



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

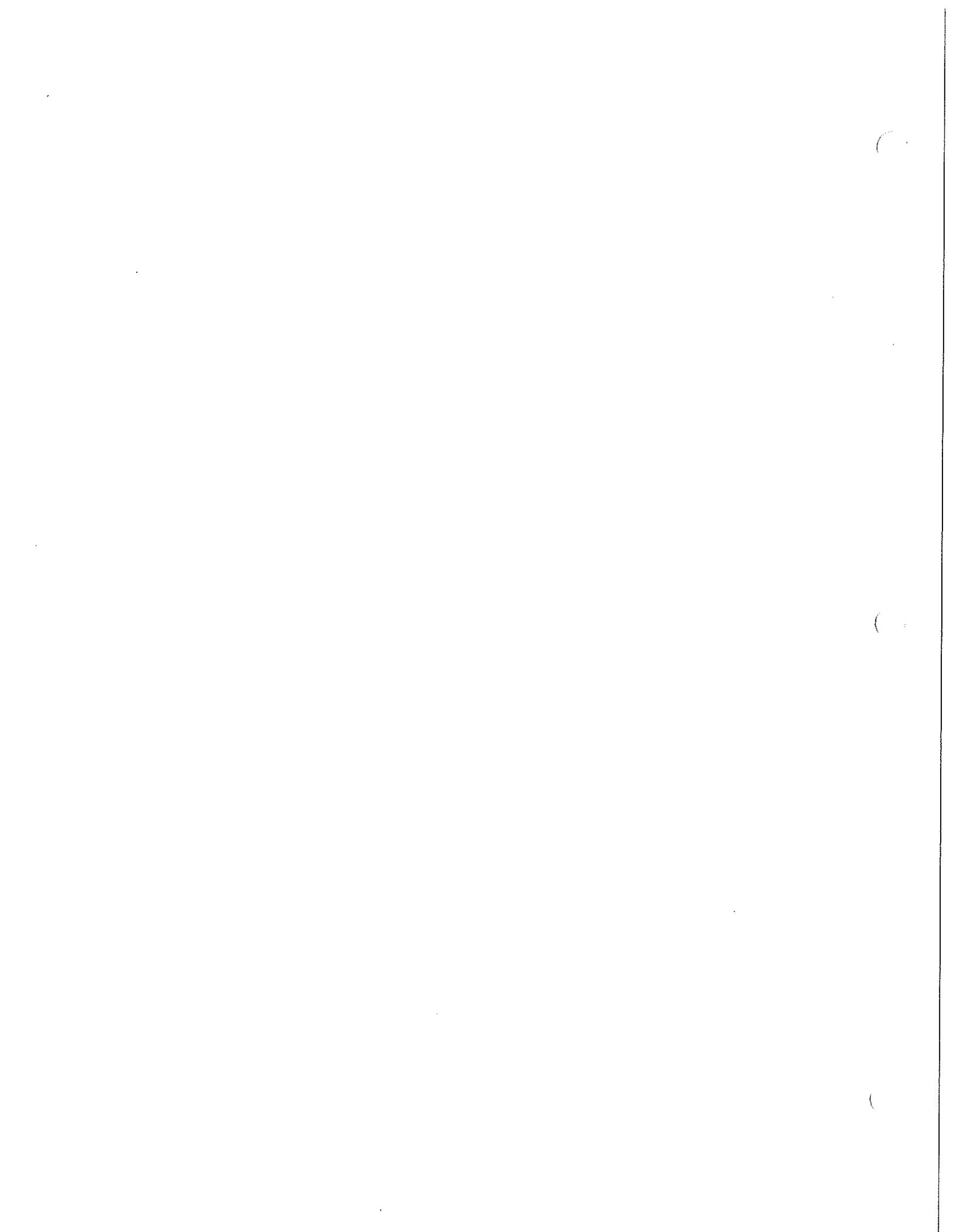
TROUTDALE PLANNING COMMISSION REGULAR MEETING

Troutdale City Hall Council Chambers
219 E. Historic Columbia River Hwy. (lower level, rear entrance)
Troutdale, Oregon 97060

Wednesday, January 28, 2015
7:00 p.m.

1. **ROLL CALL/PLEDGE OF ALLEGIANCE**
2. **APPROVAL OF MINUTES**
November 19, 2014 Regular Meeting
December 3, 2014 Work Session
December 17, 2014 Work Session
3. **CITIZEN COMMUNICATION – NON-AGENDA ITEMS**
4. **HEARING PROCEDURE**
Tanney Staffenson, Planning Commission Chair
5. **PUBLIC HEARING ON URBAN AGRICULTURE**
6. **WORK SESSION (if needed)**
7. **DEPARTMENT REPORTS**
8. **COMMISSION INITIATIVES AND CONCERNS**
9. **ADJOURN**

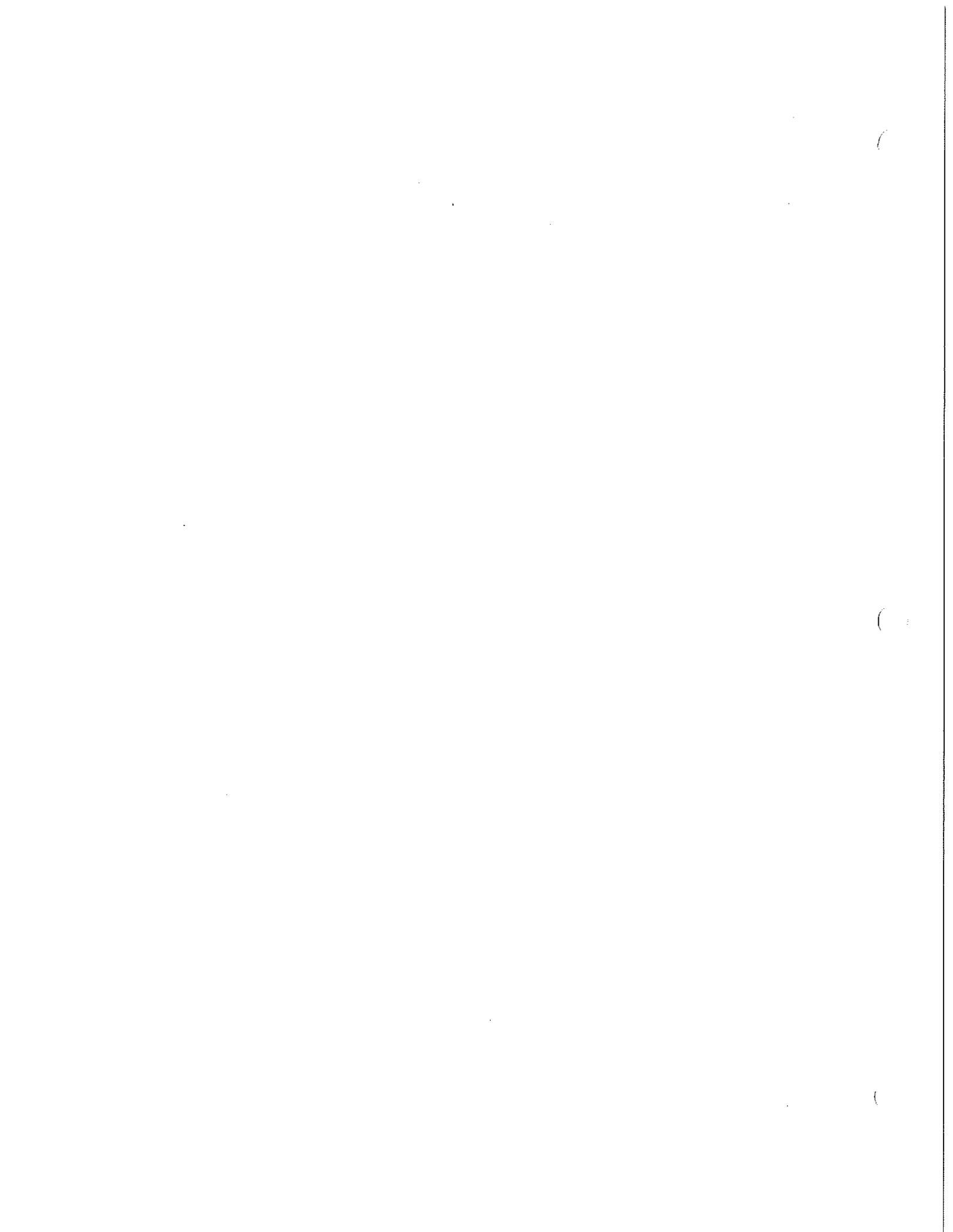
This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made in writing at least 48 hours prior to the meeting to Mark McCaffery, 503-674-7228, or by email at mark.mccaffery@troutdaleoregon.gov



Procedure for Quasi-Judicial Land Use Hearings

Quasi-judicial public hearings are held in accordance with Oregon law and procedures contained in the Troutdale Development Code. The hearing proceeds as follows:

