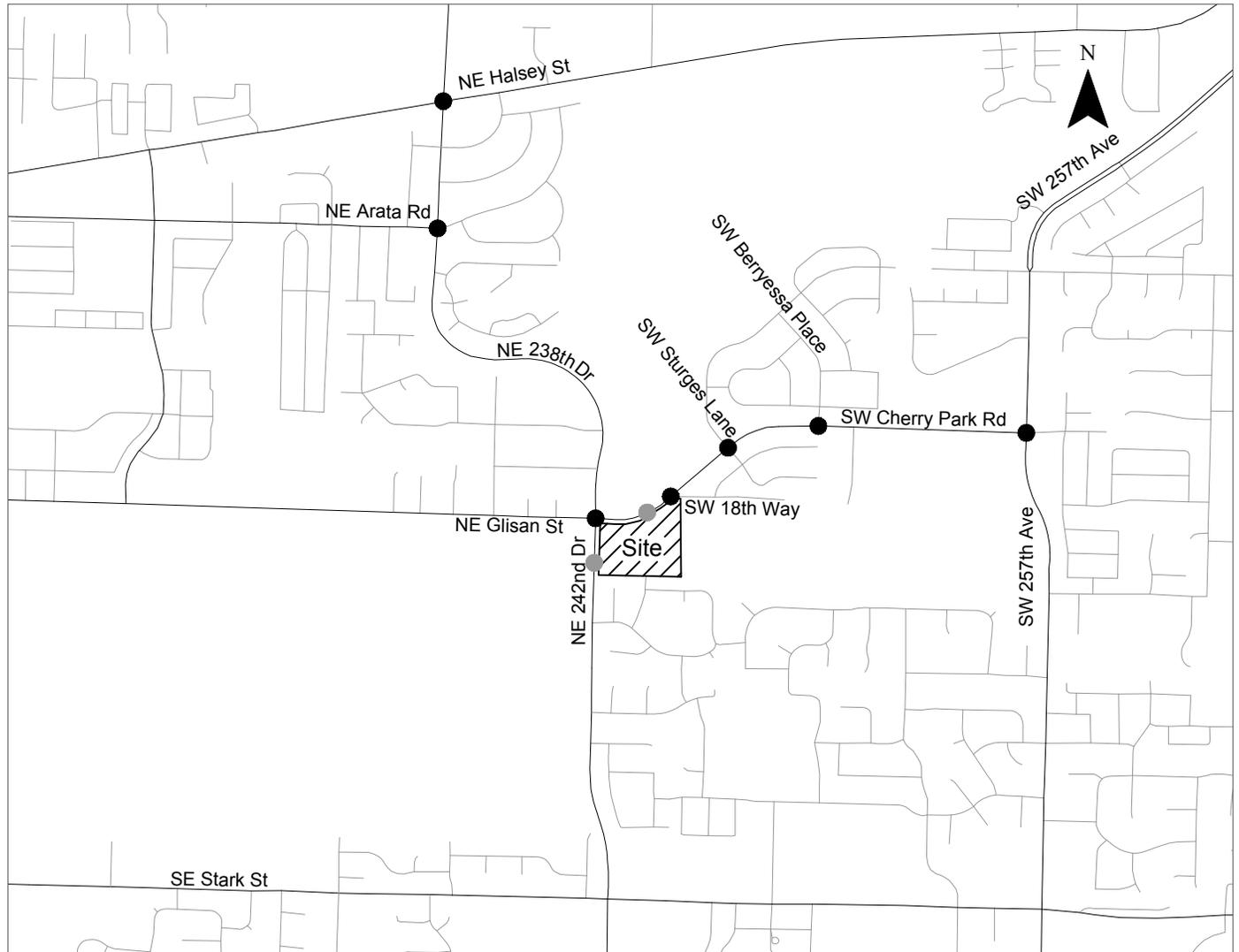
## INTRODUCTION

Sheldon Development is proposing to develop the 8.82 acre site located in the southeast corner of the NE 242<sup>nd</sup> Drive/SW Cherry Park Road intersection in Troutdale, OR. Figure 1 illustrates the site vicinity map. The proposed development plan includes construction of up to 216 apartment units and 504 parking stalls as well as a clubhouse and pool for residents of the development. Access to the proposed development will be provided via two new driveways: one located along NE 242<sup>nd</sup> Drive, approximately 340 feet south of SW Cherry Park Road, and one located along SW Cherry Park Road, approximately 420 feet east of NE 242<sup>nd</sup> Drive. The driveway located along SW Cherry Park Road will align with the shopping center driveway on the north side of the roadway. Figure 2 illustrates the proposed site plan. Construction of the proposed development is expected to occur in 2018 with full build-out and occupancy in 2019. Development of the proposed apartments will require a zone change and comprehensive plan amendment from Single-Family Residential (R-5) to Apartment Residential (A-2).

The results of this analysis indicate that the proposed development can be constructed while maintaining safe and acceptable traffic operations at the study intersections and site-access driveways assuming provision of the recommended mitigation measures. Based on the analysis, the following improvements are recommended:

- Construct site-access driveways per Multnomah County standards.
- Control the site-access driveway along NE 242<sup>nd</sup> Drive to right-in/right-out only.
- Modify the traffic signal at the NE 242<sup>nd</sup> Drive/SW Cherry Park Road intersection to allow for protective-permissive phasing for the eastbound and westbound left-turn movements.
- Modify the traffic signal at the SW 257<sup>th</sup> Avenue/SW Cherry Park Road intersection to allow for protective-permissive phasing for the northbound and southbound left-turn movements.
- Locate and maintain all future landscaping, above-ground utilities, and site signage to provide adequate sight-distance at the site driveways.

Additional details of the study methodology, findings, and recommendations are provided below.



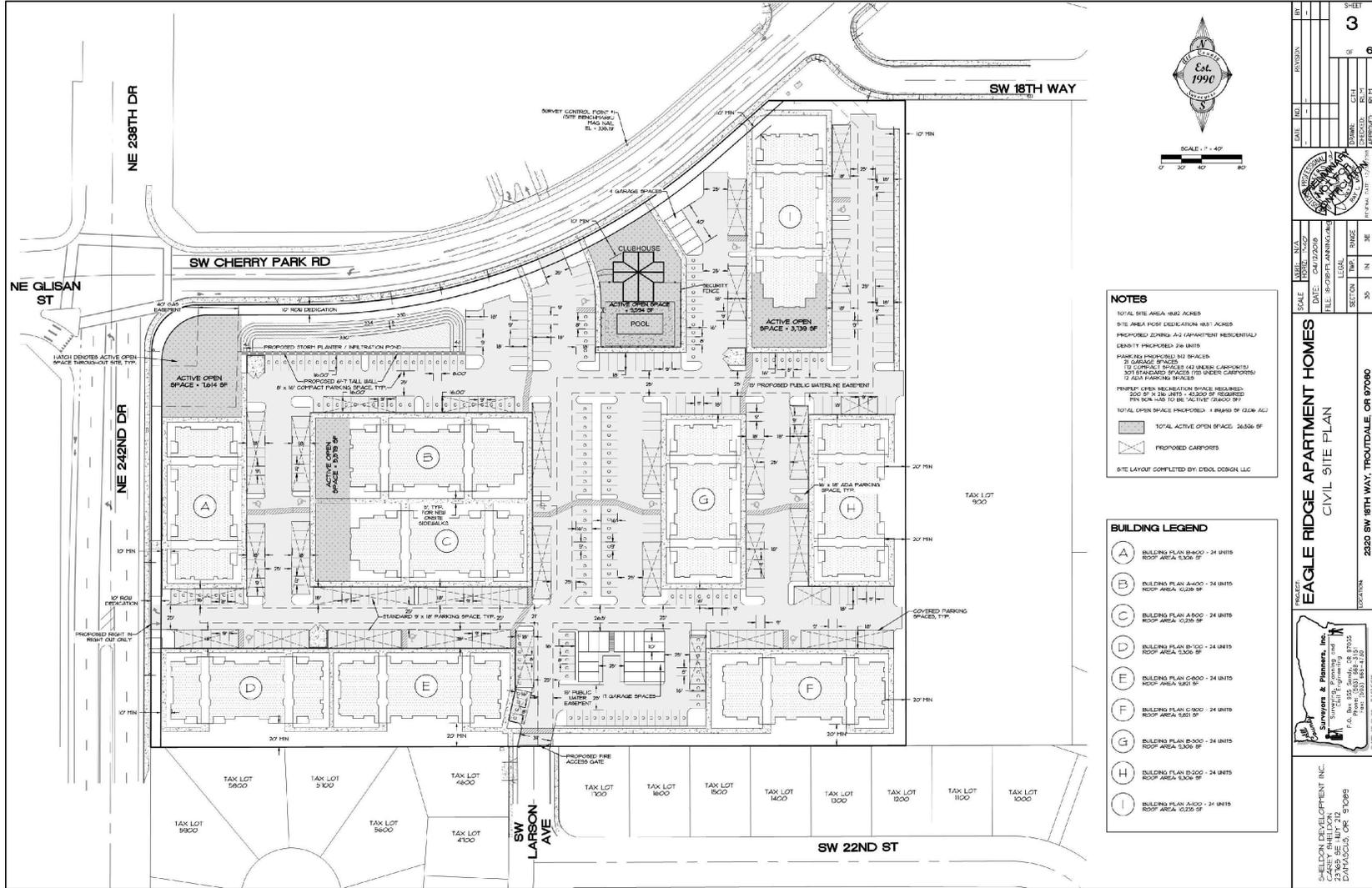
- - Study Intersections
- - Site Driveway

Site Vicinity Map  
Troutdale, OR

Figure  
1

H:\21\21417 - Cherry Park Residential\dwgs\figs\21417\_Fig2.dwg Apr 19, 2018 - 11:26am - mbell Layout Tab: Fig01

H:\21\21417 - Cherry Park Residential\dwgs\figs\21417\_Fig2.dwg Apr 19, 2018 - 11:26am - mbeil Layout Tab: Fig02



**NOTES**

TOTAL SITE AREA 188.7 ACRES  
 SITE AREA POST DEDICATION 188.7 ACRES  
 PROPOSED ZONING: A-2 (APARTMENT RESIDENTIAL)  
 LEGALITY: PROPOSED 240 UNITS  
 PARKING PROPOSED 140 SPACES  
 25 GARAGE SPACES  
 15 COMPACT SPACES (42 UNDER CARPORTS)  
 50 STANDARD SPACES (70 UNDER CARPORTS)  
 15 ADA PARKING SPACES  
 PRIVATE OPEN RECREATION SPACE: 26,536 SF  
 500 SF OF ADA UNITS + 45,000 SF OF EQUIPPED  
 PAVEMENT SHALL BE ACTIVE GRADED BY  
 TOTAL OPEN SPACE PROPOSED: 4 BARRIERS BY 60% ALL  
 TOTAL ACTIVE OPEN SPACE: 26,536 SF  
 PROPOSED CARPORTS  
 SITE LAYOUT COMPLETED BY: D2OL DESIGN LLC

**BUILDING LEGEND**

A	BUILDING PLAN A-800 - 24 UNITS ROOF AREA: 13,036 SF
B	BUILDING PLAN B-800 - 24 UNITS ROOF AREA: 12,238 SF
C	BUILDING PLAN C-800 - 24 UNITS ROOF AREA: 12,238 SF
D	BUILDING PLAN D-1000 - 24 UNITS ROOF AREA: 13,036 SF
E	BUILDING PLAN E-1000 - 24 UNITS ROOF AREA: 13,036 SF
F	BUILDING PLAN F-1000 - 24 UNITS ROOF AREA: 13,036 SF
G	BUILDING PLAN G-1000 - 24 UNITS ROOF AREA: 13,036 SF
H	BUILDING PLAN H-1000 - 24 UNITS ROOF AREA: 13,036 SF
I	BUILDING PLAN I-1000 - 24 UNITS ROOF AREA: 13,036 SF

Received: 04/12/2018

Proposed Site Plan  
Troutdale, OR

Figure  
2

## SCOPE OF THE REPORT

This report addresses the transportation-related impacts associated with the proposed Eagle Ridge Apartment Homes and was prepared in accordance with the traffic impact study requirements of Multnomah County and the City of Troutdale. This report also addresses the transportation-related impacts associated with the proposed zone change and comprehensive plan amendment and addresses the necessary approval criteria per Oregon Administrative Rule (OAR) 660-012-0060, also known as the Transportation Planning Rule (TPR).

The overall study area, study intersections, and general methodologies and assumptions used to prepare this report are documented in a scoping memorandum prepared by Kittelson & Associates, Inc. (KAI) in January 2018.

The operational analyses were performed at these intersections:

1. NE 238<sup>th</sup> Drive/NE Halsey Road
2. NE 238<sup>th</sup> Drive/NE Arata Road
3. NE 242<sup>nd</sup> Drive/SW Cherry Park Road
4. SW 18<sup>th</sup> Way/SW Cherry Park Road
5. SW Sturges Lane/SW Cherry Park Road
6. SW Berryessa Place/SW Cherry Park Road
7. SW 257<sup>th</sup> Avenue/SW Cherry Park Road
8. SW Cherry Park Road/New Site Driveway 1
9. NE 242<sup>nd</sup> Drive/New Site Driveway 2

This report evaluates these transportation issues:

- Year 2017 existing transportation system conditions within the site vicinity during the weekday AM and PM peak periods;
- Year 2019 background traffic conditions (without the proposed development) during the weekday AM and PM peak periods;
- Year 2019 total traffic conditions (with full build-out and occupancy of the proposed development) during the weekday AM and PM peak periods;
- Forecast year 2040 traffic conditions during the weekday PM peak period assuming full build-out of a reasonable “worst case” development scenario under the existing zoning;
- Forecast year 2040 traffic conditions during the weekday PM peak period assuming full build-out of a reasonable “worst case” development scenario under the proposed zoning;
- On-site traffic operations and circulation.

## EXISTING CONDITIONS

The existing conditions analysis identifies the site conditions and current physical and operational characteristics of the roadways within the study area. These conditions will be compared with future conditions later in this report. KAI staff visited and inventoried the proposed development site and surrounding area in November 2017. At that time, KAI collected information regarding site conditions, adjacent land uses, existing traffic operations, and transportation facilities in the study area.

## SITE CONDITIONS AND ADJACENT LAND USES

The proposed development site is located within the Troutdale City limits, it is currently zoned as Single-Family Residential (R-5), and it is currently occupied by Fuji Farms fruit stand and one single-family residential home. Access to the fruit stand is provided by one ingress and one egress driveway along SW Cherry Park Road. Access to the single-family residential home is provided by one driveway along SW 18<sup>th</sup> Way. Adjacent land uses primarily include single family residential to the south and east. A shopping center is located to the north, across SW Cherry Park Road and an industrial park is located to the west, across SE 242<sup>nd</sup> Drive.

## TRANSPORTATION FACILITIES

Table 1 summarizes the characteristics of the existing transportation facilities in the study area.

**Table 1: Existing Transportation Facilities**

Roadway	Functional Classification <sup>1</sup>	Cross Section	Posted Speed (mph)	Sidewalk?	Bike Lanes?	Median?	On-Street Parking?
NE Halsey Street	Arterial <sup>1</sup>	3 Lanes	35	Yes	Yes	TWLTL	Partial
NE 238 <sup>th</sup> Drive	Arterial <sup>1</sup>	3-5 Lanes	35	Partial	Partial	No	No
NE 242 <sup>nd</sup> Drive	Arterial <sup>1</sup>	5 Lanes	35	Yes	Yes	TWLT/Raised	No
NE Glisan Street	Arterial <sup>1</sup>	5 Lanes	40	Yes	Yes	TWLT	No
SW Cherry Park Road	Collector <sup>1</sup>	3 Lanes	30	Yes	Yes	TWLTL	No
SW 18 <sup>th</sup> Way	Local Street <sup>2</sup>	2 Lanes	Not Posted	Yes	No	No	Yes
SW Sturges Lane	Neighborhood Collector <sup>2</sup>	2 Lanes	25	Yes	No	No	Yes
SW Berryessa Place	Local Street <sup>2</sup>	2 Lanes	25	Yes	No	No	Yes
SW 257 <sup>th</sup> Avenue	Arterial <sup>1</sup>	5 Lanes	40	Yes	Yes	TWLTL	No

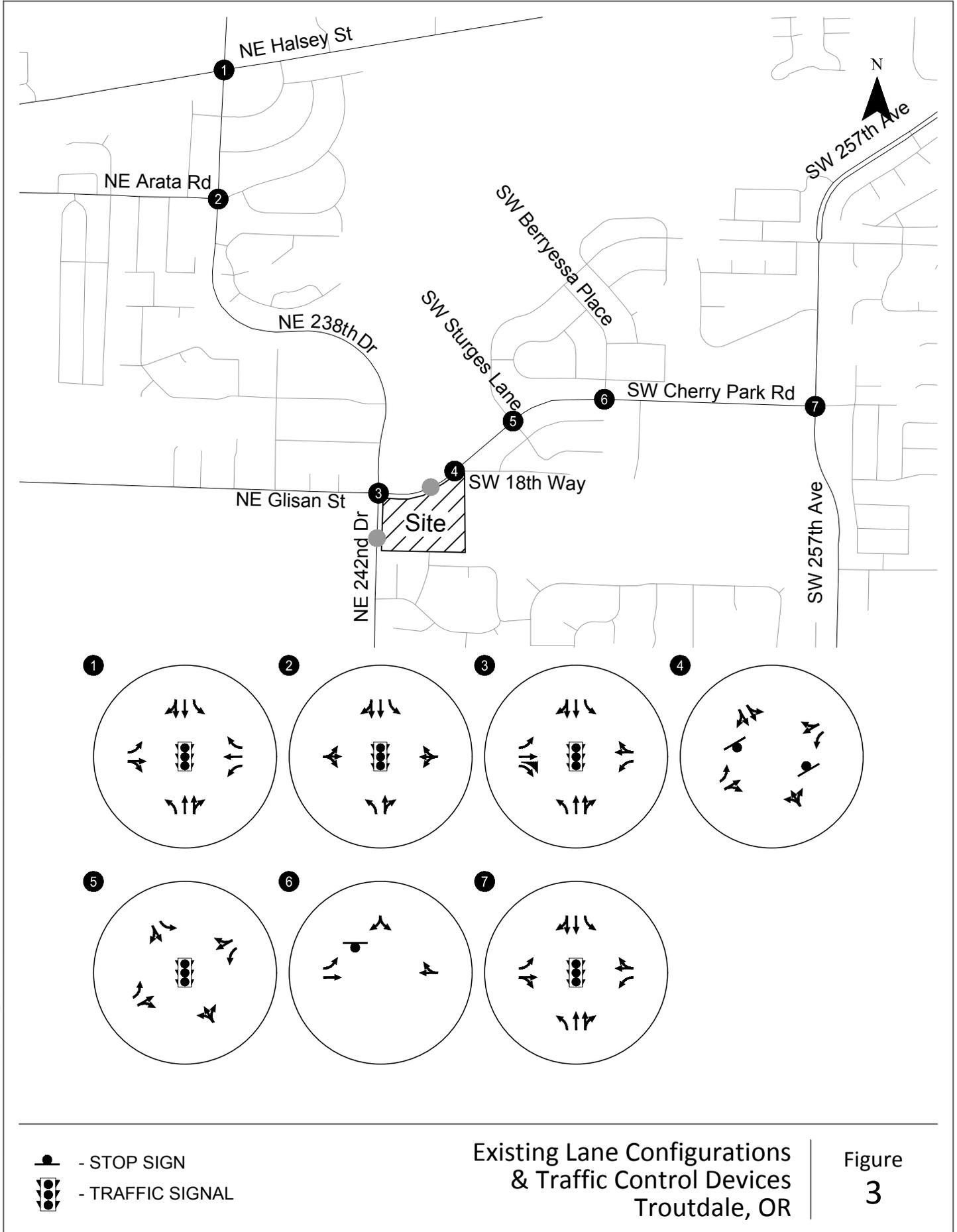
1. Per Multnomah County Transportation System Plan (TSP – Reference 1).

2. Per City of Troutdale Transportation System Plan (TSP – Reference 2).

TWLT: Two-way left-turn lane

## Roadway Facilities

NE 238<sup>th</sup> Drive connects to Interstate 84 (I-84) to the north and NE 242<sup>nd</sup> Drive connects to NE Burnside Road and OR 26 to the south. NE Glisan Street connects to Wood Village, Fairview, and Portland to the west and SW Cherry Park Road connects to Troutdale to the east. Figure 3 illustrates the existing lane configurations and traffic control devices at the study intersections.



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## Pedestrian Facilities

SW Cherry Park Road has continuous sidewalks on both sides of the street, including the site frontage; NE 242<sup>nd</sup> Drive has continuous sidewalks south of SW Cherry Park Road; however, there are gaps in sidewalk on NE 238<sup>th</sup> Drive, north of SW Cherry Park Road. Signalized crossings are provided at the NE 242<sup>nd</sup> Drive/SW Cherry Park Road and the SW Sturges Lane/SW Cherry Park Road intersections. Both crossings are pedestrian actuated with pedestrian pushbuttons and pedestrian heads.

SW Cherry Park Road has on-street bike lanes adjacent to the outside travel lane in each direction. NE 242<sup>nd</sup> Drive has on-street bike lanes adjacent to the outside travel lane in each direction, south of SW Cherry Park Road. However, there are gaps in the on-street bike lanes along NE 238<sup>th</sup> Drive, north of SW Cherry Park Road.

## Transit Facilities

Local transit service is currently not provided within the site vicinity. The closest service is provided along NE Halsey Street to the north (Line 77), SE Stark Street to the South (Line 20), and SW 257<sup>th</sup> Drive to the east (Line 81). Additional information on these services is provided below (Reference 3).

- TriMet Line 77 (Broadway/Halsey) provides service between Montgomery Park and Troutdale via NE Halsey Street, Monday through Friday from 6:00 AM to 11:00 PM. Limited service is provided on Saturday and Sunday. The closest transit stops for the route are located approximately one mile north of the site, near the NE 238<sup>th</sup> Drive/NE Halsey Street intersection.
- TriMet Line 20 (Burnside/Stark) provides service between the Beaverton Transit Center and Gresham Transit Center, through SW Portland, Portland City Center, SE Portland and Gresham via the SE Stark Street, Monday through Friday from 4:30 AM to 1:00 AM. Service is also provided from 5:45 AM to 12:45 AM on Saturday and Sunday. The closest transit stops for the route are located approximately one half mile south of the site, near the SE 242<sup>nd</sup> Drive/SE Stark Street intersection.
- TriMet Line 81 (Kane/257<sup>th</sup>) provides service between the Gresham Transit Center and Troutdale, via SW 257<sup>th</sup> Avenue, Monday through Friday from 6:30 AM to 6:00 PM. Service is not provided on Saturday or Sunday. The closest transit stops for the route are located approximately three quarters of a mile east of the site, near the SW 257<sup>th</sup> Avenue/SW Cherry Park Road intersection.

TriMet's Future Vision for Eastside Bus Service includes changes to two existing bus lines: Line 21 and Line 25. TriMet is planning to increase the frequency and hours of service on Line 21 and change the route to serve NE 238<sup>th</sup> Drive and NE 242<sup>nd</sup> Drive between Gresham Transit Center and NE Sandy Boulevard. TriMet is also planning to extend Line 25 to provide service to SW 257<sup>th</sup> along NE Glisan Street and SW Cherry Park Road and increase the frequency and hours of service.

