



Meeting Minutes

October 13, 2021 | Regular Meeting

Troutdale Police Community Center – Kellogg Room
 234 SE Kendall Ct, Troutdale, OR 97060
 and Held Virtually via Zoom

1. Call to Order, Roll Call, & Pledge of Allegiance

Chair Staffenson called the meeting to order at 7:00 p.m.

Commissioners Present: Jordan Wittren, Marv Woidyla, Gian Paolo Mammone,
 Shirley Prickett, Paul Wilcox, Tanney Staffenson (chair), Rich Allen

Commissioners Absent: None

City Staff Present: Chris Damgen, *Community Development Director*
 Alex Lopez, *Assistant Planner*

Others in Attendance: Mike Nugent
 Jeff Vanderdasson
 Doug Circosta
 Michael Robinson
 Greg Handy

2. Public Comment on Non-Agenda Items

None.

3. Review and Approval of Minutes

a. September 8, 2021 Regular Meeting

Mr. Wilcox listed a few changes.

Mr. Wittren moved to approve the minutes as amended and Ms. Prickett seconded the motion. The motion passed unanimously and the minutes were adopted

4. Public Hearings

Chair Staffenson read a description of the public hearing process.

a. Case File LU-0020-2021 Fox Ridge Apartments

Opening of Hearing

Chair Staffenson asked for conflict of interest or *ex parte* contacts to be declared. Chair Staffenson said that the Applicant had invited an attorney, Mike Robinson of Schwabe, Williamson and Wyatt as their legal counsel, and Mr. Robinson has done some work for him personally in another part of the State.

Chair Staffenson opened the hearing for the case file LU-0020-2021 Fox Ridge Apartments.

Staff Report

Mr. Damgen said this is a familiar type of development for the Planning Commission but because it is a *de novo* application and for good governance, he will go through the application again. Also, there are some key differences between the earlier application and the one being considered tonight.

Mr. Damgen said this is a grouping of properties located around 910 SW Halsey Street. The status is partially developed. There are already three homes on site. The land use designation is High Density Residential. The zoning is A-2, Apartment Residential. It is within the Town Center Overlay. There is a minor degree of sloping on the site. Surrounding property uses are residential. There is single family zoning to the north, although it is also classified as high-density land use. To the east, there is multi-family residential in existing older complexes that is served by Halsey Loop. To the south, there is also multi-family residential housing, Troutdale Terrace, which is accessed off 257th Drive. To the west, there is a medium density single family smaller lot subdivision. The property has frontage on Halsey Street, but importantly, it also has frontage on Halsey Loop to the east which is what they will discuss a bit later.

Mr. Damgen said that also, as they may know, it is a very sloping site with a very long driveway up to the previous residence. There is significant terrain differential which has caused problems in the past for previous development on the site, particularly with water pressure concerns but with access as well. Prior to last year, there was a so-called "spite strip" that inhibited development from accessing Halsey Loop which is a public street. That spite strip was eventually removed meaning that the subject property can now take access off Halsey Loop, and that is what the proposal will show.

Mr. Damgen said that what is being proposed is a 162-unit apartment complex. It's market rate. There are nine buildings, amenities and common areas. Primary access would be taken from the east off of Halsey Loop. Half-street improvements would be required, including a significant right-of-way dedication. There would be bike, pedestrian and emergency access onto SW 5th and 6th Ways. There would be tree removal in select areas. There would also be trees along the western property area that would remain for visual screening purposes and site maintenance. Mr. Damgen reminded them that they are not reconsidering tonight any re-zoning of the property. Also, since they're dealing with multiple properties, the application includes a lot consolidation of the properties as well.

Mr. Damgen said that the architectural design is for a 3- to 3 ½-story garden style apartment complex. This would typically be given a Type II level review. However, Staff and the Applicant elected to move this to a Type III level application for the Planning Commission's consideration. As mentioned, it includes consolidating five different tax lots into one. There are some significant differences between

this case file and the previous one, which was case file number LU-0010-2021. The earlier application which was introduced in August was for 166 units. The new application calls for 162 units due to some of the basement units being converted into garage parking. As a result, there are 6 additional on-site parking spaces added to the proposal. This means that the degree of variance that is being sought has decreased, and it's now at the variance level where it typically could be approved at a Staff level. It also means that there is a reduced density now, including the range of density that is required. Also, the decision criteria has changed, and he will review that also.

Mr. Damgen said that the applicable criteria that they would be looking at with this application remain exactly the same. There are three different sections for five components of the review. Since this is a Type III application, they are the decision-making body, and this is a quasi-judicial hearing. This is a required public hearing, and as before, they notified the same parties, and there is a 120-day clock to reach. Only the Applicant can pause the clock. Appeals must be made and paid for within ten days of the decision. Only those who provide testimony orally or in writing retain appeal rights. An appeal in this case would go to the City Council. The earliest potential appeal date would be November 9, 2021.