1. Staff Presentation
 - City staff presents their report which includes applicable criteria and standards for the matter under consideration in the land use application.
 - All testimony and evidence should be directed toward these criteria.
 - If you believe that other criteria in the Comprehensive Plan, Development Code, or other city land use regulations apply, you must identify these criteria and explain why they apply to the decision.
2. Public Testimony
 - The Planning Commission accepts public testimony relating to the application.
 - The applicant is allowed to speak first, followed by proponents, then by opponents, and then by any parties neutral to the application.
 - An opportunity will be provided to anyone testifying to clarify any issues raised.
3. Raising Issues
 - All issues raised by a participant during the public hearing must be sufficiently clear and specific to allow the Planning Commission and other parties an opportunity to respond to those issues.
 - Failure to raise an issue during this public hearing may invalidate a future appeal based on that issue.
4. Requesting Additional Time
 - Prior to closing of the public hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application.
 - The Planning Commission must grant the request either by continuing the public hearing to a future date, or by leaving the record open for at least seven days to admit only that specific additional written evidence or testimony.
 - If the record is left open for the additional written evidence or testimony, any participant may file a written request for an opportunity to respond to new evidence submitted during the period the record was left open.
 - If such a request is filed, the Planning Commission shall reopen the record to allow any person to raise new issues which relate to the new evidence, testimony, or criteria for decision-making.



MINUTES
TROUTDALE PLANNING COMMISSION
Regular Meeting
Council Chamber
217 E. Historic Columbia River Highway
Troutdale, Oregon 97060
November 19, 2014

1. Roll Call/ Pledge of Allegiance – The session was called to order at 7:00 p.m.

Commissioners Present: Sandy Glantz, Shirley Prickett, Brian Sheets, Tanney Staffenson and Marv Woidyla

Commissioners Absent: Kevin Coulton and Frank Grande

Staff: John Morgan, Planning Director
Mark McCaffery, Planner
Amy Pepper, Public Works Civil Engineer
Liz Walstead, Administrative Assistant

Guests (see list): Adam Solomonson, 1515 SE Water, Portland 97214
Warren Kaleo, 5515 176th SW, Lynnwood, WA 98037
Paul Stellmacher, 5053 Joan Dr., N., Salem, OR 97303
Brian Varricchione, McKenzie 1515 SE Water Ave.,
Portland 97214
Kevin and Barbara Minkoff, 219 SW Owens Pl., Troutdale
97060
Jay Ellis, 1715 SE Palmblad, Gresham, OR 97080
Greg Herrensruck, 12450 SW 19th Ave., Lake Oswego, OR
97034
Ian Richardson (?), 184 SE Grand Ave., Portland, 97219
Kent Nuss, 582 NE Centurion Ct., Gresham, OR 97030

1a. Agenda Update. None.

2. Approval of Minutes:

- **October 15, 2014 Regular Meeting.** Commissioner Glantz said she had been present at this meeting and asked that the roster show that. **Commissioner Prickett moved to approve the minutes as corrected, and Commissioner Woidyla seconded the motion. The motion passed and the corrected minutes were approved.**

Exhibit A. Copy of PowerPoint presentation on Case File No. 14-031.
Exhibit B. Copy of E-mail from Mr. Robert Schmaltz of November 19, 2014, to Mark McCaffery, regarding *Hearing tonight 14-031 replat & Variances.*
Exhibit C. Copy of PowerPoint presentation on Case File No. 14-045.fBarr
Exhibit D. Letter (with attachments) of September 17, 2014, from Brian Varricchione regarding Comcast Facility Expansion, 540 SW Halsey Street (Troutdale Land Use Case File No. 14-045).
Exhibit E. Memo of September 19, 2014, from Joanna Valencia, Multnomah County Transportation Planning, requesting one condition and associated comments be added to the Conditions in the Final Order.

- **October 15, 2014 Work Session.** As above, Commissioner Glantz said she had been present at this meeting and asked that the roster show that. **Commissioner Woidyla moved to approve the minutes as corrected, and Commissioner Sheets seconded the motion. The motion passed and the corrected minutes were approved.**

3. **Citizen Communications – Non-Agenda Items.** There were none.

4. **Hearing Procedure.**

Chair Tanney Staffenson

Chair Staffenson read out loud the public hearing procedure to the audience.

5. **Public Hearing**

Type III Quasi-Judicial Procedure

Case File No. 14-031 Partition Plat and Variance

Mark McCaffery, Planner

Three-lot replat with concurrent variances for: a four-foot reduction of the rear yard setback for the duplex proposed on Parcels 1 and 2; a 9.94-foot reduction in the minimum 70-foot lot depth standard; and shared private driveway to serve seven units instead of the maximum of six units allowed.

Chair Staffenson asked if any Commissioners had any ex parte contact or conflict of interest on this item. None did; he opened the public hearing on Case File No. 14-031.

Mark McCaffery, Associate Planner, presented his staff report (included in the agenda packet) by providing a brief overview of this request based on the Riley Partition Plan File 97-110 from 1998. A copy of his PowerPoint presentation is included in this file (see **Exhibit A**). He explained what has taken place on this site since 1998 and the four-part request now made by this applicant. He reminded the Commission that this Case came up in July 2014 but was subsequently postponed so all affected parties were notified twice.

He addressed and asked the Commission to think about what he said may be a concern: adequate fire, life and safety, adequate placement of private utilities, laterals and sanitary sewer, water, also stormwater standards and mitigation, treatment swales, etc., things that take up space. He said depending on how wide the driveway is, he believes safety concerns would disallow off-street parking on one side of it and may cause a concern down the road, and he called their attention to Attachment 2 to the staff report, a copy of a letter regarding the garbage there. He said this was not discussed with Waste Management as to what could mitigate that. As well, a point that might be brought up with the County is whether or not there have to be improvements and that is something our Civic Engineer had comments on (Attachment 3).

Mr. McCaffery explained his recommendation in the draft Findings of Fact and Final Order he prepared for Commission approval. This draft document also includes a list of the Conditions of Approval.

Chair Staffenson asked that the e-mail received today from Robert Schmaltz be added to the file as **Attachment 12** to the staff report (**Exhibit B**). Mr. McCaffery agreed. Chair Staffenson asked if there is a second page to Attachment 2, and if so that it be included in the record as well.

Chair Glantz asked about two overlapping zones and which one takes precedence. Mr. McCaffery said it isn't necessarily precedence and he explained what was determined for this multi-faceted case. The special circumstances and hardship qualifications was her second question, and Mr. McCaffery clarified the criteria and that each was evaluated individually. A short discussion followed on this, followed by one on the density standard (see p. 13 of the staff report).

Applicant. Jay Ellis, 1715 SE Palmblad, Gresham, OR 97080, said he thought Mr. McCaffery did a great job explaining the issues and dynamics of this case. In an ideal world, one wouldn't have to ask for a variance. This area has the highest density in Troutdale and his request asks for less than that, more like in the middle. He believes they can pull together a solution that fits everybody. He thinks the City wants to see more density in that area on Halsey and more intensity of an urban feel and he thinks this would provide that. He also said he hopes the Commissioners have driven by the site to see it. He said it will be of benefit to the City to have more quality and intensity closer to the city core. [Some of Mr. Ellis' comments were inaudible.] He said he appreciates the Commissioner looking at this as he thinks the project has some real benefit, and he offered to address any and all questions and possible issues.

Questions. Chair Staffenson asked Mr. Ellis if he had read the draft Final Order Conditions of Approval; Mr. Ellis said after Ms. McCallum retired he was curious so he talked with Mr. McCaffery who told him that the basic nuts and bolts of it were the same, and yes, he said he read it. He thought a few things in it were a little redundant and he commented on the public works improvements on what we know is a private shared driveway on private land, saying technically there are no public improvements. Why would you say we have to do all this stuff if we're doing public improvements, but you can't do public improvements if it's a private driveway. He said he thinks he spoke with John Morgan and Mark McCaffery about this, and he thinks he spoke with Amy Pepper about it; he thinks Ms. Pepper was on board, i.e., why are we throwing public works requirements in a situation that is just a private job. He remembers that she got back to him and he does not want to put words in her mouth, but he thinks she was on board saying, "Yeah, Jake, it's all private." He said he may request that she show up to verify the veracity of his statement just to make sure he's on the same page as the City.

Mr. Morgan clarified that the asphalt surface, the driveway, is private so it does not need public works construction standards, but the sewer, water and storm drainage systems will be public with an easement and we require those systems to have individual hook-ups for water metering and that kind of thing. Those are the things that are built to the public standard.

Amy Pepper, Public Works Civil Engineer, said the public improvements on this project are minimal. The standards still kick in (under Chapter 7 Subdivision Standards), so there are different standard drawings that come in but what is actually on those drawings is pretty minimal for this project and she explained.