## TRAFFIC VOLUMES AND PEAK HOUR OPERATIONS

Manual turning-movement counts were conducted at the study intersections in December 2017. All the counts were conducted on a typical mid-week day during the morning (7:00 to 9:00 AM) and evening (4:00 to 6:00 PM) peak time periods. The system-wide morning and evening peak hours were found to occur from 7:10 to 8:10 AM and 4:00 to 5:00 PM, respectively. Figure 4 summarizes the year 2017 turning-movement counts at the study intersections during the weekday AM and PM peak hours. *Appendix "A" contains the traffic count worksheets used in this study.*

## CURRENT LEVELS OF SERVICE

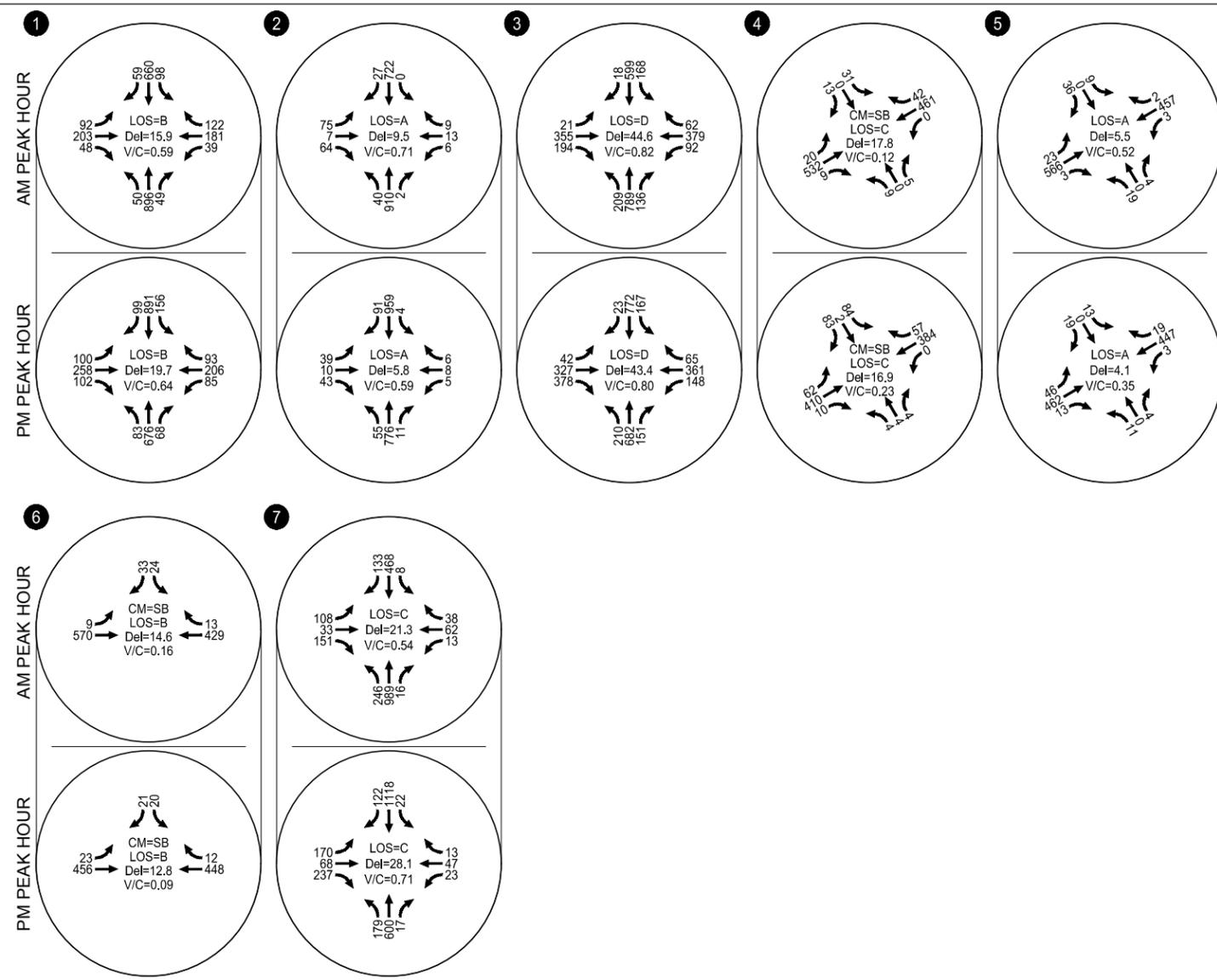
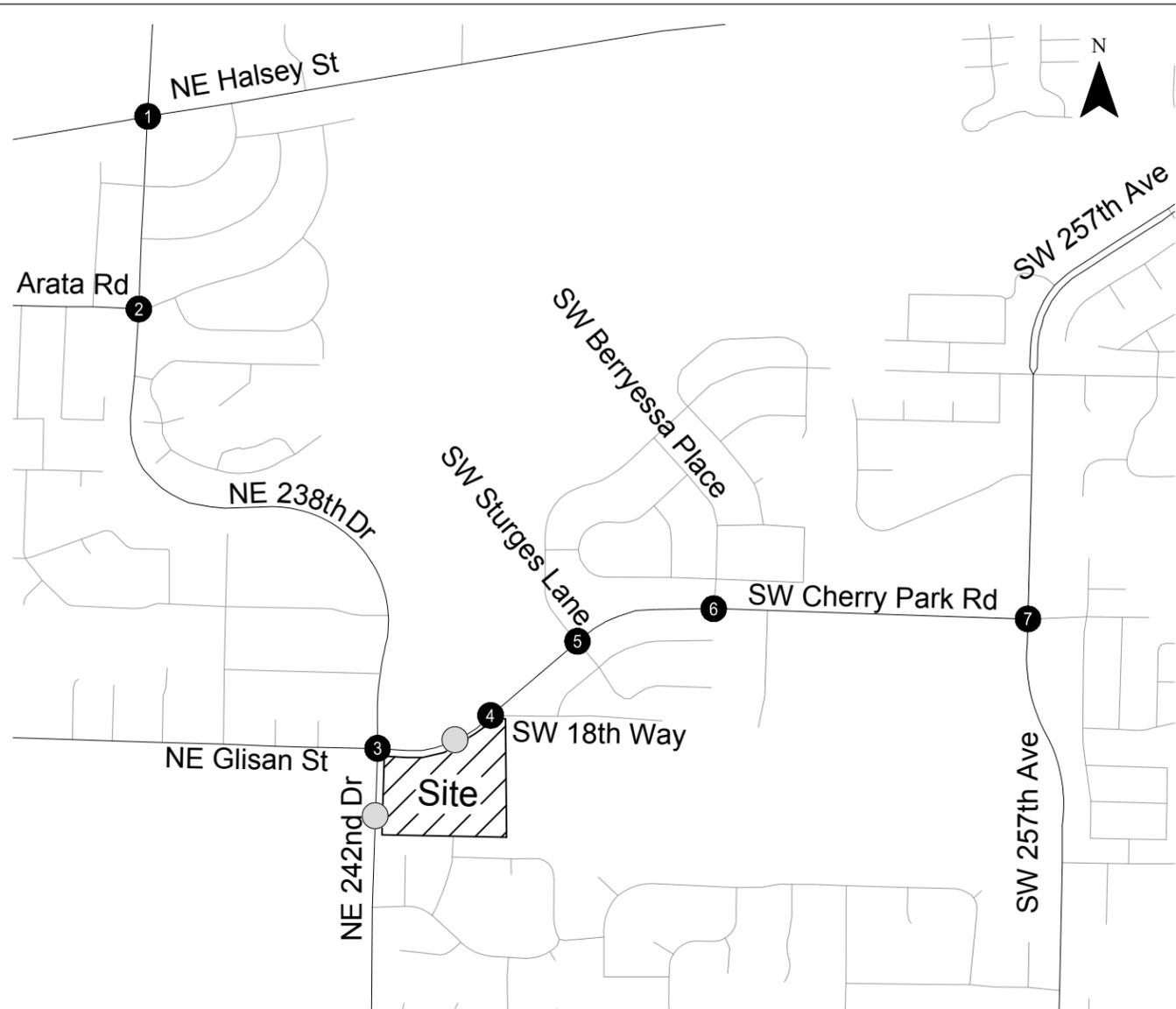
All level-of-service analyses described in this report were performed in accordance with the procedures stated in the *Highway Capacity Manual* (HCM – Reference 4). The HCM 2000 methodologies were used to evaluate traffic operations at the signalized intersections and the HCM 2010 methodologies were used to evaluate traffic operations at the unsignalized intersections. A description of level of service and the criteria by which they are determined is presented in Appendix "B". Appendix "B" also indicates how level of service is measured and what is generally considered an acceptable range.

Per Section 1.15 (Design Level of Service) of the Multnomah County Design and Construction Manual, *All new and improved arterials and major collectors in urban areas shall be designed to accommodate a level of service "D" or better during the design hour... In special circumstances, such as downtown central business districts or designated regional centers, level of service "E" might be acceptable for roadway design purposes, if approved by the County Engineer. Local streets intersecting arterials or collectors may be level of service "F" during the peak hour if approved by the County Engineer.*

All level-of-service analyses used the peak 15-minute flow rates that occurred during the weekday AM and PM peak hours. Using the peak 15-minute flow rates ensures that this analysis is based on a reasonable worst-case scenario. For this reason, the analysis reflects conditions that are only likely to occur for 15 minutes out of each average peak hour. The transportation system will likely operate under conditions better than those described in this report during all other time periods.

Figure 4 summarizes the results of the intersection operational analysis under existing traffic conditions. As shown, all the study intersections currently meet City and County operating standards during the weekday AM and PM peak. *Appendix "C" includes the year 2017 existing traffic conditions worksheets.*

It should be noted that field observations indicate that vehicle queues at the westbound approach to the NE 242<sup>nd</sup> Drive/SW Cherry Park Road intersection extend beyond SW 18<sup>th</sup> Way during peak time periods. The queue likely results in cycle failure at the westbound approach, which suggests some motorists may have to wait through two cycles to clear the intersection. Further evaluation of vehicle queues at the signalized intersections is provided below.



CM = CRITICAL MOVEMENT (UNSIGNALIZED)  
 LOS = INTERSECTION AVERAGE LEVEL OF SERVICE (SIGNALIZED)/  
 CRITICAL MOVEMENT LEVEL OF SERVICE (UNSIGNALIZED)  
 Del = INTERSECTION AVERAGE CONTROL DELAY (SIGNALIZED)/  
 CRITICAL MOVEMENT CONTROL DELAY (UNSIGNALIZED)  
 V/C = VOLUME-TO-CAPACITY RATIO

Existing Traffic Conditions  
 Weekday AM and PM Peak Hours  
 Troutdale, OR

Figure  
 4

## TRAFFIC SAFETY

The crash history of the study intersections was reviewed in an effort to identify potential safety issues. ODOT provided the five most recent years of crash data available for the study intersections, including January 1, 2011 through December 31, 2015. Table 2 summarizes the crash history of the study intersections over the five-year period.

**Table 2: Study Intersection Crash Summary (January 1, 2011 through December 31, 2015)**

Intersection	Crash Type					Crash Severity			Total	Crash Rates (Crashes /MEV)	ODOT 90 <sup>th</sup> Percentile Rate
	Rear-End	Turn	Angle	Ped/Bike	Other	PDO <sup>1</sup>	Injury	Fatality			
NE 238 <sup>th</sup> Drive/ NE Halsey Street	10	6	5			10	11		21	0.41	0.86
NE 238 <sup>th</sup> Drive/ NE Arata Road	7	5			2	7	7		14	0.38	0.86
NE 242 <sup>nd</sup> Drive/ SW Cherry Park Road	28	7	3		2	11	29		40	0.66	0.86
SW 18 <sup>th</sup> Way/ SW Cherry Park Road	2	2		1		1	4		5	0.25	0.41
SW Sturges Lane/ SW Cherry Park Road	2	1				1	2		3	0.16	0.86
SW Berryessa Place/ SW Cherry Park Road			1				1		1	0.06	0.29
SW 257 <sup>th</sup> Avenue SW Cherry Park Road	15	12	11	2	2	18	24		42	0.88	0.86

Source: ODOT  
 MEV=Million Entering Vehicles

The crash rates shown in Table 2 were compared to the 90<sup>th</sup> percentile rates for similar facilities shown in Table 4-1 of the ODOT APM. Per the APM, any intersection that has a crash rate equal to or greater than the corresponding 90<sup>th</sup> percentile rate is considered a high-risk intersection and is recommended for further review. Based on these criteria, one intersection is recommended for further review. *Appendix "D" contains the crash data provided by ODOT.*

### SW 257<sup>th</sup> Avenue/SW Cherry Park Road

As shown in Table 2, a total of 42 crashes were reported at the SW 257<sup>th</sup> Avenue/SW Cherry Park Road intersection over the five year period. Also, the majority of crashes were reported as rear-end, turn, and angle crashes. Of the rear-end crashes, the majority (6) involved southbound through vehicles following too closely and/or failing to avoid slowed or stopped vehicles in the roadway. Of the turn crashes, the majority (7) involved eastbound left and westbound through vehicles disregarding the traffic signal and/or failing to yield the right-of way to opposing vehicles. Of the angle crashes, the majority (9) involved northbound through and eastbound through vehicles disregarding the traffic signal. While these types of crashes are typical at congested signalized intersections, the County could consider the following mitigation measures to improve traffic safety:

- install protected or protected-permitted phasing at the eastbound and westbound approaches,
- increase the amount of all-red time from 1.0 seconds to 1.5 seconds at the eastbound and westbound approaches, and/or
- improve the signal hardware (i.e. lenses, reflective back plates, size, and number) to improve the visibility of the signal heads.

Additional mitigation measures are identified at the intersection later in this memorandum.

### Safety Priority Index System

The ODOT Safety Priority Index System (SPIS) was also reviewed in an effort to identify potential sites within the site vicinity where safety issues warrant further investigation. The SPIS was developed by ODOT to identify hazardous sites on state highways through consideration of crash frequency, crash rate, and crash severity. Sites identified within the top 5 percent are investigated by ODOT staff and reported to the Federal Highway Administration (FHWA). Per the most recent SPIS list, the NE 242<sup>nd</sup> Drive/SW Cherry Park Road intersection is within the top 5 percent of sites. A preliminary investigation report was not available at the time this report was completed; therefore, further evaluation of the crash data at the intersection is provided below.

As shown in Table 2, a total of 40 crashes were reported at the NE 242<sup>nd</sup> Drive /SW Cherry Park Road intersection over the five year period. Also, the majority of crashes (28) were reported as rear-end crashes. Of the rear-end crashes, the majority involved northbound through and westbound through vehicles following too closely and/or failing to avoid slowed or stopped vehicles in the roadway. Two additional crashes involved eastbound through vehicles colliding with a fixed object, presumably the raised median island. While these types of crashes are typical at congested signalized intersections, the County could consider the following mitigation measures to improve traffic safety:

- improve the signal hardware (i.e. lenses, reflective back plates, size, and number) to improve the visibility of the signal heads and/or
- install warning signs and/or directional signs within the raised median island at the eastbound approach.

Additional mitigation measures are identified at the intersection later in this memorandum.

## TRANSPORTATION IMPACT ANALYSIS

The transportation impact analysis identifies how the study area's transportation system will operate in the year the proposed development expansion is expected to be fully built, year 2019. The impact of traffic generated by the proposed development was examined as follows:

- Developments and transportation improvements planned in the site vicinity were identified.
- Year 2019 background traffic conditions (without the proposed development) were analyzed at the study intersections during the weekday AM and PM peak hours.
- Site-generated trips were estimated for full build-out and occupancy of the proposed development.
- Site trip-distribution patterns were derived after existing traffic patterns and the location of major trip origins and destinations in the Troutdale area were evaluated.
- Year 2019 total traffic conditions (with full build-out and occupancy of the proposed development) were analyzed at the study intersections and site-driveways during the weekday AM and PM peak hours.

## YEAR 2019 BACKGROUND TRAFFIC CONDITIONS

The year 2019 background traffic conditions analysis identifies how the study area's transportation system will operate without the proposed Eagle Ridge Apartment Homes. This analysis includes traffic attributed to planned developments within the study area and to general growth in the region, but does not include traffic from the proposed development.

### Planned Developments and Transportation Improvements

Per discussions with City staff, there are three developments within the site vicinity that could impact access to the proposed Eagle Ridge Apartment Homes: Glisan Corporate Park, Estates at South Riverwood, and Wood Village Rezone.

- Glisan Corporate Park – A new industrial park is currently under construction along the south side of NE Glisan Street, west of the site. The new industrial park will include approximately 509,172 square-feet of gross floor area. The trips associated with the industrial park were included in the 2019 background traffic conditions analysis as in-process traffic.
- Estates at South Riverwood – A new 44 unit single-family housing development is currently under construction along the east side of NE Wood Village Boulevard in the Wood Village Town Center, west of the site. The trips associated with the homes were included in the 2019 background traffic conditions analysis as in-process traffic.
- Wood Village Rezone – The lot located in the northwest corner of the NE 238th Drive/NE Halsey Street intersection, which currently contains the Wood Village City Hall and several acres of undeveloped open space, is being rezoned to neighborhood commercial (NC). This

rezone is currently under consideration, with construction not occurring for several years. Therefore, the trips associated with a reasonable “worst-case” development scenario under the NC zoning were included in the year 2040 background traffic conditions analysis as in-process traffic.

Figure 5 illustrates the in-process traffic associated with the planned developments during the weekday AM and PM peak hours.

Based on discussions with City and County staff, the only transportation improvement identified within the study area is the NE 238<sup>th</sup> Drive Improvements Project. The project involves widening NE 238<sup>th</sup> Drive from NE Holladay Street to NE Arata Road to accommodate a 14-foot southbound (uphill) lane with a 12-foot passing lane, a 15-foot northbound lane, 10-foot shared paths for walking and biking on both sides, and improved drainage and vegetation. The project is intended to make it easier for trucks to navigate the curves on this section of NE 238<sup>th</sup> Drive as well as improve access for other modes.

### Traffic Volumes

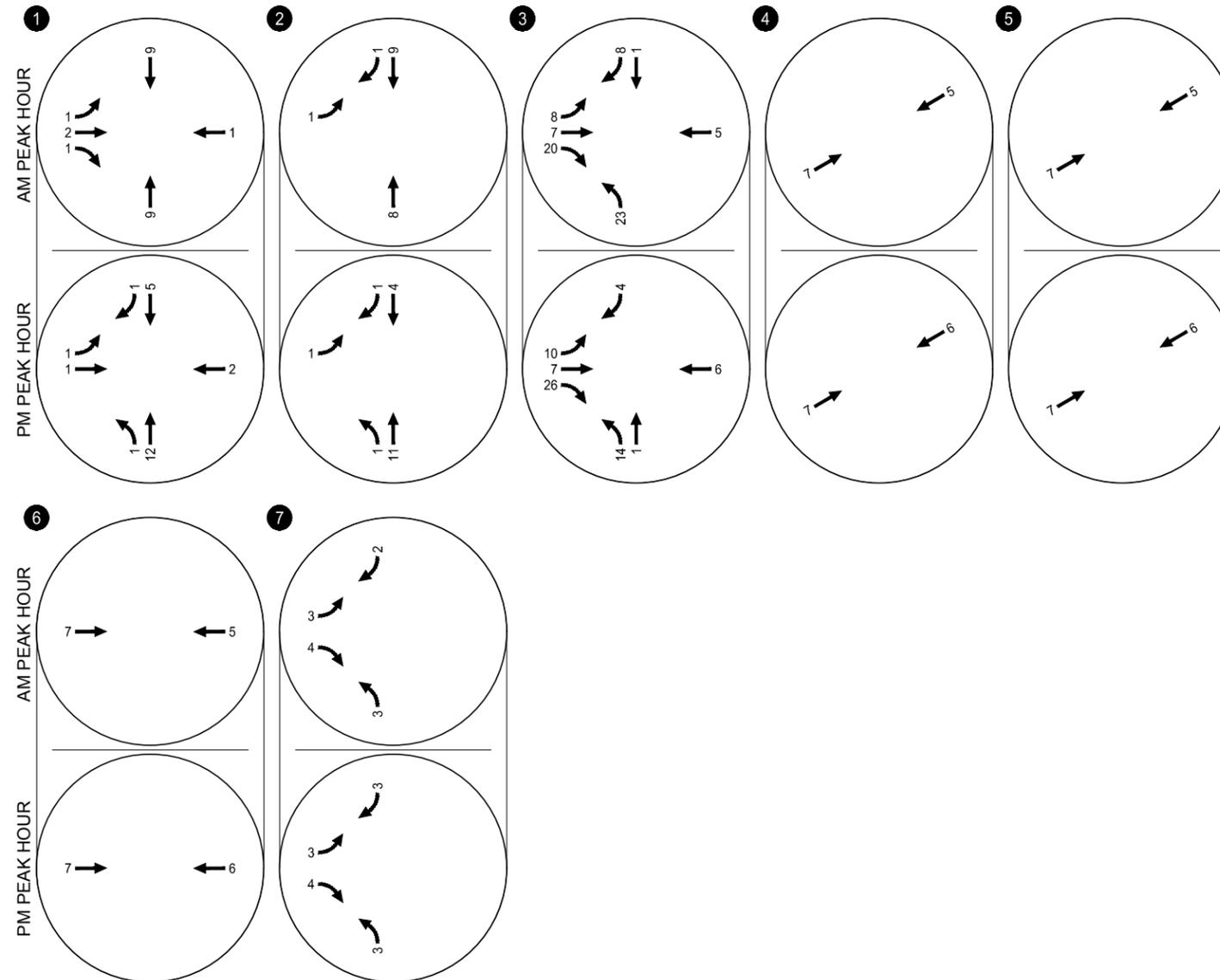
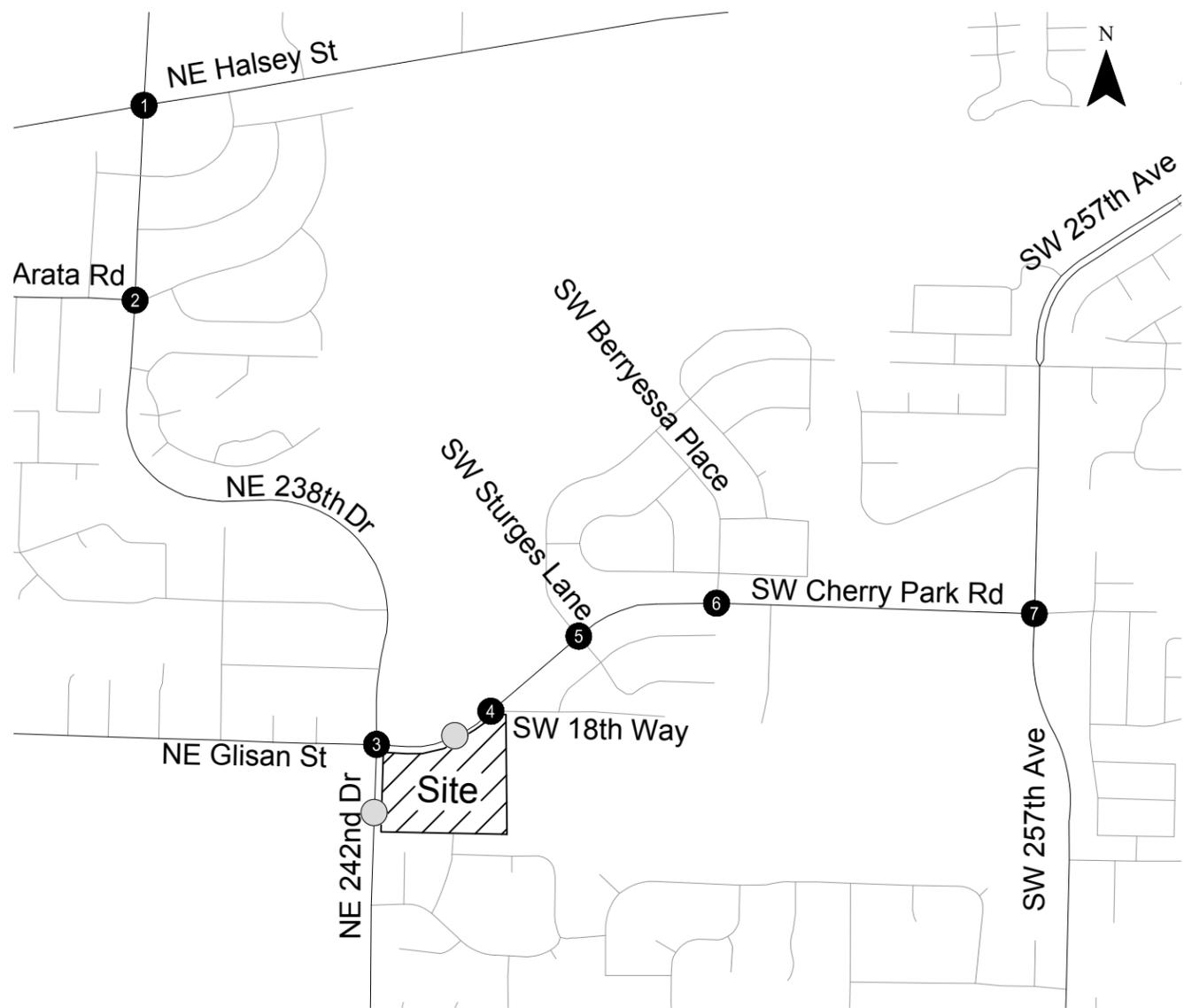
The growth rate used in this analysis was determined based data provided in Metro’s Travel Demand Model for the SW 242<sup>nd</sup> Drive/SW Cherry Park Road intersection. The data shows an increase in total entering volumes at the intersection of approximately 1.25 percent per year over the 30 year period between 2010 and 2040. Therefore, the year 2019 background traffic volumes were developed by applying a 2.5 percent growth rate (1.25 percent per year for two years) to the existing traffic volumes shown in Figure 4 and adding the in-process traffic volumes shown in Figure 5. Figure 6 illustrates the resulting forecast year 2019 background traffic volumes during the weekday AM and PM peak hours.