Mr. Damgen screen shared the timeline. He said that the pre-application was the same as with the prior application. The details and content are different. The Applicant submitted their information in mid-September, and now they are holding the public hearing tonight. Notifications were sent to the same parties who still believe that this is an approvable proposal. They also received testimony from the public.

Mr. Damgen said that Staff wanted to bring up the closest comparison for their analysis, and that is the property on Cherry Park Road and 242nd Avenue. It has a similar style and market rate type of impact, even though it is a larger property. Staff wants to focus on parking considerations. This property did require a zoning change. As of August, 98.7% of the units were occupied although all of them were leased, but not all occupied. There are one-, two-, and three-bedroom apartments. 512 parking spaces were provided, which is slightly more than would be typically required.

As they may recall, Staff had found a great number of unused parking on a weeknight at 9 PM. They noticed that the compact spaces on the site went largely unused when nearby standard parking was available. Of the 512 spaces they saw, 190 or about 63% of the spaces were being used when Staff observed the parking lot. That's 1.5 spaces per unit. The apartment building is at effectively full capacity, and the compact spaces are not being used. They believe as a Staff that the 2.3 parking spaces per unit ratio is excessive. Even though changing the Code isn't up for discussion tonight, they believe this information is relevant to the decision they will make about this proposal. Unused parking also means an unnecessary expense for the developer and that has trickle down effects that contribute to housing affordability issues. Compact spaces are being excessively added to plans in order to reach the parking requirement. Also, when they look at the Housing Needs Analysis which is officially required by the State, Staff finds that this particular application and also Eagle Ridge Apartments meet these income thresholds that are highlighted on the screen. Eagle Ridge offers the same type of setups and is 100% leased. There is a waiting list for one- and three-bedroom units. Staff thinks the Housing Needs Analysis may have underestimated the market demand for market rate

multi-family housing in suburban settings. Three-bedroom units are effectively supporting households at 100% of the Median Family Income, and single-family homes are out of reach for many people at that income level. For comparison, the new townhomes that are being built across the street are starting at about \$420,000 and it is out of reach for a lot of people.

Mr. Damgen said that another factor in Staff's analysis of the Fox Ridge Apartments proposal is that this is a site that is already zoned for multi-family development. The access is being taken off a street of lower classification, meaning a side street rather than Halsey Street directly. It would not require a new curb to be cut on Halsey Street, but it would require improvements to Halsey Street, and this was something that the County addressed in their conditions of approval. Also, there is a bus stop in close proximity to this property, and adding additional residents will hopefully help improve the efficiency of that bus line which has seen an uptick in service recently.

Mr. Damgen said the western tree line, adjacent to 5th and 6th Ways will largely stay intact and there will be new tree plantings in common spaces and other areas. The row of trees on the western side of Halsey Loop are in poor to fair health now, and that is the area where the right of way dedication will happen to allow for the proper street width and sidewalk features to be installed. An arborist study provided by the developer confirmed that there were no rare, threatened, or endangered trees or animal habitats on the site.

Mr. Damgen reminded them they are not debating tonight what the parking threshold should be. They just want them to know that they think it's too high, and they think this is something that they should consider when they discuss this application. Staff also thinks they should consider in the future whether there should be a design review committee at some level. However, tonight, the Staff and the Planning Commission have a very narrow list of application criteria that needs to be abided by whether or not they think this design is optimal, and Staff believes the Applicant has met these criteria. Again, all of the criteria has to be met or conditionally met through adopted findings by the Planning Commission. He said he would review the five criteria, pausing to answer any questions about each one. He will cover the variances first, then the site development review, and then the lot line adjustments.

Mr. Damgen turned to the building height variances. The height allowance of 38-39 feet is what was requested, and as a reminder, in the previous land use application, there was no disagreement with the premise of the findings; what they see is a copy and paste of what they saw in the previous case file. Special circumstances or conditions apply to the property and are not typical of the surrounding area. In this case, they've highlighted the hilly terrain of this property. The Applicant is hoping to accommodate the slope through daylight basements and garage parking. **As such, the criterion is met.**

Mr. Damgen said the next criteria is that the property not be damaging or injurious to the adjacent properties or the surrounding neighborhoods or otherwise injurious to the public welfare. The public comments they've received did not express concerns about the height of the building. According to the narrative, the 35-foot-height requirement on the uphill side of the building are not injurious to

potential views, and the buildings closest to it are actually not the ones that are seeking variances to the height. The row of trees to the west would be significantly maintained and would provide visual buffer. Also, the Applicant is using low-pitched roofs as shown in the architectural plans to reduce the height of the structures as much as possible. **As such, the criterion is met.**

Mr. Damgen said the next criteria is that the variance be consistent with the general purpose and intent for which a variance is sought. The intent is to allow three-story buildings to be built in the zoning district. They're going to use the design to accommodate the steep slopes to meet density requirements and to avoid unsightly large retaining walls. **As such, the criterion is met.**

Mr. Damgen said the next criteria is that the variance is the minimum necessary to relieve a practical difficulty from full compliance and to minimize or avoid the resulting hardship. They are using low pitched roofs and providing daylight basements. **As such, the criterion is met.**

Mr. Damgen asked if there were any questions about the building height variances. There were none.