Commissioner Glantz asked if there is a requirement on the shared private drive regarding gravel, etc. Ms. Pepper said that falls under the Development Code, but it is already paved. Commissioner Woidyla asked what the width of the private drive is; Ms. Pepper verified with Mr. Ellis that now it is 20 feet of hard surface, with two feet

on either side with compacted gravel. Commissioner Woidyla asked about garbage; Ms. Pepper said under the City's franchise agreement, garbage trucks do not go down private driveways so, as you will see on other developments, all the cans go up to the Halsey Street frontage. Following up on that, Mr. Ellis said fire truck standards have a 600-foot radius for their hose, so he doesn't think they would go on the private drive because everything is close to the fire hydrant across the street.

Commissioner Sheets said he would ask the \$64,000 question: Why three lots? Mr. Ellis said he looked at other City designs and thought he could actually put another lot on this property although he realized he would have to ask for variances, etc. He thought about the driveway thing but figured it out; it's kind of a hardship. If you put a lot of cool people into a cool town, a lot of cool things could happen. So why are we looking at duplexes and then detached single-family residences, Commissioner Sheets asked, as opposed to apartments or similar high-density residences upon a single lot? Mr. Ellis said he has asked himself that same question. The zoning there is the highest density in the city, and he had an opportunity to talk with Mr. Morgan about glitches in the Development Code, and he knows Chair Staffenson is working to make the Code more lenient. So he says we could put a four-plex there, or there is a zero density requirement if he wanted to put a Minute Mart there; what he is proposing is consistent with the neighborhood, with across the street, with other quality projects, with McMenamins, with the bus line, everything. The end use will be a positive one. He added that he's looked at this property for a long time and this is consistent with what he's done in the past.

Public Testimony in Favor. There was no testimony in favor of the application.

Public Testimony Opposed. Kevin Minkoff, 219 SW Owens Pl., Troutdale 97060, resides directly north of the proposed lot and said he is concerned about and what has not been addressed this evening are the concerns he hopes all the Commissioners will take into consideration. He asked for verification that no decision is being made today, but this is rather a gathering of information. Chair Staffenson said that is incorrect and the Commission will be rendering their decision this evening. Mr. Minkoff said his concerns were heightened by Mr. McCaffery's presentation and he spoke of the slide on the variance with four points to help address his issue. There will be trash problems on Halsey as Waste Management does not go down private driveways; fire trucks will have a difficult time getting in and then out of the private drive; parking spots now are few and precious and this will only get worse if each of these units has a two-car household – and where will any guests they might entertain park? As it is, his neighborhood has to put up no parking signs to stop people from parking in the neighborhood for McMenamins concerts in the summer; and he does not think this adds to the livability of Troutdale, it takes away from livability in Troutdale

He asked the Commission to consider, or at least to look up, the fact that for some good reason six was established as a maximum density, not just to meet minimum density requirements. He also asked the Commission to consider who is being injured in the situation and, from what he understands of the presentation, the injury to not having seven is only to the developer and the applicant.

Chair Staffenson said the City has parking standards for dwellings that need to be met and that is outside this Commission's control; often adjacent properties may be zoned completely different from the one next to it, so the density across the street or the property next door may be substantially different because of the zoning and density of that property; the fire truck issue is being addressed by Gresham Fire who services this area. He added that Waste Management typically isn't involved; this is a situation where the cans are put out on the street and if the zoning allows for, say, six or ten residences then they have the right to put those cans out on the street. That is where Waste Management will pick them up because that is part of their agreement; other public service providers have been notified, and they have all signed off.

Commissioner Woidyla said the Gresham Fire Department has its own requirements that must be met. Mr. McCaffery said that at the same time Mr. Minkoff received the notice in the mail, he also sent out a request to affected agencies; we need to contact all agencies that might be affected and he explained this is a little more detail.

Mr. Minkoff asked if these variances have been accepted in other areas so that there are more than the six units in this type of driveway elsewhere in the Troutdale area. Each variance stands on its own individual merits, Chair Staffenson said. One does not affect another and no precedents are set. There was no other testimony from any opponents, and no neutral parties spoke. Mr. Ellis said he appreciated Mr. Minkoff expressing his concerns and he believes he has taken into account most of Mr. Minkoff's issues.

There was no further testimony. Commissioner Sheets moved to close the public hearing; Commissioner Prickett seconded the motion. There was no discussion; the vote was unanimous and the public hearing was closed.

Discussion. Commissioner Woidyla asked to see a map of an aerial view of the property; Mr. McCaffery provided one and asked when the properties immediately west of this parcel were developed, the answer was in 1995. Commissioner Glantz asked for clarification on the driveway variance which Mr. McCaffery supplied, and he and Mr. Morgan elaborated a little more on the seven units versus six.

The Commission took a short break and reconvened at approximately 9:20 p.m.

Commissioner Sheets said this was a tough decision and does not lend itself to an easy decision. We are asked to balance the application with what's in the Code to see if it fits with either community values, the scope of the text and what kind of goals we have for our community. He said it is not easy because of the lack of discussion. People don't want to necessarily be hard and say no, they don't want to be hard and say yes. The staff recommendation has eight pages of Conditions of Approval and he said he did not know if he's seen that many Conditions before. If you have eight pages of Conditions, it means there are a lot of different considerations to take into account, and he doesn't know if that is something the Commission thinks is possible in this decision or if it is something that the applicant wants to deal with. He said he hopes to break the ice by saying it is a very tough decision and hopes the Commission will entertain an open discussion on it as he would welcome their thoughts.

Commissioner Woidyla said he was a little concerned about the vagueness of the progress of the project. He was not sure where it was going, specifically, and it is as if

the applicant is finding his way as he goes along. He's also bothered by all the Conditions of Approval and as Commissioner Sheets said, it's the greatest number of Conditions he has seen since he's been on the Commission and that generates a lot of concern. He agreed that it's a tough one, and he had concerns.

Commissioner Prickett referred to the Design Platform (see Findings of Fact, item 2.a.TDC 7.370, C. on pp. 4-6 in the staff report), saying she was not familiar with the way the information was presented although it may be a good idea. Commissioner Glantz said she thought most of the Conditions met a lot of her concerns and she was not all that concerned with how many Conditions there are because it involves multiple variances, etc., and she expected this. She also commented on a previous comment about including cool people in Troutdale saying it's not being zoned for that. Her third comment was about the statement on the lack of parking, and she said it should be noted that this site is on a TriMet bus line so it meets the criteria. In their deliberation, the Commission discussed the transportation issues, the number of Conditions of Approval and the applicant's agreement to them, and not knowing what the final product will look like. Commissioner Woidyla said that not knowing what the final product will look like he could not approve this and he asked that the e-mail in opposition of this application from Mr. Robert Schmaltz of November 19, 2014, to Mark McCaffery, be added to the staff report as Attachment 12 (see staff report **Exhibit B**).

Commissioner Sheets, regarding the criteria on p. 33 of the staff report (TDC 6.215) on special circumstances or conditions, he said does not find those. He does not believe the stated threshold has been met and he does not understand what the hardship is here. Staff was asked to clarify their position on this but Commissioner Sheets said he thought that was an inappropriate question because this is a policy issue and he does not think staff should be on point for that, and that is why the Commission is here. Chair Staffenson said he was asking them to clarify their recommendation based on their interpretation of the Code. Commissioner Sheets said he appreciates their recommendation and has taken that into account. He has expressed his point, he added, and does not need to do so again. Mr. Morgan said it seems two points were raised by the applicant he quoted from the Code (TDC 6.215 A. *Special circumstances or conditions, including but not limited to lot size, lot shape of building, apply to the property, development or to the intended use and are not typical of the general conditions in the surrounding area.* The two points raised by the applicant that staff concurred with were 1) the configuration of the lot was required to be fairly unusual when it was originally created, not a typical lot, and 2) the requirement that limits the ability to take access in other directions; everything on the whole property has to funnel out to Halsey. Our sense was that both of those are extraordinary and created a hardship.

Commissioner Prickett moved, with a second from Commissioner Glantz, to approve as written the Findings of Fact, and to add to the staff report as an additional exhibit the e-mail from Mr. Robert Schmaltz of November 19, 2014, to Mark McCaffery (Exhibit B). There was no discussion. The vote was: yes-4 / no-1 (Sheets). The motion passed and the Final Order on Case File 14-031 was approved.

Commissioner Prickett moved, with a second by Chair Staffenson, to approve the Final Order and Conditions of Approval as written on Case File 14-031. There was no discussion. The vote was: yes-3 / no-2 (Sheets and Woidyla). The motion passed and the Final Order and Conditions of Approval on Case File 14-031 were approved.