### Level-of-Service Analysis

The weekday AM and PM peak-hour turning-movement volumes shown in Figure 6 were used to conduct an operational analysis at the study intersections to determine the year 2019 background traffic conditions. As shown, all of the study intersections are forecast to meet City and County operating standards during the weekday AM and PM peak hours. *Appendix “E” includes the year 2019 background traffic conditions worksheets.*

## PROPOSED DEVELOPMENT PLAN

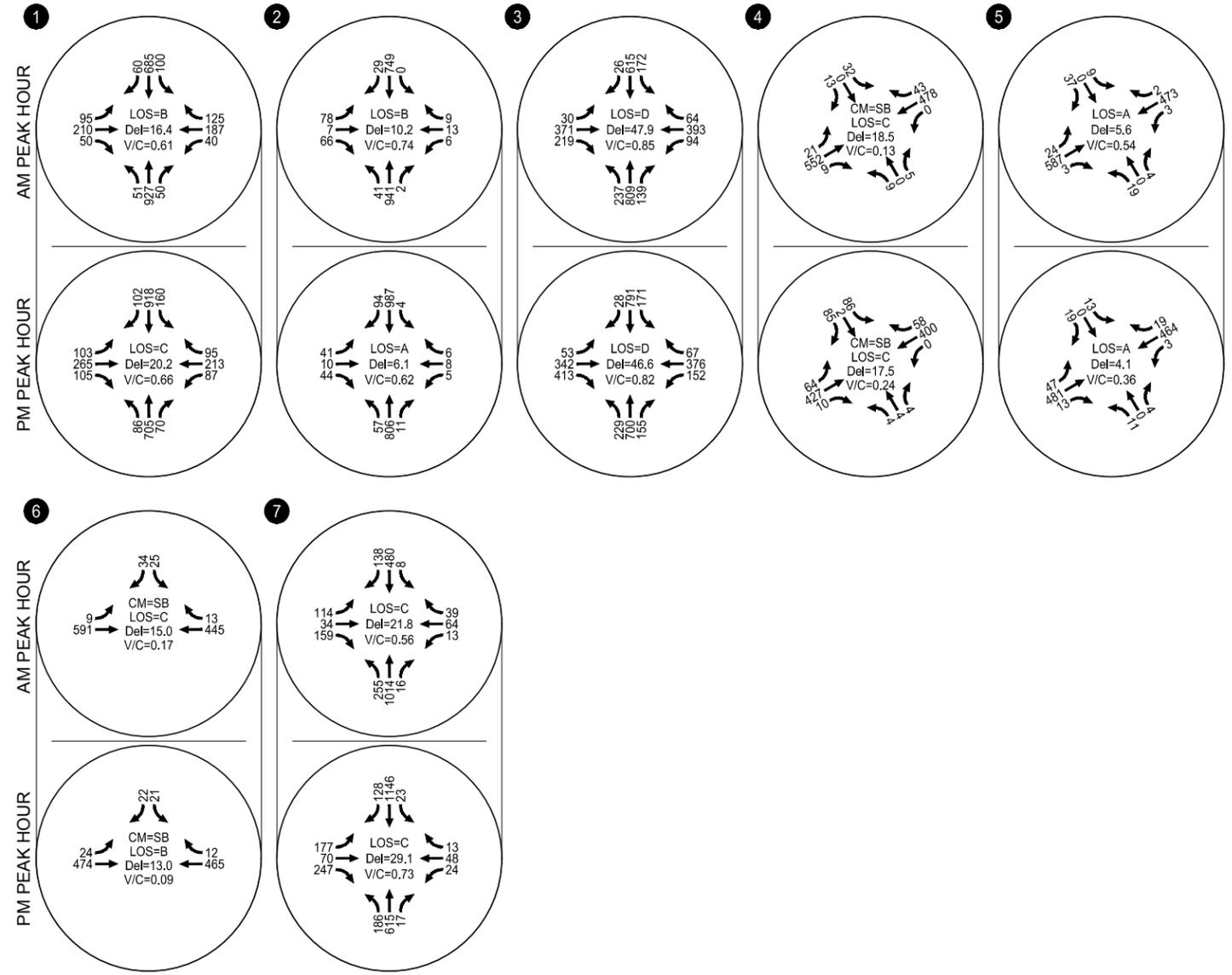
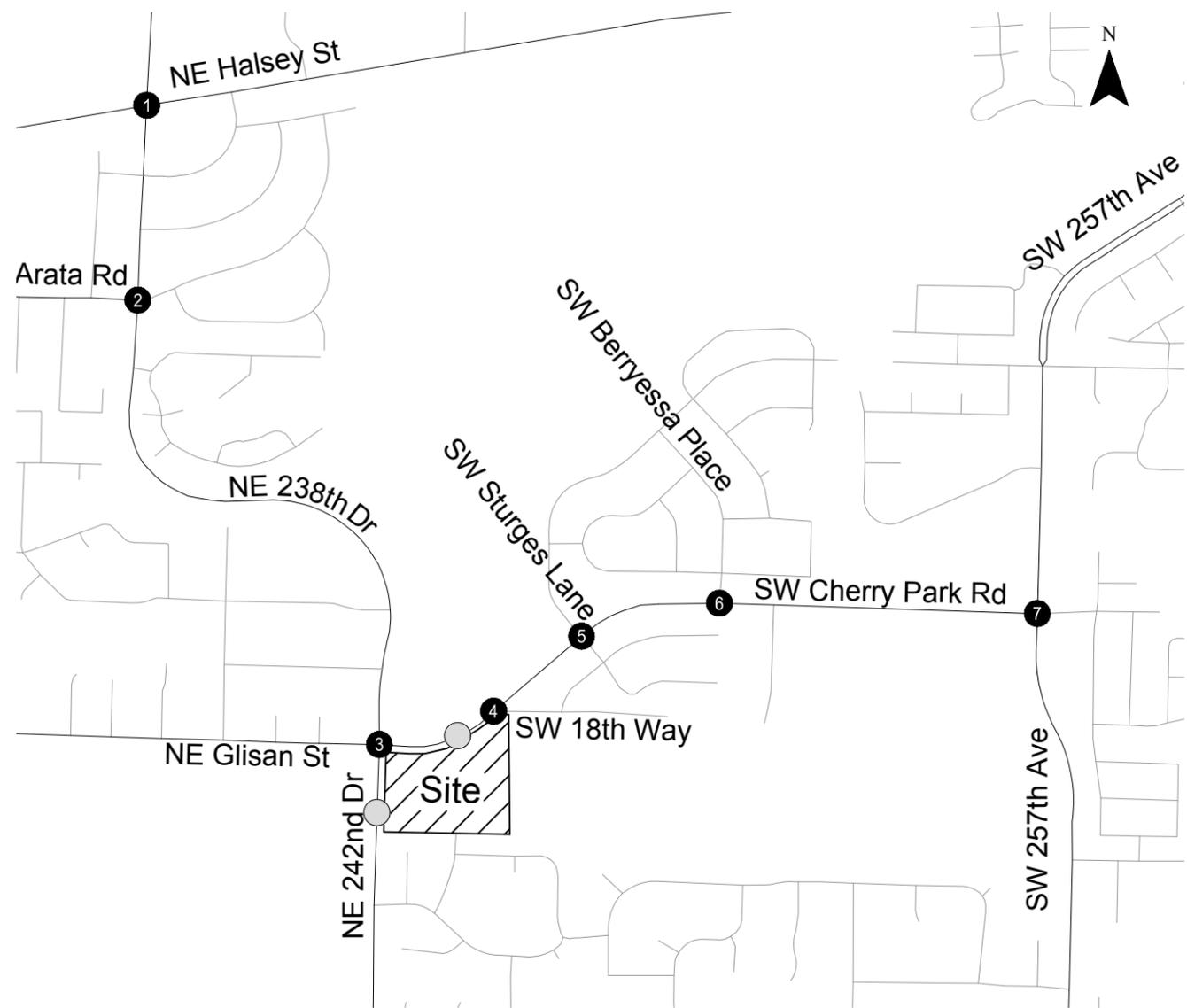
The proposed Eagle Ridge Apartment Homes plan includes construction of 216 apartments units and 504 parking stalls as well as a clubhouse and pool for residents of the development. Access to the proposed development will be provided via two new driveways: one located along NE 242<sup>nd</sup> Drive, approximately 340 feet south of SW Cherry Park Road, and one located along SW Cherry Park Road, approximately 420 feet east of NE 242<sup>nd</sup> Drive. The driveway located along SW Cherry Park Road will align with the shopping center driveway on the north side of the roadway. Construction of the proposed development is expected to occur in 2018 with full build-out and occupancy in 2019.



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Year 2019 In-process Traffic  
Weekday AM and PM Peak Hours  
Troutdale, OR

Figure  
5



CM = CRITICAL MOVEMENT (UNSIGNALIZED)  
 LOS = INTERSECTION AVERAGE LEVEL OF SERVICE (SIGNALIZED)/  
 CRITICAL MOVEMENT LEVEL OF SERVICE (UNSIGNALIZED)  
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Year 2019 Background Traffic Conditions  
 Weekday AM and PM Peak Hours  
 Troutdale, OR

Figure  
 6

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## Trip Generation

A trip generation estimate was prepared for the proposed Eagle Ridge Apartment Homes based on information provided in the standard reference manual, *Trip Generation, 9<sup>th</sup> Edition*, published by the Institute of Transportation Engineers (ITE – Reference 5). ITE Land Use Code 220 (Apartments) was selected as a basis for the estimate. Table 3 summarizes the trip generation estimate for the daily, weekday AM, and weekday PM peak time periods.

**Table 3: Trip Generation Estimate**

Land Use	ITE Code	Size (Units)	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Apartments	220	216	1,434	110	22	88	136	88	48

## Trip Distribution/Assignment

A trip distribution pattern was developed for the proposed development based on existing traffic patterns and the location of major trip origins and destinations in the Troutdale area. Figure 7 illustrates the estimated trip distribution pattern.

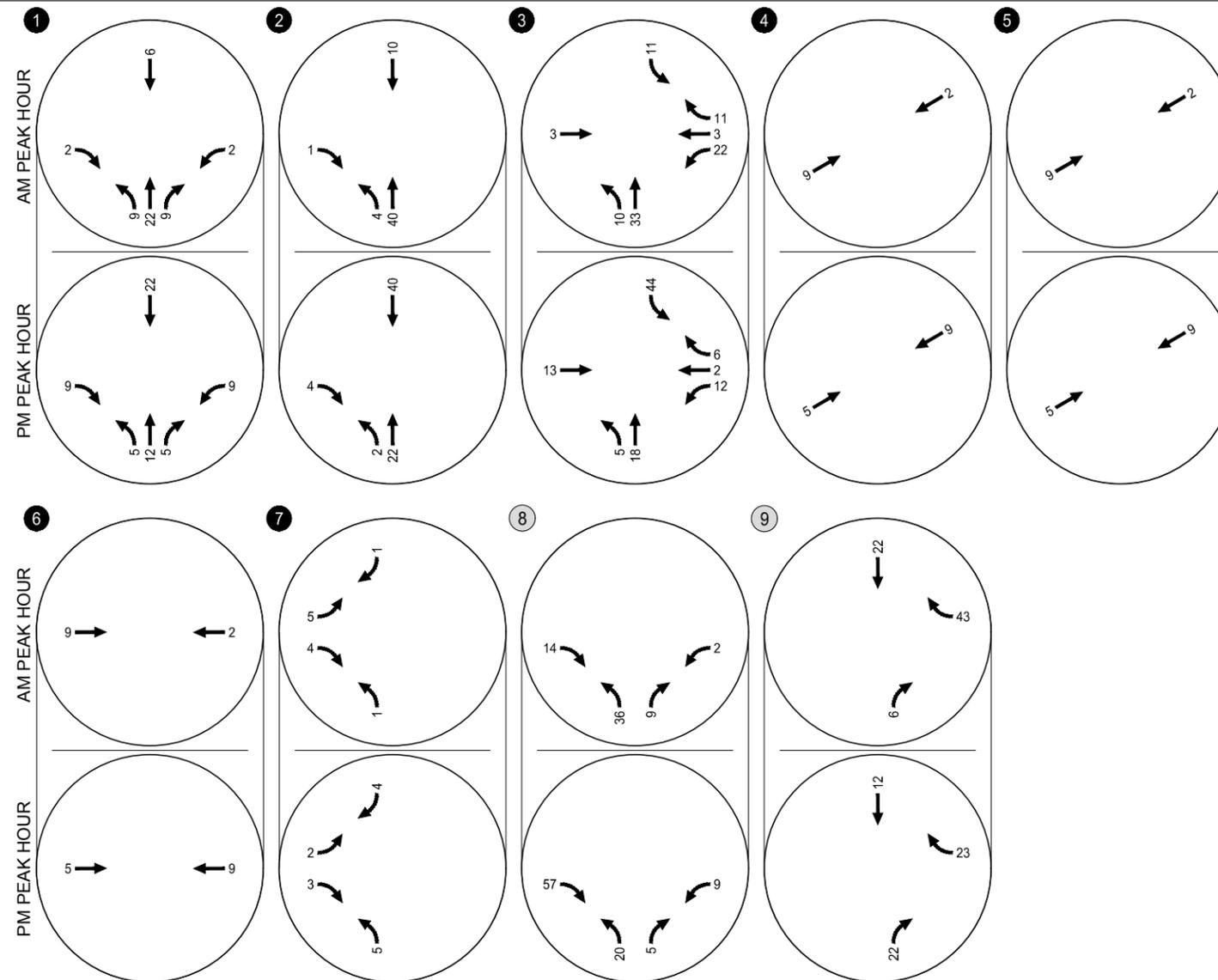
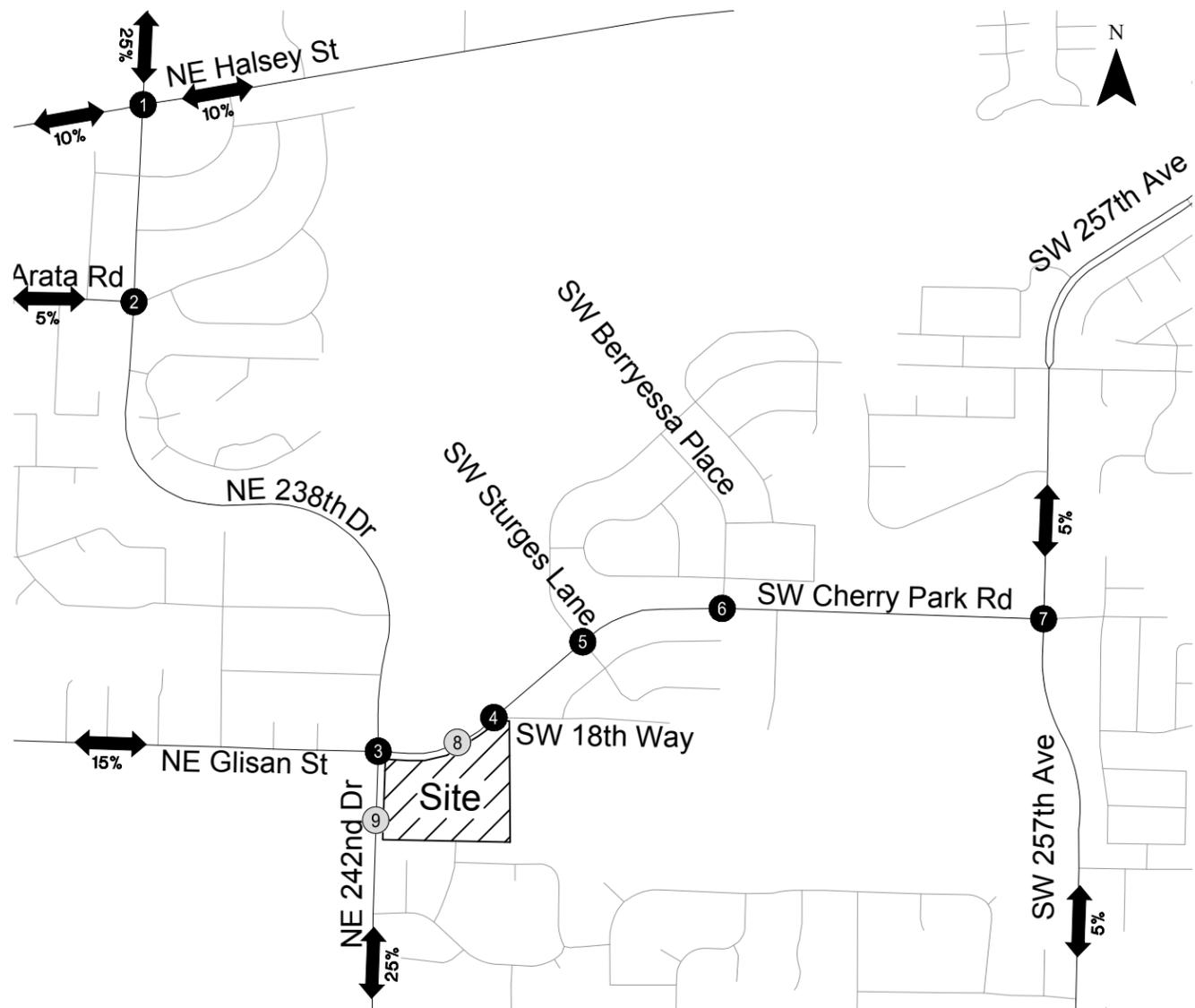
The site-generated trips shown in Table 3 were distributed to the study area roadways and assigned to the study intersection according to the trip distribution pattern shown in Figure 7. Figure 7 also illustrates the estimated trip distribution pattern and assignment of site-generated trips at the study intersections during the weekday AM and PM peak hours.

## YEAR 2019 TOTAL TRAFFIC CONDITIONS

The year 2019 total traffic conditions analysis forecasts how the study area’s transportation system will operate with the traffic generated by the proposed Eagle Ridge Apartment Homes. The year 2019 background traffic volumes shown in Figure 6 were added to the site-generated traffic shown in Figure 7 to arrive at the total traffic volumes shown in Figure 8.

## Level of Service Analysis

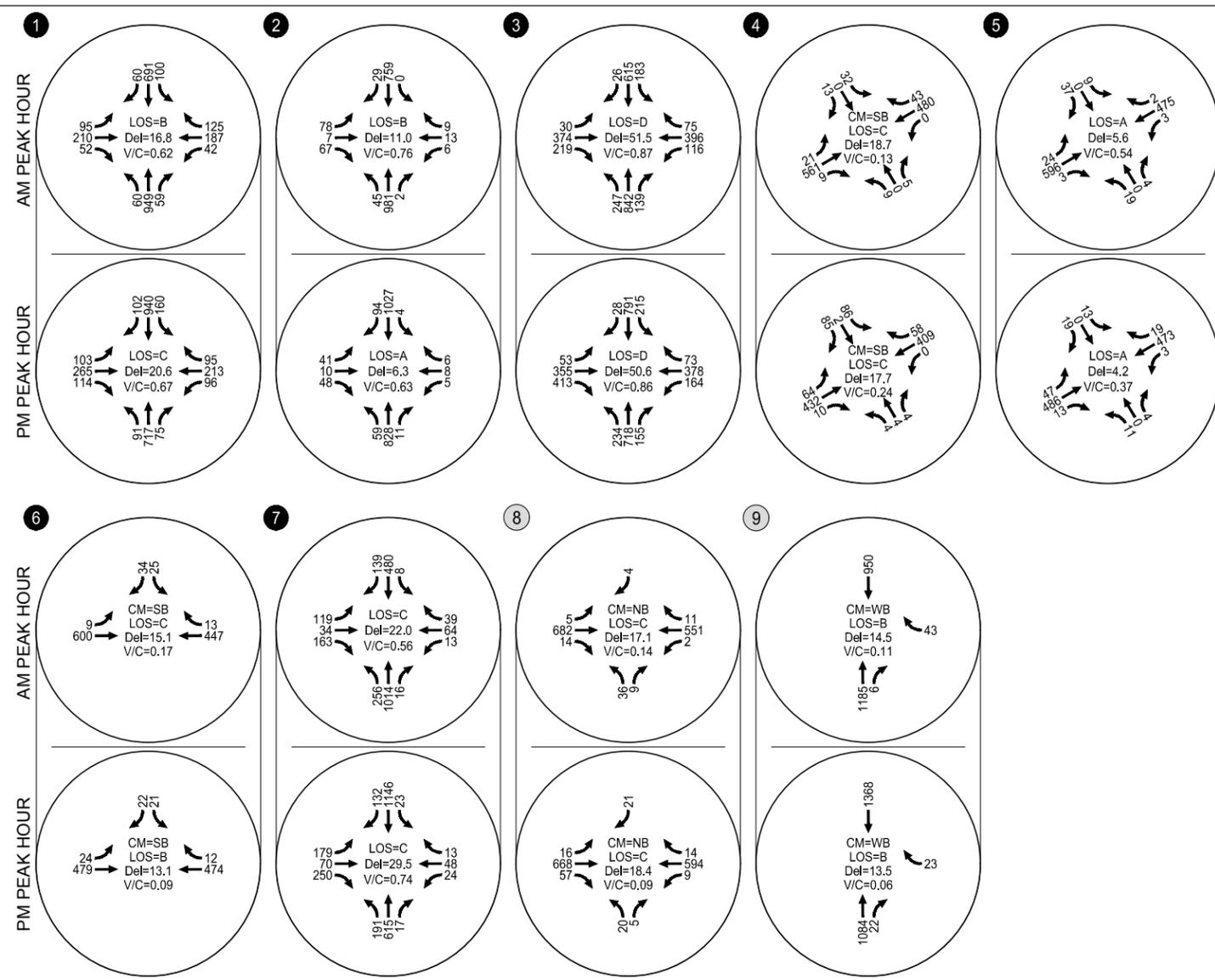
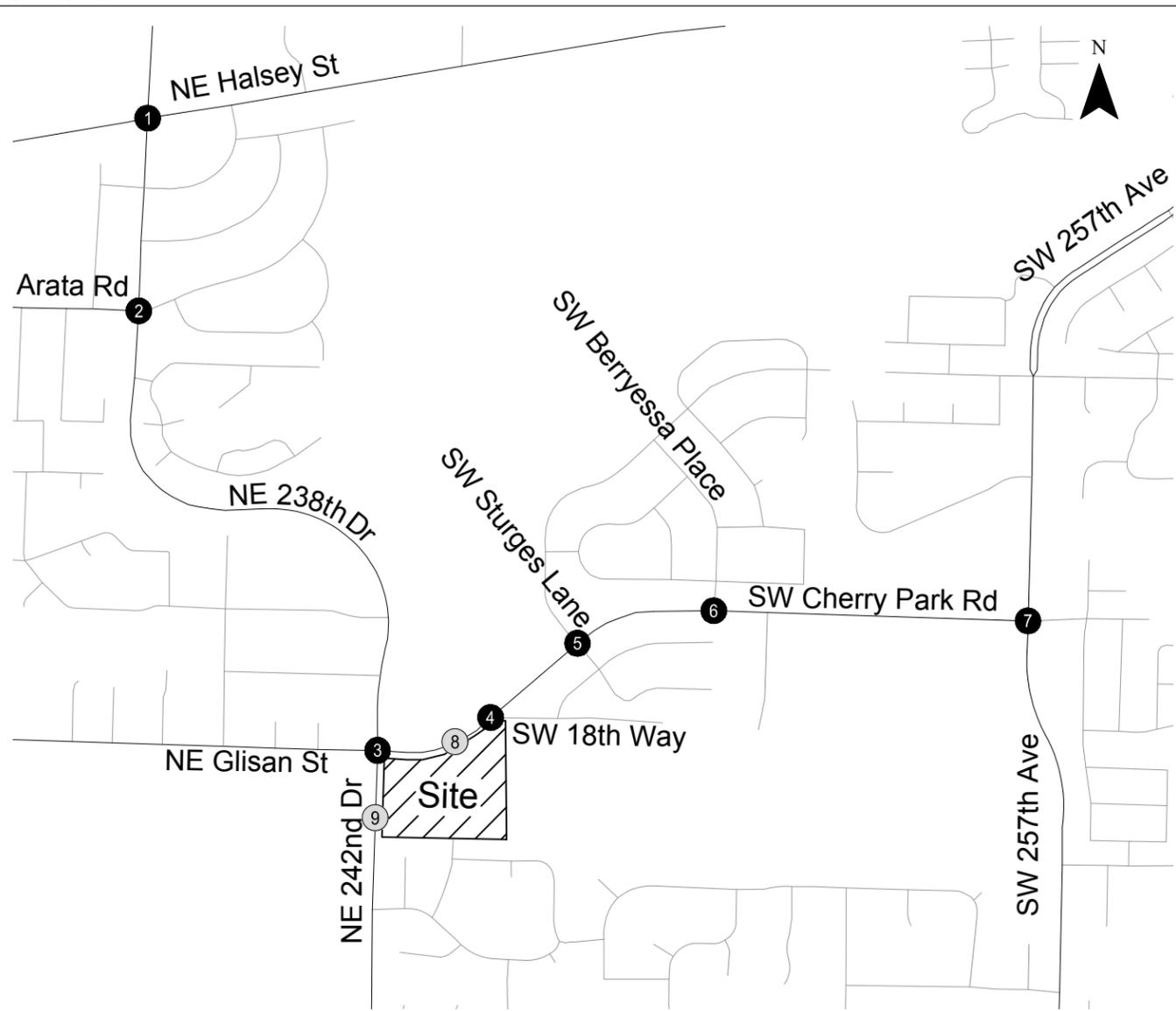
The weekday AM and PM peak hour turning-movement volumes shown in Figure 8 were used to conduct an operational analysis at the study intersections to determine the year 2019 total traffic conditions. As shown, all of the study intersections are forecast to meet City and County operating standards during the weekday AM and PM peak hours. *Appendix “F” includes the year 2019 total traffic conditions worksheets.*



Estimated Trip Distribution Pattern & Site-Generated Trips Troutdale, OR

Figure 7

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CM = CRITICAL MOVEMENT (UNSIGNALIZED)  
 LOS = INTERSECTION AVERAGE LEVEL OF SERVICE (SIGNALIZED)/  
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 V/C = VOLUME-TO-CAPACITY RATIO

Year 2019 Total Traffic Conditions  
 Weekday AM and PM Peak Hours  
 Troutdale, OR

Figure 8

## Queueing Analysis

A queueing analysis was conducted at the signalized study intersections using Synchro 9. Table 4 summarizes the reported 95<sup>th</sup> percentile queues during the weekday AM and PM peak hours under year 2019 background and year 2019 total traffic conditions. The vehicle queue and storage lengths were rounded up to the nearest 25-feet. The storage lengths reflect the striped storage for each movement at the intersections.