Mr. Damgen explained that second set of the variances were for the setbacks for the parking area on the south side of the property. In the first application, there was some question about the degree of the variance needing to be sought and whether there should be compact spaces or standard spaces. They believe the criterion is met. Staff spoke to the unique situation with the sloping earlier. No public comments were received specifically addressing this variance request. The property to the south is higher in elevation than the subject property. **As such, the criterion is met.**

Mr. Damgen said the next consideration is that the variance requested will be consistent with the general purpose and intent, Mr. Damgen said that the Code is largely talking about vertical building setbacks and less so about ground setbacks. If adequate and sufficient landscaping can occur and walls and buffers that can protect any adjacent properties, then it's fine to allow the variance to occur. That is the case here. If this subject property and the property to the south would have all been one development, no buffer would even have been required between two rows of parking. **As such, the criterion is met.**

Regarding that the variance is the minimum necessary to relieve a difficulty that allows for full compliance, the variance request is to extend 3 feet and 2 inches into the rear 15-foot setback. This allows for 47 standard sized parking spaces and a 23-foot-wide drive aisle which is sufficient for fire response and emergency services. Previous applications did show the row of compact spaces, but Staff believes that the criterion is met to satisfy that and also to address the concerns of too much compact parking. **As such, the criterion is met.**

Mr. Damgen asked if there were any questions. There were none.

Mr. Damgen said he would address the actual standard parking variance and the question of how many off-street parking spaces there would need to be. Several of the criteria will remain the same as in previous applications. He will highlight the few changes. Special circumstances or conditions exist

on the property. As noted in previous findings, the site has significant sloping that is not typical or does not affect the surrounding properties. The topography creates economic and spatial challenges to developing a feasible project which they have witnessed in previous development attempts not panning out. Staff believes this is the best attempt to utilize the terrain and parking as best as possible. **As such, the criterion is met.**

Mr. Damgen said the variance requested will not be injurious to adjacent properties and the surrounding neighborhood or otherwise detrimental to the surrounding area. The Applicant was required to submit a traffic impact study. It was reviewed also by Multnomah County Transportation and by the City's Public Works department. Both agencies have proposed conditions of approval. The Applicant is proposing 340 spaces, a slight uptick from the 334 spaces previously requested. With 162 units on site, the required number is 378 spaces. The Applicant has proposed 14 adjacent spaces which brings down the required number of off- street spaces to 364. The variance is 6.59%. The amount of parking is 2.1 spaces per unit not including the 14 on-street spaces. The Applicant is offering the 14 on street parking spaces, but the variances is based on what's required off-street and that's why that number is the way that it is. The application states that the owner and developer found a ratio of 1.8 spaces per unit to be adequate. City staff's own analysis and research has shown that 0.91 to 0.97 is what they have observed to be the actual utilization rate. This suggests that the 2.1 spaces per unit is more than sufficient to adequately accommodate parking on the site. **As such, the criterion is met.**

The variance and provision would be consistent with the general intent for which the variance is sought. Staff looked at the national household travel survey. 38% of rental spaces in the US only own one car. The same survey found that 42% of the households live in census tracts with a population density within Troutdale's range. Using the lower number of 38% of the households having one car and all the others having two cars would mean 269 cars occupying parking spaces. That would leave 71 parking spaces for guests and approximately one space for every 2.2 apartment units. The Code calls for one space for every three apartment units. Since calculations are based on national surveys, it's reasonable to assume that similar trends could apply to Troutdale as these statistics include suburban communities and not just urban centers. **As such, the criterion is met.**

The variance is the minimum necessary to relieve a practical difficulty for full compliance and to avoid the resulting hardship. The Applicant appears to have made every effort to include as much parking as possible and has done so by adding six additional spaces. As such the criterion is met and exceeded, but while the unit count dropped, there is still an expectation of return on investment. The Applicant believes they've provided a plan to address this concern from the previous application. **As such, the criterion is met.**

Mr. Damgen asked if there were any questions. There were none.

