

RESOLUTION NO. 497-R

A RESOLUTION AMENDING THE ZONING DESIGNATION OF TAX LOT 23, SECTION 35, T1N, R3E, W.M., R-4(TWO-FAMILY RESIDENTIAL) AND R-7 (SINGLE FAMILY RESIDENTIAL) RESPECTIVELY, AS PER EXHIBIT A.

WHEREAS, the Troutdale Planning Commission found the Zone change request consistent with the City's Comprehensive Plan and in compliance with State's Land Use Goals; and

WHEREAS, The Troutdale City Council pursuant to Section 12.050 of the City Zoning Ordinance held Public Hearing on June 14, 1983; and

WHEREAS, the Troutdale City Council after deliberating all evidence found the zone change request to be consistent with the City's Comprehensive Land Use goals:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

Tax Lot 23, Section 35, T1N, R3E, W.M., be designated R-4 (Two-Family Residential) and R-7 (Single Family Residential) respectively, as per Exhibit A, on the City Zoning Map with the following conditions:

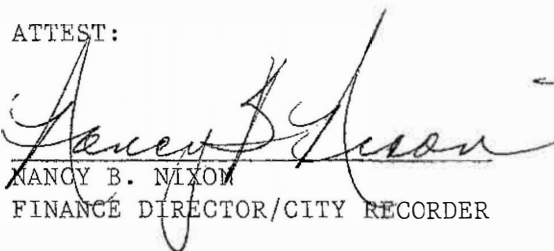
1. That the City's final review and acceptance of the Subdivision's storm drain plan based on explicit engineering drawings shall be secured prior to or at the time the applicant seeks Final Plat approval;
2. That sufficient land along the west property line be dedicated for the purpose of improving 257th Avenue to an arterial standard and that 257th Avenue be improved to County Standards.
3. That the subdivider/developer of Spice Mountain Subdivision sign a hold harmless Agreement relieving the City of Troutdale from any claims associated with methane gas initiated by owners of Spice Mountain Subdivision lots.


PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 14th DAY OF June, 1983.

YEAS 6

NAYS 0

ATTEST:

  
NANCY B. NIXON  
FINANCE DIRECTOR/CITY RECORDER

  
SAM R. COX, MAYOR  
DATE SIGNED: 6-17-83



CITY OF TROUTDALE  
104 S.E. Kibling Street  
Troutdale, OR 97060  
665-5175

FILE NUMBER ZC 82-11-1

APPLICATION DATE 11/22/82

DATES LEGAL NOTICES PUBLISHED 12/14/82,  
5/7/83

PLANNING COMMISSION ACTION 5-18-83 Recommended Zoning Map Amend W/Conditions

CITY COUNCIL ACTION 6-14-83 Approved W/Conditions

I. FACTS:

A. GENERAL INFORMATION

APPLICANT: *Robert E. Spikes*

PROPERTY OWNER: *Irene Culley*

REQUEST: *Approval of zone change from Suburban Residential to R-4 and R-7 densities.*

DESCRIPTION OF PROPOSAL: *Applicant proposes to develop this property into three "duplexes" at R-4 density, and 34 single-family dwellings at R-7 density.*

LOCATION: *The parcel is immediately north of the JDL property, a PD Development which has received preliminary plan approval but is as yet undeveloped. It is bordered by 257th Avenue to the west, and the Obrist Pit and future park to the east.*

LEGAL DESCRIPTION: *Tax Lot 23, Section 35, T1N, R3E, W.M.*

SITE SIZE:  
*9.81 acres*

PRESENT ZONING:  
*Suburban Residential*

B. SITE DESCRIPTION *The site is relatively flat, sloping gently to the east. It is mostly cleared of vegetation, except for some 71 scattered evergreen trees, and a stand of Douglas Fir at the southwest corner of the site. Soils are of the Multnomah Silt Loam series, which exhibit good drainage properties.*

C. VICINITY DATA *To the north are two large parcels, the undeveloped subdivisions of Bere's Addition and Sunridge. The proposed but as yet undeveloped JDL condominium project lies to the south. Across 257th to the west is Raspberry Lane Subdivision. To the east is the Obrist Landfill site which is proposed for a park.*

D. SERVICE CONSIDERATIONS  
*All necessary services and utilities are available to the site. There are, however, no storm sewers bounding the property.*

E. EXHIBITS  
*Applicant's Preliminary Plan and Text; slides.*

## II. ZONE CHANGE REQUEST

The applicant is requesting a zone change from Suburban Residential to R-4 and R-7 designations respectively, to allow for development of a 37 lot subdivision to be known as Spice Mountain. Three lots immediately adjoining 257th Avenue are proposed for R-4 density, and intended to accommodate duplexes. The remaining lots are proposed for R-7 density single-family detached dwellings. The total number of dwelling units proposed is 40.