**Table 4: Year 2019 Queueing Analysis**

Intersection	Movement	Year 2019 Background Traffic Conditions		Year 2019 Total Traffic Conditions		Storage Length (feet)	Adequate?
		Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday AM Peak Hour	Weekday PM Peak Hour		
NE 238 <sup>th</sup> Drive NE Halsey street	NBL	50	100	75	125	200	Yes
	SBL	50	75	50	75	200	Yes
	EBL	100	125	125	125	200	Yes
	WBL	50	125	75	#150	250	Yes
	WBR	75	50	75	50	150	Yes
NE 238 <sup>th</sup> Drive/ NE Arata Road	NBL	25	50	25	50	100	Yes
	SBL	0	25	0	25	100	Yes
NE 242 <sup>nd</sup> Drive/ SW Cherry Park Road	NBL	#400	#400	#450	#400	275	<b>No</b>
	SBL	#325	#350	#375	#475	200	<b>No</b>
	EBL	75	125	75	125	150	Yes
	EBR	0	0	0	0	125	Yes
	WBL	175	275	200	275	175	<b>No</b>
SW Sturges Lane/ SW Cherry Park Road	SBL	25	25	25	25	100	Yes
	EBL	25	50	25	50	200	Yes
	WBL	25	25	25	25	200	Yes
SW 257 <sup>th</sup> Drive/SW Cherry Park Road	NBL	275	250	275	250	150	<b>No</b>
	SBL	25	50	25	50	175	Yes
	EBL	150	225	150	225	175	<b>No</b>
	WBL	25	50	25	50	75	Yes

Where WB = Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, R = Right  
 #: 95<sup>th</sup> percentile volume exceeds capacity, queue may be longer.

As shown in Table 4, the majority of 95<sup>th</sup> percentile queues can be accommodated by the available storage with the following exceptions:

- The northbound left, southbound left, and westbound left-turn queues at the NE 242<sup>nd</sup> Drive/SW Cherry Park Road intersection are expected to exceed the available storage during the weekday AM and PM peak hours.
  - Approximately 150-feet of additional storage is available within the TWLT lane at the westbound approach.
  - An additional 150 feet of storage is available in the TWLTL before potentially blocking access to retail driveway on northside of SW Cherry Park Road.

- The eastbound left and northbound left-turn queues at the SW 257<sup>th</sup> Drive/SW Cherry Park Road intersection are expected to exceed the available storage during the weekday AM and PM peak hours.
  - Additional storage is available within the TWLT lane at the eastbound and northbound approaches.

## TRANSPORTATION PLANNING RULE (TPR) ANALYSIS

The Transportation Planning Rule (TPR) analysis evaluates the impacts associated with the proposed zone change and comprehensive plan amendment on the adjacent transportation system. As indicated previously, development of the apartments will require a zone change and comprehensive plan amendment from Single-Family Residential (R-5) to Apartment Residential (A-2).

Per Oregon Administrative Rule 660-012-0060 (the Transportation Planning Rule), a zone change cannot create an unmitigated significant effect on an existing or planned transportation facility. If there is a significant effect, it must be mitigated within the planning horizon. The TPR requires a study period of 15 years or consistency with the Transportation System Plan (TSP) planning horizon, whichever is greater. Though the planning horizon for the Troutdale TSP is 2035, Metro has updated their travel demand model since the TSP was completed to reflect 2040 conditions. Those conditions also reflect recent changes in the city as well as within the region that could impact access to the site. Therefore, the planning horizon for the proposed zone change is 2040.

## LAND-USE DEVELOPMENT SCENARIO

Reasonable “worst case” development scenarios were prepared for the proposed development site based on an evaluation of the land uses allowed under the existing and proposed zoning. As indicated previously, the proposed zone change will modify the current zoning designation from Single-Family Residential (R-5) to Apartment Residential (A-2). Per the City’s Development Code, the existing R-5 zoning designation allows for a minimum lot size of 5,000 square-feet per dwelling unit while the proposed A-2 zoning designation allows for a minimum lot size of 2,000 square-feet per dwelling unit. Therefore, a reasonable worst-case development scenario under the existing zoning is approximately 76 single family homes and a reasonable worst case scenario under the proposed zoning is 216 apartment units (192 units plus 24 U/A), which is consistent with the proposed development plan.

### Trip Generation Estimate

Trip generation estimates were prepared for the existing and proposed zoning designations based on information provided by ITE. Table 5 summarizes the net new daily, weekday AM, and weekday PM peak hour trips associated with the proposed zone change and comprehensive plan amendment.

**Table 5: Trip Generation Estimate**

Land Use	ITE Code	Dwelling Units	Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
<b>Existing R-5 Zoning</b>						
Single-Family Detached Housing	210	76	816	82	52	30
<b>Existing A-2 Zoning</b>						
Apartments	220	216	1,434	136	88	48
Proposed Zoning - Existing Zoning			+618	+54	+36	+18

As shown in Table 5, the proposed zone change and comprehensive plan amendment is expected to result in an increase in the trip generation potential of the proposed development site. Therefore, a long-term analysis was conducted to determine if the increase has a significant effect on the adjacent transportation system.

## YEAR 2040 EXISTING AND PROPOSED ZONING TRAFFIC CONDITIONS

This section identifies how the study area's transportation system will operate in 2040 under the existing and proposed zoning scenarios. All year 2040 analyses include traffic attributed to the proposed Wood Village rezone project described above.

### Traffic Volumes

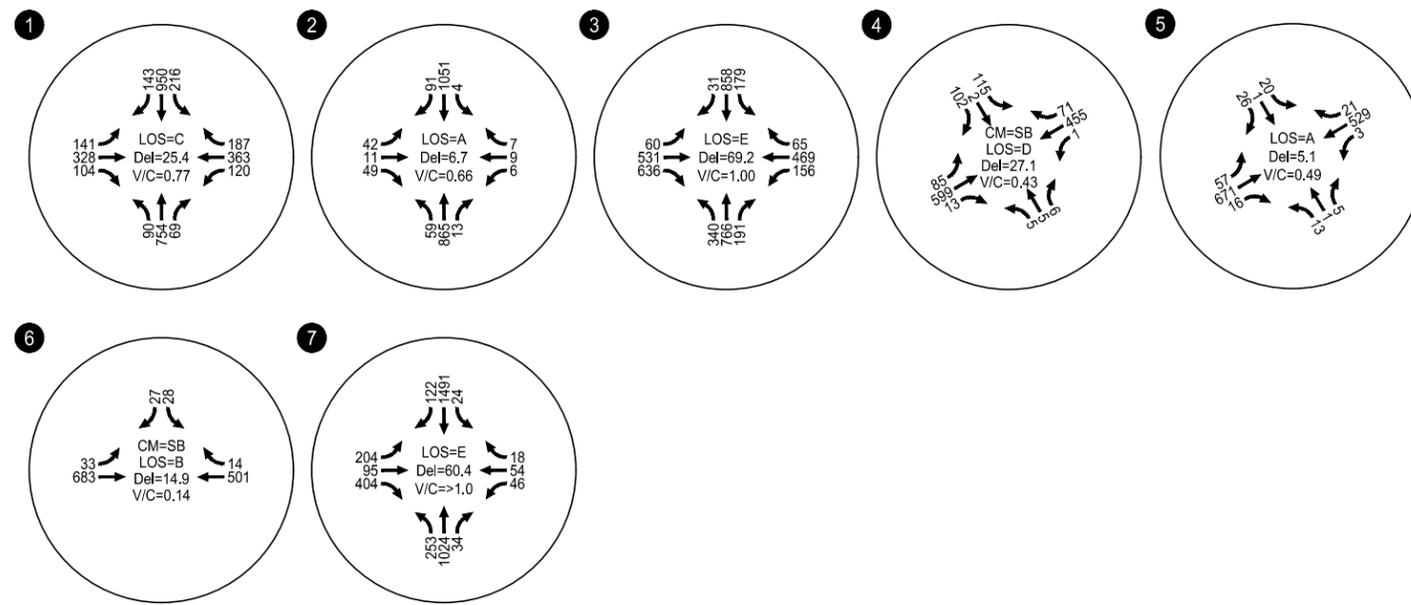
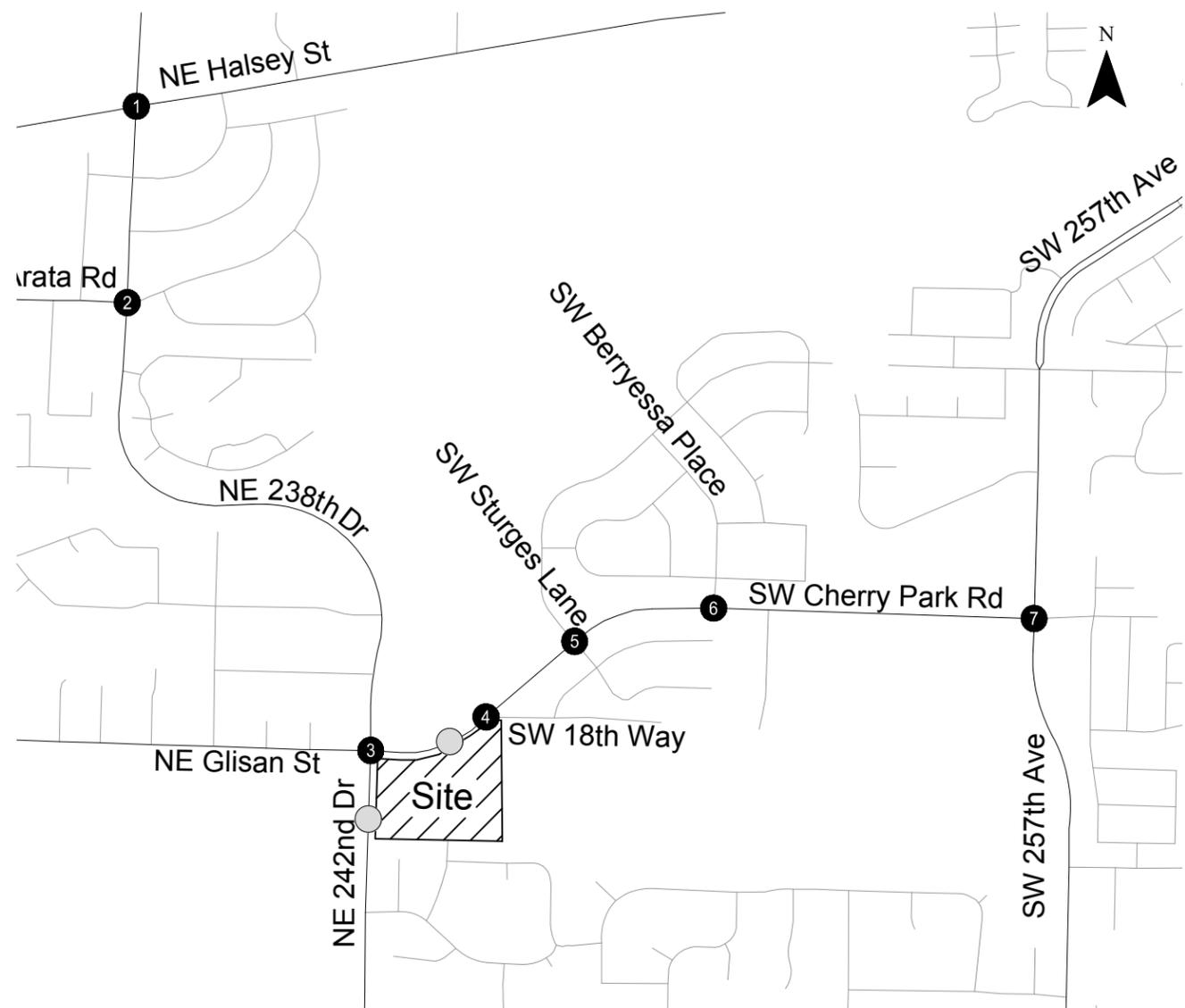
Year 2040 existing zoning traffic volumes were developed for the study intersections based on the existing traffic counts and information provided in Metro's travel demand model for the study area. The travel demand model provides base year 2010 and forecast year 2040 traffic volume projections for the weekday PM peak hour that reflect anticipated land use changes and planned transportation improvements within the study area. The year 2040 existing zoning traffic volumes were developed by applying the post-processing methodology presented in the National Cooperative Highway Research Program (NCHRP) Report 255 *Highway Traffic Data for Urbanized Area Project Planning and Design*, in conjunction with engineering judgment and knowledge of the study area. The year 2040 proposed zoning traffic volumes were developed by adding the incremental increase in traffic volumes associated with the proposed zone change and comprehensive plan amendment as shown in Table 5. *Appendix "G" contains the travel demand model data provided by Metro.*

### Level-of-Service Analysis

Figures 9 and 10 illustrate the forecast year 2040 traffic volumes and operations under the existing and proposed zoning scenarios, respectively. As shown, all of the study intersections are forecast to meet City and County operating standards during the weekday PM peak hour with the exception of the NE 242<sup>nd</sup> Drive/SW Cherry Park Road and SW 257<sup>th</sup> Ave/ SW Cherry Park Road intersections. Further details are provided below. *Appendix "H" contains the year 2040 existing zoning traffic conditions worksheets. Appendix "I" contains the year 2040 proposed zoning traffic conditions worksheets.*

#### **NE 242<sup>nd</sup> Drive/SW Cherry Park Road**

The NE 242<sup>nd</sup> Drive/SW Cherry Park Road intersection is forecast to operate at LOS E during the weekday PM peak hour under the existing and proposed zoning scenarios; however, delay is expected to increase from 69.2 seconds under the current zoning to 71.5 seconds under the proposed zoning. In order to mitigate the increase in delay and avoid further degradation to the transportation system, several potential mitigation measures were considered. Ultimately, modifying the traffic signal to allow for protective-permissive phasing for the eastbound and westbound left-turn movements was selected for implementation. With this modification, the intersection is expected to operate at LOS E with 55.9 seconds of delay. With the proposed mitigation, the proposed zone change and comprehensive plan amendment will result in no further degradation to the transportation system.

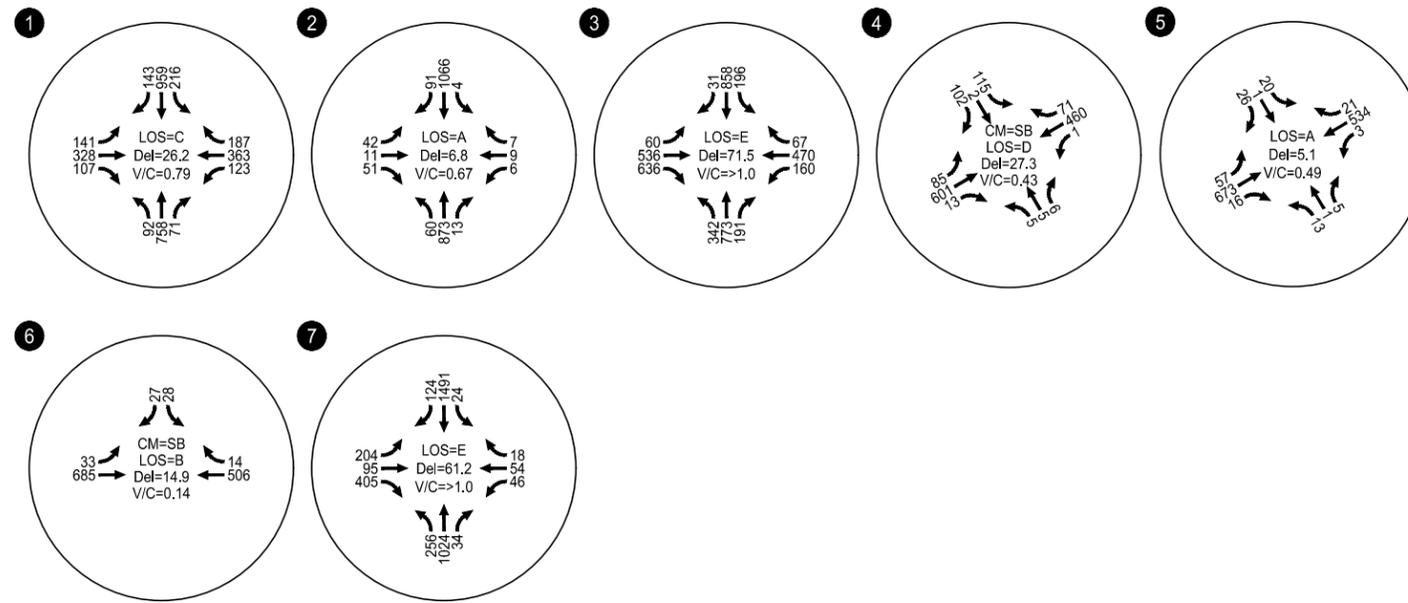
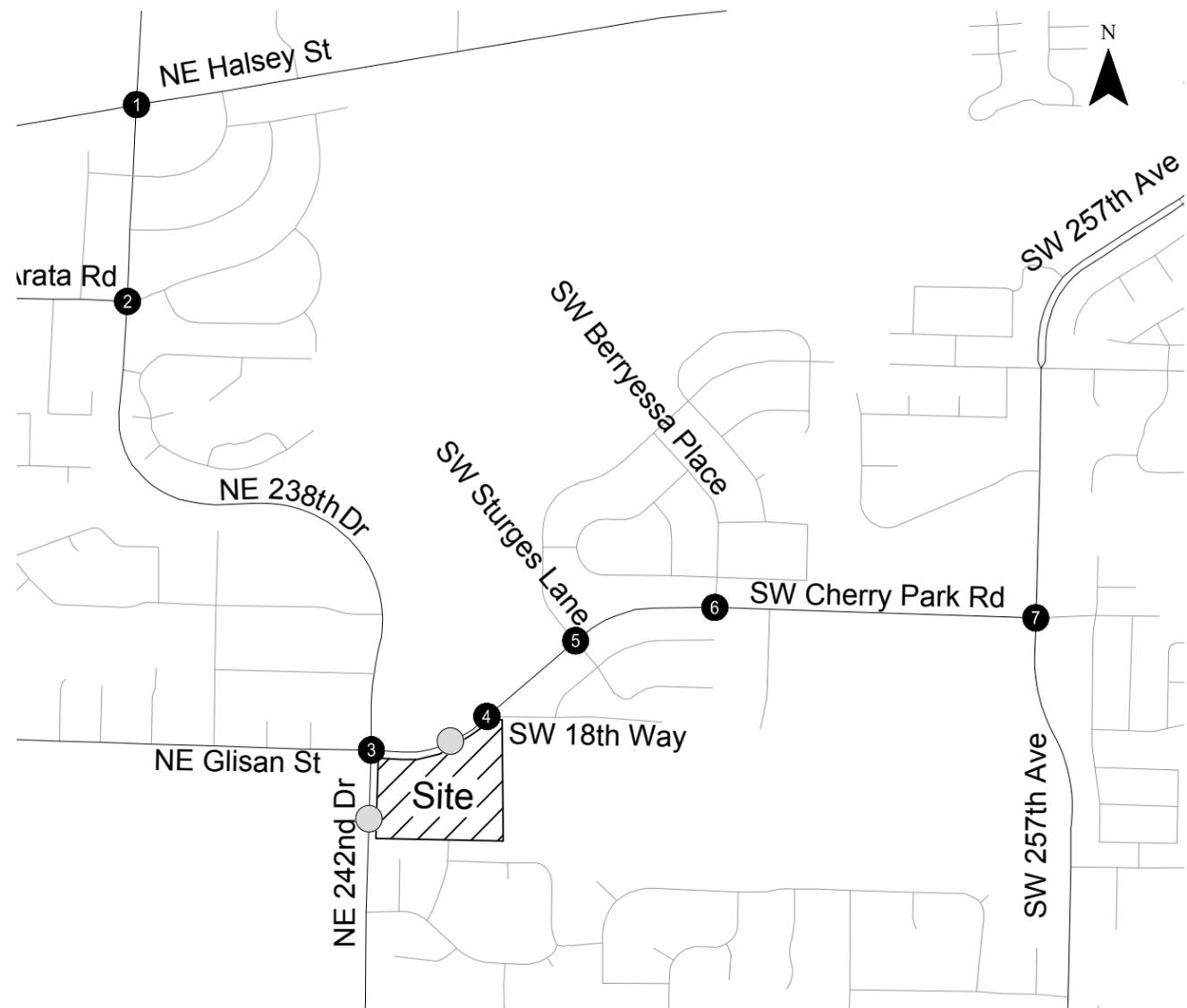


CM = CRITICAL MOVEMENT (UNSIGNALIZED)  
 LOS = INTERSECTION AVERAGE LEVEL OF SERVICE (SIGNALIZED)/  
 CRITICAL MOVEMENT LEVEL OF SERVICE (UNSIGNALIZED)  
 Del = INTERSECTION AVERAGE CONTROL DELAY (SIGNALIZED)/  
 CRITICAL MOVEMENT CONTROL DELAY (UNSIGNALIZED)  
 V/C = VOLUME-TO-CAPACITY RATIO

Year 2040 Existing Zoning Traffic Conditions  
 Weekday PM Peak Hour  
 Troutdale, OR

Figure  
 9

H:\2121417 - Cherry Park Residential\dwgs\Figs\21417\_Fig2.dwg Apr 19, 2018 - 11:27am - mbell Layout Tab: Fig09



CM = CRITICAL MOVEMENT (UNSIGNALIZED)  
 LOS = INTERSECTION AVERAGE LEVEL OF SERVICE (SIGNALIZED)/  
 CRITICAL MOVEMENT LEVEL OF SERVICE (UNSIGNALIZED)  
 Del = INTERSECTION AVERAGE CONTROL DELAY (SIGNALIZED)/  
 CRITICAL MOVEMENT CONTROL DELAY (UNSIGNALIZED)  
 V/C = VOLUME-TO-CAPACITY RATIO

Year 2040 Proposed Zoning Traffic Conditions  
 Weekday PM Peak Hour  
 Troutdale, OR

Figure  
 10

H:\2121417 - Cherry Park Residential\dwgs\Figs\21417\_Fig2.dwg Apr 19, 2018 - 11:28am - mbell Layout Tab: Fig10

***SW 257<sup>th</sup> Ave/ SW Cherry Park Road***

The SW 257<sup>th</sup> Avenue/SW Cherry Park Road intersection is forecast to operate at LOS E during the weekday PM peak hour under the existing and proposed zoning scenarios; however, delay is expected to increase from 60.4 seconds under the current zoning to 61.2 seconds under the proposed zoning. In order to mitigate the increase in delay and avoid further degradation to the transportation system, several potential mitigation measures were considered. Ultimately, modifying the traffic signal to allow for protective-permissive phasing for the northbound and southbound left-turn movements was selected for implementation. With this modification, the intersection is expected to operate at LOS D with 50.1 seconds of delay. With the proposed mitigation, the proposed zone change and comprehensive plan amendment will result in no further degradation to the transportation system.

*Appendix "J" contains the year 2040 proposed zoning traffic conditions worksheets with the mitigation measures.*

# POLICY ANALYSIS

## TRANSPORTATION PLANNING RULE ANALYSIS

Approval of the proposed zone change and comprehensive plan amendment is dependent in part upon meeting the criteria outlined in the TPR. Table 6 summarizes the criteria identified in the TPR and their applicability to the proposed zone change.

**Table 6: TPR Criteria & Applicability Assessment**

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant impact.	Yes
2	Describes measures for complying with Criteria #1 where a significant impact is determined.	Yes
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	No
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood	No
9	Indicates that there is not a significant affect if the proposed zoning is consistent with existing plans	No
10	Defines a multi-modal mixed-use area (MMA) and the requirements that support it.	No
11	Encourages establishment of traded-sector jobs	No

As noted in Table 6, there are two criteria that apply to the proposed zone change. The criteria are provided below in italics with our response shown in standard font.

*(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

*(b) Change standards implementing a functional classification system; or*

*(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

*(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

**Response:** The results of the TPR analysis for the proposed Eagle Ridge Apartment Homes indicate that the proposed zone change and comprehensive plan amendment is expected to result in a net increase in the trip generation potential of the site during a typical weekday and during the weekday PM peak hours. Further, in comparing the existing and proposed zoning scenarios, the delay, level of service (LOS), and v/c ratios at multiple intersection are expected to increase assuming buildout of a reasonable “worst case” scenario under the proposed zoning. Therefore, the proposed zone change and comprehensive plan amendment will result in a significant effect on the transportation system.

*(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.*

*(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

*(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*

*(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

*(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.*

*(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:*

*(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;*

*(B) The providers of facilities being improved at other locations provide written statements of approval; and*

*(C) The local jurisdictions where facilities are being improved provide written statements of approval.*

**Response:** Potential mitigating measures at the NE 242<sup>nd</sup> Drive/SW Cherry Park Road and SW 257<sup>th</sup> Avenue/SW Cherry Park Road intersections are identified above. With the mitigation measures, the NE 242<sup>nd</sup> Drive/SW Cherry Park Road intersection will continue to operate at LOS E; however, delay will be below year 2040 existing zoning conditions. In addition, with the mitigation measures, the SW 257<sup>th</sup> Avenue/SW Cherry Park Road intersection will operate at LOS D and delay will be below year 2040 existing zoning conditions. Therefore, there will be no further degradation to the transportation system

## CONCLUSIONS AND RECOMMENDATIONS

The results of the traffic impact analysis indicate that the proposed Eagle Ridge Apartment Homes can be constructed while maintaining safe and acceptable traffic operations at the study intersections and site-access driveways assuming provision of the recommended mitigation measures. The findings of this analysis and our recommendations are discussed below.