Mr. Damgen turned to the site development review criteria, saying these would be largely the same. The proposal complies with the approval criteria. In this case, the criteria would be conditionally met, and that would be incumbent upon the variances for the rear setback and the height variances being approved. It complies with the criteria regarding non-conformities. In this case, the existing structures

have been demolished. There are no required upgrades to the existing development. The proposal complies with the approval criteria specified for applicable site design standards in the Code except the landscaping and parking. Staff believe it will be conditionally met provided they agree to the variance on the off-street parking standards. The variance is now at 6.95 percent. **As such, the criterion is met.**

Mr. Damgen turned to the issue of whether the application met the requirements of any existing requirements due to prior land use decisions. There haven't been any that affect the approvability of this application. **As such, the criterion is met.**

Next, if applicable, design standards are proposed to be adjusted. In this case, there are no adjustments for the design standards. **As such, the criterion is met.**

Mr. Damgen asked if there were any questions. There were none.

Mr. Damgen turned to the lot line adjustment variance. The applicant must demonstrate that the proposed lots conform to the applicable zone. Staff believe the proposed lot would meet all dimensional standards. No boundary lines would violate the setbacks. The Applicant needs to re-submit a record of survey to confirm those items, **so in this case, it's conditionally met.**

Staff recommends approval with conditions of the application. There are conditions from Public Works, Planning, Building, Multnomah County Transportation Planning, and Gresham Fire and Emergency Services.

Mr. Damgen acknowledged that it's unusual to revisit an application so quickly. However, a waiting period is not required for this. It's a property that's already zoned for this type of development; it's a difficult property to develop; and they believe that the facts speak for themselves and that the Applicant has tried to address the concerns that they had. He can also show an additional development at the conclusion of public testimony as they're in deliberation.

Staff proceeded to take questions from the Planning Commission.

Chair Staffenson asked how long the property has been zoned A-2. Mr. Damgen answered that it's been at least since the 1998 Town Center Plan from what Staff can tell.

Applicant Testimony

Mike Nugent introduced himself as the development manager for the Applicant. He's joined there by several members of his team to answer any questions they may have. He is a resident of Portland. All of the partners of the Applicant's manager were there: architect Doug Circosta, civil engineer Jeff Vanderdasson, and legal counsel Michael Robinson. He thanked them for their volunteer service. They remain excited about the project and doing business in Troutdale. They understand the Committee's concerns regarding their previous application that had to do with density and parking. They have made changes to this application that they believe are responsive to those concerns. He said they

welcomed any questions or clarifications that the Commissioners have. He has a clarification to make regarding the requesting parking variance. As Staff said, compared to their initial application, there is a net of six parking spaces added. However, as they may remember in the last hearing, they deleted and modified some of the compact parking and replaced it with standard parking which resulted in a net of seven parking spaces. In this new application, they have deleted four apartment units and they have added 13 parking spaces. Also, by eliminating four units, they eliminate the need for nine or ten parking spaces.

Mr. Nugent said they are comfortable with the changes that are requested in the Staff Report. They've enjoyed getting to know staff of the Troutdale Historical Society and accommodating their requests for tours and documentation of the houses on the property.

Mr. Wittren said he's made the suggestion of splitting the parking 50/50 between compact and standard spaces. He asked if they explored that. Mr. Nugent said that they hadn't, but they would be happy to do anything the Commission felt was needed.

Mr. Wilcox said that between Buildings C and H there's a green space that's described as "barbecue/view point/dog area." He asked if the dog area is entirely fenced. Mr. Nugent said there would be at least one gate, and maybe two gates, but it would be completely enclosed. Mr. Wilcox noted that this would be Troutdale's first dog park, and that sounds good.

Public Testimony

Proponents

There were no proponents who testified.

Opponents

Greg Handy (Troutdale) He asked if the group had received an 11-page letter and read all 87 pages plus the links. Chair Staffenson said he believes most of them have. He said he would go to the back page. He has issues with four things. First, on page 3, deals with park and open space. The Director said this land has been designated as A-2 since about 1998. There should have been some consideration and communication from the Director and the Planning Commission to the Parks Advisory Commission to see if they could acquire some of the 6.4 acres for the citizens who are not represented because they are not landowners. He's noted that on pages 1-3. He hasn't heard any deliberations or discussion by the Planning Commission about doing that, so he's assuming the Planning Commission has decided not to do anything.

Mr. Handy said that next, page 5 deals with Condition #11 when it requires an environmental habitat assessment of the property. Maybe the arborist was correct and there are no endangered species on the property. However, the arborist was asked to do an assessment of the habitat. The arborist is not certified to do a biological or environmental assessment of the property. He asked how they proposed to meet the requirement under Condition #11. He has been on many types of planes, but that doesn't make him a pilot. It is disingenuous for them to continue to promote the notion that the arborist is

qualified to do the assessment. He is requesting that a proper assessment be done, and that's noted on page 5.

