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T. Scott Harden

*Council President*  
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*Councilors*  
Bruce Nissen

John Miner

Brian Loy

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**CITY OF WOOD VILLAGE  
PLANNING COMMISSION  
TUESDAY, JULY 21<sup>st</sup>, 2020  
AGENDA**

**6:00 PM**

**PLANNING COMMISSION**

1. Public Hearing:  
City File # TUP20-01- Temporary Leasing Structure
  - 23765 NE Halsey, Wood Village Apartments, LLC
2. Other Business

ADJOURN

**ATTENTION**

Due to COVID-19, there is limited capacity at City Hall. If you have a matter to address regarding this meeting, you may come to the hearing and we ask that you please also consider submitting written comments in advance of the meeting instead of coming to the meeting.

Written comments will be read into the official record. Please send written comments to [JohnathonP@WoodVillageOR.gov](mailto:JohnathonP@WoodVillageOR.gov) You may also call City Hall during regular business hours with a comment or question at (503-667-6211).

Thank you for your cooperation!

**The meeting location is wheelchair accessible. This information is available in large print upon request. To request large-print documents or for accommodations such as assistive listening device, sign language, and/or oral interpreter, please call 503-667-6211 at least two working days in advance of the meeting. (TDD 1-800-735-2900)**

CITY OF WOOD VILLAGE PLANNING COMMISSION – MEETING DATE JULY 21, 2020  
Staff Report

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July 8, 2020

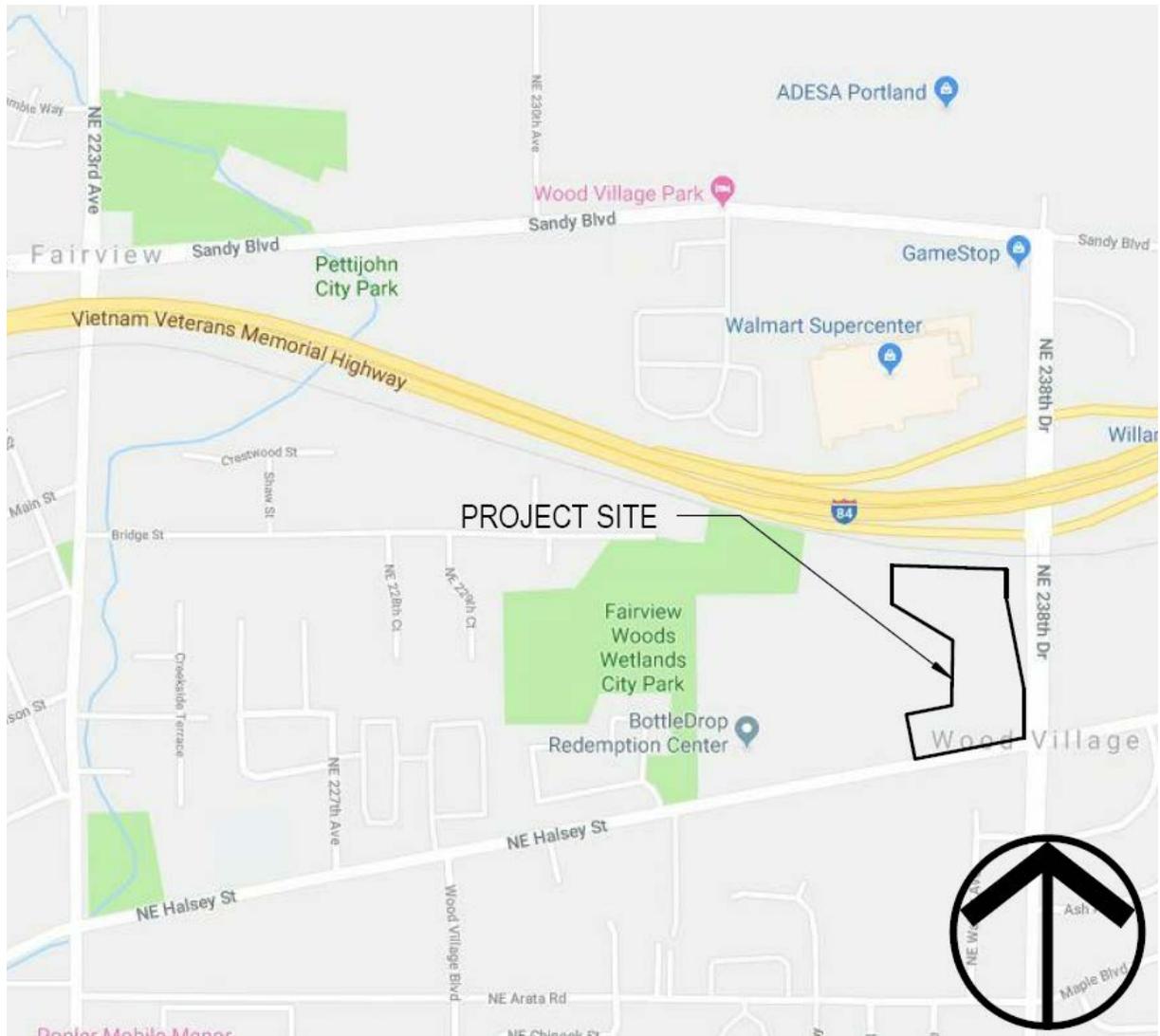
To: Wood Village Planning Commission  
From: Matt Straite, Contract City Planner  
Through: Greg Dirks, City Manager

