

MEMO

DATE: October 31, 2023
TO: Planning Commission Members
FROM: Tom Schauer, Senior Planner
SUBJECT: Responses to Planning Commissioner Questions re: Norton Landing - PDA 5-23,
TML 4-23, L 38-23, VR 3-23

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Staff received some questions from some Planning Commissioners regarding the Norton landing applications in advance of the meeting. Responses are provided below.

1. P7/100 Map examination raised a question about access. Is there only the ONE egress driveway to SE Norton Lane? Smart to have it across from the SE Stratus access to the hospital but ONE? I also noted on P23/100 that the Fire Department says 2 ways of egress are required.
2. P35/100 #2 circulation system. I see that discussion about providing egress to the proposed housing property to the north, and this was rejected. Again...where is the second egress needed to address the fire department concern? P44/100 Policy 78 Applicant response indicates a single entry point....so what about the Fire Department concern?

Can an easement be considered to use the southern driveway into the Altimus property and cut a new driveway into the subject property there? I understand there would be a loss of minimum 4 parking spaces and that may affect the parking requirement.

RESPONSE: Only one access is proposed. It is designed to align with the access across Norton Lane. The Fire District comments indicate that multiple-dwelling residential development with more than 100 dwelling units shall be provided with not less than two approved means of fire department access. ***Exceptions may be allowed for an approved automatic sprinkler system.*** The Fire Marshal has indicated the applicant is proposing attic sprinklers which satisfy the requirement for the exception in lieu of two access points.

Staff and the Fire Marshal previously met with property owners to the north to discuss a potential emergency vehicle access point such as a connection through the parking lot and circulation areas on the properties to the north as described in your comment. As noted above, the Fire Marshal determined that a sprinkler system satisfies the Fire Code requirement and a second point of access is not required.

In addition, the residential design and development standards for apartments/multi-dwelling development specify the following:

Universal Design Standards for Nine Parking Spaces or More.

...2) Driveways to shared parking areas are:

i. Limited to one driveway per street frontage....

4. P21/100 Agency Comments. Did Recology respond? Just curious, although the turnaround area provided for fire trucks would also work for the garbage trucks.

RESPONSE: There is a condition of approval requiring approval of the plan by Recology. I spoke with Chris Breedlove at Recology and he confirmed the site layout meets Recology's requirements. He will be providing written comments before the hearing, and he may have comments regarding specific details of the trash enclosure gates and containers within the enclosures, but not anything that would affect the site layout or locations of the trash enclosures.

5. P21/100 11. Maintenance of the street trees shall be the continuing obligation of the abutting property owner. Abutting owner maintains street trees planted with this development? Who is the abutting owner?

RESPONSE: Street trees are trees which are planted in the planter strip which is within the public right-of-way along the frontage of the property. The abutting property owner is the owner of the land abutting the right-of-way where the street trees are planted, meaning the owner of this property.

6. P29/100 #4 Landscaping discussion indicates arborvitae screen along the property to the west (mobile home park). What about the public housing complex just north?

7. P40/100. 17.57.070B 1.Compatibility: the Applicant response says "Uses to the north, south and west of the site will be sufficiently screened with a site obscuring fence and evergreen hedge." First mention of the northern screen I've seen. The Landscape plan on Pages 14&15/100 show small circles for the hedge, I assume, pretty contiguous on the west side but only a few on the north.

RESPONSE: The graphic below shows the approximate relationship between the properties and site plans.



The landscape plan doesn't specify arborvitae along the north property line as discussed in the narrative but does specify evergreen shrubs with mature sizes described below.

The applicant's landscape plan specifies the following items:

General: The applicant's site plan shows a proposed 6' high sight-obscuring fence along the north, south, and west property lines. (Chain-link fences are prohibited). There are also evergreen plantings and trees specified between the parking areas and the property lines as described in more detail below.

West Property Line: (Note: The applicant's revised site plan shows the width of the landscaping along the west property line increased from the originally proposed 6 feet to 10 feet in width. The landscape plan doesn't reflect that increased width, so there is a condition of approval that the landscape plan needs to be updated to reflect the 10-foot width consistent with the revised site plan.

The landscaping along the west property line does not specify arborvitae, but specifies the following evergreen shrubs, with the following mature sizes. The parking lot abuts the west property line along the entire property line.

- Sundance Orange Blossom: 6'H x 5'W
- Glossy Abelia: 6'H x 5'W
- "Spring Bouquet" Viburnum: 6'H x 5'W (pruned)

The plan also specifies Bowhall maple trees distributed along the area.

North Property Line: Both properties to the north of the subject property have/will have parking along their south property lines abutting the subject property (see graphic above). The westerly portion of the applicant's proposed site plan abuts the Stratus

Village property to the north, and the easterly portion abuts the Altimus Plaza property to the north.

The Stratus Village property will also have a sight-obscuring fence and landscape screen along its south property line. There is also landscaping and a row of mature trees along the south side of the Altimus Plaza property.

Where the subject property abuts the properties to the north, the applicant's site plan shows the end of the parking aisle furthest west, buildings G and E with a sidewalk and landscaping between the buildings and north property line, a section of parking lot abutting the north property line between Buildings E and A, and Building A furthest east with sidewalk and landscaping between the building and north property line. Of the parking row between Buildings E and A, only the westerly ~5 parking spaces abut the Stratus Village property, and the rest of that parking area abuts the Altimus Plaza property.

At the northwest corner of the site at the end of the parking lot aisle, there is hedge screen using some of the same evergreen shrubs used along the west property line described above, and a wider planting area with additional trees and plantings.