6. Public Hearing

Type III Quasi-Judicial Procedure

Case File No. 14-045 Comcast Expansion

Mark McCaffery, Planner

Conditional Use Permit and Site and Design Review for 7,995 square-foot building addition for installation of computer equipment and machinery; installation of two back-up electrical generators and a utility shed in the existing screened satellite yard south of the building; and construction of outdoor mechanical equipment in new screened yard north of the building.

Chair Staffenson asked if any Commissioners had any ex parte contact or conflict of interest with this item. None did. He then opened the public hearing on Case File No. 14-045. A letter (with attachments) from Brian Varricchione of Mackenzie was distributed (see **Exhibit D**).

Mark McCaffery presented his staff report and PowerPoint presentation (see **Exhibit C**). This Conditional Use permit and Site and Design Review comes before this Commission because of the amount of floor-area square footage being added to the building. More than ten-percent triggers a Major Modification and our Code stipulates that another land use application be submitted. The floor area currently is 7,344 square feet. He reviewed and summarized his report, and requested that the **memo of September 19, 2014, from Joanna Valencia, Multnomah County Transportation Planning (Exhibit E), requesting one condition and associated comments be added to the Conditions in the Final Order.** Mr. McCaffery then recommended approval of Case File No. 14-045 subject to the conditions identified in the draft Final Order with the above added condition.

Commissioner Sheets asked Mr. McCaffery to expand on the previous stormwater treatment on the property. This is not changing, he said, so there is no additional treatment required. The fire lane is the new addition of impervious surface, he added, and that is addressed in the Conditions.

Applicant: Brian Varricchione, P.E., Mackenzie, Land Use Planning, 1515 SE Water Ave., Suite 100, Portland, OR 97214, and Adam Solomonson, Mackenzie Architect, same address, introduced themselves. Mr. Varricchione thanked current and former City planning and engineering staff who helped them file this application. Comcast has made every effort to meet City architectural and style standards. They have reviewed the Conditions of Approval as proposed and have no objections to those, including those submitted by Multnomah County staff. Mr. Solomonson added that he was prepared to respond to any questions related to the fire lane; Mackenzie worked with the Fire Department in the preapplication process and also worked with Multnomah County on their understanding of that. Responding to a question from Commissioner Glantz, Mr. Solomonson said there is no public access to this facility, it's just a giant

server room, and he agreed that it is a lot of square footage but the facility serves a pretty large portion of America for the internet, cable, etc. There is another hub in Beaverton and another in Corvallis, he added. There were no more questions.

Commissioner Woidyla added as a historical comment that he and another man named Sam Cox pulled the first underground cable for the Rogers Cable system. Someone asked if that was in 1875.

Public Testimony. There was no public testimony.

Commissioner Sheets moved, with a second from Commissioner Prickett, to close the public hearing. The motion passed unanimously and the hearing was closed.

Commissioner Woidyla said this is pretty straightforward and he had no issues or concerns with this request; Commissioner Sheets agreed although he said the use and equipment have not been adequately described, but he was comfortable approving this. **Commissioner Woidyla moved, with a second from Commissioner Prickett, to approve the Findings of Fact with inclusion of the memorandum from Multnomah County (Exhibit E), and the Final Order and Conditions of Approval for File No. 14-045. There was no discussion. The motion passed unanimously and Case File No. 14-45 was approved.**

- 7. Department Reports.** Mr. Morgan introduced Liz Walstead who began working this month as an Administrative Assistant for the City. She not only works for Planning but is back-up to the Permit Specialist in Buildings, and sometimes helps the Public Works Department with parks. The commission warmly welcomed Liz.

Mr. Morgan he sees nothing coming up for Commission review in December, except for the December 3rd work session. [The recorder took a short vacation at this point.]

- 8. Commission Initiatives and Concerns.** Commissioners asked about the upcoming Graham Road improvements, a new trail by the river and how it is affecting the riparian area (Ms. Pepper said that is an ODOT project), and the homeless camps on the east side of the river. Commissioner Glantz asked to see an aerial view of the Comcast building; Mr. McCaffery said he would provide that. She also asked for a description of the business that will be in the building; it is internet based she was told. The Commissioner said she's heard that Fairview is looking at "green stores" and there was a brief discussion on medical versus recreational marijuana stores. Mr. Morgan said currently there is a moratorium on medical marijuana stores in Troutdale that will expire in the spring; the League of Oregon Cities and some cities are drafting legislation and/or ordinances on this and others are not but we can expect that our Council will bring this back to the table and it will come before this Commission. It may impact our zoning permits, it may not. FedEx has NW Sun Dial as their delivery address, Commissioner Prickett said, and Walt Morey Middle School is on SW Sun Dial on a traffic circle. The semi-trucks think the school is FedEx and it's amazing what happens there. Ms. Pepper said all issues related to that should be addressed to Public Works and explained what they have done for a few years now.

Commissioner Woidyla told of a meeting the next evening with the FAA regarding the Troutdale airport; he said it would be nice if some elected City officials could attend. Chair Staffenson said if the Commissioner would provide him with more information,

and with his and the Commission's agreement, he would send something to the City Council on that. The other Commissioners agreed. Commissioner Woidyla said none of the affected cities have any elected officials present.

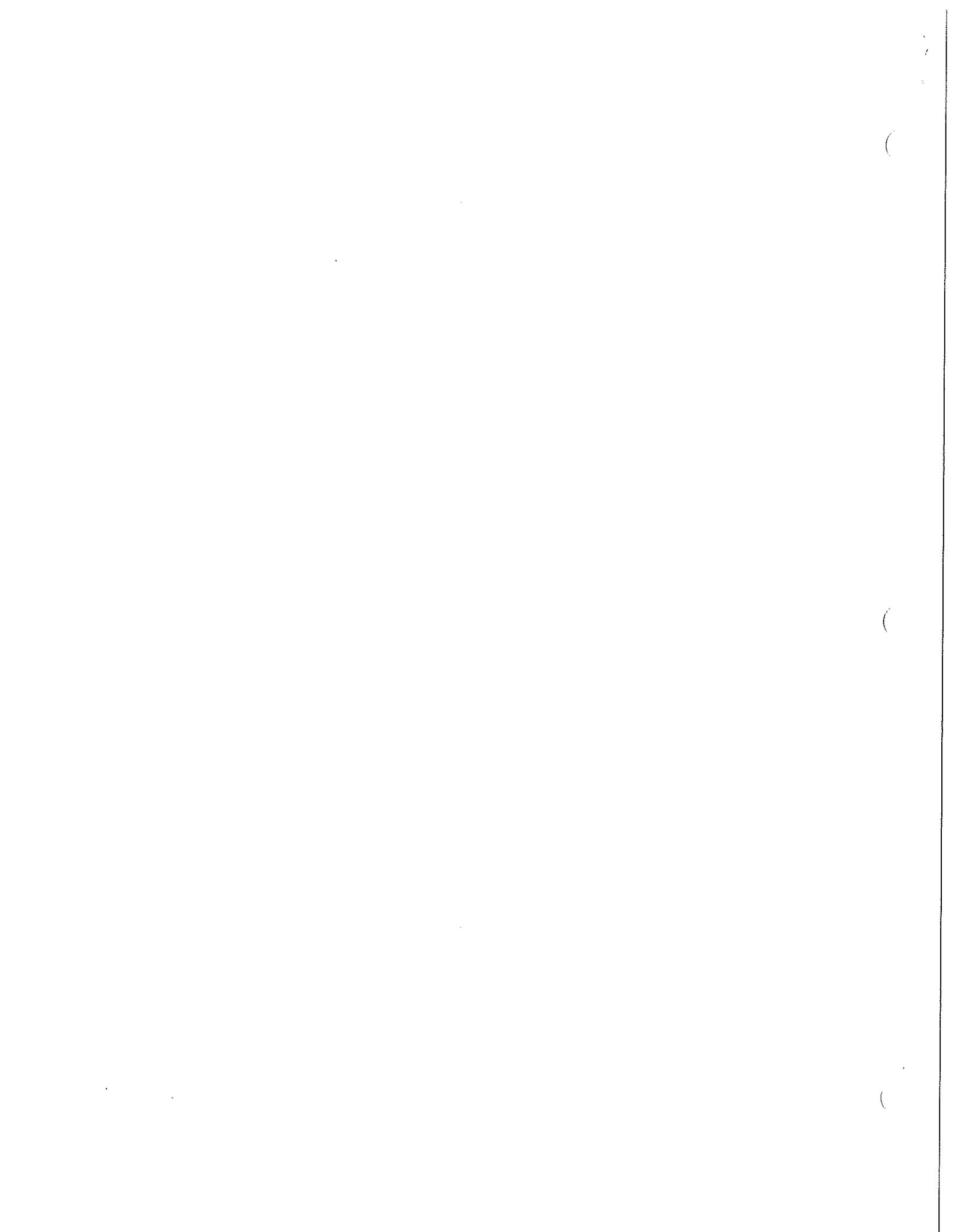
- 9. Adjourn. There was a motion to adjourn; it was seconded by Commissioner Prickett. The motion passed unanimously and the meeting adjourned at approximately 9:45 p.m.**

Tanney Staffenson, Chair

Date

Attest: _____

Rooney Barker, Secretary
Transcriptionist



TROUTDALE PLANNING COMMISSION

Work Session

Council Chamber

217 E. Historic Columbia River Highway

Troutdale, Oregon 97060

December 3, 2014

1. Roll Call / Pledge of Allegiance – The session was called to order at 7:05 p.m.

Commissioners Present: Kevin Coulton, Sandy Glantz, Shirley Prickett, Brian Sheets,
Tanney Staffenson and Marv Woidyla

Commissioners Absent: Frank Grande

Staff: John Morgan, Planning Director
Mark McCaffery, Planner
Elizabeth Walstead, Administrative Assistant

Guests: None

2. Work Session. John Morgan apologized for distributing new material at this meeting and said it will not happen again; he will provide new material a week in advance so the Commission will have time to review it. He also apologized for the misspelling in the document title.