Mr. Handy said on page 6, the Director stated "We will want to continue working with the Applicant to identify additional tree protection where possible. There may even be opportunities for additional landscaping that isn't even shown." Mr. Handy asked what language would be included that would address that. The Planning Commission should make these opportunities a part of the project by defining the scope necessary to achieve those two opportunities.

Mr. Handy said that the Director also stated that there weren't any types of trees of significance. He asked rhetorically how the Director was qualified to judge the significance of the trees. Under TDC 13-10-130, the Director should have completed a list of significant trees. The fir trees on the property have been there since at least 1962 since they survived the Columbus Day storm. If they look at Gresham's significant tree criteria, it offers a much broader, detailed and more complete view of how significant trees should be inventoried and listed. Once you cut them down, they're gone. Mr. Handy said he also included a link to the black cottonwood tree. This is a pioneer tree that offers significant bird habitat.

Mr. Handy said that the 2040 Plan, the Comprehensive Land Use plan, and other documents talk about the importance of wildlife in Troutdale. They've identified some bird species and animal species on their 0.72-acre property that includes migratory birds like the cedar waxwing, piliated woodpecker, fountain warbler, golden crown kinglet, red breasted nuthatch, and lesser goldfinch. He would like a true biologist to take a look at the property before they destroy more habitat. He's included references to National Geographic, the US Department of Agriculture, Oregon Fish and Wildlife and several others in addition to the 87 pages that he sent them. He will forward his other comments to the Council along with some other recommendations.

Neutral Parties

There were no neutral parties who testified.

Applicant Clarification / Rebuttal

Mike Nugent (Portland, OR.) He said he isn't sure how to address the comments regarding the open space. They are developers who try to locate properly designated land to design a project for it. They have an attractive open space and amenities within their project. There are resources for children that will encourage them to stay on-site and have fun. Regarding tree protection, they love trees and would like to retain as many as they can. It saves them money. The vast majority of the trees are on the perimeter of the property. The ones on the east side have been identified by the City's Code Officer as dead or dying and needing to be removed. They are retaining all of the trees on the western boundaries except for a few that would be removed to allow for emergency access. They are adding 105 trees specimen trees to their plan.

He asked Michael Robinson, their counsel, to make a remark.

Mr. Woidyla said he would like to hear more from the Applicant about the arborist. Mr. Nugent said that he believes he is ISA qualified. He did an extensive review of the site and they are comfortable with that report.

Chair Staffenson asked Mr. Nugent about the screening. Would he be opposed to fencing the property for security purposes? Mr. Nugent said they are not opposed to that. In fact, because of the grade change, they anticipate there will be a fence along one of the perimeters for safety purposes on the southern side. There are already fences on the western side on all of those properties along that boundary.

Mr. Wilcox said he wasn't clear about where the extra 12 garages are coming from. Mr. Nugent said that in Building B, one of the buildings that has 3 ½ levels, they have eliminated the four apartment units on the ground floor, the daylight basement units, on the north side of that building. In place of those four apartment units, they will be constructing twelve garages and one open parking space that fits into the middle of a set of garages. Mr. Wilcox asked if Building B will have 12 garages on the up slope and on the down slope also? Mr. Nugent said that was correct. He said Building A doesn't have any garages. They also think the garages are going to be in significantly higher demand due to the trend of people purchasing electrical cars. They intend to include charging stations in most if not all of the garages, so there will be a demand for those spaces.

Michael Robinson with Wyatt Schwabe Williamson (1211 SW 5th Avenue #1900, Portland, OR 97204.) He has watched a few hearings, read the application packet and the Staff's report. He asked if there were any questions for him or the others on the team before closing the hearing. He said he also wanted to respond to Mr. Handy's testimony.

First, facts need to relate to the approval criteria. If they don't relate, even if they are good points, they are not appropriate in a quasi-judicial hearing. People should be able to say anything they want in a public hearing, but at the end of it, the Planning Commission needs to sort out whatever is relevant. Mr. Handy's comments are unrelatable to approval criteria. This is a site design review application. It's unusual to have comp plan policies called out as being applicable to site review applications. In fact, there aren't any comp plan policies called out for site review applications. Comments about trees and natural elements may be important and of interest to the City Council, but they aren't relevant to the approval criteria. There's also a number of State law policies, but they don't need to go there, because their City Council hasn't put in the approval criteria any Comp plan policies. There are no applicable Comp plan policies.

Mr. Robinson said that second, the section that Mr. Handy cites which is TDC 13-10-130 is part of a general work task description to the Planning Director. It's not a quasi-judicial approval criteria. Mr. Handy is entitled to raise it, but it isn't a quasi-judicial approval criteria. It's a list of things the Planning Director should do.