The entire site lies within Policy Area I - Single-Family Residential. The western one-third of the site, which includes the three lots proposed for R-4 density, lies within the Transitional Area of Policy Area I.

## III. RECOMMENDATIONS

Staff recommends approval of zone change request, with the conditions as follows:

1. That the City's final review and acceptance of the Sub-division's storm drain plan based on explicit engineering drawings shall be secured prior to or at the time the developer seeks Final Plat approval.
2. That sufficient land along the west property line be dedicated for the purpose of improving 257th to an arterial standard and that 257th be improved to County standards.

## IV. FINDINGS

### A. Applicable Criteria

Oregon law requires zone change applications to meet two criteria: Conformance with the Comprehensive Plan and Compliance with Statewide Goals.

#### Conformance with Comprehensive Plan

1. Policy Area I and Transitional Areas, Policy Area I boundaries as depicted on the Comprehensive Plan Map.
2. Any proposal for a zone change in Policy Area I for strictly single-family development shall be guided by Section 1.04.01 or 1.04.02, following. Any proposal for a zone change to anything other than single-family shall be for a specific use and shall meet all the criteria identified in Sections 1.04.01 and 1.04.04.

[Comp. Plan 1.04.00]

3. A proposal for an R-10 zone change shall be granted if all of the following conditions exist:
  - a. The parcel can be adequately served by the municipal supply and sanitary sewer systems.
  - b. The runoff generated from future development of the parcel can be accommodated without causing damage to downgradient properties.
  - c. The parcel can be accessed by extending existing City streets in a configuration to City standards.

[Comp. Plan 1.04.01]

4. Variations from the standard R-10 zone (i.e., higher density single-family zones) shall be granted, subject to all requirements of Section 1.04.01 and when one or more of the following conditions exist:
  - a. The parcel for which the zone change is sought adjoins either a "Transitional Area", "Policy Area II", higher intensity uses (e.g. community service, multi-family, neighborhood commercial), or an arterial street.
  - b. The parcel for which the zone change is sought shall be developed in accordance with the Planned Development requirements as set forth in the City's Zoning Ordinance.
  - c. A portion of the parcel for which the zone change is sought shall be dedicated as open space to be used as park, trail or greenway.

[Comp. Plan 1.04.02]

5. Transitional uses (i.e. two-family R-4 zoning) shall be permitted in Transitional Areas designated on the Plan Map provided that:
  - a. No retail commercial uses shall be permitted in any transitional area adjacent to a public school.
  - b. The transitional use site development plan meets all of general design standards in Section 1.05.00

[Comp. Plan 1.04.04]

Compliance with Statewide Goals

1. Citizen involvement.
2. Land use planning.
3. Open spaces, scenic and historic areas, and natural resources.
4. Air, water and land resources quality.
5. Areas subject to natural disasters and hazards.
6. Recreational needs.
7. Economy of the State.
8. Housing.
9. Public facilities and services.
10. Transportation.
11. Energy conservation.
12. Urbanization.

[Oregon Land Conservation and Development Commission]

B. Evaluation

Conformance with Comprehensive Plan

1. Policy Area I and Transitional Areas, Policy Area I Boundaries.

[Comprehensive Plan Land Use Map - March 1982]

Policy Area I is designated as the City's basic urban residential area. The purpose of the zone change is to allow a development of mostly single-family residences with a number of two-family dwellings to proceed. This may occur if the subject parcel lies within Policy Area I as depicted on the Plan Map, and provided specified criteria are met.

The subject property does lie wholly within Policy Area I. Specifically, as a result of the Comprehensive Plan Map revisions in March 1982, the eastern 400 feet of the site

was designated Transitional Area within Policy Area I, to provide opportunity for more intensive development along 257th Avenue. The eastern portion of the site remain unaltered and within Policy Area I.

The Comprehensive Plan Map designates the subject property as within Policy Area I and Transitional Area, Policy Area I. The uses requested are therefore allowable within this Policy Area.

2. The City's Comprehensive Plan specifies criteria to be met for zone change proposals within each Policy Area and/or Subarea. Since the subject parcel lies within Policy Area I and Transitional Area (a subarea of Policy Area I), each with a slightly different set of approval criteria, the following discussion will treat the eastern and western portion of the site separately.

#### Policy Area I - R-7 Zoning (Eastern Portion)

[Comp. Plan 1.04.02, 1.04.01, and 1.04.00]

#### Adjoining a "Transitional Area"

The Comprehensive Plan specifies that variations from the standard R-10 zoning within Policy Area I shall be granted if the parcel for which the zone change is sought adjoins a Transitional Area.

The eastern portion of the subject parcel adjoins a Transitional Area, thereby satisfying the condition for variation from the standard R-10 zone. The requested R-7 zoning is allowable.