Processes built into the Code. Working under the Council goal of removing barriers to development, Mr. Morgan said, the Planning Commission, as the keeper of these processes, will conduct a very critical conversation. The document he distributed (see and **Exhibit A**, a four-page document dated December 3, 2014 – *Troutdale Development Code Update*) highlights these processes, and he said he hopes this document will help the Commission get a general stance on what they would like to see changed. That will also give staff direction to write some proposed amendments to bring back to the next meeting.

Before they began, however, he said he thought it important to have some framework for their decision making and he called attention to another distributed document (see **Exhibit B**, December 3, 2014 – *Guidelines for Reviewing the Troutdale Development Code.*) As they reviewed the document, Mr. Morgan asked them to let him know if it makes sense to them. Also, he said, the questions posed in the document apply not to just the process but to everything that they look at in terms of recognizing that they're writing law that limits in some way an individual's ability to do what they want with their land, and they make that law because of some public reason, so that is the balance in all of this.

If we can follow this framework in walking through a discussion, Mr. Morgan added, it will help us decide if things are, in a sense, worth it or not. He said he was not in any way advocating removing or adding but advocating what they think in a broad sense about this. He elaborated on the Definitions in the document and the Questions to Consider, and Chair Staffenson said the Commission will decide which decisions they are comfortable asking staff to make. There was discussion on how what is done on one property may adversely affect another property. Mr. Morgan said he may take some of these thoughts and revise this document, distributing it again in the future.

- Exhibit A.** Document matrix of proposed *Troutdale Development Code Updates*, December 3, 2013
Exhibit B. Document: *Guidelines for Reviewing the Troutdale Development Code*, December 3, 2013
Exhibit C. Document: *January Discussion Meeting with Metro Staff* (undated)
Exhibit D. Memo from Mr. Morgan to the Troutdale Planning Commission regarding *Upcoming agenda items*, December 3, 2014

He then addressed the four-page matrix of **Exhibit A** (*Troutdale Development Code Update*, Dec. 1, 2014), pointing out the process types (I, II, III and IV), their Notice, Public Hearing needs and Appeal requirements. He explained that these Types follow the current convention in Oregon, from the Basis and Process of each, and compared them to the norm. Most jurisdictions on a Type II application permit have a different process; Troutdale's process adds two weeks that may not be necessary and does not provide notified parties with all the information they may need to make an informed decision. He asked the Commission to consider going to the standard where the first item sent to the property owners within 250 feet be a Draft Order as opposed to a request for comments. Mr. McCaffery said bringing more information to the neighboring residents is pretty valuable as you might sometimes find that a resident may be concerned about something that might be required and are commenting on something that might be negotiable. There's also the concern of not allowing them an initial opportunity to get into the process. The Commission discussed fairness to the property owner/neighbor if there was an objection to the final decision and who makes that decision, as well as the cost of any appeal. Public comments being circulated prior to any decision may prevent that, or circulating a draft Order. Mr. Morgan suggested a process that may work if there are comments (not appeals) which would allow the Director to consider those comments and reissue a revised Order taking into account those comments, which would trigger another 15-day review period. There was more discussion.

If the Commission wants to cut the process by two weeks, there are ways to do that, he said. He responded to a question on posting notices which prompted a discussion. Mr. Morgan was asked to craft for the next work session proposed language clarifying posting.

The Type I process was defined by Mr. McCaffery; the Planner has the authority to approve the request and the applicant has a 10-day appeal period. There is no notice to other property owners. He described a recent Type I application for a minor modification of a Condition Use at the Troutdale Transit Station. Because it triggered a Site and Design Review, other agencies were affected and their comments requested. Mr. Morgan said he was flabbergasted when he saw that we required the applicant to jump through these hoops to move a driveway 10 feet within the property. It is a discussion that we will want to have, i.e., to what degree do you hold a person to a really specific site plan when you approve it, especially when it's in an industrial area as opposed to being downtown. This may be grounds to think about being more lenient out where no one cares. He said he would like the Commission to talk about this.

A lot of sign permit applications have been processed as Type I. It doesn't state this in the Code but in things like sign permits. He explained why this concerned him as these can be appealed to the Planning Commission even though a sign permit is a completely non-discretionary review; it's black and white with no judgment at all in reviewing it. Most jurisdictions do not throw these in as a land use permit as they historically have been done here. The real issue is the right of appeal. This leads to the realization of the mandatory 10-day appeal period for a Type I. This is ludicrous and needs to be reviewed. We can stop processing these permits with the Commission's okay. He asked if they had any questions or issues with this. The Commission discussed it; Mr. Morgan said that without Commission objection, staff will administratively stop processing these and he believes that will resolve some of the quirks they see.

Type I and Type II are the more interesting permits that Mr. Morgan said he wanted to draw the Commission's interest to because they are the ones that have the strange balance between staff review and the Commission's role. There has been limited discussion on them; a Type III permit is the one that is pretty black and white and the one they are used to where an application rises to the level of complexity, etc. As we walk through some of these, he asked

them to look for things that need to be a Type III or possibly might be moved into a Type II consideration. The Type IV permits are where Council action is required often because an ordinance must be passed because we are amending a zoning map or the Comp Plan or a text amendment, etc. These are legislative in nature, he said, and have to do with policy decisions that impact maps or the text of the Development Code, etc. These are pretty well laid out and straightforward.

He asked if anyone had any questions about the four types of permit applications, or any issues. Commissioner Coulton asked which type was the most commonly requested; Mr. McCaffery said he believed Type I or Type II to be the most common. There was a brief discussion, most of which was inaudible.

Development Code Processes Matrix (see p. 2-4 of Exhibit A). Mr. Morgan asked the Commission to review the selected language on the specific processes listed this matrix as there are stated in the Code, and he spoke first to text in Section 2.010, regarding the Director's authority to push an application to a higher type. This is a judgment call, he suggested. Another portion of Section 2.010 regarding the highest numbered procedure being required if you have multiple procedures, and has created some angst and even in his short time with Troutdale it has come up a few times. The FedEx expansion is a case that fell into this area, he said, and told of how the Commission looked at the entire Site and Design Review rather than just the Variance on this application, and he explained why and how this could have been better processed several weeks earlier. The opposite of this is that in order to see the whole variance, maybe the Commission does need to see the whole picture. The question to the Commission is whether that bundling of applications is important where they would see the whole thing at once (is it compelling public interest?) or is there private interest that they would respect that would say that an applicant could separate those out and process them as different applications, fully recognizing that one might fail. Or give them the choice, to bundle or not. The pros and cons of bundling were discussed and Mr. Morgan pointed out that the Code language compels staff to bundle. The question is if the Commission wants to allow the opportunity to unbundle. He looked for things in the Code that raise eyebrows, and this is one of those things. It's a tough one, Commissioner Woidyla said, but it should be discussed. It will be brought back, it was determined, and Mr. Morgan said he cannot tell them what the norm is in this regard. Mr. Woidyla said it would be nice also to see a history of some projects that were bundled and what would have happened if they had not been.

Section 5.010(B) Residential Accessory Structures requiring a development permit was next discussed. Mr. Morgan said there is nothing in the Code stating what a Development Permit is and this doesn't address which process should be used, Type I, II or whatever. But there is a form for this and a \$25 filing fee. He doesn't know what this means. This is when someone wants to build a deck and meets the parameters; that's it. Most restrictions don't require a permit to review that. This is formalizing what a lot of jurisdictions just do over the counter and is one of the places in the Code where we tacked on a little red tape to a process. All Planning cares about is setbacks; the rest is Building Code and we're not into that. A brief discussion followed. Mr. McCaffery said he can see why this is in the Code as there is some advantage from an accessory structure owner's point of view to have a document from the City that this doesn't trigger a building permit if the structure is within the parameters, as well as understanding where these structures are located on the property re setbacks and fire and safety hazards. He said he thinks there is some value to this statement in the Code and he can see how it may have been put in the Code to fill the gap from what triggers a building permit to having something on the books to state that this was reviewed. Shed size and setbacks were discussed as being important. If the Commission wants to keep this permit, staff will flesh it

out a little better so as to not be so confusing. We can call it an accessory structure permit or something like that, and get some definition of how it works. The Commission agreed.