Mr. Robinson said that lastly, regarding the park. He reviewed the City's comp plan, and many will have a star or a check next to property the Council thinks might be appropriate for a park. This property

doesn't have that. It's been A-2 since 1998 and not used to its fullest potential since then. There's nothing that would have kept the Park Director or the City Council from working towards turning the site into a park. However, it is not relevant to tonight's quasi-judicial proceeding or the application. Finally, a few commissioners had raised suggestions for improvements to the application, and Mr. Nugent had said he would be happy to accept those conditions of approval.

Chair Staffenson asked if there were questions.

Mr. Mammone said he would like to ask a few questions of the Applicant. He said first, he appreciated the effort that he saw from his team regarding the design. He has never had logistical concerns, but he does have a few questions. He'd like to reach a compromise about some elements. He understands that the application meets the technical aspect of the Code. He has concerns about the physical design. First, he sees in the design just north of Building H, a barbecue/viewpoint/dog area. What is it? Is it a shared open space?

Mr. Nugent said it's an amenity that will benefit all of the residents. There's a shelf on the south side of the property that has some very nice views to the north. They anticipate developing a patio/barbecue area that will have views to the north between buildings that will be very desirable as an amenity for the building residents. They are still figuring out the specifics. There will be an open area to the east and a fenced dog run area along Halsey Loop.

Mr. Mammone said this sound like it's shared open space, but not necessarily a children's area. Mr. Nugent said that was correct. Mr. Mammone asked If this area is more elevated than the surrounding land. Mr. Nugent said that was correct. Mr. Mammone said he appreciated the open space. His question is if there is a way to place the shared open space more in proximity to the children's play area which is completely surrounded by parking spaces. Good planning theory dictates letting everyone be seen so they are safe. He doesn't think surrounding the open area with parking constitutes good urban design in order for people to be seen and feel safe. It helps eliminate bad social behavior.

Mr. Mammone said that his second question is that it appears there are only two areas for garbage disposal. Neither of them seem to be very strategically located. For example, if he was living in Building H on the east end, he would need to walk around 51 parking spaces to drop off his trash bag. Building A is also very far away from the garbage area. He asked if there was a way to place this closer to the units by shifting some parking, for example.

Mr. Wittren said that he also wanted to make a comment. He appreciated the design overall, and when he was younger and lived in an apartment building, he appreciated being away from the park and being away from the social setting.

Mr. Mammone asked Chair Staffenson if the Applicant could please respond to his two questions.

Mr. Nugent said that regarding the open spaces, the primary driver for those locations are the unique views in that area. Personally, he agrees that it would be better to not have open space surrounded by

parking. Unfortunately, the parking requirements in the Code require them to put as many spaces in there as they can. They went through 15-20 iterations of the site plan and this is the area that they felt made the most sense. The swimming pool area is another open area for residents, and to the west, there's another open area that is designed for children which is in proximity to the swimming pool area. He said he would also ask Mr. Circosta to address Mr. Mammone's question. Regarding the trash, they used to place trash receptacles close to every building to make it really convenient for everyone. They've found that it's very hard to police all those areas. There's a lot of trash that misses the cans. They also have more pest problems, and garbage trucks have gotten bigger. In most of their developments, they only have one large trash area that people will take out the trash when they're running an errand and drive to the trash area. These also have trash compacters. Because of the grade changes, they felt it was necessary to have two instead of only having one as they usually do.

Mr. Mammone asked if they could move the garbage to being between Buildings H and I, towards the east, along the parking that is bordering the south. Mr. Nugent said access from a garbage truck would be restricted in that area. Also, frankly, residents don't like being near the compacters, so they try to locate these as far away from the buildings as possible. Mr. Mammone asked where the garbage trucks would come from. Mr. Nugent said they would enter through Halsey Loop.

Chair Staffenson said he wouldn't want to get too far into a discussion about moving the garbage area without consulting Public Works. Mr. Mammone said he would like to understand it better, but he understands.

Mr. Mammone said the area with the beautiful view is surrounded by carports. He wonders if they could relocate those to somewhere else. Mr. Circosta said he would answer the question. He said that if you look at the drawings and the topography of the site, you'll see there is a retaining wall on the north edge of the open space. The parking that's on the north side of the open space is below the barbecue area so that you look over the top of it. Mr. Mammone asked Mr. Circosta for his estimate of the height difference between the barbecue/open area and the carport roof. Mr. Circosta said you would not look over the top of any carport.

Closure of Hearing

Mr. Wittren moved to close the hearing and Mr. Woidyla seconded the motion. The motion passed unanimously and the hearing was closed.

Chair Staffenson called a 10-minute recess.