## FINDINGS

### Existing Traffic Conditions

- All of the study intersections currently meet City and County standards during the weekday AM and PM peak hours.
- A review of historical crash records indicates that the observed crash rates at all of the study intersections are below 90<sup>th</sup> percentile rates for similar facilities with the exception of the SW 257<sup>th</sup> Avenue/SW Cherry Park Road intersection. The County could consider the following mitigation measures:
  - install protected or protected-permitted phasing at the eastbound and westbound approaches,
  - increase the amount of all-red time from 1.0 seconds to 1.5 seconds at the eastbound and westbound approaches, and/or
  - improve the signal hardware (i.e. lenses, reflective back plates, size, and number) to increase the visibility of the signal heads.
- A review of ODOT SPIS data indicates that the NE 242<sup>nd</sup> Drive/SW Cherry Park Road intersection is within the top 5 percent of SPIS sites. The County could consider the following mitigation measures:
  - improve the signal hardware (i.e. lenses, reflective back plates, size, and number) to improve the visibility of the signal heads and/or
  - install warning signs and/or directional signs within the raised median island at the eastbound approach.

### Year 2019 Background Traffic Conditions

- The trips associated with the Glisan Corporate Park and Estates and Riverwood developments were included in the year 2019 background traffic analysis as in-process traffic.
- The potential impacts associated with the NE 238<sup>th</sup> Drive Improvement project were considered in the year 2019 background traffic conditions analysis.
- All of the study intersections are forecast to meet City and County standards during the weekday AM and PM peak hours.

## Proposed Development

- The proposed Eagle Ridge Apartment Homes will include 216 apartment units and 504 parking stalls as well as a clubhouse and pool for residents of the development.
- Access to the proposed development will be provided via two new driveways: one located along NE 242<sup>nd</sup> Drive, approximately 340 feet south of SW Cherry Park Road, and one located along SW Cherry Park Road, approximately 420 feet east of NE 242<sup>nd</sup> Drive.
- The proposed development is expected to generate approximately 1,434 daily trips, including 110 trips (22 inbound, 88 outbound) during the weekday AM peak hour and 136 trips (88 inbound, 48 outbound) during the weekday PM peak hour.

## Year 2019 Total Traffic Conditions

- All of the study intersections are forecast to meet City and County standards during the weekday AM and PM peak hours.

## Transportation Planning Rule Analysis

- The land uses associated with the proposed Eagle Ridge Apartment Homes are not permitted per the current zoning; therefore, Sheldon Development is proposing to rezone the property from R-5 (Single-Family Residential) to A-2 (Apartment Residential).
  - The reasonable “worst case” development scenario selected for the existing R-5 zoning is 76 single family homes.
  - The reasonable worst case development scenario for the proposed A-2 zoning would be 216 apartments.
- Trip generation estimates prepared for the reasonable “worst case” scenarios indicate that the proposed zone change and comprehensive plan amendment is expected to result in an increase in the trip generation potential of the study site.
- All of the study intersections are forecast to operate acceptably under year 2040 existing and proposed zoning traffic conditions with the following exceptions:
  - The NE 242<sup>nd</sup> Drive/SW Cherry Park Road intersection is forecast to operate at LOS E under the existing and proposed zoning scenarios; however, delay is expected to increase from 69.2 seconds under the current zoning to 71.5 seconds under the proposed zoning. Potential mitigation measures include modifying the traffic signal to allow for protective-permissive phasing for the eastbound and westbound left-turn movements.
  - The SW 257<sup>th</sup> Avenue/SW Cherry Park Road intersection is forecast to operate at LOS E under the existing and proposed zoning scenarios; however, delay is expected to increase from 60.4 seconds under the current zoning to 61.2 seconds under the proposed zoning. Potential mitigation measures include modifying the traffic signal

to allow for protective-permissive phasing for the northbound and southbound left-turn movements.

## Policy Analysis

- The Transportation Planning Rule Review indicates that the proposed zone change and comprehensive plan amendment will result in a significant effect on the transportation system. However, with the mitigation measures, there will be no further degradation to the transportation system.

## RECOMMENDATIONS

The following list summarizes the mitigation measures recommended as part of this proposed development.

- Construct site-access driveways per Multnomah County standards.
- Control the site-access driveway along NE 242<sup>nd</sup> Drive to right-in/right-out only.
- Modify the traffic signal at the NE 242<sup>nd</sup> Drive/SW Cherry Park Road intersection to allow for protective-permissive phasing for the eastbound and westbound left-turn movements.
- Modify the traffic signal at the SW 257<sup>th</sup> Avenue/SW Cherry Park Road intersection to allow for protective-permissive phasing for the northbound and southbound left-turn movements.
- Locate and maintain all future landscaping, above-ground utilities, and site signage to provide adequate sight-distance at the site driveways.

We trust this memorandum adequately addresses the traffic impacts associated with the Eagle Ridge Apartment Homes. Please contact us if you have any questions or comments regarding the contents of this analysis.

## REFERENCES

1. Multnomah County. *Transportation System Plan*. 2016.
2. City of Troutdale. *Transportation System Plan*. 2011.
3. Trimet. <https://trimet.org/>. Accessed February 2018.
4. Transportation Research Board. *Highway Capacity Manual*. 2000.
5. Institute of Transportation Engineers. *Trip Generation Manual, 9<sup>th</sup> Edition*. 2012.



# Exhibit C

10/9/18 Council Mtg. Item #5

**From:** probascoconstruction  
**To:** [planning](#)  
**Date:** Monday, May 7, 2018 8:01:47 AM

---

Hello there

I live in the Cherry Ridge neighborhood and I wanted to let you know that I am in support of the apartments

1st reason why?

It is not a low income apartments

2nd reason why?

They are going to have their own security

3rd reason why?

It will increase the property value around Troutdale

4th Reason why?

It will bring \$45 million to the area by building those apartments

How do I know all of this, well believe it or not this world is getting smaller and smaller

I renovated a customer house and it happened to be on of his friend

I had mentioned that I live in Troutdale and he mentioned that they are planning to build apartments on 242nd and Glisan

I immediately told him that I support the building of the apartments

He had told me some of the facts about the apartments and the more I listened the more I was for it

Why do I believe him because he is a friend of my customer.

Thanks

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

# APPLIED ECOSYSTEM SERVICES, INC.

Integrity · Credibility · Innovation

2404 SW 22<sup>nd</sup> Street  
Troutdale, OR 97060-1247  
Voice: 503-667-4517  
Fax: 503-667-8863  
E-mail: info@appl-ecosys.com

May 7, 2018

Troutdale City Planning Commission  
219 East Columbia River Highway  
Troutdale, OR 97060

RE: Comments on File No. 18-017 Carey Sheldon Development: Land Use Plan and Zoning Map Amendments

Gentlemen:

As a Troutdale resident and professional services business owner for more than 25 years I strongly object to the proposed amendments to the city's comprehensive land use and zoning district maps. The Commission should reject these changes and require either moderate density residential or professional services development on this site. I have three reasons for my objection: inappropriate to existing residential use; lack of nearby public transportation; and high traffic levels.

## 1. Residential use

There is no high-density/apartment residential housing in the area bounded by SE Stark Street on the south to SW Sturgis Lane on the north, and 242nd Drive on the west to 257th Avenue on the east. These are all single family, single story (or split-level) houses. A multi-story, multiple family apartment complex on the 6.88 acres at the corner of SW 242nd Drive and Cherry Park Road is incompatible with the extensive current zoning and use of a large area in the southwest corner of Troutdale. Building a dense, multi-story apartment complex so different from the adjacent residential area could significantly lower appraised values and selling prices of these existing single family houses.

## 2. Public transportation

Neighboring cities focus placement of high-density apartment complexes adjacent to, or immediately nearby, public transportation: Tri-Met bus lines or Max light rail tracks. The east terminus of the Max line is approximately 2 miles away and the nearest bus stops to the corner of SW Cherry Park Road and SW 242nd Drive are at SW 242nd Drive and NE Stark Street (approximately 0.6 miles to the south, in Gresham), NE 238th Drive and NE Halsey Street (approximately 1.0 mile to the north, in Wood Village), and NE Fairview/223rd Avenue and NE Glisan Street (approximately 1.0 mile west in Gresham/Fairview). There is no public transportation available in this corner of Troutdale. It would be better public policy to site high-density apartment developments along bus routes rather than on this corner.

## 3. Traffic

SW 242nd Drive is the major route to Mt. Hood and areas east of the Cascade Mountains from Portland, Beaverton (and points west), and southwest Washington. It always has had moderate-to-heavy traffic on both weekdays and weekends. With high-density apartments on the corner, traffic along SW 242nd Drive and SW Cherry Park Road will substantially increase. These roads already support much increased traffic because the former McGill Farm, in Gresham, is being commercially developed with warehouses and distribution centers.

Troutdale City Planning Commission  
May 7, 2018  
page 2

These new developments, while in Gresham and not under Troutdale's control have greatly increased north-south traffic on the 242 Drive arterial street, despite the addition of a traffic light at NE 28th Avenue.

Allowing construction of a dense apartment complex on the corner of SW 242nd Drive and Cherry Park Road will add further congestion to streets that are already heavily traveled and will have to support much increased commercial traffic in addition to residential traffic from all of us who live east and south of this intersection as well as daily commuters and others traveling through the area.

In the letter dated April 25, 2018 notifying us of the proposed changes and the forthcoming Planning Commission meeting there is information from page 11 of the city's Comprehensive Plan that describe criteria for high density residential development: "the presence of retail shopping, employment centers, transit routes, or minor arterials." Only the first of these four criteria is met in this area.

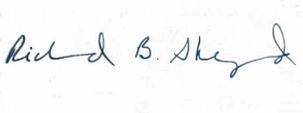
Unless residents of the proposed apartments will be limited to those employed in adjacent retail establishments or the Subaru Distribution Center the first criterion above will not be met.

As documented in point 2, above, there are no public transit routes (bus lines) along either SW 242nd Drive or SW Cherry Park Road/NE Glisan Street so the transit route criterion is not met.

Southwest 242nd Drive is not a minor arterial as it is a critical portion of the major route to Mt. Hood and points east from the Portland metropolitan area, and will have heavy commercial traffic from the Subaru Distribution Center and additional office buildings. The third criterion for high density residential development is also not applicable to changing either the Comprehensive Land Use Plan or the Zoning District Map.

An acceptable development on this corner would be a two-story building with offices for lawyers, accountants, therapists, architects, and similar professional service providers. The traffic density of their clients/patients would likely be no greater than that seen during the operations of the Fujii Farms fruit and vegetable stand that operated here for many years. Such a development would accommodate entry and exit by right-turn-only onto Cherry Park Road and would be distributed throughout the day. With careful design of the building and amenities Sheldon could gain a solid return on his investment in purchasing and developing this land and leasing office space. And, professional office leases would likely have much lower turnover than transient residential apartments which lowers his costs of acquiring and maintaining a steady revenue stream from occupancy.

Respectfully,

A handwritten signature in blue ink that reads "Richard B. Shepard". The signature is written in a cursive style and is positioned above a faint, light-colored rectangular stamp or watermark.

Richard Shepard, PhD

**From:** sarit369@comcast.net  
**To:** [planning](#)  
**Subject:** Proposed Development -- Eagle Ridge Apartments, 242nd & Cherry Park  
**Date:** Wednesday, May 9, 2018 8:50:21 AM

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Planning Commission  
To Whom it May Concern

I am writing in relation to the proposed Eagle Ridge Apartments on 242<sup>nd</sup> and Cherry Park Road.

I am gravely concerned about this development going forward. My concerns are listed below.

- Traffic

I have been a resident of Cherry Ridge for the past 14 years. Traffic along Cherry Park is constant and is very heavy during commute time as well as Reynolds High School “start and stop times.” I literally plan my travel around these times or I find a good 5-plus minutes are added to my attempts to turn onto Cherry Park Road and/or travel East or West on Cherry Park. Adding more traffic, particularly with a “right turn only exit” will only add to the difficulty of traversing Cherry Park between 242<sup>nd</sup> and 257<sup>th</sup>.

The chances of residents of the proposed development to “always turn right” I think will be spotty. Having additional access to Cherry Park so close to the intersection AND so close to the entrance and exit of Cherry Park Market Place is, in my perception, very dangerous. There is already weaving around cars waiting to turn into the Market Place and cars backed waiting to turn in or out of the center. While you say the exit will be “right turn only,” residents may surely want to make a quick exit to the west when they think they can, which is potentially an accident after accident waiting to happen.

This does not even include the eventual increased traffic from the Business Parks that now cover acres from SE Stark to Halsey to 242<sup>nd</sup>. With the straightening of 238<sup>th</sup> over the next couple years, that intersection will be the prime arterial for vehicles from the business parks. You add that to increased traffic so close to the intersection and it, in my estimation, will not only be a true headache for commuters and residents using the East/West route, but a dangerous one as well. This MUST be taken into consideration in relation to this proposal.

Although further East, there will be added traffic from the proposed townhouses across from Reynolds High School. They have no alternative access and exit to their property per the proposed plans.

THIS IS JUST TOO MUCH TRAFFIC FOR THE AREA TO ABSORB!

- Density of Proposal

I am sorry that developer “found out after purchasing the property” that the sewage lines cannot accommodate a more moderate development due to the need to install a pump station. We as residents of Cherry Park and the development south of this proposal, SHOULD

NOT have to bail the developer out of this situation and pay the consequences. PERIOD.

- Home Values

Home values for the Development south of the proposed development will plummet and certainly will have an adverse effect on Cherry Ridge. As residents of Troutdale and/or Gresham, we have faithfully paid our taxes and helped to maintain the livability of the area. That, I am sure, has contributed to new companies coming into the area (see Fed Ex, Amazon, Subaru, etc.) as they perceive their employees will like the area and have a good standard of living. We have been faithful...me 14 years; others in the development up to 25+ in helping to support services, etc. DO NOT PUNISH US BY REDUCING OUR HOME VALUES WITH THIS POORLY THOUGHT-OUT DEVELOPMENT.

For the moment, I have expressed my concerns. I, as well as my neighbors, will be watching this closely, making sure there is no preferential treatment to/for this developer and standing strong to oppose such a development. I appreciate you taking my comments into consideration and I hope you will make wise decisions concerning the livability and safety of your Troutdale residents.

Thank you.

Sarah (Sally) Wright

1272 SW Berryessa Place

Troutdale

Troutdale Planning Commission and Troutdale City Council,

To Whom it May Concern,

When Troutdale originally installed the sewage lines they didn't take into consideration the possibility of this land on 242nd and Glisan being developed under the current zoning. I believe it should be the city's responsibility to fix this problem, not the taxpayers on Cherry Ridge that have been supporting Troutdale for so long. Some of us on 18th Way have been here over 50 years, and we are the closest ones to the proposed project.

The City of Troutdale has already rejected the Eagle Ridge Apartments a few years ago. Carey Sheldon has refused to accept no for an answer. So the planners changed the location of the exits, and made them right turn only on to Cherry Park and Glisan, which will only add more traffic to Cherry Park, and it is doubtful that anyone will be enforcing the right turn only rule. Also, they have now purchased the adjacent property to the East, which would take down the row of trees that run between the field and that property, and will add even more apartments than was originally planned for and rejected by the city council. If this passes our property values will plummet, and our property taxes will go up, all because Carey Sheldon made a bad purchase.

The only access people who live on Cherry Ridge and 18th Way have is to use Cherry Park. There is no other option. There was a traffic impact study, which came to the conclusion that with the development the apartments, traffic would still be within Multnomah County's acceptable parameters. Well, it is not in my acceptable parameters. I don't know if this study included the proposed subdivision on Sturges Drive, or the expansion of Reynolds High School. What I do know, is if this is passed, the traffic problems will only get worse. How bad will it be in 5 years? 10 years? And with the expansion of the high school how much worse will it be then? Hopefully no one on Cherry Ridge has an emergency when school is starting or getting out. Was the addition of the number of apartments taken into consideration when the traffic study was done? And how about the proposed addition of the apartments on the Ramblin Rod property (1601 SW Sturges Drive)? Was this proposal included in the traffic study. Who paid for this study? Was it Carey Sheldon? If so is this a fair assesment? Were all the people who live on the North side of Cherry Park informed of the meetings? They would also be directly impacted by this development. I don't know the answers to these questions. But before approving this land development, these questions should be taken into account.

The High School kids walk to the Cherry Park Market Center, and stand on the corner of

Cherry Park and 18th Way to cross the street. The traffic rarely stops to let them cross. There needs to be a cross walk there, and if this development is allowed, it will certainly add to the possibility that someone will be hit by a car. Also if adding about 800 people to that property, how much worse will the litter from the high school kids be on 18th Way, Stella Way, and Cerise Way?

It is my understanding that Carey Sheldon has reason to believe that his personal friendship with some of Troutdale's officials will seal this deal. Anyone who knows him personally should be required to recuse themselves as they have a conflict of interest.

In conclusion, the residents that have no choice but to use Cherry Park, have been helping to support Troutdale for many years, and should not have to pay for Carey Sheldon's mistake. The property should remain low density residential and build homes on the parts of it that can be developed. If Troutdale won't fix their sewer mistake then the remainder of the property could be turned into a park or a community garden.

Thank You,

Scott and Rene' Thorsell

2240 SW 18th Way, Troutdale.



Location of Street View perspective

I Live Here

October 1, 2018

**Michael C. Robinson**

Admitted in Oregon

T: 503-796-3756

C: 503-407-2578

mrobinson@schwabe.com

**VIA E-MAIL**

Mayor Casey Ryan  
City of Troutdale City Council  
Troutdale City Hall  
219 East Historic Columbia River Highway  
Troutdale, OR 97060

RE: City of Troutdale File No. 18-017, “Eagle Ridge Apartments”, Application by Sheldon Development, LLC for Approval of Site Development Review, Lot Line Adjustment and Two Variance Applications to Allow Construction of 216 Multi-Family Dwelling Units at the Southeast Corner of NE 242<sup>nd</sup> Drive and SW Cherry Park Road in the A-2 Zoning District

Dear Mayor Ryan and Members of the Troutdale City Council:

This office represents Sheldon Development, LLC (the “Applicant”).

The Troutdale Planning Commissions (the “Planning Commission”) considered this Application at its public hearing on May 29, 2018. The City Council deferred action on the Application until after its final decision on the Comprehensive Plan Map and zoning map amendment.

The City Council approved the Comprehensive Plan map amendment from LDR and MDR to HDR and the zoning map amendment from R-5 and R-7 to A-2 its public hearing on August 28, 2018. No person appealed the City Council’s final decision. The ordinance approving the Comprehensive Plan map and zoning map amendment became effective on September 29, 2018.

The Application before the City Council is a “limited land use” decision as defined in ORS 197.015(12) and is subject to ORS 197.195(1). The Site Development Review Application is a “Needed Housing” application under ORS 197.303(1) because it proposes multi-family dwellings for rental. A Needed Housing application is subject to ORS 197.307(4) which provides that local governments may apply only clear and objective approval criteria to the application.

Troutdale Development Code (“TDC”) Section 6.900 is entitled “Site Development Review”. The applicable approval criteria are found in TDC 6.920.A and .B. The approval criteria for the variances are found in TDC 6.1300. The relevant approval criteria in TDC Chapter 8, “Site Orientation and Design Standards”, also apply to the Application.

Mayor Casey Ryan  
October 1, 2018  
Page 2

The City Council can find, as the Planning Commission did, that the Application has satisfied all of the relevant approval criteria by substantial evidence.

The Applicant respectfully requests that the City Council follow the Planning Commission's recommendation and approve the Application with the staff recommended conditions of approval.

Very truly yours,



Michael C. Robinson

MCR:jmh

Cc Mr. Chris Damgen (*via email*)  
Mr. Ed Tromkpe (*via email*)  
Mr. Carey Sheldon (*via email*)  
Mr. Andrew Tull (*via email*)

PDX\105310\241705\MCR\23980279.1

## **ORDER NO.**

### **AN ORDER APPROVING THE SITE DEVELOPMENT REVIEW AND VARIANCES FOR A PROPOSED DEVELOPMENT ON TWO PARCELS WITH AN APPROXIMATE TOTAL AREA OF 8.82 ACRES LOCATED AT THE INTERSECTION OF NE 242ND DRIVE AND SW CHERRY PARK ROAD.**

#### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. The Planning Commission held a hearing in this matter, File No. 18-017 on May 29, 2018 and forwarded a recommendation of approval to the City Council.
2. The City Council held a hearing on October 9 to take public testimony on the proposed site development and associated variances.
3. The City Council confirms the Planning Commission's recommendation and proposed findings as adopted on May 29, 2018.
4. The map amendment applications associated with this case file were approved by Ordinance No. 849 on August 28, 2018.
5. The Site Development Review criteria within TDC 6.900 are met.
6. The Variance criteria within TDC 6.1300 and associated with the request for relief from building setback standards are met.
7. The Variance criteria within TDC 6.1300 and associated with the request for relief from landscaping requirement standards are met.
8. The proposed Conditions of Approval associated with the Findings are confirmed to be adequate for the purpose of approving the application.

#### **NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF TROUTDALE:**

Section 1. The Site Development Application, File No. 18-017, together with the associated Variances, and the associated Conditions of Approval as recommended by the Planning Commission, are hereby approved.

Section 2. The Applicant may proceed to secure all relevant permits and approvals in order to develop the parcels in question, in compliance with the adopted Conditions of Approval, in accordance with the standards and timeframes

set forth within the Troutdale Development Code and all other regulatory standards adopted by the City and State of Oregon.

**YEAS:**  
**NAYS:**  
**ABSTAINED:**

\_\_\_\_\_  
**Casey Ryan, Mayor**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Sarah Skroch, City Recorder**  
**Adopted:**



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A Resolution Providing for Current Fiscal Year 2018-2019 Budget Transfers and Appropriation Changes.

**MEETING TYPE:**  
City Council Regular Mtg.

**STAFF MEMBER:**  
Erich Mueller

**MEETING DATE:**  
October 9, 2018

**DEPARTMENT:**  
Finance

**ACTION REQUIRED:**  
Resolution

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**

**PUBLIC HEARING:**  
No

N/A

**Comments:**

**STAFF RECOMMENDATION:** Adopt the proposed Adopt the Budget Transfers resolution as proposed.

**EXHIBITS:** None

**SUBJECT / ISSUE RELATES TO:**

- Council Goals
  Legislative
  Other (describe)

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Provides necessary funding for the obligations of the recently approved labor collective bargaining agreement
- ◆ Funding by transfer of available budgeted contingency appropriations
- ◆ No appropriation increases are proposed, just transfers and reallocations
- ◆ Maintains budget law compliance and avoids repeat audit findings

**BACKGROUND:**

Since March 7, 2018 the City and the Union bargained in 10 negotiation sessions, meeting over 30 hours bargaining toward a new three-year collective bargaining agreement for the period July 1, 2018 to June 30, 2021. The City reached a tentative agreement with the exclusive labor relations representative of City union employees, the American Federation of State County and Municipal Employees (AFSCME), Council 75, Local 3132.

Reviewed and Approved by City Manager:

The new three-year collective bargaining agreement was ratified by the Local 3132 Union membership on September 19, 2018, and approved by the City Council by Resolution No. 2434 on September 25, 2018.

The budget for FY 2018-2019 was adopted by the City Council on June 12, 2018 by Resolution No. 2420, well in advance of the completion of the collective bargaining agreement negotiations.

Budget appropriation transfers are necessary to fulfill the obligations of approved new collective bargaining agreement to provide for the retroactive City-wide employee cost of living increase, longevity pay increase, position reclassifications, and non-competitive job family promotions. The budget transfer also includes a correction of the Finance Director's budgeting formula error for health insurance costs for the staff in the Planning Department.

In the current tight labor market, the City has experienced some 18 vacancies representing approximated 30% turnover in the past year. While wages was not the only consideration, it has been a consistent issue, as the City has consistently been at the bottom of wage comparisons. This has contributed to increased turnover, creating employee retention challenges and increased recruitment and retraining costs. The adopted collective bargaining agreement includes wage scale adjustments of 3.75%, longevity compensation and necessary position reclassifications, retroactive to July 1, 2018.

Total appropriation transfers from budgeted Contingency is \$212,000 including \$65,000 in the General Fund and \$147,000 across the various utility and public works funds, as outlined below. This represents one half of one percent of total appropriations this fiscal year, and 4.1% of Personnel category appropriations.

The Local Budget Law, Oregon Revised Statutes ("ORS") Chapter 294, in sections 294.463(1) & (2) provides for the transfer of existing appropriations, and from Contingency, when authorized by official resolution of the governing body, to provide for expenses of unknown amounts, unexpected needs, or to expend certain funds not anticipated, at the time the budget was adopted.

## **GENERAL FUND**

Budget transfers of \$19,682 of existing appropriations and Contingency appropriation totaling \$65,492 provide for the additional necessary expenses resulting from the Council adopted labor collective bargaining agreement (CBA) with AFSCME, including the City-wide employee cost of living increase, position reclassifications, non-competitive job family promotions, and benefits costs, transferring from Contingency; which is allocated to departments as follows: \$962 Judicial, \$2,181 Legal, \$15,325 Administration, \$1,470 Community Services, \$2,549 Information Services,

\$13,207 Finance, \$579 Police Operations, \$528 Solid Waste/Recycling, \$48,373 Planning, (\$10,674) Parks & Greenways, and (\$9,008) Facilities.