Re: City file: #TUP 20-01 proposes a Temporary Use Permit to allow use of a 20' long x 8' wide x 8' tall ground mounted steel structure modular office building for apartment leasing, a temporary restroom structure screened from 238th with temporary fence panels, a temporary graded compacted gravel parking lot for at least 4 standard stalls and 1 ADA stall, and access to a model apartment being built in Building A (building adjacent to Halsey) in a ground floor 1-bedroom apartment. The site is currently under construction for a mixed-use retail and apartment complex that was approved in 2019. The location of all uses are shown on the attached site plan. Building A is expected to be completed in mid-September and will seek a temporary certificate of occupancy to allow for model unit final finish elevation installation and full-time tours, but no occupancy of any units. The installation and use will begin no sooner than August 1, 2020 and the use will conclude no later than March 1, 2021. Installation and removal of the temporary leasing office is completed in less than a day.

Applicant: Wood Village Apartments LLC  
Property Owner: Wood Village Apartments LLC  
Location: 23765 NE Halsey, Wood Village  
Legal Description: Section 27D, Township 1N, Range 3E, Tax Lots 800, 1000, & 1100  
Planning & Zoning Designation: Neighborhood Commercial (NC)

Exhibits:

- Applicants Site Plan, application, and narrative dated, June 19, 2020
- Public Notice
- Gresham Fire Letter dated



### Applicable Criteria

- Section 380.030.B and C

### Agency Comments

- A notice of the project was sent to Gresham Fire. No comments have been received at the time of publishing the packet.

### SUMMARY RECOMMENDATION

Based on the findings of fact, Staff recommends that the Planning Commission adopt the findings from the staff report and approve the **Temporary Use Permit** subject to the conditions of approval.

### Report Sections:

- I. Background and Concept

- II. Application Data
- III. Temporary Use Permit Criteria
- IV. Recommendations and Conditions

## **I. Background & Concept**

The applicant is proposing to have a temporary leasing office and model apartment home tour in advance of the opening of the permanent leasing office for a mixed-use apartment project that is currently under construction. The project was approved last year for 174 apartments.

Adjoining zoning is Neighborhood Commercial (NC) to the south, west and east, Light Manufacturing (LM) to the west, I-84 and rail-road right-of-way to the north and General Manufacturing (GM) to the east.

## **II. Application Data**

The following is a summary of the project elements, pending issues and development standards reductions:

1. The previously approved project is comprised of:
  - a) Two retail structures totaling 10,263 square feet fronting Halsey, a plaza, and a signature tower element on the corner.
  - b) Eight apartment structures, totaling 174 apartments.
  - c) A City ground water pump house.
2. The site is within an Airport Overlay Zone.
3. The site features significant topography.
4. The site borders railroad tracks to the north that will be above grade from the structures. A large retaining wall will border the property to the north and partly to the east.
5. Access will only be available from Halsey Street, though emergency access will be available through a connection to Bridge Street in Fairview.

## **III. Temporary Use Permit Approval Criteria**

The Wood Village Development Code classifies temporary uses into three different categories- seasonal sales, model homes and trailers. The applicant is proposing a temporary leasing office in a modular building. Guests of the office will also be touring a model apartment. Therefore, the applicant proposes to use the later two classifications, model homes and trailers. The following are in addition to the responses provided in the applicant's narrative. Actual code text is shown in bold.

### **Section 380.030.B Criteria:**

**Temporary Real Estate Sales Office, Model Home. Applications for such temporary uses shall be processed pursuant to the Type II procedure under Section 520.100 and subject to the applicant paying the basic public hearing planning fee. The City may approve, approve with conditions or deny a temporary use permit. If the reviewing authority finds there are significant negative impacts from the use or a change in circumstances in the area, the annual permit may be denied. Approval shall be based upon findings which demonstrate compliance with the criteria set forth in Subsection A(1) through (8) of the this section {which states}:**

**1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g. prior development permit approval);**

Findings: The proposed temporary use is ancillary to the approved project to which it serves. Therefore, the use is permitted. The approved mixed-use project features many conditions of approval, however, none will be impacted by the proposed temporary use. This criteria is met.

**2. The applicant has proof of property owner's permission to place the use on his/her property;**

Findings: The City sold the applicant the property. This criteria is met.