Discussion

Mr. Damgen said that Mr. Wilcox had requested information before the meeting that Staff would like to briefly show on the screen. Mr. Damgen said this exhibit was a comparison of properties in Troutdale and 3 referenced properties that Carla Properties has developed. The additional information that Mr. Wilcox requested is statistics about the Mountain Meadows Apartments located off 257th Drive. They have a very similar unit count but with a higher proportion of three-bedroom units. There's also a higher garage space count. That project was sometimes referenced as having a parking issue, and Staff

was unable to do an observation of that property to do a count. However, they can see the comparison here on the screen, and he hopes that's helpful.

Chair Staffenson said he has a few comments about the pages they received from Mr. Handy. They presently have an application in front of them, and by State statute they are to render a decision on that application and that does not include making a recommendation to the City Council about acquiring parkland. To his knowledge, this hasn't been done ever by this body in the past. Their job is to work with what is in front of them and what they are obligated to do. Second, the Applicant has followed direction and attempted to do what they asked. They may discuss design standards in the future, but he thinks it would be unfair to Staff and the Applicant to change the design at this point. If they have serious issues, they will need to vote accordingly, but he doesn't support 11th hour design changes.

Mr. Handy asked if he could make a comment about that. Chair Staffenson said that he could not at this time. Mr. Handy asked if he could make a comment to the Applicant's attorney. Chair Staffenson said no, the public hearing is closed. Mr. Handy said he understands, but the attorney said he would take questions. Chair Staffenson said that was meant to be questions from the Commissioners. They typically allow 3-5 minutes for public comment and Mr. Handy had almost 10 minutes. Mr. Handy said he wanted a clarification. Chair Staffenson said this could not be part of the record, and he was sorry.

Chair Staffenson asked for comments from the Commissioners. Mr. Wittren said he believes the Applicant has made a significant and sincere effort to do what they could to respond to the Commissioners' requests.

Mr. Woidyla asked if they had any information about the proposed widening of Halsey Street. Mr. Damgen asked what he meant exactly. Mr. Woidyla said he was referring to widening it to four lanes. Mr. Damgen doesn't think that is required at this time. The County and the Applicant need to decide the level of improvement needed. At the same time, the City and County and the two cities to the west are collaborating on a grant application to look at the entire Halsey Street design. His suspicion is that unless there's something that is urgently needed, any future widening would be just for turning traffic and for enhanced pedestrian safety.

Mr. Mammone asked Mr. Damgen if there was an analysis by the Department of Transportation and if they have information about a traffic increase because of the development and if a new traffic signal would be necessary. Mr. Damgen said there was a traffic analysis by a local traffic engineering firm, and the information is included in the packet. However, the civil engineers at the City and the County both looked at this, and both determined that based on the ITE materials and the number of units, Halsey Loop and Halsey Street could accommodate it, however there would be a need for some improvements in the future.

Ms. Prickett said that she feels the Applicant has proven that he's trying to do the best he can with a unique piece of property.

Mr. Allen said that he agrees with the sentiments raised by Mr. Wittren and Ms. Prickett.

Mr. Damgen said that he would share his screen again so they could go through the sequencing. They have suggested motions on the screen to make it easy for them to follow.

Voting

Mr. Wittren moved to approve the findings of fact for the variance for the building height as presented for the case file LU-0010-2021 Fox Ridge Apartments and Ms. Prickett seconded the motion. Mr. Wilcox said he had a comment. The height variance allows for 4 levels on the down slope of the building and that's a density bonus for the developer. Voting resumed. **The motion passed unanimously and the findings were approved.**

Transcriptionist note: This was later stricken from the record since Mr. Wittren referenced an incorrect case number.

Mr. Wittren moved to approve the variances for the setback standards for the case file LU-0020-2021 Fox Ridge Apartments as presented and Ms. Prickett seconded the motion. Mr. Wilcox commented that since this is where the compact spaces were switched to standard spaces, in comparing the two applications it went from 81 to 27 compact spaces or a reduction of two thirds. Chair Staffenson said they increased the number of standard spaces. Mr. Wittren said this is the point he made to the Applicant about splitting spaces 50/50, but he's OK with where it's at. There was no other discussion on the motion. Voting resumed. **The motion passed unanimously.**