### **CODE SPECIALITIES FUND**

Budget transfers to provide for the additional necessary expenses resulting from the Council adopted CBA with AFSCME, including the City-wide employee cost of living increase, position reclassifications, non-competitive job family promotions, and benefits costs, transferring from Contingency; appropriation totaling \$1,991 which is allocated to departments as follows: \$1,004 Building Inspections, \$247 Electrical Inspections, and \$740 Plumbing Inspections.

### **INTERNAL SERVICES FUND**

Budget transfers to provide for the additional necessary expenses resulting from the Council adopted CBA with AFSCME, including the City-wide employee cost of living increase, position reclassifications, non-competitive job family promotions, and benefits costs, transferring from Contingency; appropriation totaling \$57,867 which is allocated to departments as follows: \$4,984 Equipment Maintenance, and \$52,883 Public Works Management.

### **WATER, SEWER, STREET, & STORM SEWER FUNDS**

Budget transfers to provide for the additional necessary expenses resulting from the Council adopted CBA with AFSCME, including the City-wide employee cost of living increase, position reclassifications, non-competitive job family promotions, and benefits costs, from each respective fund's Contingency to Personnel Services; for the WATER FUND \$38,871, SEWER FUND \$12,578, STREET FUND \$15,512, and for the STORM SEWER FUND \$19,981.

### **SUMMARY:**

The resolution for approval these transfers from budgeted Contingency from across the detailed funds total \$ 212,000 necessary to provide for the additional necessary expenses resulting from the adopted labor collective bargaining agreement with AFSCME, including the retroactive City-wide employee the cost of living increase, longevity pay increase, position reclassifications, and non-competitive job family promotions.

**PROS AND CONS:**

- A. Approval of the proposed Budget Transfers resolution will provide funding from Contingency for unanticipated necessary additional expenses associated with recently adopted collective bargaining agreement for the cost of living increase, position reclassifications, and non-competitive job family promotions, and will maintain compliance with the Local Budget Law requirements and obligations of the labor agreement.
  
- B. Not approving the proposed Budget Transfers resolution could create non-compliance with the Local Budget Law, and the Public Employees Collective Bargaining Act, and potentially expose the City to an Unfair Labor Practice charge and penalties against the City for bad-faith labor negotiations.

<p><b>Current Year Budget Impacts</b> <input checked="" type="checkbox"/> Yes (<i>describe</i>)    <input type="checkbox"/> N/A First Year: Makes use of a portion of budgeted Contingency for the COLA increase effective July 1, 2018. The budget transfers do <b>not</b> increase total appropriations for FY 2018-19.</p> <p><b>Future Fiscal Impacts:</b> <input type="checkbox"/> Yes (<i>describe</i>)    <input checked="" type="checkbox"/> N/A Future Years: This resolution relates to current year appropriations and has no impact on future year appropriations.</p> <p><b>City Attorney Approved:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> N/A</p> <p><b>Community Involvement Process:</b> <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A</p>
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## **RESOLUTION NO.**

### **A RESOLUTION PROVIDING FOR CURRENT FY 2018-2019 BUDGET TRANSFERS AND APPROPRIATION CHANGES.**

#### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. That a collective bargaining agreement between the City and the American Federation of State, County and Municipal Employees (AFSCME) Local 3132 for a new three-year collective bargaining agreement for the period July 1, 2018 to June 30, 2021, was ratified by the Local 3132 Union membership on September 19, 2018, and approved by the City Council on September 25, 2018 by Resolution No. 2434.
2. That the timelines required by the Local Budget Law, Oregon Revised Statutes (“ORS”) Chapter 294, resulted in the preparation of the budget for FY 2018-2019 which was adopted by the City Council on June 12, 2018 by Resolution No. 2420, well in advance of the completion of the collective bargaining agreement negotiations.
3. That budget appropriation transfers are necessary to provide for the additional necessary expenses resulting from the adopted labor collective bargaining agreement with AFSCME, including the retroactive City-wide employee the cost of living increase, longevity pay increase, position reclassifications, and non-competitive job family promotions.
4. That appropriation authority is available from budgeted Contingency and that ORS 294.463(2) provides for the transfer of Contingency appropriation and that such transfers may be made within a fund when authorized by official resolution of the governing body.
5. That to comply with the adopted collective bargaining agreement and the Council adopted policy of benefits parity of non-represented City employees, additional appropriation authority within certain departments and various funds is necessary for Fiscal Year 2018-2019.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:**

Section 1. The following appropriation adjustments to the Fiscal Year 2018-2019 Budget are required to provide for unknown amounts, unexpected needs, or to expend certain funds not anticipated at the time the budget was adopted, and are hereby authorized in accordance with ORS 294.463(1) & (2).

Section 2. The FY 2018-2019 Budget is adjusted within the General Fund by transfer of \$19,682 of existing appropriations, and a Contingency appropriation transfer totaling \$65,492 which is allocated to departments as follows: \$962 Judicial, \$2,181 Legal, \$15,325 Administration, \$1,470 Community Services, \$2,549 Information Services, \$13,207 Finance, \$579 Police Operations, \$528 Solid Waste/Recycling, \$48,373 Planning, (\$10,674) Parks & Greenways, and (\$9,008) Facilities.

GENERAL FUND	CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
Legislative	36,605		36,605
Judicial	117,174	962	118,136
Legal	282,057	2,181	284,238
General Government	533,685		533,685
Administration	798,875	15,325	814,200
Community Services	142,340	1,470	143,810
Information Services	268,290	2,549	270,839
Finance	610,605	13,207	623,812
Police Operations	3,632,504	579	3,633,083
PD Building Operations	126,081		126,081
Solid Waste/Recycling	21,178	528	21,706
Fire Protection Services	2,218,797		2,218,797
Planning	437,218	48,373	485,591
Parks & Greenways	1,973,440	(10,674)	1,962,766
Facilities	1,172,718	(9,008)	1,163,710
Transfers to Other Funds	808,142		808,142
Contingency	850,000	(65,492)	784,508
All other appropriations	-	-	-
Total General Fund Appropriations	14,029,708	-	14,029,708

Section 3. The FY 2018-2019 Budget is adjusted within the Code Specialties Fund by transfer of existing Contingency appropriation totaling \$1,991 which is allocated to departments as follows: \$1,004 Building Inspections, \$247 Electrical Inspections, and \$740 Plumbing Inspections.

CODE SPECIALITIES	CURRENT BUDGET	INCEASE/ (DECREASE)	REVISED BUDGET
Building	336,764	1,004	337,768
Electrical	75,047	247	75,294
Plumbing	74,223	740	74,963
Contingency	906,401	(1,991)	904,410
Total Fund Appropriations	1,392,435	-	1,392,435

Section 4. The FY 2018-2019 Budget is adjusted within the Water Fund by transfer of existing Contingency appropriation totaling \$38,871 which is allocated to the Personnel Services budget category.

WATER FUND	CURRENT BUDGET	INCEASE/ (DECREASE)	REVISED BUDGET
Personnel Services	448,465	38,871	487,336
Contingency	350,000	(38,871)	311,129
All other appropriations	2,375,155		2,375,155
Total Fund Appropriations	3,173,620	-	3,173,620

Section 5. The FY 2018-2019 Budget is adjusted within the Sewer Fund by transfer of existing Contingency appropriation totaling \$12,578 which is allocated to the Personnel Services budget category.

SEWER FUND	CURRENT BUDGET	INCEASE/ (DECREASE)	REVISED BUDGET
Personnel Services	525,026	12,578	537,604
Contingency	500,000	(12,578)	487,422
All other appropriations	3,812,928		3,812,928
Total Fund Appropriations	4,837,954	-	4,837,954

Section 6. The FY 2018-2019 Budget is adjusted within the Street Fund by transfer of existing Contingency appropriation totaling \$15,512 which is allocated to the Personnel Services budget category.

STREET FUND	CURRENT BUDGET	INCEASE/ (DECREASE)	REVISED BUDGET
Personnel Services	192,310	15,512	207,822
Contingency	800,000	(15,512)	784,488
All other appropriations	2,820,294		2,820,294
Total Fund Appropriations	3,812,604	-	3,812,604

Section 7. The FY 2018-2019 Budget is adjusted within the Internal Services Fund by transfer of existing Contingency appropriation totaling \$57,867 which is allocated to departments as follows: \$4,984 Equipment Maintenance, and \$52,883 Public Works Management.

INTERNAL SERVICES FUND	CURRENT BUDGET	INCEASE/ (DECREASE)	REVISED BUDGET
Equipment Maintenance	329,724	4,984	334,708
Public Works Management	1,530,606	52,883	1,583,489
Contingency	404,867	(57,867)	347,000
Total Fund Appropriations	2,265,197	-	2,265,197

Section 8. The FY 2018-2019 Budget is adjusted within the Storm Sewer Utility Fund by transfer of existing Contingency appropriation totaling \$19,981 which is allocated to the Personnel Services budget category.

STORM SEWER UTILITY FUND	CURRENT BUDGET	INCEASE/ (DECREASE)	REVISED BUDGET
Personnel Services	174,430	19,981	194,411
Contingency	24,378	(19,981)	4,397
All other appropriations	650,400		650,400
Total Fund Appropriations	849,208	-	849,208

Section 9. These FY 2018-2019 Budget transfers shall cause the appropriation by department, or category, within the fund to be increased and appropriated. The net effect of such appropriation transfers are zero.

Section 10. The Finance Director is authorized and directed to disburse funds and implement all such actions as necessary to fulfill the terms and conditions of the collective bargaining agreement and benefits programs, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 11. Upon adoption, this Resolution shall be effective as of July 1, 2018.

**YEAS:**  
**NAYS:**  
**ABSTAINED:**

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**Casey Ryan, Mayor**

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**Date**

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**Sarah Skroch, City Recorder**  
**Adopted:**



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A Discussion to consider pursuing an Ordinance Banning Plastic Bags

**MEETING TYPE:**  
City Council Regular Mtg.

**STAFF MEMBER:**  
Ray Young

**MEETING DATE:**  
October 9, 2018

**DEPARTMENT:**  
Executive

**ACTION REQUIRED:**  
Information / Discussion

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**

**PUBLIC HEARING:**  
No

None Forwarded

**Comments:**

**STAFF RECOMMENDATION:** Staff has no position either for or against a plastic bag ban

**EXHIBITS:**

- A. Two articles discussing why we should ban plastic bags.
- B. Two articles discussing why we should not ban plastic bags.
- C. A recent Salem Statesman Journal article discussing Salem’s proposal to ban plastic bags.
- D. Metro Councilor Shirley Craddock’s Staff email regarding ban of plastic bags.
- E. Sampling of Oregon Cities ordinances banning plastic bags.

**SUBJECT / ISSUE RELATES TO:**

- Council Goals       Legislative       Other (describe)

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Should the City of Troutdale pursue the establishment of an ordinance banning the use of plastic bags

Reviewed and Approved by City Manager: 

**BACKGROUND:**

Almost all retailers across America have used “single-use” plastic bags to help customers take their merchandise from the store to home. Approximately a decade ago a number of jurisdictions started to consider, and some pass, bans on the use of these plastic bags.

Eight municipalities in Oregon, beginning with Portland in 2011, currently have a ban on “single-use” plastic bags. The cities of McMinnville and Manzanita were most recent with effective dates in 2017. Salem is currently in the “procedural middle” of passing a bag ban. The State of Oregon Legislature, as far back as 2010, has had bills proposed several times that did not pass on this topic.

None of the ordinances passed by cities in Oregon are consistent with each other. Each ordinance has variations from what other jurisdictions have done. A sampling of those different ordinances are attached as exhibit E. Many people would argue that a more uniform state or regional approach to the issue would be best. Attached as exhibit D is an email from Metro Councilor Shirley Craddock’s office expressing a desire to do just that in 2019.

To aid the Council’s discussion of this issue exhibits A and B are attached to give the Council an idea of the arguments used for and against the banning of plastic bags. Exhibit C, is a recent article from the Salem Statesman Journal, reporting on the struggle that Salem is going through getting an ordinance passed.

**PROS & CONS:**

Pros:

- Reduces a common form of litter from our community
- May put pressure on other jurisdictions to act on a more regional or statewide scale
- May improve the environment

Cons:

- Since laws from city to city are different, increases cost and confusion for businesses
- Likely Increases costs for consumers, and reduces options for transporting goods from stores

<b>Current Year Budget Impacts:</b> <input type="checkbox"/> Yes ( <i>describe</i> ) <input checked="" type="checkbox"/> N/A
<b>Future Fiscal Impacts:</b> <input type="checkbox"/> Yes ( <i>describe</i> ) <input checked="" type="checkbox"/> N/A
<b>City Attorney Approved:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
<b>Community Involvement Process:</b> <input type="checkbox"/> Yes ( <i>describe</i> ) <input checked="" type="checkbox"/> N/A

# New York should ban plastic bags—and so should the rest of the country

New York's governor has been drifting through the wind; wants to start again.

By Eleanor Cummins April 25, 2018, Popular Science Magazine

Spring has finally arrived, and as I look out my window at the sprawling urban park next door, I see birds in their best feather tuxedos chitter at potential mates and runners in their safety neon chatter with friends. A slight breeze ripples through the scene. The view, I assure you, could not be better, save for just one thing: The wind isn't just ruffling the new leaves of my neighborhood trees. It's also sending a shiver through the strips of two ragged plastic bags ensnared in the branches.

Each year, Americans use 380 billion plastic bags, according to the Environmental Protection Agency. The plastic in these bags, which is manufactured from fossil fuels, requires approximately 12 million barrels of oil annually, which is enough energy to power 1,400 international flights aboard a 747. And because plastic bags can't be recycled in your household bin (you have to drop them off at special sites, lest they destroy standard sorting machines), they end up sandwiched in our landfills, floating in our marine ecosystems, or flapping in the trees just outside your door. And it doesn't stop there. The bags are either cleaned up (to the tune of \$12 million a year year in New York City alone), or eaten by unlucky animals including birds, turtles, and fish.

As research on the environmental burden of plastic bags emerges, many cities have moved to ban single-use plastic bags or limit their use through fines and other policies. The first American city to take action was San Francisco, which banned thin plastic bags in 2007 and later added a 10 cent fee to carry-out bags. The entire state of California followed in 2014, when it passed a law banning any kind of single-use plastic bag in groceries or pharmacies. Dozens of cities and counties followed suit.

On April 23, after having overruled a 2017 city council surcharge on plastic bags in New York City, Gov. Andrew Cuomo announced his intent to ban single-use bags statewide. This would make New York the second state to implement such a ban, after California. Cuomo's proposal, which surprised many New Yorkers given his stiff opposition to previous plastic bag legislation, will face skepticism in the state legislature, as many representatives see such rules as evidence of government overreach. But for the scientifically-inclined, the most important question is simple: do plastic bag bans actually work?

The answer, based on all the evidence we have so far, is an emphatic yes. While the success of a plastic bag ban depends on the specifics of each city's relevant laws, essentially every community that has regulated its sale of single-use bags has seen significant reductions in plastic trash. Preliminary data from the 2017 Coastal Cleanup Day in California—the first such event held after the state instituted its ban—suggested that the amount of plastic bag litter had been cut

in half. The final tally pegged plastic bag trash as 3.1 percent of the total recovered litter, compared to 7.4 percent in 2010.

Other cities have reported similar results. In Seattle, which banned plastic bags in 2012 and charges 5 cents for single-use paper bags, the city reports a 50 percent reduction in plastic bags sent to landfills in the first four years post-ban. San Jose, California, which banned plastic bags back in 2012, reports a 76 percent reduction in plastic bags found in local waterways. And Ireland, which did not ban bags but implemented a 15 euro cent tax (about 18 cents in USD) on their purchase, saw average bag use per person fall from 328 bags a year to just 14.

While the statistical success of these programs is undeniable, it's not all footloose and plastic-free. In Austin, Texas, where restrictions on single-use bags were first proposed in 2011, the city reported a significant reduction of the plastic bags it regulated. But it also reportedly saw an uptick in the use of still-legal heavy-duty plastic bags, which are more easily reused than thinner plastics, but can have their own negative environmental effects if they're not put to good, repeated use before disposal. What's more, Austin's bans and proposals for similar legislation in other Texan cities spawned a protracted legal battle over the environment, the rights of businesses and consumers, and the power struggle between cities and states.

Ultimately, the success of a single-use plastic bag ban in New York or any other city or state is dependent on the will of the people. Such bans have been shown time and again to significantly reduce plastic waste, but only if they are carefully crafted, responsibly implemented, and residents know what the path forward really looks like. If it comes down to carrying around a spare tote bag for my groceries or letting my neighborhood trees be strangled by plastic debris, I pick the tote bag every time.

## **A New Study on Plastic Bag Bans**

Plastic bags are indisputably bad for the environment.

The average bag you pick up at the grocery store, or carry your takeout in, has a lifespan of about 12 minutes. When discarded, they clog sewage and storm drains, entangle and kill an estimated 100,000 marine mammals every year, and degenerate into toxic microplastics that fester in our oceans and landfills for up to 1,000 years.

Despite this, shoppers collectively use around 500 billion single-use plastic bags every year. That's 150 bags per person, per year, for every single person on Earth — or enough to circle the globe 4,200 times.

Luckily, we're starting to see communities around the U.S., and the world, mobilize to reduce waste by banning, taxing, or otherwise limiting the use of these plastic bags.

ReuseThisBag.com wanted to take a big-picture look at where legislation has been passed, and what its effects have been. Which cities in the US are leading the way for plastic bag bans? Internationally, which countries have made the most significant push?

### **Summary of Key Takeaways**

In the U.S., only 2 states (CA and HI) have banned plastic bags on a statewide level

4 U.S. states (DE, ME, RI, NY) have mandatory recycling or reuse programs in place

10 U.S. states (AZ, FL, IA, ID, IN, MI, MN, MO, MS, WI) have places preemptive bans on banning plastic bags.

~200 U.S. municipalities have banned or taxed plastic bags; outcomes have been largely positive, including:

San Jose, CA: Reduction of plastic bags in storm drains (89%), rivers (60%), and residential areas (59%); average # of bags per person reduced from 3 to 0.3.

San Francisco, CA: Savings of up to \$600k per year in plastic processing fees.

Seattle, WA: Reduction of plastic bags in both residential (48%) and commercial (76%) waste.

Globally, plastic bags are banned in 32 countries, 18 of which are in Africa

### **Plastic bag legislation in the US**

Many lists of plastic bag bans exist online — but most are convoluted and hard to understand. In assembling our data, we drew public information from the National Conference of State Legislators and a number of state-level, and country-level reports.

Let's start with the United States.

In America, only two states have conclusively banned single-use plastic bags: Hawaii and California.

Though Hawaii's ban came first, it wasn't technically a state-wide ban: all five Hawaiian islands (Big Island, Honolulu, Kauai, Maui, and Pala) individually banned plastic bags at various points — the last of which took effect in 2015. The bans, which aim to fully phase in by 2020, range in definition and severity, but generally still allow for the use of 100% recyclable plastic bags.

California passed a unilateral, state-wide ban in September of 2014, and it went into effect in November of 2016. The law bans single-use plastic bags at all large retailers, and imposed a 10-cent charge for paper bags. Before the law was passed, more than 100 California counties already had various bans in place.

In 2009, Washington, DC imposed a 5-cent tax on all single-use plastic bags after independent studies found them to be the single largest source of pollution in local waterways — and a number of states (New York, Maine, Rhode Island, Delaware) have put partial taxes or bans into place, but haven't yet made the full leap.

Meanwhile, 10 states — Arizona, Idaho, Iowa, Minnesota, Michigan, Missouri, Indiana, Mississippi, Florida, and Wisconsin — have preemptively banned plastic bag bans. In these states, the plastic industry's heavy lobbying paid off.

### **Do bans actually work?**

Since the two statewide bans are relatively new, data on outcomes are still largely unfounded, but we can turn to a few studies run by the more than 200 individual cities and municipalities that have enacted ordinances around the country.

Over 200 counties and municipalities have enacted ordinances either imposing a fee on plastic bags or banning them outright, including all counties in Hawaii.

In San Jose, California, for instance, a ban was put into place in 2012 — and since then, there has been an 89% reduction in plastic bags in storm drains, a 60% reduction in creeks and rivers, and a 59% drop in residential plastic waste.

In nearby San Francisco (ban enacted in 2007), the city has saved a reported \$600,000 per year in plastic processing fees alone.

And in Seattle, where bags were banned 5 years ago, residents have seen in 48% drop in residential plastic bag waste, and a 76% decline in commercial plastic bag waste. In 2010, there were 262 tons' worth of plastic bags in landfills; by 2014, that dropped to 136 tons.

### **Where are plastic bags banned around the world?**

America is far from the most progressive country when it comes to plastic bag bans internationally.

At least 32 countries around the world have plastic bag bans in place — and nearly half are in Africa, where plastic bags frequently clog drains, leading to increased mosquito swarms (and, as a result, bouts of malaria).

The bans in these countries range widely in severity, but Kenya's, put into place last year, surely take the cake: anyone "making, selling, of importing" plastic bags could face fines of up to \$19,000, and 4 years in jail.

In China, plastic bag waste was so bad that it led to the coining of the term "white pollution." A full ban was adopted in 2008 — and since then, plastic bag waste has dropped by 60% to 80%, an effective reduction of some 40 billion bags. The country does, however, still face enforcement issues.

And in India, where an estimated 20 cows per die die from plastic ingestion, a ban has been in effect since 2002.

Some 18 countries also have taxes in place, which have proved to be a viable alternative to a full ban.

In Ireland, a 22c plastic bag tax has reduced usage by as much as 90%. Portugal has seen a drop in excess of 85%. And since imposing a tax in 2003, Denmark has seen the lowest plastic usage in Europe. Averaging just 4 bags per person, per year.

It's crucial that America, and the rest of the world, follow the lead of countries and states that have taken action against plastic bags.

Globally, as many as 160,000 plastic bags are used every second — and currently, only 1 to 3% of them are recycled. This simply isn't sustainable behavior.

The easiest, and most affordable, thing you can do is purchase reusable grocery bags. Today, these bags are made from a wide range of materials (cotton/canvas blends, ripstop, woven rPET), and come in an unlimited number of customizable designs.

And they last a lot longer than 12 minutes.

# 10 Reasons Why Plastic Bags Should Be Banned

October 26, 2015 *Environmental Conservation* Written by Greentumble Editorial Team  
Plastic bags are a convenient way to carry our purchased goods when we go shopping. They are a part of our modern lives, and we don't tend to think much about them. However, this convenience of plastic shopping bags carries with it a very high cost to the environment and also negatively affects human health.

Because there are so many negative impacts from the use of plastic shopping bags, many cities and countries from around the world have already put plastic bag bans in place. The following are a number of reasons why local and national governments should consider instituting bans on plastic bags.

## #1 Plastic bags pollute our land and water

Because they are so lightweight, plastic bags can travel long distances by wind and water. They litter our landscapes, get caught in fences and trees, float around in waterways, and can eventually make their way into the world's oceans.

## #2 Plastic bags are made from non-renewable resources and contribute to climate change

The majority of plastic bags are made of polypropylene, a material that is made from petroleum and natural gas.

Both of these materials are non-renewable fossil fuel-based resources and through their extraction and production, they create greenhouse gases, which contribute to global climate change.

The production of these bags is also very energy intensive. To produce nine plastic bags, it takes the equivalent energy to drive a car one kilometer (more than 0.5 miles).

Using these non-renewable resources to make plastic bags is very short-sighted, considering that the typical useful life of each plastic bag is about 12 minutes.

## #3 Plastic bags never break down

Petroleum-based plastic bags do not truly degrade. What does occur is that when out in the environment, the plastic breaks up into tiny little pieces that end up in the ocean to be consumed by wildlife.

Today, there are an estimated 46,000-1,000,000 plastic fragments floating within every square mile of our world's oceans [2].

#### **#4 Plastic bags are harmful to wildlife and marine life**

Plastic bags and their associated plastic pieces are often mistaken for food by animals, birds, and marine life like fish and sea turtles.

The consumed plastic then congests the digestive tracts of these animals, and can lead to health issues such as infections and even death by suffocation.

Animals can also easily become entangled in this plastic.

#### **#5 Plastic bags are harmful to human health**

Plastic fragments in the ocean such as those from plastic bags can absorb pollutants like PCBs (polychlorinated biphenyl) and PAHs (Polycyclic aromatic hydrocarbons), which are known to be hormone-disrupting chemicals [1].

When marine organisms consume plastics in our oceans, these chemicals can make their way through the ocean's food web and then into humans who eat fish and other marine organisms.

#### **#6 Plastic bags are costly to pay for and to clean up after**

While we may not pay for plastic bags directly when we go shopping, they are anything but "free."

Plastic bags cost about 3-5 cents each, and that cost is then incorporated into prices of the items sold at stores. The cost of plastic bag cleanup is about 17 cents per bag, and on average, **taxpayers end up paying about \$88 per year just on plastic bag waste.**

So that "free" plastic bag isn't so free after all.

#### **#7 Plastic bags are not easy to recycle**

As plastic bags tend to get caught in recycling machinery, most recycling facilities do not have the capacity to recycle plastic bags and therefore do not accept them.

As a result, the actual recycling rate for plastic bags is about 5%.

#### **#8 Plastic bags have external costs**

Beyond the costs associated with the production and purchasing of plastic bags by retailers, there are many external costs that are often not considered. These costs include the true environmental costs of resource extraction and depletion, quality of life loss, economic loss from littering, and wildlife loss.

Sadly, such costs are typically not included in most economic analyses, but nonetheless, these negative impacts are very real.