#### Adequacy of Municipal Water Supply and Sanitary Sewer Systems to Service the Site

City data indicate that a 6" water main and a gravity 10" sanitary sewer line runs along 257th Avenue. These lines can be extended to service the site with no foreseeable technical difficulty according to the City's engineer.

Existing municipal water supply and sanitary sewer lines can service the site adequately without undue impact on the systems.

#### Runoff to be Accommodated Without Damage to Downgradient Properties

There is at present no storm sewer in the vicinity of the property. The applicant has furnished a preliminary storm drainage plan for the subdivision. This preliminary plan is sufficient for general design purposes.

It is recommended that before the Final Plat approval procedure, the applicant secure City review and acceptance of a subdivision drainage plan based on explicit engineering drawings.

The preliminary storm drainage plan as submitted for the subject parcel is sufficient from a general design standpoint. However, per the City's Subdivision Regulations, detailed construction drawings must be approved prior to construction of required storm water sewer facilities.

Access to Parcel to be Accomplished by Extending City Streets in a Configuration to City Standards

The City's Subdivision Ordinance specifies a minimum of 150' between road intersections. The distance between the respective intersections of the proposed S.W. 25th Street and the existing S.W. 24th Street (of Raspberry Lane Subdivision) with 257th Avenue is approximately 230', thereby meeting this standard.

257th Avenue is a County road planned for extensions and improvements as a major arterial. Any street dedication and improvement on the subject parcel will need to meet standards as established by the County, in addition to City standards which apply. Based on the street alignment proposed for the Subdivision, access to the parcel can be accomplished by extending City streets in a configuration to City standards.

3. Policy Area I - R-4 Zoning (Western Portion)

[Comp. Plan 1.04.04, 1.04.02, 1.04.01 and 1.04.00]

Transitional Areas - No Retail Commercial Uses

Transitional uses (including two-family R-4 zoning) shall be allowed in Transitional Area provided no retail commercial uses are permitted adjacent to a public school, and provided that certain site development standards are met.

The request is for a duplex (R-4) residential development with no proposed commercial uses. Within "Transitional"

designated areas duplex development is allowed subject to specific conditions and standards.

The western portion of the subject parcel lies with a Transitional Area. No commercial use is proposed for the site. R-4 zoning as a Transitional Use is therefore allowable on the western portion of the site.

Adequacy of Municipal Water Supply and Sanitary Sewer Systems to Service the Site

Same as corresponding comments for eastern portion of site.

Runoff to be Accommodated without Damage to Downgradient Properties

Same as corresponding comment for eastern portion of site.

Access to Parcel to be Accomplished by Extending City Streets in a Configuration to City Standards

Same as corresponding comments for eastern portion of site.

There are no other Comprehensive Plan criteria applicable to this part of the zone change proposal.

Compliance with Statewide Goals

1. Citizen Involvement - The Planning Commission has provided adequate opportunity for public input and involvement by affected persons, parties and agencies, both on this immediate matter and at the time of developing the Comprehensive Plan.
2. Land Use Planning - The Planning Commission has conducted all land use hearings on this matter in accordance with appropriate Statutes and Ordinances.
3. Open Spaces, Scenic and Historic Areas, and Natural Resources - The parcel is not known to be located on or adjacent to any significant open spaces, scenic or historic areas or natural resource sites.
4. Air, Water and Land Resources Quality - As residential development on municipal water and sewer lines, the request will not adversely impact air or water quality.

The subject site is adjacent to a former land fill site where demolition waste as approved by the Oregon Department of Environmental Quality has been placed between 1970 and 1980. As per an investigation performed by EMCON Waste Management and Environmental Control Consultants, no migration of methane gas to properties situated immediately west has occurred. Subsequent to the October 22, 1981 report prepared by EMCON, DEQ drew gas samples from same locations on April 8, 1983. DEQ gas samples are consistent with EMCON measurements.



5. Areas Subject to Natural Disaster and Hazards - The request will not adversely impact this goal since the site encompasses neither steep slopes nor flood plains.
6. Recreational Needs - The request will not adversely impact this goal. No recreational areas are presently located on or immediately adjacent to the site and the applicant has not proposed any recreational areas on the plan. However, the Obrist Landfill site to the east will eventually be developed into a park. The applicant has proposed a dedicated pedestrian walkway which will link the development to the proposed park.
7. Economy of the State - The request will not adversely impact this goal, it can in fact provide short-term impetus to the local economy via housing starts.
8. Housing - The request will have a slight positive impact on this goal through the provision of housing within the appropriate Policy Area at densities which may allow for lower priced homes.
9. Public Facilities and Services - The request will not adversely impact this goal since fire and police protection, as well as educational services, can be afforded by the affected municipal agencies and regional service districts without disrupting existing services or service levels. The site will be on municipal water and sewer lines; it will not strain these systems beyond what is anticipated for the eventual development of the site.
10. Transportation - The site plan calls for a single access to the development; lots immediately adjoining 257th Avenue will be oriented inwards. There is Tri-Met bus service within a one-half mile of the subject property, the request will not adversely affect this goal.
11. Energy Conservation - The request will not adversely impact this goal. The site is located within reasonable proximity to schools, public transport, and shopping facilities.
12. Urbanization - The request will in fact promote this goal by timely and orderly development of land within the designated Urban Growth Boundary.