Mr. Wittren moved to approve the variances to the parking components of the proposal for case file LU-0020-2021 Fox Ridge Apartments as presented and Ms. Prickett seconded the motion. Mr. Wilcox said he had a question. He asked if they were on the parking standards now. Chair Staffenson said they were. Mr. Wilcox said he would start with the Applicant adding 12 garages. At the previous meeting, he raised the issue of garages not automatically being parking spaces. People have to choose to pay the extra rental fee and to not use it for storage. He wanted to discuss Mountain Meadows as a comparison property. It has 164 units and 330 parking spaces of which 131 are standard spaces, 115 compact and 84 garage spaces. At 2.33 that called for 382 spaces. They provided 330, so they were 52 spaces short. He is not sure if they had a variance for it. It's noteworthy to him that the 115 compact spaces put them exactly at the 35% maximum allowance for compact spaces. To the issue of garages now, at a previous meeting, Mr. Nugent acknowledged that not every garage is going to have a car in it. The estimate he was offering was 80% parking utilization of garages. Mr. Wilcox said he decided to visit Mountain Meadows yesterday and to talk to the property manager. She estimated that 50% of spaces are utilized, so that's a lot of parking spaces lost to storage. They charge \$100/month for garage parking. It's much less than what a self-storage business charges. Also, she talked about people doubling up because vacancy rates are near zero and rents are high. People have roommates or multi-generational households. She also mentioned that they have a policy of only one registered car per resident. They do have a parking problem that she readily acknowledged, and she said they want to acquire the property behind them for additional parking. Their parking ratio is 2.0 which is close to what they're looking at for Fox Ridge Apartments. His position is that there's a clear path to approval at

reduced density as far as the parking standard goes, so he sees no basis for granting a variance to the parking.

Mr. Wittren said that it's very close to Mountain Meadows with a parking ratio of 2.01, but it's also close to Troutdale Terrace at a 2.18 parking ratio. He thinks they are all using their best judgement. He feels the Applicant has tried to maximize parking as much as possible.

Mr. Mammone asked Mr. Damgen if the ratio is 2.09. Mr. Damgen said it was 2.10.

There was no further discussion and voting resumed. **The motion passed 6-1 (Wilcox.)**

Mr. Wittren moved to strike his previous motion for the variance to the building height for case file LU-0010-2021 Fox Ridge Apartments and instead approve the findings for the case file LU-0020-2021 Fox Ridge Apartments as presented, and Ms. Prickett seconded the motion. The motion passed unanimously.

Mr. Wittren moved to approve the findings for the site development review for the case file LU-0020-2021 Fox Ridge Apartments as presented and Ms. Prickett seconded the motion. The motion passed 6-1 (Wilcox.)

Mr. Wittren moved to approve the findings for the lot line adjustment for the case file LU-0020-2021 Fox Ridge Apartments as presented and Mr. Woidyla seconded the motion. The motion passed unanimously.

Chair Staffenson said he wished to add Condition of Approval #16 to have adequate screening separating the properties in the form of a fence with materials to be approved by Staff.

Mr. Wittren moved to approve the Final Order and Conditions of Approval for the case file LU-0020-2021 Fox Ridge Apartments as amended and Ms. Prickett seconded the motion. The motion passed unanimously.

Mr. Mammone asked if they had to approve more details about the fencing tonight. He asked Mr. Damgen to share his screen. Mr. Damgen said that the Applicant would need to demonstrate that they have provided adequate screening. The Applicant did mention earlier that there is already some fencing around the perimeter, and there is screening by the trees on the westerly line. He thinks that if there are deficiencies they will compel the Applicant to adjust it. If needed, they would take it to this body for clarification. Mr. Mammone said the problem is that in 6 months, he will not be sure where the adequate screening should be, and it might be more appropriate to clarify this tonight. Mr. Damgen said that it's the Applicant's burden to demonstrate where they believe the deficiencies are. The Planning Commission has empowered Staff to approve the location and materials of any deficiencies that occur. Mr. Mammone said that it wasn't that he didn't trust the Staff. It's that he has never been confronted with a condition that is as vague as this one. He thinks they need to specify the condition that they are asking the Applicant to meet. He has tried to compromise with anyone, but

this is feels ambiguous. Chair Staffenson asked how the other Commissioners felt. Mr. Wittren said they had all voted yes, and that was enough.

5. Staff Communications

Mr. Damgen said there would not be a special meeting in October. However, there are many things occurring such as the Parks Master Plan survey. They especially want to hear from seniors and kids. Also, the Public Safety and Equity Committee will have its first meeting on October 21. There will be a Type IV hearing in November. Also, they have a new Permit Specialist, Paige Torres. Their new Planner is Melissa Johnston, and she will be at the next Planning Commission meeting.

6. Commissioner Comments

Mr. Wilcox commented that even though the Applicant came up short for parking spaces, he is glad to hear he is installing charging stations in the garages.

Mr. Allen said he appreciates learning from the Planning Commission.

Mr. Mammone asked if there would be a meeting on October 27. Mr. Damgen said that was correct.

Mr. Wittren thanked everyone for a robust discussion.

Chair Staffenson thanked everyone for their time on this proposal.

7. Adjournment

Ms. Prickett moved to adjourn and Mr. Wittren seconded the motion. The vote was unanimous and the meeting was adjourned at 9:20 PM.

APPROVAL OF MINUTES



Tainey Staffenson, Chair

12/8/2021

Date



Melissa Bocarde, Attest

12.12.21

Date