



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, March 18, 2015
7:00 p.m.

1. **ROLL CALL/PLEDGE OF ALLEGIANCE**
2. **APPROVAL OF MINUTES**
January 21, 2015 Regular Meeting
January 28, 2015 Work Session
3. **CITIZEN COMMUNICATION – NON-AGENDA ITEMS**
4. **OLD BUSINESS** - none
5. **NEW BUSINESS** – Review of deliberation process.
6. **WORK SESSION**
Consideration of Development Code amendments.
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 Elizabeth Walstead 503-674-7228, or by email at liz.walstead@troutdaleoregon.gov

MINUTES
TROUTDALE PLANNING COMMISSION
Work Session
 Council Chamber
 217 E. Historic Columbia River Highway
 Troutdale, Oregon 97060
January 21, 2015

1. Roll Call/ Pledge of Allegiance – The session was called to order at 7:00 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 (see list): Carol Allen, 1202 SE Kibling St., Troutdale 97060
Rich Allen, 1202 SE Kibling St., Troutdale 97060
Claude Cruz, 1097 E. Historic Columbia River Highway, #123,
Troutdale 97060
Martin & Bev Frank, 1911 E. Historic Columbia River Highway,
Troutdale 97060
Jon Lowell, 2304 SW Indian Mary Ct., Troutdale 97060
Diane & Glenn White 1225 E. Historic Columbia River
Highway, Troutdale 97060
Eric Anderson, 963 SE 30th Pl., Troutdale 97060
John Wilson, 1306 SW 24th St., Troutdale, OR 97060
Jamie Schaeffner, 342 SE Kibling St., Troutdale, OR 97060
Jay Ellis, 1715 SE Palmlad Rd., Gresham, OR 97080
Penny Cruz, 1097 E. Historic Columbia River Highway,
Troutdale 97060
Paul Wilcox, 1030 SW 17th Way, Troutdale 97060
Bev Frank, 1911 E. Historic Columbia River Highway, Troutdale
97060

2. Work Session

Consideration of Development Code update and medical marijuana code amendment.

Medical and Recreational Marijuana Facility Text Amendments. Chair Staffenson made clear there will not be a public hearing as this is a work session only. The public will be invited to comment, all comments will be recorded, minutes will be taken and published, and the audio of this meeting will be posted on the City's website. Any comments the public makes will not be part of the public record for any appeal or decision making going forward.

Mark McCaffery presented his report on this item (a copy is included in the agenda packet) which gives an overview and summary of the time, place, manner, location and procedure that needs to be followed in order to process a text amendment to the Development Code. There is also draft language for an amending ordinance which would be the vehicle used if the Commission makes such a proposed amendment. Mr. McCaffery included a summary from the League of Oregon Cities on Measure 91 and what it means to local governments. A timeline was included in the staff summary to give an idea of when this measure will take place and when it could impact local governments. He then reviewed the State legislation for the Commission and audience.

The idea of why this is presented this evening is to begin the conversation for when the change comes, Mr. McCaffery said. The Planning Commission reviews proposed text amendments as they amend the Development Code; their recommendation will go to the City Council; the Council is the entity that would enact the ordinance. They can accept the recommendation, accept a partial recommendation, refer back to the Commission for more consideration, etc. There are several options, as outlined in Chapter 15 of the Code.

Because the Code states that these marijuana facilities must be located in an area owned by the local governing agency in specific zones, the proposed text amendments would allow them as Conditional Uses in these zones; recreational marijuana would also be allowed in the same locations as medical marijuana. HB 3460 regulates the locations of medical marijuana facilities in Oregon and the language we must pay attention to is that they may not be located within 1,000 feet of real property which is the site of a public or private school or within 1,000 feet of another medical marijuana facility. Staff took this into account when we wrote the amendments.

Mr. McCaffery asked the Commission to review the material and he offered to answer any questions. Commissioner Sheets asked where the information came from regarding the park buffers; Mr. McCaffery said it is based on information about gathering areas, density of younger population locations, and schools. The maps used are about a year old and staff tried to get an idea of what the buffer would be and how it would play out. Mr. Morgan said when this was initiated by the City Council it was done with the intent that the parks would be included on the list, hence this draft. That is not in the legislation but the cities can go farther. Does this also apply to the rationale for the schools, the Commissioner asked, and Mr. Morgan said it does. A brief discussion followed on adult and/or trade schools and Mt. Hood Community College.

Commissioner Sheets also asked why we have an ordinance on recreational marijuana before the OLCC (Oregon Liquor Control Commission) has taken a stab at it. Mr. Morgan said this was done at staff level and discussed with the management team. Our sense in bringing it to the Commission is that by including recreational marijuana at this time and making it subject to the same things as medical marijuana, in a sense establishes a position by the City for locations which might guide investment decisions, etc., by those who want to pursue this. It clearly recognizes that once the OLCC rules are adopted it may compel us to change this. This is just to lay out the intent now.

Commissioner Sheets asked if, besides those he mentioned, there are any other policy concerns. Mr. McCaffery said there was on establishment of a medical marijuana dispensary that in itself almost begs to create its own buffer. This was discussed relative to the State legislation.

Commissioner Woityla brought up the difficulty of future enforcement of this ordinance with the inclusion of public parks and asked what the provisions for that would be. Mr. Morgan said these are businesses that will be established; hence they will need a business license to operate.