### **#9 There are better alternatives available, and jobs to go with them!**

Once a person gets into the habit of bringing reusable bags when shopping, it is not much of an inconvenience at all. Reusable shopping bags are very durable and can be reused many times over the course of their useful life.

The manufacturing of reusable bags is also another opportunity to create sustainable products and the jobs that go with them.

### **#10 Other governments are banning plastic bags, so yours should too... or at least make people pay for them**

To date, more than 40 countries and municipalities around the world have instituted plastic bag bans. The United Nations Environmental Programme Secretariat has recommended a ban on all plastic bags globally.

For those governments that are opposed to full bans on plastic bags, another option is to institute a plastic bag tax, where consumers would pay a small fee for each plastic bag. This strategy has been proven to greatly reduce plastic bag usage by consumers.

In Ireland, where this fee was instituted in 2002, plastic bag usage has been decreased by about 90% [3]. Several other countries and cities are now also considering such a tax, including the UK, Australia and New York City.

# **Banning Plastic Bags Is Great for the World, Right? Not So Fast**

*Wired.Com, Adler 06.10.16*

Like cigarettes, plastic bags have recently gone from a tolerated nuisance to a widely despised and discouraged vice.

Last month, the New York City Council passed a 5-cent-per-bag fee on single-use bags handed out by most retailers. Two weeks ago, the Massachusetts State Senate passed a measure that would ban plastic bags from being dispensed by many retail businesses and require a charge of 10 cents or more for a recycled paper or reusable bag. The Massachusetts proposal may not become law this year, but it's the latest sign that the plastic bag industry is losing this war. Already in Massachusetts, 32 towns and cities have passed bag bans or fees. So have at least 88 localities in California, including the cities of Los Angeles and San Francisco, plus cities and towns in more than a dozen other states and more than a dozen other countries.

The adverse impacts of plastic bags are undeniable: When they're not piling up in landfills, they're blocking storm drains, littering streets, getting stuck in trees, and contaminating oceans, where fish, seabirds, and other marine animals eat them or get tangled up in them. As longtime plastic bag adversary Ian Frazier recently reported in *The New Yorker*, "In 2014, plastic grocery bags were the seventh most common item collected during the Ocean Conservancy's International Coastal Cleanup, behind smaller debris such as cigarette butts, plastic straws, and bottle caps." The New York City Sanitation Department collects more than 1,700 tons of single-use carry-out bags every week, and has to spend \$12.5 million a year to dispose of them.

Bag bans cut this litter off at the source: In San Jose, California, a plastic bag ban led to an 89 percent reduction in the number of plastic bags winding up in the city's storm drains. Fees have a smaller, but still significant, effect. Washington, DC's government estimates that its 5-cent bag tax has led to a 60 percent reduction in the number of these bags being used, although that figure is contested by other sources.

## **Is plastic really worse than paper?**

But advocates of these laws and journalists who cover the issue often neglect to ask what will replace plastic bags and what the environmental impact of that replacement will be. People still need bags to bring home their groceries. And the most common substitute, paper bags, may be just as bad or worse, depending on the environmental problem you're most concerned about.

That's leading to a split in the anti-bag movement. Some bills, like in Massachusetts, try to reduce the use of paper bags as well as plastic, but still favor paper. Others, like in New York City, treat all single-use bags equally. Even then, the question remains as to whether single-use bags are necessarily always worse than reusable ones.

Studies of bags' environmental impacts over their life cycle have reached widely varying conclusions. Some are funded by plastic industry groups, like the ironically named American Progressive Bag Alliance. Even studies conducted with the purest of intentions depend on any number of assumptions. How many plastic bags are replaced by one cotton tote bag? If a plastic bag is reused in the home as the garbage bag in a bathroom waste bin, does that reduce its footprint by eliminating the need for another small plastic garbage bag?

If your chief concern is climate change, things get even muddier. One of the most comprehensive research papers on the environmental impact of bags, published in 2007 by an Australian state government agency, found that paper bags have a higher carbon footprint than plastic. That's primarily because more energy is required to produce and transport paper bags.

"People look at [paper] and say it's degradable, therefore it's much better for the environment, but it's not in terms of climate change impact," says David Tyler, a professor of chemistry at the University of Oregon who has examined the research on the environmental impact of bag use. The reasons for paper's higher carbon footprint are complex, but can mostly be understood as stemming from the fact that paper bags are much thicker than plastic bags. "Very broadly, carbon footprints are proportional to mass of an object," says Tyler. For example, because paper bags take up so much more space, more trucks are needed to ship paper bags to a store than to ship plastic bags.

## **Looking beyond climate change**

Still, many environmentalists argue that plastic is worse than paper. Climate change, they say, isn't the only form of environmental degradation to worry about. "Paper does have its own environmental consequences in terms of how much energy it takes to generate," acknowledges Emily Norton, director of the Massachusetts Sierra Club. "The big difference is that paper does biodegrade eventually. Plastic is a toxin that stays in the environment, marine animals ingest it, and it enters their bodies and then ours."

Some social justice activists who work in low-income urban neighborhoods or communities of color also argue that plastic bags are a particular scourge. "A lot of the waste ends up in our communities," says Elizabeth Yeampierre, executive director of UPROSE, an environmental and social justice-oriented community organization in Brooklyn. "Plastic bags not only destroy the physical infrastructure," she says, referring to the way they clog up storm drains and other systems, "they contribute to emissions." And she points out that marine plastic pollution is a threat to low-income people who fish for their dinner: "So many frontline communities depend on food coming from the ocean." That's why her group supported New York City's bag fee even though it's more of a burden on lower-income citizens. A single mom, or someone working two jobs, is more likely to have to do her shopping in a rush on the way home from work than to go out specifically with a tote bag in hand. But for UPROSE, that concern is outweighed by the negative impacts of plastic bags on disadvantaged communities.

Increasingly, environmentalists are pushing for laws that include fees for all single-use bags, and that require paper bags to be made with recycled content, which could lower their carbon footprint. The measure now under consideration in Massachusetts, for example, would mandate

that single-use paper bags contain at least 40 percent recycled fiber. That's the percentage the Massachusetts Sierra Club has advocated for at the state level and when lobbying for municipal bag rules.

### **It's complicated**

But what if reusable bags aren't good either? As the Australian study noted, a cotton bag has major environmental impacts of its own. Only 2.4 percent of the world's cropland is planted with cotton, yet it accounts for 24 percent of the global market for insecticides and 11 percent for pesticides, the World Wildlife Fund reports. A pound of cotton requires more than 5,000 gallons of water on average, a thirst far greater than that of any vegetable and even most meats. And cotton, unlike paper, is not currently recycled in most places.

The Australian study concluded that the best option appears to be a reusable bag, but one made from recycled plastic, not cotton. "A substantial shift to more durable bags would deliver environmental gains through reductions in greenhouse gases, energy and water use, resource depletion and litter," the study concluded. "The shift from one single-use bag to another single-use bag may improve one environmental outcome, but be offset by another environmental impact."

But studies conducted in Australia or Europe have limited applicability in the US, particularly when you're considering climate impact, because every country has a different energy mix. In fact, every region of the US has a different energy mix.

"There's no easy answer," says Eric Goldstein, New York City environment director for the Natural Resources Defense Council, which backed NYC's bag fee. "There are so very many variables. Here's just one tiny example: Does the paper for paper bags come from a recycled paper mill on Staten Island or a virgin forest in northern Canada? As far as I know, nobody has done the definitive analysis, which would necessarily need to have a large number of caveats and qualifications. Also, this question is something like asking, 'Would you prefer to get a parking ticket or a tax assessment?' It depends on the specifics, but it's better to avoid both wherever possible." Goldstein is confident that if people switch to reusable bags, even cotton ones, and use them consistently, that will ultimately be better for the environment.

The ideal city bag policy would probably involve charging for paper and plastic single-use bags, as New York City has decided to do, while giving out reusable recycled-plastic bags to those who need them, especially to low-income communities and seniors. (The crunchy rich should already have more than enough tote bags from PBS and Whole Foods.)

The larger takeaway is that no bag is free of environmental impact, whether that's contributing to climate change, ocean pollution, water scarcity, or pesticide use. The instinct to favor reusable bags springs from an understandable urge to reduce our chronic overconsumption, but the bags we use are not the big problem.

"Eat one less meat dish a week—that's what will have a real impact on the environment," says Tyler. "It's what we put in the bag at the grocery store that really matters."

## **Common Arguments against Bag Bans**

### **1. Bag bans are based on lies, distortions, myths, and half-truths**

If bag bans were based on real evidence that there was a significant and direct link between plastic shopping bags and serious environmental damage, then the public would be supporting bag bans and they likely wouldn't even be needed. But any type of review of the claims reveals faulty evidence, stretched or non-existent statistics, and completely illogical conclusions. The arguments for bag bans are filled with emotional statements and pleas, not logic. If some people believe those things, and choose not to use plastic bags, then that is fine for them. But the government should not pass laws based on such shoddy and pathetic arguments on everyone.

### **2. Bag bans impose on the liberties and freedoms of businesses and citizens**

The government should never carelessly remove a citizen's freedom or impose practices on a business they would not willingly practice themselves, without a grave and dire situation. In this case, the government has stepped in and stopped businesses from offering a free product to customers, and stopped customers from receiving a free service that they have enjoyed. Because it is virtually impossible to shop and transport items without some type of container, they have, in effect, now mandated citizens into spending money and operating in a way that they did not choose previously. This is government intrusion into business practices that also removes a benefit previously enjoyed by citizens in the cities affected.

### **3. City councils are now deciding which conveniences are allowable and which are not**

Bag bans set a very scary precedent by now stating what particular use of an object is deemed "worthy" in their eyes. They are deeming that a citizen may use a plastic bag for one purpose (such as garbage can liners) but not another (to transport items). This opens the door to the city government now going through all aspects of citizen's lives to determine acceptable uses for particular objects, based on how they feel about the material in that object or whether someone feels it isn't that hard for people to give it up. Styrofoam cups? Unworthy, bring your own. Straws? Unworthy, drink from the cup. Napkins? Unworthy, bring a handkerchief. Plastic water bottles? Unworthy, drink from the tap. Plastic garbage bags? Unworthy. Compost and use newspaper instead.

### **4. Almost everything we make is "bad for the environment", so why just one type of bag?**

Virtually everything that man makes and uses is made of some materials that could be argued are bad for the environment, or at least "unnatural". Why is one particular application of one particular material being singled out and demonized?

### **5. City councils have begun the practice of fixing minimum pricing for items**

This sets a dangerous precedent: The city council has now fixed a "minimum price" for an object (a paper bag). In their zeal to pass the law, they purposely avoided making the paper bag charge a "tax" because the citizens would then have to approve it. They felt they would be so clever to avoid this by instituting a "minimum fee" for the paper bag,

not collected by the city. (This also doubles as a bribe to the stores to not oppose bag bans as the stores can now pocket the money.) However, they have now introduced a new concept that is almost more dangerous than their plastic bag ban itself: price fixing for their own purposes. Can you think of any other item that has a "minimum price"? And notice the odd conclusion: They have not banned paper bags, but have set a "minimum price" on them in order to avoid people who previously received free plastic bags from simply changing over to paper bags. The city council is saying "Paper bags are OK, but we are going to force you to pay for them now because we want you to stop getting free bags and adopt a certain lifestyle that we choose for you." They actually don't have any arguments against paper bags, *they just don't want you to use them!*

**6. City councils are burdening businesses with needless accounting**

Most bag bans allow for sales of paper bags at minimum fees. They also include mandatory accounting for the sales of paper bags for a minimum of 3 years, and the business must be ready at any time for an inspection of those records. What a senseless, needless, burden on all businesses!

**7. Bag bans do not take into account the multiple reuses of bags**

Backers of bag bans continuously label the bags "single-use" bags. But how many of them are really single-use? Why would people stockpile plastic grocery bags if they had no other purpose? Why would places like IKEA and other stores sell storage containers particularly made for reusing plastic bags?

The sad irony in all of this is that plastic grocery bags are probably one of the MOST REUSED items that we bring into our homes, yet those are the ones that they target to ban! What about the truly single use newspaper bag? For some reason no one seems concerned about that one!

**8. Bag bans punish everyone for the bad behavior of a few**

Plastic bags floating in creeks, storm drains, and into the ocean is bad. Everyone hates them, and the people who litter. But why are ALL people blamed for the bad behavior of a few? Even if you believe the claims of the number of plastic bags washing into the San Francisco bay, it represents only 1 out of every 3,000 bags at most. So 2,999 people have to be blamed for the bad behavior of one person (or of the incompetency of the garbage company)? This is like saying that because some people park their cars illegally in front of fire hydrants (blocking vital services), the solution is to ban ALL cars in the city! And look, 1 year after banning all cars in the city, the instances of cars parking in front of fire hydrants fell by 90%. Success!

**9. Plastic bags are an insignificant portion of total waste**

Ever weigh a plastic grocery bag? They are purposely made as thinly as possible to carry the amount of load required. They weigh only about 1/4 of an ounce each. Really??? All of this regulation, confusion, inconvenience, and effort over a one-quarter ounce piece of plastic? Even if you used 8-9 bags per week (as is claimed by the bag ban proponents), that is barely over 2 ounces of plastic! Ever weigh how much garbage you put out every week?

**10. Bag bans are applied unfairly and without logic**

Why is it that the proponents claim plastic bags are clogging our drains, streams, and oceans, yet they overlook the MILLIONS of newspaper plastic bags that are thrown down into our driveways and gutters every year? As soon as there is a 2% chance of rain, the newspaper companies start wrapping their newspapers in plastic bags and throwing them down just feet from storm drains. All because the newspaper carriers can't be "inconvenienced" enough to deliver the papers to our doorsteps, where they would be out of the rain! Yet THOSE VERY SAME NEWSPAPERS (such as the San Jose Mercury News) write op-ed pieces stating how the rest of us should be banned from getting plastic bags at the store. HYPOCRITES!

And why are there exceptions for certain businesses, such as charities that deal with reusing items (like Goodwill)? Are their plastic bags somehow "holier" than ours? Are they somehow less destructive to the environment? Just try asking some city considering a bag ban why they exempt these organizations, and they fumble around and mumble guessing that it must be something about them recycling enough material that they should not be punished. Really? These people have no idea, they just copy the bag ban from another city without questions!

**11. Bag bans have no measurement of success, no review, and no accountability**

Notice that bag bans never promise anything. There is no measurement, no review, and no promise of anything except inconvenience! Some reports come out a year later stating that there was a reduction in the number of bags cleaned up on drains. Well OF COURSE. You banned EVERYONE from getting them, what else do you expect? The question is this: is it worth it? So an entire city struggles with a bag ban so city workers can clean up a few less bags. What was the cost of those few less bags cleaned up in time and effort of the entire city? Our initial estimates indicate it costs the people of the city about \$15,000 in time and effort for every bag that a city employee does not need to clean up.

**12. Cities are spending millions on bag bans**

When bag bans are implemented, the city must prepare information, pamphlets, posters, packages, training material, and educational sessions for businesses as they roll out their ban. Just check some of the city websites who have implemented a bag ban, and you can find complete packages that the city will send out to your business to help you "implement the changes"(and you WILL comply...) of the bag ban.

Add to that special call-in numbers, staff who are trained to respond to questions and inquiries, as well as city employees who must investigate claims and prosecute businesses for not following the ordinance.

The City of San Jose set aside over \$700,000 to fund the bag ban in addition to the extra burden it creates on many of its agencies. (The total cost is much higher.)

Imagine that. Cities that are hurting for finances, need to raise taxes, and are cutting services are passing silly laws that cost the city more money just to stop their citizens from receiving a free service that they had enjoyed previously! This doesn't even factor in the cost to the people.

**13. Cities could solve the supposed problems for less than enforcing a new law**

Something that is obviously (and purposely) overlooked with plastic bag bans is that they never address the problem. They don't ask where the plastic bags are coming from, or examine further restrictions on garbage trucks (who spew many of the plastic bags out onto the streets), or consider easier ways to solve the supposed "problem". Consider if the City of San Jose spent their hundreds of thousands of dollars to employ just one or two people who had a full time job of just walking the creeks and picking up plastic bags, or to hand out tickets to people they saw littering! It is obvious that they don't want to solve the problem, they just want to ban bags from people.

**14. Businesses and citizens already had the option to use reusable bags prior to bag bans**

Bag bans are not about people who want to use reusable bags, or choose that as their lifestyle. Bag bans are specifically to STOP people who CHOOSE to use a plastic bag. It is not about people who agree, it is about people who DO NOT AGREE.

Prior to the implementation of bag bans, no business was forced to offer plastic bags. And no customers were forced to take plastic bags!

If people agreed with bag bans, then bag bans wouldn't be needed!

The people vote with their choice. Stand in front of any store in a city without a bag ban and you will see about 80% of the people freely choosing plastic bags. But apparently some people (and too many city council members) do not like the choice that people made. So they have to take that away from them. Apparently, businesses and individuals are just too stupid to make the right choice.

**15. Bag bans hurt the poor**

Let's face it, any time an ordinance forces people to spend more money on something, it affects the poor in a more significant manner. But aside from just the cost to go out and purchase a large number of "reusable" bags, the fact is that the poor are more reliant on the convenience of plastic bags than anyone. They take public transportation or walk in much greater numbers. They shop at smaller stores, and buy a few items more often. Are they expected to walk around with handfuls of reusable bags all the time?

The proponents always try to portray someone putting a bunch of bags in their car (oh yea, we meant Prius...) and driving down to Safeway and buying \$100 worth of pre-planned groceries. They don't think about the poor person on public transportation, or walking on the street picking up a few items at the store on their way home. The poor are the most affected by bag bans.

**16. Bag bans hurt businesses**

Let's face it, businesses do things that optimize their profits. So why would businesses offer free bags? Because they don't want a few pennies worth of bags to stop customers from buying their products! It is a free, convenient service that they offer for a reason!

Bag bans hurt businesses for the following reasons:

- Shoppers can choose to go to a nearby city to buy the same product and get free bags (many vow to do so)
- Shoppers forget their reusable bags, or do not bring enough. They then are not as open to buying additional items.

- Business have to be the ones to enforce the bag ban on their customers, angering their customers
- Some businesses have to discard previously printed paper bags that do not meet the minimum criteria, and all previously printed plastic bags
- Businesses must stock and supply bigger, bulkier paper bags
- Businesses must track all paper bag sales for a minimum of 3 years
- Businesses are more prone to shoplifting, with customers carrying around multiple types of bags, and confusion over existing products that may have been purchased at another store. Why do you think some stores have signs that say "no backpacks"?
- Clerks and checkers must spend more time dealing with customer's reusable bags, or trying to pack everything into as few "chargeable" paper bags as possible. Reusable bags cause more injuries to store clerks as they carry heavier weight and the clerks must deal with them at the counter level.
- More shopping carts and baskets are used by customers to transport their groceries to their cars farther away, because they refuse to pay for bags. Shopping baskets virtually disappear within a few months from stores in cities that implement bag bans.

**17. Bag bans increase the number of paper bags used, which are worse than plastic**

It is extremely odd that plastic bags are banned while paper bags are allowed to continue. Many studies show that paper bags are worse for the environment than plastic bags. In addition to cutting down trees, they take more energy to create, ship, and stock than plastic bags. A stack of 1,000 plastic bags is about 4 inches. A stack of 1,000 paper bags is about 4 feet while 1000 plastic bags is about 4 inches.

**18. Bag bans result in businesses supplying even thicker plastic bags and higher customer charges**

Because many bag bans specify a minimum thickness of a plastic bag to be "reusable", many businesses are just switching to thicker plastic bags. They either give those away for free or, in many cases, charge for them.

Thus, where we used to get thinner plastic bags for free, we now get thicker plastic bags that we have to pay for. And this is progress?

Or consider a business like Trader Joe's. They had decided some time ago not to offer plastic bags, but only paper bags. (This is a business decision that they are perfectly fine in making.) Thus, the only change for Trader Joe's customers is that they have to pay for their paper bags that were previously free!

**19. Bag bans increase costs to the people**

A multitude of costs are imposed by the bag ban. Many of them are not considered or discussed. Here are a few of the costs:

- People must buy a large number of "reusable" bags (for each of their cars, bags at home, etc.)
- People must wash and dry those reusable bags regularly (oops, gotta buy more bags to use while you are washing your first set of reusable bags...)
- People must manage the bags, taking them out of cars before shopping, returning unused bags in the cars, returning used bags back to cars after inspecting them for dirt, etc.

- People add gas mileage to drive by their house to pick up bags before going to the store, or return to their house after they start to the store when they realize they forgot their reusable bags
- People must pay for paper bags when they forget their reusable bags, and there are very few re-uses for paper bags
- The estimated cost to manage reusable bags is \$250 per year per family (when personal time is valued at \$12 per hour).

**20. Bag bans are never voted on by the people**

With such a controversial law, an inconvenience to people and businesses, establishing a new principle of targeting "evil" uses of a product, and stepping on the freedom and liberties of both people and businesses, why don't the city councils put bag bans to the people for a vote?

In fact, if you look at the bag bans carefully, you will see that virtually everything they do is meant to AVOID a public vote:

- They don't consider a tax (why? couldn't the city use the funds?), but instead implement a ban to avoid a required public vote on a new tax.
- They implement a "minimum fee" for paper bags instead of a tax, as that would require a public vote.
- They never take a poll of the citizens to gauge opinion prior to a ban.

You will NEVER see a bag ban advocate stating they want the people to vote. They don't. They just want to convince the majority of the city council to impose their beliefs on everyone else.

**21. Bag bans are being implemented by city council members to make them feel warm and fuzzy**

With no hard evidence, and no accountability, it is obvious that bag bans are being passed by city council members just to make them feel warm and fuzzy. They will claim that they carefully weighed the evidence, but it was a done deal from the beginning in their minds. They feel good about being "green", even if that decision doesn't actually do anything. They also feel the peer pressure from other cities that are passing bag bans. "What's wrong, isn't your city green?" At the end of the day, millions of citizens are inconvenienced, businesses are hurt, people get angry, and public health is even threatened for no real reason except city council members can feel good about themselves for passing a "green" law that accomplishes nothing. Here are some actual quotes from City Council Members:

- "Why is our city so far behind others in this area? We don't want to be at the back of the pack!"
- "We need to get people off their plastic habits. This is just a first step."
- "They do this in Europe, we should do it here."
- "I have heard that our city benefits from added business because we don't have a ban. But that's not fair to the other cities around us. We need to level the playing field."

**22. Bag bans make a mockery of the city council process**

Despite what the city council may think, the citizens are not stupid. They see what goes on. They can see a "holier than thou" city council putting forth a ridiculous law on the

people. They see the "Bag Ban Zombies" showing up with bags tied all over their bodies, and signs stating how bad and evil plastic bags are intimidating anyone who dares to stand up for reason. And they know the city council members have already made up their mind no matter what people say or propose as alternatives. Citizen voices who disagree are ignored.

We have seen numerous email responses from city council members who state that they "carefully considered" the bag ban before making a decision, realize that "some" people may not agree with it, but then decided to do it "because it was the right thing to do." They then go on to state the typical non-sense illogical arguments that prove that they really didn't think things through, or even question the statistics that were presented to them.

This is a mockery of the city council process, which leaves the citizens with just one choice: To forcefully collect enough signatures to force the ordinance to a vote by the people to get it overturned. The city council knows that most people will not expend enough energy and money to go through the process, so they win by default. The silent majority sits at home and stew under their new laws, distrusting the city council and wondering what it is they will do next to impact their lives in some other meaningless manner.

**23. No studies have ever shown that bag bans significantly improve the environment**

San Francisco did a study years after their plastic bag ban was put into effect, and it showed NO improvement in the amount of plastic bags that littered the streets and streams. There has been no study reviewing plastic bag bans that shows any positive improvements that would be significant enough to justify the confusion, cost, and pain that bag bans have forced onto the people.

San Jose did a study 1 year after the bag ban and proclaimed success because their people cleaned up less plastic grocery bags. Yet they ignore the fact that those statistics only show that less bags were cleaned up, NOT the number of bags that made it past the cleanup efforts. Thus, they only show that city workers had to work a little less hard. So when do the people of the city get a tax break for the savings of the supposed millions of dollars in cleanup? Don't hold your breath.

**24. Bag bans are being put into place to control people, not to actually accomplish anything**

This gets to the heart of the issue: Bag bans are meant to control people and their attitudes. It does not matter if there is NO improvements to the environment. It does not matter that plastic bags are an incredibly small part of a larger problem. It doesn't even matter that they step on people's liberties and freedoms and hurt businesses. The only thing that matters is that they were able to control people's behavior and force them to adopt what they consider to be a "green" lifestyle.

And it is only the beginning! They already have a full list of other items on their target list!

**25. Bag bans hurt people taking public transportation, walking, or bicycling the most**

Just how is someone who takes public transportation, walks, or bicycles supposed to deal with the bag bans? Are they supposed to constantly carry around reusable bags just in

# Salem councilor backs plastic bag ban, takes issue with 'copied' proposal

Jonathan Bach, Salem Statesman Journal Published 11:08 p.m. PT Sept. 10, 2018 | Updated 11:24 a.m. PT Sept. 11, 2018

Marion County Sheriff's office issued an apology for the violent arrest of Kevin Straw by officers. This video shows him being taken to the hospital.

The Salem City Council on Monday tabled a proposed ban on single-use plastic shopping bags, voting to continue talks on the ordinance until late October.

The decision to hold off on the ban came after extensive testimony by members of the public, who alternately praised, opposed and asked for changes to the proposal.