Each Statewide goal has been evaluated against the zone change proposal. The proposal is in compliance with all applicable Statewide goals.

### C. CONCLUSIONS

The applicant has provided sufficient information for the proposed zone change from SR to R-4 and R-7 designations. All findings are affirmative as regards Comprehensive Plan and Statewide Goals compliance.

#### D. RECOMMENDATIONS

Staff recommends approval of zone change proposal with the following conditions:

1. That the City's Final review and acceptance of the Subdivision's storm drain plan based on explicit engineering drawings shall be secured prior to or at the time the applicant seeks Final Plat approval.
2. That Sufficient land along the west property line be dedicated for the purpose of improving 257th to an arterial street and that 257th be improved to County standards



Job Spikes

185-5551

23745 N.E. Holladay  
Troutdale, Oregon 97060

In response to State Wide Planning Goals:

#1 Citizen Involvement:

This is to insure citizen involvement in the comprehensive plan: Troutdales Comprehensive Plan has been in effect for some time and in the course of it's preparation their goals were met prior to it's adoption.

#2 Land Use Planning:

Troutdale has met this goal for some time by the adoption of its Comprehensive Plan.

#5 Open Spaces, Scenic and Historic:

Under this goal, I would point out that the area directly east which was Obrist Dump will be available for park facilities in the near future for any of the residences. Due to the size of the subdivision there is not a need for open spaces. There are no historic areas nor are there any Natural Resources that need protected on this parcel of land.

#6 Air, Water and Land Resources Quality:

The subject subdivision shall be on a sewer system which will protect Troutdales air and water resources and the R7 zone change will insure a usable density in regards to the land resource issue.

#7 Areas subject to National Disasters and Hazards:

This property hasn't any of the above described hazards.

#8 Recreational Needs:

The property in question is not large enough to meet any recreation needs. There are many recreational facilities that are in the immediate area.

#9 Economy of the State:

The building of home sites will provide jobs for some of the local residence.

#10 Housing:

This property is zoned residential under the present Comprehensive Plan for which it is best suited and will help provide a moderate price range of housing for our citizens.

#11 Public Facilities and Services:

We shall be served with sewer, police protection, fire protection, storm drainage, energy and communication, zoning and subdivision control, health and government services.

#12 Transportation:

The Light Rail is coming to the Gresham area in the near future and Tri-Met has bus service within 1/2 mile of the property.

#13 Energy Conservation:

- a. Lot size, dimension and siting controls.  
The lot size is of medium density facing north and south with maximum glazing to the south and minimum glazing to the north.
- b. Building height and bulk and surface area.  
The tallest home will be two story construction.
- c. Density of uses.  
Total residential with the first 100 feet being R-4.
- d. Availability of light, wind and air with only two story dwellings.  
All of the above are adequately available.
- e. Compatibility between land uses.  
The land directly north is zoned R-7; to the south R-4 PD; To the east, a park; and R-4 and R-10 to the west.
- f. Systems and incentives for the collection, reuse and recycling of metallic and non metallic waste.  
The area is serviced by a garbage collection agency.

#14 Urbanization:

These goals are met under Troutdale's Comprehensive Planning.

Spikes

5-5551

1745 N.E. Holladay  
Troutdale, Oregon 97060

Compliance To The Comprehensive plan of the City of Troutdale

Criteria:

The property meets the cities goals under Policy Area # 1 as it is in a transitional area of residential use. The requested zone change is for a R-7 residential usage with the first approximately 100-feet being approved for R-4 for three duplexes.

Sewer:

The subject property is to be served by the City of Troutdale sewer through hook-ups on 257th and through the Sunridge Subdivision to the north.

Water:

Water is currently available on the frontage of said property on 257th.

Slope:

The property is basically flat from 257th back approximately 700 feet with the remaining 600 feet sloping slightly to the east.

Run Off:

The property will be engineered to accept all run off water.

Streets:

All streets shall meet the City of Troutdale's design criteria with access off of 257th Avenue and future access and egress available to the north.

General:

This zone request contains no usage for commercial office or apartment usage.

# **Resolution 497**

The large map for this resolution is not able to be scanned. To view the map, please refer to the microfilm or the duplicate copy of the resolution located in the blue reference binders.