Sections 6.000, 6.100, 6.210 and 6.220 Annexations, Vacation of Property and Variance measurable standards are pretty straightforward and Mr. Morgan asked if the thresholds listed on p. 2 for these are acceptable to the Commission. They said they are.

Section 6.300 Conditional Use Permits. Mr. Morgan said some jurisdictions' Conditional Uses are done at the staff level. The threshold is either a big deal or not, and he asked what the Commission thought. The discussion was about if the public would wonder how something happened and whether the Council would allow just staff level approval. [Multiple voices prevented hearing the determination of this item but it is believed it was decided to leave it as is.]

Section 6.395(A) Minor Change Conditional Use Permit, Type I or II and Section 6.395(B) Major Change Conditional Use Permit. This Code language does not give any guidance as to which it is. Discussion was on stating a threshold if it is rewritten and based on whether it is a Type I or Type II request. Amended text will be brought back to the Commission for review. When we get to reviewing the definition of a Conditional Use, Mr. Morgan said one of the things he will raise to them is the tradition of approved Conditional Uses in Troutdale in that they appear to be tied to really specific site plans. That is not the case with a lot of other jurisdictions because you are approving the use of a property, not the design on the property. Here, if a really specific plan is approved, then we have to jump back through hoops to get a minor change approved. The Commission may not agree, he said, but he thought he'd raise the red flag on that on whether it is something they want to continue doing. But we do need to define the threshold between a Type I and a Type II, though, or some threshold to tell which is which. There was more discussion. Mr. Morgan will craft proposed language that sets the up-to-10% to 20% or up-to-10% to 30% threshold, just to put it on the table for discussion and the Commission can think on it.

Mr. Morgan briefly summarized Sections 7.030(A) through 7.030(G), and Section 7.150 Recording of Plat, and he explained Troutdale's plat approval process. The Code says an applicant has one year to submit the final plat for review. Every other jurisdiction says the applicant has to record the final plat within one year. Here is only needs to be submitted for review and there is no time frame; it could take 30 years sitting in review, etc. Then it comes around to the recommendation. The reason other jurisdictions require a recommendation within one year is to make sure it doesn't go stale, that the conditions that went into the decision are still relevant when the plat is actually recorded. He said he has never seen one that does not require a recommendation within one year and he would like to add that to the Code text; the Commission agreed. Mr. Morgan said he would like to also put in the proposed language procedures for extending that time frame; usually it's allowed as a one-time extension. During the recession, many jurisdiction Councils adopted blanket extensions on these, he added.

Sections 7.160 and 7.170 – Both state the requirement for Planning Commission approval but there is no process for doing that. These Sections may have been created for abandoning a subdivision plat that was never developed and they want to do something else with the land. If a procedure was created to do that, Mr. Morgan asked what the Commission thinks it would look like. He asked them to consider this; he is concerned that this is a 'hanging' process. They discussed it and agreed to review it.

Section 8.050 Site and Design Review – This review is included because it goes before the Planning Commission if a Conditional Use permit is being processed. Mr. Morgan just wanted the Commission to be aware of this; they are, they said, and there was no discussion.

Section 8.200 Residential Design Standards is also listed here because there is language that is inconsistent with other parts of the Code. Another reference referred to one- and two-family dwellings and yet another reference referred to one-family duplexes and a zero-lot-line dwellings. It just needs to be cleaned up and staff will submit that language

At this point the Commission took a break.

Section 10.020 Sign Permits, as stated, should have 'and a plea period' language struck. This has already been agreed, Mr. Morgan said. Sections 10.025(Q), 10.025(R) and 10.025(T) on Signs need to better identify the types of temporary signs and, if a proposed temporary event of community interest sign is to be in a right-of-way, there is a big process where the City Council has to approve the sign. This then becomes a land use matter and a Council process and has nothing to do with Planning; he suggested this be pulled out. He will bring that revision; it will still go to Council but will not be a Planning matter. It's just a matter of construction. Section 10.0080 Appeal on Sign Issues has about six paragraphs on how to appeal to a Hearings Officer; Troutdale has no Hearings Officer. There are procedural elements, etc., that look like they were 'picked' from another jurisdiction's Code. This is also ill placed and needs to be pulled out and placed correctly.

Type IV, Section 15.10(A), (B) and (C) Amendments of Comp Plan Text, Land Use Map and Comp Plan Text, Land Use Map and Development Code Text, and Zoning Map – These absolutely go to the Council; Planning Commission's role is to make a recommendation. Section 16.280(A) Type I Decision Appeal, (has been discussed); Section 17.010 Authorization for Similar Use, which is a Type I procedure and while there should be a record to make it a land use case might be overkill and he would probably clarify it as not a Type I. Section 17.020 Interpretation by the Director – Most jurisdictions authorize the Planning Commission to make the interpretations. It would not be bad to consider bumping that to the Planning Commission, Mr. Morgan said, and he asked Commissioner Sheets what he thought. The Commissioner said it would still need to be filtered through the Director and then if there is an issue with that, it would be bumped up to the Commission. He said he does not think there is a problem with this. There was discussion with some Commissioners disagreeing and others agreeing with Commissioner Sheets. Mr. Morgan said if there is a pretty clear-cut interpretation then let the Director make it; then if the Director wants it to go to the Planning Commission for advice or interpretation, it can do so. More discussion followed on clarification, discretion versus interpretation, and when it would be appropriate to take the 3 or 4 weeks to wait for an official interpretation for a relatively minor action. What if, he proposed, the language remains the same but it includes a provision that the Director may consult with the Planning Commission before making the determination, or something like that. That was agreed.

- Additional Discussion. Chair Staffenson reported on the discussion at the recent FAA meeting. Commissioner Woidyla said he was tied up and not able to attend. Mayor Daoust and City Councilors White, Allen, Wilson and Morgan in attendance also. Commissioner Woidyla explained the purpose of the meeting. Chair Staffenson said he believes the Troutdale presence had an impact on the committee but they weren't ready for us; they were not going to allow us to speak but then they allowed it at the end of the meeting.
- Chair Staffenson distributed the document *January Discussion Meeting with Metro Staff* (undated) (see **Exhibit C**). Before addressing the bulleted items in this document, he said it recently came up that Troutdale has a substantial amount of industrial land which will create up to 10,000 jobs, as we've been told by Metro. One of the things they also said is there will be no change to the Urban Growth Boundary (UGB) in the next 50 years, per capita. That means the

whole live/work/play thing is gone and Metro Councilor Shirley Craddick told him people will have to live someplace else and that Troutdale needs to develop berry fields. Chair Staffenson said we have 800 acres of undesignated land that we would like to see put into urban reserves; there was discussion on what land can be developed, how and where the projected population from the 10,000 projected jobs will live. Mr. Morgan said they are looking at this as if they are a free-standing small town in the Willamette Valley as opposed to being part of the aggregate urban area of East Multnomah County, as Metro sees it. The update process to the UGB happens every five years, he added, but Metro has made the statement that it will be justified in 50 years given current assumptions and projections. Mr. Morgan offered them a copy of the Urban Growth Report, just or soon to be published, and he will bring back to them the population and employment projections. An extended discussion of Troutdale growth followed.

- The bulleted items in **Exhibit C** were then reviewed; Chair Staffenson said these will be discussed with Metro staff in January 2015. They are legitimate points to discuss with Metro, Commissioner Sheets said, and he supports that. Metro and its position with regard to Troutdale was discussed. In a nutshell, Chair Staffenson said previous Troutdale Planning staff presented Metro’s requirements on Title 13 with a little ‘cream’ on them and our City Council challenged them. It turned out, he said, that when the Council met with Metro, that came out. Commissioners Woidyla and Prickett said Metro doesn’t live here and does not know Troutdale.

- **Exhibit D**, Memo from Mr. Morgan to the Troutdale Planning Commission of December 3, 2014, regarding *Upcoming agenda items*, was explained by Mr. Morgan as were the Planning Commission and Council four-month meeting schedules shown on page two. He proposed two meetings per month. Mr. Morgan said his understanding of the process is that the Code revisions would be packaged all together and moved all at once. Chair Staffenson said he would like to have a public hearing on the changes. Mr. Morgan said they needed to discuss the strategy for the whole schedule. We can’t hold a public hearing until we give the 35-day required notice before we have the first hearing, he added, and we don’t have time to do that. As this schedule is laid out, it respects that 35 days. The Commission concurred with the schedule in **Exhibit D**.