Some councilors didn't want the government interfering with business operations. But one key voice in the decision to hold off was Councilor Cara Kaser, who supports a bag ban but took issue with city staff taking provisions for the city of Salem's proposal from an ordinance in McMinnville.

As the Salem proposal is written, for instance, a reusable bag is defined as being made of "non-plastic material." However, Kaser said she had reusable bags that contained plastic.

Management Analyst Kali Leinenbach acknowledged the language "was culled from the McMinnville ordinance."

Under the proposal, stores that employ more than 10 full-time-equivalent workers also would need to charge customers at least 5 cents for a paper bag and record the charge on receipts.

Those with fewer workers could opt against the charge. If they chose to charge the fee, they wouldn't have to show it on receipts.

But Kaser wanted to know where the 10-employee threshold and charge disclosure provisions came from.

Leinenbach said that also came from the McMinnville ordinance.

Later, Kaser said she wasn't against a ban, but she was disappointed that "we just basically copied it from McMinnville."

Under the current proposal, the ban would have an effective date of April 2019. Retailers more than 10,000 square feet in size would have to get rid of plastic bags by April 1, 2019, while other operations would have until Sept. 1, 2019.

Exemptions would be available for shoppers using: Electronic Benefits Transfer cards for Supplemental Nutrition Assistance Program benefits; and Special Supplemental Nutrition Program for Women, Infants, and Children vouchers.

Stores caught failing to comply with the ordinance would face fines that range from about \$50 to about \$250.

## **5 cents, 10 cents or no charge?**

One issue at hand during Monday's public hearing was whether stores should charge 5 cents, 10 cents or nothing for paper bags if the ban is passed.

Debbie Miller of Salem said the proposed 5-cent fee should be increased to 10 cents, claiming that's closer to what retailers pay for a paper bag.

A higher fee "would be a stronger deterrent" from using paper bags, she said. "If that is not acceptable, I'd like to see the city revisit the 5-cent fee in a year if paper bag use is still high," Miller said.

However, paper industry representative Paul Cosgrove argued there should be no paper bag fee.

"We think that's inappropriate and will have bad results," said Cosgrove, who was in council chambers on behalf of the American Forest & Paper Association and the Northwest Paper & Pulp Association. He requested the section of the ordinance establishing the fee be deleted.

Cosgrove called paper bags and boxes "the gold standard of recycling programs in this county."

"It's why this county has one of the highest rates of recycling in the state. ... There's an environmental benefit to having paper bags in the system," he said. "It's what supports consumer recycling."

The City Council voted to continue deliberations on the proposal until their Oct. 22 meeting, referring it back to city staff for further review with councilors.

The reason behind waiting until Oct. 22? Councilor Tom Andersen, who spearheaded the bag ban proposal, will be in Bhutan with his wife during the first October council meeting.

"I have every confidence that the new and improved ordinance will become law at that meeting," Andersen wrote in a social media post, calling Monday's decision "a temporary setback."

*Email [jbach@statesmanjournal.com](mailto:jbach@statesmanjournal.com), call (503) 399-6714 or follow on Twitter @jonathanmbach.*

## Exhibit D

10/9/18 Council Mtg. Item #7

Hi Ray,

Thanks for the invitation. Councilor Hudson also reached out to Councilor Craddick in this regard.

Basically, the tentative plan at the moment is to move forward with implementation of a region-wide single-use plastic bag ban through Metro's solid waste authority, while simultaneously advocating that the legislature institute a statewide ban during the 2019 session. Should the state act, we would not need a regional one. We'd be happy to discuss the ecological and recycling system elements of why a bag ban is a positive thing for the region. Please let me know what information you think would be most helpful or your Council would be most interested in.

From a process standpoint, if Troutdale implemented its own ordinance, it would be ahead of the curve once a regional requirement is put into place. But again, this is all preliminary and won't begin until early next year. I am happy to answer any questions.

Best,

**Ernest Hayes**

Metro | [oregonmetro.gov](http://oregonmetro.gov)

503-502-1722 (cell)

**ORDINANCE 2013- 03**

**AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 8.14, "SINGLE-USE PLASTIC CARRYOUT BAGS"**

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Chapter 8.14, "Single-Use Plastic Carryout Bags is hereby amended as follows:

**Section 8.14.010 Purpose.**

- 1) The purpose of this Chapter is to prohibit retail establishments from distributing single-use plastic carryout bags to their customers and to encourage the distribution and use of reusable options in order to avoid the negative environmental consequences found with the use of single-use plastic carryout bags.

**Section 8.14.020 Definitions.**

- 1) ASTM Standard - means the current American Society for Testing and Materials (ASTM)'s International D-6400.
- 2) Barrel Size - a paper carryout bag with approximate dimensions of 12 inches wide x 7 inches deep x 13-18 inches tall or a capacity of 1,100 to 1,600 cubic inches and contains a minimum of 40% post-consumer recycled content.
- 3) City - City of Corvallis, Oregon.
- 4) City Manager - The City Manager for the City of Corvallis or the City Manager's designee acting under his or her direction.
- 5) Recyclable Paper Bag - means a paper bag that meets all of the following requirements:
  - a) Is 100% recyclable;
  - b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard.
- 6) Retail Establishment - means any store, shop, sales outlet, or vendor located within the City of Corvallis that sells goods at retail. Retail Establishment does not include any establishment where the primary business is the preparation of food or drink:
  - a) For consumption by the public;
  - b) In a form or quantity that is consumable then and there, whether or not it is consumed within the confines of the place where prepared; or
  - c) In consumable form for consumption outside the place where prepared.
- 7) Reusable Bag - means a bag with handles that is either:
  - a) Made of cloth or other machine washable material, or
  - b) Made of durable plastic that is at least 2.25 mils thick.
- 8) Single-use Plastic Carryout Bag - means a plastic bag made from synthetic or natural organic materials that is provided by a Retail Establishment to a customer at the point of sale for use to transport or carry away purchases from the Retail Establishment. A Single-use Plastic Carryout Bag does not include:
  - a) A reusable bag.

- b) A plastic bag provided by a Retail Establishment to a customer at a time other than the time of checkout; or
- c) Pharmacy prescription bags.

**Section 8.14.030 Supervision by City Manager.**

The regulation of Single-use Plastic Carryout Bags in the City under the provisions herein shall be under the supervision of the City Manager.

**Section 8.14.040 Single-use Plastic Carryout Bag Regulation.**

**Section 8.14.040.010 Prohibition on Plastic Bags.**

Retail Establishments shall not provide or make available Single-use Plastic Carryout Bags or non-Recyclable Paper Bags, and/or provide a Barrel Size Recyclable Paper Bag without charging a minimum of 5 cents each to customers.

**Section 8.14.040.020 Requirement for Paper Bags.**

When a Retail Establishment makes a paper bag available to a customer at the point of sale, the bag must meet the definition of a Recyclable Paper Bag. For Barrel Size Recyclable Paper Bags, Retail Establishments shall charge the customer a reasonable pass-through cost of not less than 5 cents each.

**Section 8.14.040.030 Exception to Pass-Through Cost.**

A Retail Establishment shall provide customers who use a voucher issued under the Women, Infants and Children Program established in the Oregon Health Authority under ORS 409.600 with a Reusable Bag or a Recyclable Paper Bag at no cost upon request of the customer at the point of sale.

**Section 8.14.050 Enforcement and Penalties.**

**Section 8.14.050.010 Responsible Party.**

A person who is in charge or in control of a retail establishment or who exercises authority over a retail establishment that is not in compliance with Chapter 8.14.

**Section 8.14.050.020 Separate Offense.**

Each Single-use Plastic Carryout Bag or non-Recyclable Paper Bag provided or made available to customers, and/or each Barrel Size Recyclable Paper Bag provided or made available to customers without charging a minimum of 5 cents each in violation of this Section is a separate offense.

**Section 8.14.050.030 Penalty.**

A violation of this Section is a Class A infraction, with a minimum fine for each separate offense of not less than \$200.

**Section 8.14.050.040 Enforcement Implementation.**

Enforcement of this Section shall begin January 1, 2013 for retailers with more than 50 full-time equivalent employees and July 1, 2013 for retailers with 50 or less full-time equivalent employees.

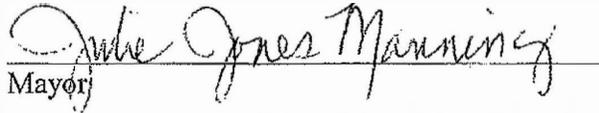
**Section 8.14.060 Severability.**

If any provision, paragraph, word, section, or article of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

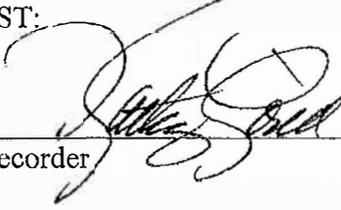
PASSED by the City Council this 6th day of May, 2013.

APPROVED by the Mayor this 6th day of May, 2013.

EFFECTIVE this 16th day of May, 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

**ORDINANCE NO. 20498**

**AN ORDINANCE ENCOURAGING THE USE OF REUSABLE BAGS,  
BANNING SINGLE-USE PLASTIC CARRYOUT BAGS, AND ADDING  
SECTIONS 6.850, 6.855, 6.860, AND 6.865 TO THE EUGENE CODE, 1971.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Sections 6.850, 6.855, 6.860, and 6.865 of the Eugene Code, 1971, are added to provide as follows:

**6.850 Plastic Bag Use - Definitions.** For purposes of sections 6.850 to 6.865 of this code, the following words and phrases mean:

**ASTM standard.** The American Society for Testing and Materials (ASTM)'s International D-6400.

**Carryout bag.** Any bag that is provided by a retail establishment at the point of sale to a customer for use to transport or carry away purchases, such as merchandise, goods or food, from the retail establishment. "Carryout bag" does not include:

- (a) Bags used by consumers inside retail establishments to:
  - 1. Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
  - 2. Contain or wrap frozen foods, meat, fish, whether packaged or not;
  - 3. Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
  - 4. Contain unwrapped prepared foods or bakery goods; or
  - 5. Pharmacy prescription bags;
- (b) Laundry-dry cleaning bags or bags sold in packages containing multiple bags intended for use as garbage waste, pet waste, or yard waste bags;
- (c) Product bags.

**City sponsored event.** Any event organized or sponsored by the city or any department of the city.

**Customer.** Any person obtaining goods from a retail establishment or from a vendor.

**Food provider.** Any person in the city that provides prepared food for public consumption on or off its premises and includes, without limitation, any retail establishment, shop, sales outlet, restaurant, grocery store, delicatessen, or catering truck or vehicle.

**Grocery store.** Any retail establishment that sells groceries, fresh, packaged, canned, dry, prepared or frozen food or beverage products and similar items and includes supermarkets, convenience stores, and gasoline stations.

**Pharmacy.** A retail use where the profession of pharmacy by a pharmacist licensed by the state of Oregon's Board of Pharmacy is practiced and where prescription medications are offered for sale.

**Product bag.** Any bag provided to a customer for use within a retail establishment to assist in the collection or transport of products to the point of sale within the retail establishment. A product bag is not a carryout bag.

**Recyclable paper bag.** A paper bag that meets all of the following requirements:

- (a) Is 100% recyclable and contains a minimum of 40% recycled content;
- (b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard as defined in this section.

**Retail establishment.** Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.

**Reusable bag.** A bag made of cloth or other material with handles that is specifically designed and manufactured for long term multiple reuse and meets all of the following requirements:

- (a) If cloth, is machine washable; or
- (b) If plastic, has a minimum plastic thickness of 4.0 mils.

**Vendor.** Any retail establishment, shop, restaurant, sales outlet or other commercial establishment located within or doing business within the geographical limits of the city, which provides perishable or nonperishable goods for sale to the public.

**Single-use plastic carryout bag.** Any plastic carryout bag made available by a retail establishment to a customer at the point of sale. It does not include reusable bags, recyclable paper bags, or product bags.

**Undue hardship.** Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to single-use plastic carryout bags or a recyclable paper bag pass-through cannot be collected.

**6.855 Plastic Bag Use - Regulations.** Except as exempted in section 6.865 of this code:

- (a) No retail establishment shall provide or make available to a customer a single-use plastic carryout bag;
- (b) No person shall distribute a single-use plastic carryout bag at any city facility, city managed concession, city sponsored event, or city permitted event.

**6.860 Plastic Bag Use - Cost Pass-Through.** When a retail establishment makes a recyclable paper bag available to a customer at the point of sale pursuant to section 6.865(b) of this code, the retail establishment shall:

- (a) Charge the customer a reasonable pass-through cost of not less than 5 cents per recyclable paper bag provided to the customer; and
- (b) Indicate on the customer's transaction receipts the total amount of the recyclable paper bag pass-through charge.

**6.865 Plastic Bag Use - Exemptions.** Notwithstanding sections 6.855 and 6.860 of this code:

- (a) Single-use plastic carryout bags may be distributed to customers by food providers for the purpose of safeguarding public health and safety during the

transportation of hot prepared take-out foods and prepared liquids intended for consumption away from the food provider's premises.

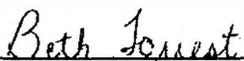
- (b) Retail establishments may distribute product bags and make reusable bags available to customers whether through sale or otherwise.
- (c) A retail establishment shall provide a reusable bag or a recyclable paper bag at no cost at the point of sale upon the request of a customer who uses a voucher issued under the Women, Infants and Children Program established in the Oregon Health Authority under ORS 409.600.
- (d) Vendors at retail fairs such as a farmers' market or holiday fair are not subject to indicating on the customer's transaction receipt the total amount of the recyclable paper bag pass through charge required in section 6.860(b) of this code.
- (e) The city manager or the designee may exempt a retail establishment from the requirement set forth in sections 6.855-6.860 of this code for a period of not more than one year upon the retail establishment showing, in writing, that this code would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing, and the city manager's or designee's decision shall be final.

**Section 2.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 3.** Enforcement of this Ordinance shall begin six months after its adoption to allow time for community education and to allow businesses sufficient time to implement the program.

**Passed by the City Council this**

**22<sup>nd</sup> day of October, 2012**

  
\_\_\_\_\_  
City Recorder

**Approved by the Mayor this**

**29 day of October, 2012**

  
\_\_\_\_\_  
Mayor

 CITY OF MILWAUKIE  
COUNCIL ORDINANCE No. 2162

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 16.36 ADOPTING PROVISIONS FOR SINGLE USE PLASTIC CHECKOUT BAG AND POLYSTYRENE FOAM PACKAGING.**

WHEREAS, the City Council finds only a tiny percentage of single-use plastic and Styrofoam food packaging products is recycled, and that single-use plastic and Styrofoam food packaging products are polluting our waterways and the world's oceans, and that single-use plastic and Styrofoam food packaging products also contribute significantly to our dependence on fossil fuels, which we are attempting to reduce as part of our work toward a Milwaukie Climate Action Plan (CAP); and

WHEREAS, the consensus of the City Council discussion has been to enact an ordinance banning single-use plastic bags and polystyrene foam at Milwaukie's large retailers of 10,000 square feet or greater and on City-owned properties; and

WHEREAS, the City Council held a Work Session on the topic of a ban on May 8, 2018, and passed a resolution Encouraging Use of Alternatives to Styrofoam, Plastic Bags, and Straws on June 19, 2018.

**Now, Therefore, the City of Milwaukie does ordain as follows:**

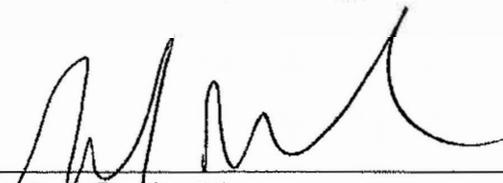
Section 1. The Milwaukie Municipal Code (MMC) is amended by adding a new Chapter 16.36 Single Use Plastic Checkout Bag and Polystyrene Foam Packaging, to read as shown on the attached Exhibit A

Section 2. This ordinance shall take effect on March 1<sup>st</sup>, 2019.

Read the first time on 8/21/18, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 8/21/18

Signed by the Mayor on 8/21/18

  
\_\_\_\_\_  
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

  
\_\_\_\_\_  
Scott S. Stauffer, City Recorder

  
\_\_\_\_\_  
City Attorney

## **Chapter 16.36 Single-Use Plastic Checkout Bag and Polystyrene Foam Packaging**

### **16.36.010 Purpose.**

The purpose of this Chapter is to regulate the distribution of plastic bags at retail establishments and food provider establishments and the use of polystyrene foam. The distribution of plastic bags and the use of polystyrene foam has significant, ongoing harmful impacts upon the environment, including:

1. They are a major source of litter.
2. When littered, they are detrimental to wildlife that ingests them.
3. They are persistent in the environment.

### **16.36.020 Definitions.**

For purposes of this Chapter and any rules adopted under this Chapter, the following terms have the following meanings.

“City Manager” means the City Manager or the City Manager’s authorized representative, designee or agent.

“Food provider” means any person in the City that provides prepared food for public consumption on or off its premises and includes, without limitation, any retail establishment, shop, sales outlet, restaurant, grocery store, delicatessen, or catering truck or vehicle.

“Packaging” means to-go containers, bowls, cups, live bait, food trays, or other common uses in the food industry.

“Polystyrene Foam” means any material composed of polystyrene, a thermoplastic material utilizing the styrene monomer, and having a closed cell air capacity of 25 percent or greater, or a density of less than 0.787 grams per cubic centimeter based on an average polystyrene density of 1.05 grams per cubic centimeter, as determined by an analytical testing laboratory.

“Recycled paper bag” means a paper checkout bag provided by a retail establishment or food provider to customers, meeting the following requirements:

1. Contains a minimum of 40 percent recycled content; and,

2. Is accepted for recycling in the City or contracted by City recycling program regulations.

“Retail establishment” means any sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization located within the City that sells or offers for sale goods to a customer.

“Reusable bag” means a bag with handles that is specifically designed and manufactured for long-term multiple reuse and is

1. Made of cloth or other machine washable fabric; or
2. Made of durable plastic that is at least 4.0 mils thick.

“Single-use plastic checkout bag” means a plastic bag that is provided by a retail establishment or food service facility to a customer and is not a reusable bag. A single-use checkout bag does not include the following:

1. A bag provided by a pharmacist or pharmacist’s assistant to contain prescription medication purchased by customers of the pharmacy;
2. A non-handled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable bag; or,
3. A plastic cover designed and used for protecting garments on a hanger.

#### **16.36.030 Authority of City Manager.**

- A. The City Manager is authorized to administer and enforce this Chapter’s provisions.
- B. The City Manager is authorized to adopt procedures and forms to implement this Chapter’s provisions.

#### **16.36.040 Checkout Bag Regulation.**

- A. The following must provide only recycled paper bags or reusable bags as checkout bags to customers:

1. Retail establishments or food providers with greater than 10,000 square feet in specific store size.

2. Retail establishments or food providers on City-owned properties.

B. Any retail establishment or food provider that violates Subsection 16.36.040 is subject to penalties as set forth in Section 16.36.060.

#### **16.36.050 Polystyrene Foam Regulation**

A. A food provider with greater than 10,000 square feet in specific store size or on City-owned property may not serve prepared food in any polystyrene foam product.

B. A food provider that violates Subsection 16.36.050 is subject to penalties as set forth in Section 16.36.060.

#### **16.36.060 Enforcement and Penalties.**

A. If any retail establishment or food provider violates this Chapter, the City may impose the following penalties and enforcement actions:

1. Upon the first violation, the City Manager will issue a written warning notice to the retail establishment or food provider that a violation has occurred.

2. Upon subsequent violations, the following penalties apply:

a. \$100 for the first violation after the written warning within a twelve-month period;

b. \$200 for the second violation within a twelve-month period; and,

c. \$500 for any subsequent violation within a twelve-month period.

3. The City may not impose more than one penalty upon any single location of a retail establishment or food provider within a seven-day period.

B. If the City Manager makes a determination that a retail establishment or food provider has violated this Chapter or any regulations adopted under this Chapter, the City Manager will send a written notice of the violation by mail to the retail establishment or food provider specifying the violation and the applicable penalty as set forth in Subsection A.

C. The City may use the provisions of Milwaukie Municipal Code Chapter 1.08 to enforce this Chapter.

# Chapter 17.103 Single-Use Plastic Checkout Bags

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## - Note

(Chapter replaced by Ordinance No. 185737, effective March 1, 2013.)

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### 17.103.010 Purpose.

The purpose of this Chapter is to regulate the distribution of plastic bags at retail and food establishments. The distribution of plastic bags has significant, on-going harmful impacts upon the environment, including

- A. Plastic bags are a major source of litter.
  - B. When littered, the material is detrimental to wildlife that ingests it.
  - C. The materials used in plastic bags are persistent in the environment.
- 

### 17.103.020 Definitions.

For purposes of Chapter 17.103, and any rules adopted thereunder, the following terms shall have the meanings specified in this Section.

- A. **“Director”** means the Director of the Bureau of Planning and Sustainability, or his or her authorized representative, designee or agent.
- B. **“Food provider”** means any person in the City that provides prepared food for public consumption on or off its premises and includes, without limitation, any retail establishment, shop, sales outlet, restaurant, grocery store, delicatessen, or catering truck or vehicle.
- C. **“Grocery store”** means any business in the City with gross annual receipts of \$2,000,000 or greater, offering for sale items of food and perishable items as well as other household goods and supplies.

**D. “Recycled paper bag”** means a paper checkout bag provided by a retail establishment or food provider to customers, meeting the following requirements:

1. Contains a minimum of 40 percent recycled content; and,
2. Is accepted for recycling in the City of Portland recycling program regulations under Chapter 17.102 of the City Code.

**E. “Reusable bag”** means a bag with handles that is specifically designed and manufactured for long-term multiple reuse and is

1. Made of cloth or other machine washable fabric; or
2. Made of durable plastic that is at least 4.0 mils thick.

**F. “Retail establishment”** means any sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization located within the City that sells or offers for sale goods to a customer.

**G. “Single-use plastic checkout bag”** means a plastic bag that is provided by a retail establishment or food provider to a customer and is not a reusable bag. A single-use checkout bag does not include either of the following:

1. A bag provided by a pharmacist to contain prescription medication purchased by customers of the pharmacy;
2. A non-handled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable bag; or,
3. A plastic cover designed and used for protecting garments on a hanger.

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## **17.103.030 Authority of Director to Adopt Rules.**

(Amended by Ordinance No. 189078, effective July 18, 2018.)

**A.** The Director is hereby authorized to administer and enforce the provisions of this Chapter.

**B.** The Director is authorized to adopt rules, procedures, and forms to implement the provisions of this Chapter.

1. Any rule adopted pursuant to this Section shall require a public review process. Not less than 10 nor more than 30 days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the

place, time, and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.

2. During the public review, the Director shall hear testimony or receive written comment concerning the proposed rules. The Director shall review the recommendations; taking into consideration the comments received during the public review process, and shall either adopt the proposed rules, modify or reject them. If a substantial modification is made, the Director shall conduct additional public review, but no additional notice shall be required if such additional review is announced at the meeting at which the modification is made. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed in the Office of the Director and with the City Auditor's Portland Policy Documents repository.

3. Notwithstanding paragraphs 2 and 3 of this Section, an interim rule may be adopted by the Director without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than one year (365 days). Within 5 business days of the adoption of an interim rule, the Director shall send notice of the rule to all the following, giving the language of the rule change, describing the purpose of the rule, and inviting the submission of comments.

- a. Neighborhood associations recognized by the City Office of Community & Civic Life,
- b. District Coalitions recognized by the City Office of Community & Civic Life,
- c. Business District Associations identified by the City Office of Community & Civic Life; and,
- d. Persons on the Bureau of Planning and Sustainability list of parties interested in administrative rules.

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## **17.103.040 Checkout Bag Regulation.**

A. As of March 1, 2013, the following shall provide only recycled paper bags or reusable bags as checkout bags to customers:

- 1. Grocery stores; or,
- 2. Retail establishments or food providers with greater than 10,000 square feet in specific store size.

**B.** As of October 1, 2013, all retail establishments and food providers shall provide only recycled paper bags or reusable bags as checkout bags to customers.

**C.** Violators of the requirements of Subsection 17.103.040 A. shall be subject to penalties as set forth in Section 17.103.050.

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## **17.103.050 Enforcement and Penalties.**

**A.** Any retail establishment or food provider that violates this Chapter shall be subject to:

- 1.** Upon the first violation, the Director shall issue a written warning notice to the retail establishment or food provider that a violation has occurred.
- 2.** Upon subsequent violations, the following penalties shall apply:
  - a.** \$100 for the first violation after the written warning in a calendar year;
  - b.** \$200 for the second violation in the same calendar year; and,
  - c.** \$500 for any subsequent violation within the same calendar year.
- 3.** No more than one penalty shall be imposed upon any single location of retail establishment or food provider within a 7-day period.

**B.** Upon making a determination that a violation of this code or regulations duly adopted pursuant to this Chapter 17.103 has occurred, the Director will send a written notice of the violation by mail to the retail establishment or restaurant specifying the violation and the applicable penalty as set forth in Subsection A.

**C.** Any store receiving a notice of violation must pay to the City the stated penalty or appeal the finding of a violation to the Code Hearings Officer in accordance with the procedures set forth in Section 22.10.030.

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## **17.103.060 Severability.**

If any Section, Subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter. The Council declares that it would have passed this Chapter, and each Section, Subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional, and, if for any reason this Chapter should be declared invalid or

unconstitutional, then the remaining Section, Subsection, sentence, clause or phrases shall be in full force and effect.