Only a small portion of the parking lot between Buildings A and E along the north property line is along the Stratus Village property. Most of the parking lot and east side of the subject property is along the Altimus Plaza property line. The area between the parking scape and property line includes the same type of plantings specified along the west property line, as described above.

South Property Line: As with the north property line, there is a proposed hedge screen with trees similar to the screening along the other property lines where the parking lot abuts the south property line. There are sidewalks and landscaping south of Buildings B and D between the buildings and the south property line.

8. P37/100 Landscaping. This development is introducing a huge paved surface . The benefits of the landscaping is being touted as an "improvement over the agricultural use" is not accurate, but I won't argue that issue. My concern is that the impermeable coverage of the site is huge and while storm water drainage discussion is included, I am concerned about ground water replenishment. P64/100 the discussion indicates the walkways should be permeable. The applicant's response is that they will be asphaltic concrete but does not indicate it will be permeable.

RESPONSE: Multi-dwelling development standards include the following provision:

17.11. Residential Design and Development Standards...

17.11.090. Apartments...

(D) Design Standards. The Apartment Design Standards for multi-dwelling housing are standards that apply to apartment housing types. These standards are related to site design and building frontage, parking, compatibility with neighboring homes, open space, and private space...

(3) Pedestrian Access. On-site pedestrian circulation system shall include the following: ...

(d) Walkways shall be constructed with the hard surface material, **shall be permeable for stormwater**, and shall be no less than 3 feet to 5 feet wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-foot-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. ...

Permeable Pavement/Infiltration. The proposed on-site sidewalks do not appear to be designed to be permeable to stormwater. **The applicant will need to address this requirement, and this requirement/revision should be addressed as an additional condition of approval.**

However, please be aware that technical considerations, including soil types and water table during wet weather conditions, may mean that infiltration of stormwater would be infeasible at this location, if underlying soils are not conducive to absorption of stormwater infiltrating through the permeable pavement. Also, while development must address applicable stormwater runoff standards (runoff rate and volume), the City does not have other specific standards requiring infiltration, except for this requirement for multi-dwelling development that requires on-site walkways to be permeable to stormwater.

Maximum Impervious Coverage. The City doesn't have standards for maximum impervious site area except as may result from minimum landscaping requirements and residential design and development standards for landscaping and open space. *Please note the landscape coverage requirements for multi-dwelling development require the highest percentage of landscaping specified for different land uses (25% for multi-dwelling development vs. 7% for commercial or industrial).*

Landscaping (17.57.070):

- Industrial: at least seven percent of gross area. May be reduced to not less than five percent...
- Commercial: at least seven percent of gross area. May be reduced to not less than five percent...
- **Multi-dwelling: twenty-five percent of gross area. May be reduced to not less than fifteen percent...**

Residential Design and Development Standards 17.11.090(D) Design Standards, (8) Landscaping, (b) Required Elements:

(2) A minimum of 20 percent of the net site shall be landscaped. Paved pedestrian paths, when integrated within the landscaped area, may satisfy up to 5 percent of this requirement. Landscaped setback areas, landscaped common open spaces, eco-roofs, vegetated stormwater facilities, preserved natural areas, and planter areas can be credited toward the minimum landscape standard.

The applicant's proposed plan provides 30% of the site in landscaping (64,157 square feet of 214,759 square feet), or 1.47 acres of 4.93 acres, which exceeds the minimum requirements.

9. P34/100 #19 Aircraft noise. The application to rent paperwork must include language about aircraft noise, both from the airport and the hospital, to notify prospective tenants about that factor. Section 3 of the Aviation Easement states the requirement to inform tenants.

RESPONSE: The applicant is legally obligated to comply with the terms of the easement agreement.

10. P42/100 Low-Cost Housing discussion: will this complex be eligible for Section 8?

RESPONSE: Oregon law prohibits discrimination in housing based on source of income, so landlords may not deny housing based on use of Section 8 vouchers.

“Those who use rental assistance are far more likely to experience discrimination in housing. That’s why the State of Oregon has created the protected status of “Source of Income”. Under Oregon’s fair housing laws, it’s illegal to refuse to rent to an applicant, or treat an applicant or tenant differently, because they are using a Housing Choice voucher or other local, state, or federal rental housing assistance. It’s illegal to advertise “no Section 8.” [Oregon Revised Statute ORS 659A.421]” – Fair Housing Council of Oregon.

11. P91/100 Parking. Required parking has a math error.... 2 spaces per unit required.....18 units x 2 is 36, not 18, for a total requirement of 216. Total depicted okay.

RESPONSE: Noted. The sum on that line in the applicant’s narrative was incorrect. The total sum of 216 spaces on the bottom line, which was used to evaluate the site plan, is correct. The applicant’s site plan proposed 218 parking spaces.

Note: Please also be aware that I have also informed the applicant that there are two parking spaces within 20 feet of the front property line, which will need to be removed or relocated to meet the applicable multi-dwelling standard for parking space setbacks from the front property line. The narrative indicated a 20-foot setback but the site plan shows a 15-foot setback to these spaces. ***I will be presenting this as an additional recommended condition of approval.***

12. Traffic study: We have this apartment complex AND the other apartment complex planned for the same locality. Each traffic study shows no issue with flow. Is any effort made to combine the individual estimates to evaluate the total effect that will most likely occur. I’m assuming longer queues at the traffic signal located at Norton and 3 Mile Lane will be realistic but no idea when it gets to a point that timing needs to be adjusted.

RESPONSE: The traffic analysis for Norton Landing does include analysis of Stratus Village as “in-process” development in addition to the traffic from Norton Landing. In the “Background Conditions” Section of the TIA on Page 11, the report states, “In addition to the general growth rate, traffic from the proposed Stratus Village multifamily housing development located to the north of the project site was included in the traffic forecasts.”