3. **Adjourn.** Commissioner Woidyla moved, with a second by Commissioner Prickett, to adjourn. **The motion passed unanimously and the meeting adjourned at 9:55 p.m.**

Tanney Staffenson, Chair

Date

Attest:

Rooney Barker, Secretary
Transcriptionist

TROUTDALE PLANNING COMMISSION
Work Session
Council Chamber
217 E. Historic Columbia River Highway
Troutdale, Oregon 97060
December 17, 2014

1. Roll Call / Pledge of Allegiance -- The session was called to order at 7:04 p.m.

Commissioners Present: Sandy Glantz, Frank Grande, Shirley Prickett, Brian Sheets,
Tanney Staffenson and Marv Woidyla

Commissioners Absent: Kevin Coulton

Staff: John Morgan, Planning Director
Mark McCaffery, Planner

Guests: Councilor David Ripma
Councilor Glenn White
Councilor Rich Allan
James Holdeman, 11635 NE [illegible]
Sam Simonis, 11417 NE Knott St., Portland 97220

2. Work Session. Consideration of Development Code (TDC) Amendments to Reduce Barriers to Development. Chair Staffenson welcomed the City Councilors in the audience. The Councilors thanked the Commission for their work so far on the Development Code revisions and said the Council appreciates their monumental effort and is looking forward to the final product. They offered any help the Commission may need, including a joint work session with the Council if it would be of benefit, and responded to questions from the Commission.

The other two guests in the audience said they were in attendance regarding medical marijuana. Mr. Morgan said that is not on the agenda this evening, but it will be at the first meeting in January and is scheduled to have the language worked on then. The gentlemen said they wanted to simply introduce themselves and would like to listen to this meeting; they were welcomed. Mr. Morgan said if they leave their contact information, he will be sure they receive a draft of the material they are interested in.

Upon Commission request, Mr. Morgan gave a brief update of the urban renewal area project before moving on to the agenda item.

Draft amendments to add provisions for urban agriculture to the Commercial zone in the Troutdale Development Code. Mr. Morgan brought these amendments forward, saying they were requested McMenamins and are specifically focused on the property north of Halsey across from Edgefield for food production for consumption by McMenamins. Mr. Morgan's report explains this request. Replying to a question, he said Fuji Farms is grandfathered. Because this would be a broad Code amendment, it would apply to all applicable property, not

Exhibit A. Staff Report – Code Update Concerning Urban Agriculture (December 17, 2014).

Exhibit B. Staff Report – Troutdale Development Code update draft – process amendments (December 17, 2014).

Exhibit C: Chair Staffenson's requested revisions for TDC Chapters 1, 2 and 6).

just McMenamins, he added. This particular zoning district is all the Commission needs to look at now, but the definition will be in the Code if needed in the future. There was discussion regarding farm buildings, e.g., greenhouses, barns, etc., McMenamins intention of putting in an amphitheater and other things in the future, and farming now in lieu of other development.

Commissioner Sheets said he understood how this is specific to their business plan and this particular parcel of land, but this is a text amendment to the Code. For the future, we should consider more enduring projects and the livability of the community depending on these text amendments. It is more than just this project because the text amendment goes to the zone and there was discussion on this. Mr. Morgan said it doesn't make any sense for McMenamins to not fill this property with a new pub of some kind, but their business model is looking at the agricultural use as being an adjunct and very positive economic investment that creates atmosphere and all kinds of things they can market. And it's temporary. This in no way mandates that anything stays in agriculture; it's always temporary. He said he does not believe that any of this will ever lead to a permanent farm as it makes no economic sense. There was more discussion. Mr. Morgan asked them to think about this proposed amendment; the public will be asked for their opinions, if the Commission approves, at a future public hearing.

Troutdale Development Code update draft – process amendments (Exhibit B), for Commission review and comment; no action requested on this item at this time. Chair Staffenson's suggested text changes are in **Exhibit C**, untitled, in Chapters 1, 2 and 6. Mr. Morgan explained that these proposed amendments to Chapters 2, 5 6 and 8 reflect Commission responses out of their discussions from their December 3, 2014, work session.

Chapter 1 Introductory Provisions, Section 1.015 Purpose – Mr. Morgan explained the revised text; the Commission agreed with it.

Chapter 2, Procedures for Decision-Making, 2.010(B) Procedures for Processing Permits. Mr. Morgan said he wrote this so the decision process is discretionary in order to judge the real viability of an appeal. He said the Commission should judge if this makes sense. Commissioner Glantz questioned the grammar of the last sentence that read "process processed" but Mr. Morgan's response did not address her question. Chair Staffenson spoke of his proposed text revision to Section 2.040(B) as the stricken text seems to be addressed in Application Materials in an above paragraph. There was brief discussion, some in disagreement. Mr. Morgan said the applicant bears the burden of complying with the criteria and needs to provide the information that shows compliance; if they fail to do so, you deny it. He said it may be more helpful to have it say: An explanation of intent, stating a statement of the nature of the proposed development the reasons for the request, and evidence given demonstrating compliance of applicable criteria. That covers all of it and why it is being submitted. The Commission agreed; Mr. Morgan will include this in the draft proposal. Section 2.040(C): Chair Staffenson's proposal deletes replacing this text with: Consent from any and all parties entitled to the property. Mr. Morgan said we look for the signature of the applicant who may not be the owner, and consent from the owner to the action, if different. Does consent "entitle" this, and he said "entitle" may not be the correct word here. Most jurisdictions require the applicant's signature and then the signature of the owner. For simplicity, we can state the owner or with consent of the owner for the applicant to do this. Chair Staffenson said his proposed text is via the City Attorney. Commissioner Sheets expressed concern on how we classify an owner which takes into consideration lien holders and people with fractions of ownership, as well as possibly a utility. Or the railroad, Mr. Morgan said. This language is what we will actually provide to the applicant, he said, so we need to be

clear. Following this, Chair Staffenson said, in Section 2.010(D) he had neglected to highlight his proposed amendment changes: Legal description State identification numbers(s) (if available) and County Tax Lot numbers for the affected property. [NOTE: Specific sentence structure of this proposed language was not clear.] The Commission did not agree to using the State identification number reference; Mr. Morgan said it is very common to request a copy of the deed which includes the legal description but does not include the County tax lot number which is a good thing to have for cross reference purposes. We also want to identify the address of the property. He suggested replacing current text with: A copy of the recorded deed with legal description and County Tax Lot numbers of the affected property.

Section 2.010(E), List of affected property owners. Chair Staffenson said this reads that the applicant sends out the notifications to property owners. Mr. Morgan said the applicant provides the list of property owners within 250 feet of the affected property, not that they send out the notices. This reflects a very, very old practice, he added, but today we have access to that information with two mouse clicks. He suggested adding a phrase like: unless provided by the City or something similar. There was discussion on this option or moving this to the Public Hearing section of the Code. The Commission agreed to move it. There was a discussion on why tenants are not notified of land use actions and if that could change. It was agreed to make a note of this to discuss again, and staff will present some ideas then.

Section 2.100 Type II Procedure. The amended text shows what the Commission had requested for how Type II procedures are processed which is to send out the first notice with a draft decision and ask for comments; if anyone comments, it can be amended but cannot be appealed. The information provided is going to be better but it creates the probability that it will cut at least two weeks out of the processing time, Mr. Morgan said. This language of the three stages is now broken down in proposed Sections 2.100(A) 1, 2 and 3 and we have removed the old language. Paragraph 3 was discussed relative to the appeal and its cost, and in acceptance of the language proposed.

Mr. Morgan reminded the Commission that this discussion was on the process, and the other amendments we will look at will be on substance.

Chapter 5, Section 5.010 Residential Accessory Structures. Accessory frame-covered structures were defined by the Commission as an RV cover or an open-sided carport with either a metal fabric or cover over the roof; Mr. Morgan said they could include a definition of that here. The Commission believed the intent was to include more definitive language.

Paragraph (A) Building Permit – We should not include specifics in the Code if they are listed somewhere else, Mr. Morgan said, so this reference replaces the current text about when a building permit is required. There was a comment about the sidebar on an accessory structure brochure being created [NOTE: *The City has had an accessory structure brochure for years and it was updated at the last Code update*]. Paragraph (B) of this section was discussed, with Mr. Morgan saying most cities don't have these regulations for accessory structures; it is more of an enforcement issue after the fact. The language he proposes is the notion of not having a permit system. He asked for the Commission's guidance. Discussion followed on the above. He said he was sensing the idea of dropping the permit requirement; Commission Prickett agreed. Again, Mr. Morgan said, this is just the first version of proposed amendments. The Commission agreed to the proposed text changes/additions here. Mr. Morgan said he thought the language in Section 5.010(C), Item 9 Rear Yard Setback was very complex and he wrestled with whether it was viable or even necessary to have that degree of complexity here, and the Code should not have definitions in the Requirements section but in the Definitions section.