**3. There is adequate parking as required by Section 350 Parking and Loading;**

Findings: The applicant is proposing an office use. The proposed office is 160 square feet. According to Table 350-1a in the code, an office use requires one space per 400 square feet of office use. Therefore, the proposed temporary use only requires 1 space. They are proposing 4 plus one ADA space. The finish surface is proposed as gravel, but all ADA spaces and pathways will be paved. This criteria is met.

**4. The use provides adequate vision clearance, as required by Section 730 and shall not obstruct pedestrian access on public streets;**

Findings: The access is from Halsey. No landscaping has been added to the site yet. All landscaping will have to comply with the approved landscape plans which complied with the vision clearance requirements. This criteria is met.

**5. Ingress and egress are safe and adequate when combined with the other uses of the property, code access and circulation requirements;**

Findings: The main access to the site using the master design from the approved project. The main driveway location will be used for the temporary use. As such, the main project was fully reviewed by Multnomah County, ODOT and several other parties. As long as the same access point is used for the temporary use, the use will be fully compliant with all access requirements. This criteria is met.

**6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibration, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district; and**

Findings: The proposed temporary use is for a small modular steel office building and port-a-potty-style restroom. An office use will traditionally not involve any significant traffic (the office is only 160 square feet), noise, odors or glare. This criteria is met.

- 7. The use is adequately served by sewer or a septic system and city water, as applicable. The applicant shall be responsible for obtaining any related permits.**

Findings: The proposed office will not be served by water of sewer. Water will be provided to guests in the form of bottled water. The applicant has proposed a temporary porta-potty for restroom use. The restrooms will be ADA compliant and screened from the street. It is important to note that the criteria specifies that the sewer or septic for the project shall be “adequately served.” In this case, the proposed restroom uses will be adequate for the proposed use. Actual sewer service connections are not required by this criterion. This criteria is met.

- 8. The Planning Commission may make an exception to any requirement in this section upon finding there is an overriding public benefit to the exception.**

Findings: This criteria does not apply.

In addition, the project must satisfy the following criteria:

- 1. Temporary real estate sales office:**
  - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is sold; and**
  - b. The property to be used for the temporary sales office shall not be permanently improved for that purpose.**
  - c. Permit is valid for a maximum period of one year with no renewals.**

Findings: The proposed office building is located on the applicant’s property, within the project site. The structure will be removed once the regular leasing office is completed, which should be in January (though the applicant has requested this temporary use be permitted through March in case of possible delays). This criteria is met.

- 2. Model House:**
  - a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and**
  - b. The model house shall be designed as a permanent structure that meets all relevant requirements of this code.**
  - c. This type of temporary use must be renewed annually by City staff, unless there are citizen complaints about the use in which case the permit must be renewed by the Planning Commission or Design Review Board.**

Findings: This criteria may not apply, as the applicant is not proposing to sell the units. However, the model apartment is located within building A on the property. The model will be rented as a standard apartment once project is complete. This criteria is met.

**Section 380.030.c Criteria:**

**Temporary Building.** Applications for temporary trailers or prefabricated buildings that are not regulated under Subsection B of this section shall be processed pursuant to the Type 2 procedure under Section 520.100 and subject to the applicant paying the basic public hearing planning fee. The City may approve, approve with conditions or deny a temporary use permit. City staff will renew this type of temporary use annually, unless there are citizen complaints about the use in which case the renewal of the permit must be considered by the Planning Commission or Design Review Board. If the reviewing authority finds there are significant negative impacts from the use or a change in circumstances in the area, the annual permit may be denied. Approval shall be based upon findings, which demonstrate compliance with the criteria set forth in Subsection A (1) through (7) of this section. In addition, approval shall be subject to the following additional criteria.

- 1. The temporary trailer or building shall be associated with the primary use on the property;**

Findings: The temporary structure is proposed to allow leasing to commence in advance of the completion of the official leasing office in the project, which is anticipated in January of 2021. This criteria is met.

- 2. The building complies with applicable building codes;**

Findings: The structure will comply with all building codes. This criteria is met.

- 3. The length of time that the temporary building will be used does not exceed twelve (12) months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or receive City staff approval to annually renew the temporary use permit. The review authority may revoke a permit or deny renewal if it is found that there are significant negative impacts from the use or there is a change in circumstances in the area.**

Findings: The applicant is only requesting this temporary use through March of 2021, which is less than 1 year in duration. This criteria is met.

- 4. The use shall comply with the City sign code.**

Findings: No signage is proposed.

**IV. Recommendation and Conditions**

Based on the findings of fact, Staff recommends that the Planning Commission adopt the findings from the staff report and approve **Temporary Use Permit No. 1 (TUP 20-01)** subject to the conditions of approval.

**Conditions of Approval:**

1. The project shall comply with all ADA requirements including paved ADA parking spaces and pathways.
2. All use of the temporary structure shall cease at the end of March 2021. The structure must be removed from the site within 1 week after that.
3. No signage may be installed without City approval in accordance with the sign provision.

Revocation: Any departure from approved plans not authorized by the City shall be cause for revocation of applicable building and occupancy permits.