There was discussion and the proposed changes were agreed to and it was also decided to change the word “active” to “public” before “easement”. Then the Commission discussed Section 5.010(C), Item 10 Side Yard Setback. Mr. Morgan said this can be complex and he attempted to make the language here a little more simple. After discussion and also changing the word “active” to “public” before “easement” in this item (as in Item 9), the Commission agreed to the proposed changes.

Chapter 6 Permits – Section 6.205 General Provisions – Regarding Chair Staffenson’s proposal to add an Item D: after discussion the Commission agreed to this proposal and approved Mr. Morgan cleaning up the grammar.

Section 6.300 Conditional Use, 6.310 – Mr. Morgan said he removed the process part of this paragraph as it is addressed elsewhere, and he used classic language used in other codes to define a Conditional Use. The Commission agreed that this makes sense. In Section 6.320 Scope, again the process language was removed for the same reason as above. The Commission agreed.

Section 3.50 Conditions, Mr. Morgan said other cities don’t necessarily tie the decision on use to a specific site plan and he explained why and said this proposed language would separate the site plan from the approval of the use. Conditions that would mitigate potential impacts that have nothing to do with the site plan could be approved and attached to the Conditional Use. It may not be appropriate, he added, to assume that the site plan submitted with the application is locked in stone; it may have nothing to do with the use being requested. There were questions and a discussion. The option in this proposed text is that if the City wants to lock the applicant down on a specific item, there can be a condition addressing that in the Conditional Use approval. It is a philosophical change, Mr. Morgan said. The Commission agreed to this change in the draft.

Section 3.60 Conditional Use Permit amended text has removed redundant language. The Commission agreed. Section 6.380 Building Permit is amended for the same reason; the Commission agreed. Section 6.395 Changes and Modifications (A) Minor Changes, as discussed at the December 3, 2014, work session, gives simple directions; Mr. Morgan said he is still working on how to flesh out Types I and Type II (Items 1 and 2), and asked the Commission if these were acceptable (the old text will be deleted). After discussion, the Commission asked if, between the two Types, the majority of cases they hear are Type I or Type II. Mr. Morgan said staff will do research and bring that number back. Essentially this means giving the Director the authority of determination in these two Types. More discussion followed on the percentages, the Director’s authority, and appeal rights. Mr. Morgan said he will rewrite this item per Commission direction.

Chapter 8 Site Orientation and Design Standards, Section 8.040 Additional Requirements – Site and Design Review – Mr. Morgan explained why he deleted the marked text and replaced it with case law language. The Commission agreed to this change.

Section 8.050 Procedure and Submission Requirements – This additional text was added, Mr. Morgan said, because sometimes a pre-app is an unnecessary step if the case is so black and white and simple, and the Director can make that decision. Commissioner Sheets said he would add to the new text “unless the preapplication conference is waived by the Director” and he explained why. Mr. Morgan and the Commission agreed.

8.240(C) Authority to Adjust Standards – Mr. Morgan explained why this item was added, saying most codes allow this kind of on-site reality ‘fudging’ as long as the intent is still consistent. After brief discussion, the Commission approved it.

Those are the process change drafts, Mr. Morgan said. The next stage is everything that came out of the audit; he is working on that with his business partner. They do not yet have a draft handy but will for the January meeting. There is probably a lot more of that than what we looked at here this evening as it will be more of the regulatory elements rather than the process elements. They will also have a draft of the medical marijuana language at the January meeting; the hearing on it will not be that evening but at a subsequent meeting. There will be a briefing on it.

Mr. McCaffery said a couple of pre-apps are upcoming that may turn into Type III applications for Commission approval.

- 2a. Commissioner Concerns and Initiatives.** Commissioner Glantz asked what’s going on with all the trees being removed at a site in Fairview Village on Halsey. Others said there is some type of medical clinic going in there.

Mr. Morgan said he will be meeting monthly with representatives from Fairview and Wood Village to discuss common issues and things coming up. This comes from the idea of sharing a Flood Plain Manager.

Chair Staffenson, clarifying the Metro population numbers that Commissioner Glantz requested, provided her with what the Commission had approved last spring.

Troutdale City Councilor Rich Allen spoke on his own behalf, he said, and pointed out that one of the things he has said over and over again is that it is too hard to do business in Troutdale. The work the Commission is doing here is wonderful, they understand it, he loves the input they have, he appreciates the work they are doing, and if they can make the Development Code easier to understand and easier to follow while improving or maintaining, at least, our standard of livability here, then in the future we will have a town that we can be even more proud of than we are today. There are a number of reasons why we have this too-hard-to-do-business-in-Troutdale and our Code is one of them. Should you happen to run across places where our Code text conflicts with another governing body, then of course we are going to need to know what those are so that we can talk with our colleagues and work on changes at that level. We’ll need to know what doesn’t make sense; and he said he appreciates their help. He asked if they had any questions. Commissioner Glantz asked what he thinks is the most important factor for the Commission to look at. Councilor Allen said we are in a sea of concrete but we still have the small town feel. We want good development that people enjoy, that Troutdale is a place where you want to be. That may mean something different for each person. For us, he said, he thinks Troutdale has its own uniqueness. The Commission thanked him for his support.

Commissioner Prickett mentioned the FedEx truck and the traffic circle, as she did at the November meeting when she reported it to Amy Pepper of Public Works. The truck runs into/over a landscape boulder; the truck’s GPS sends it to the wrong address. Commissioner Glantz asked if the new flood plain maps have been released; Mr. Morgan said they have been delayed. Commissioner Grande said on the lower portion of the Robins Way trail there are some drains and ditches; irrigation direction devices were installed there and something is either messed up or clogged now as the lower portion of the trail is being washed away. People are walking to the side of that so another path is being created and that is turning into mud. He

asked if the City would look at that and fix it. The wooden walkway gets wet and freezes into ice; not a good thing. Mr. Morgan said he will pass the word.

3. **Adjourn. Commissioner Sheets moved, with a second by Commissioner Glantz, to adjourn. The motion passed unanimously and the meeting adjourned at 9:18 p.m.**

Tanney Staffenson, Chair

Date

Attest: _____
Rooney Barker, Secretary
Transcriptionist

**City of Troutdale
Urban Agriculture Amendments to the Troutdale Development Code
December 9, 2014 DRAFT**

Amend Chapter 1.020 – Definitions – by adding the following definition and renumbering accordingly:

1.020.60 “Local food production use” includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, honeybees, or their produce; raise dairy animals and sell dairy products; or engage in any other similar agricultural or horticultural use, animal husbandry, or combination thereof; for producing food to be consumed by people. Local food production uses include preparation or processing and storage of products raised on such land, but do not include construction or use of dwellings.

Amend Chapter 4.700 – Town Center Overlay – by amending the permitted use list for properties in the General Commercial zone and the Town Center Overlay:

4.700 TOWN CENTER TC

4.705 Applicability. The regulations and standards of this overlay district apply to land within the boundaries of the Town Center Planning as established in the Town Center Plan except they shall not apply to those properties designated Low-Density Residential/Open Space in the Plan.

4.710 Purpose and Intent. The purpose of this district is to encourage the downtown Troutdale area to grow as a diverse and viable town center consistent with the Metro 2040 Growth Concept for town centers. The Troutdale Town Center is envisioned as the district that provides shopping, employment, cultural, and recreational opportunities that serve the Troutdale area. In addition, the district allows for continued housing opportunities close to commercial activities. The intent of specific design standards for buildings, streetscapes, and parking within the TC district is to achieve development that is consistent with the design concepts outlined in the Town Center Plan. These design concepts include, but are not limited to, attractive pedestrian-oriented streets, providing a complementary mix of commercial and residential development, a connected network of streets and accessways to reduce automobile dependency, and avoiding walled streets.

**City of Troutdale
Urban Agriculture Amendments to the Troutdale Development Code
December 9, 2014 DRAFT**

4.720 Permitted and Conditional Uses. Permitted and conditional uses are the same as those listed in the underlying zoning districts with the following exceptions:

- E. General Commercial (GC).
 - 1. Additional permitted uses: Single-family detached dwellings (except manufactured homes), duplex, triplex, attached, and multiple-family dwellings, provided the residential use is located above or behind a permitted commercial use, whether within the same building as the commercial use or in a separate building; **local food production uses on lots or parcels one acre in size or larger, provided no poultry or livestock, other than household pets, shall be housed within 100 feet of any residence other than a residence on the same lot;** and public parking lots.
 - 2. Eliminated permitted uses: Automotive repairs, including painting and incidental body and fender work; automotive service stations; lumber yards (retail sales only); and tire shops.
 - 3. Eliminated conditional uses: Automobile and trailer sales area, heliport landings, off-street parking and storage of truck tractors and/or semi-trailers, outdoor stadiums and racetracks, wholesale distribution outlets, including warehousing.