Commissioner Glantz said her understanding is that recreational marijuana is tied to the OLCC, so she asked why our liquor laws also govern recreational marijuana. Mr. Morgan said that is up to the OLCC to decide; it's within their purview to come up with the rules by sometime in 2016. We cannot predict what conclusions they'll reach. The Commissioner asked why, if the timeline is July 1st when this comes into effect, the OLCC doesn't rule until six months later. Mr. Morgan said two things come into play: first, personal possession of marijuana is legal as of July 1; second, that is different from the retail store that sells it and that's what the OLCC is working on. The Commissioner commented that Troutdale as a pretty big majority voted in favor of this measure and she said she is not sure that a lot of extra embellishments are really necessary. Mr. Morgan said the Commission has an interesting task ahead to decide on an appropriate recommendation to the Council.

Commissioner Grande asked if the 1,000-foot setbacks apply to liquor stores; he was told it does not. He said he assumed the medical marijuana stores would become medical facilities and asked if the term "medical facility" would apply and why it would be different from a dental office regarding setbacks. Mr. Morgan said the legislature established the 1,000-foot buffers. The Commissioner

noted that even though recreational marijuana will be legal in Oregon on July 1st it is still illegal under Federal law.

Chair Staffenson said we do not define recreational marijuana in an Industrial zone; it is only defined in a Commercial zone. Mr. Morgan said that for the medical dispensaries, which are not open storefronts and you cannot go into them without a medical marijuana card, the legislature established the law that said it can go into Industrial / Commercial zones. To kind of preempt that, the local authorities say which of those it can go into. It can go into both. Recreational marijuana is a different animal, more like a tavern or a bar, perhaps, which we do not allow in the Industrial zone but we do in the Commercial zone. This draft ordinance does not speak to a production facility but to the retail storefront. We'll have to wait to see what the OLCC does on that.

Commissioner Grande said p. 1 of the draft ordinance under Exhibit A, 1.020 General Definitions, .80, i., he doesn't get why there is a reference to immature marijuana plants. Mr. Morgan said this was taken right out of the statute. The Commissioner asked if there is a definition of 'immature'. Mr. Morgan repeated that staff just used the statutory language. Brief discussion followed.

Commissioner Sheets brought up the dispensation of marijuana at storefronts versus current pharmaceutical dispensaries; again, Mr. Morgan said State law would dictate that. The three maps in Attachment A (to the staff summary) were also discussed.

Public Testimony – Chair Staffenson invited anyone in the audience to comment.

Paul Wilcox, Troutdale, said the City has added the parks which are not restricted locations in the statute but the City has added them. He said he supposes part of the rationale for that could be on p. 1 of the summary document, 2nd paragraph, in the sentence, “. . . providing for a safe separation between places where children congregate and the marijuana facility.” The State statute applies directly to schools; the city parks restriction is to essentially keep the marijuana facilities out of the main street, specifically Depot Park and Mayors Square. Chair Staffenson said he cannot speak to the Council's intent here, but there are a number of city parks in close proximity to our schools, and he believes this is was facilitated that. Mr. Wilcox said the ordinance (item 5.) also says, “. . . unless sooner repealed or extended by City Council ordinance” and he did not think it could be extended since the April 30, 2015, repeal date of the original moratorium is listed there as well. Mr. McCaffery said he took that from the original moratorium as his understanding is that it lasted a full year to the extent that it could be extended. Regarding p. 2 of the draft ordinance, Exhibit A, .81 new text, Mr. Wilcox said this is the first time he's learned that consumption on the premises of a facility is permitted, and asked for an explanation of that statement. Mr. McCaffery said he did not know and will look into it. Mr. Morgan said that item is for recreational marijuana; still, Mr. Wilcox said, he questions consumption on the premises.

Carol Allen, Troutdale, said she is concerned that even though a marijuana facility could be 1,000-feet from schools in Troutdale, kids do play in the parks especially on First Fridays and on weekends, as well. While she knows the voters passed this, it's a personal issue for her because growing up she has seen marijuana ruin her family. She expressed concern about marijuana being available to kids, and she specifically mentioned the packaging of product that is or could be sold to them; she knows 18-year olds can get it recreationally and we need to be aware of where we allow it. We need to be aware of where we want it in our city. If it comes to our main street, she will not shop there. She wanted her voice to be heard.

Commissioner Grande said, based on Ms. Allen's comments, that we are not just talking about smoking marijuana but other ways of ingesting it, as well. Unfortunately a lot of those ways will be kid friendly and the marketing people will come up with 'cool' names for their product. He said he was not saying it was good, bad, or indifferent but this is part of what is going on and the law of unintended consequences.

Commissioner Woidyla said the final decision on this is not the Planning Commission's but they will refer it on to the City Council. The decision we are asking them to make is if Troutdale should

have these establishments within the city limits. We can make a recommendation to them or can move this forward to them without a recommendation. Within its framework and the statute as it is written now, the question is if we allow it in the city where are we going to regulate it and where are we going to put it.

Mr. Morgan said the expiration of the moratorium is a key drop-dead date; working backwards from that, the Commission needs to hold a public hearing on this in February which means that hopefully this evening the Commission can change this language in any way they may wish to, and then that language will come to the hearing. We need to send out tomorrow public notices of the February hearing, so staff will need some direction on this from the Commission this evening. Ultimately the Council will hold its own hearing in March prior to their decision.

Claude Cruz, Troutdale, said he and his wife own their business right across from Mayors Square, a favored congregation spot for a lot of skateboarders so that is an issue. He also said he wondered why he doesn't hear much from a planning perspective about the grow sites and retail. He spoke of a ruckus he heard about going on at one current site that maybe could have been avoided through better management (this through one of his staff who lives near the grow site). He said the West Columbia Gorge Chamber of Commerce is going to host a speaker that specializes in marijuana law for a lunch next Wednesday between noon and 1:30 in the Community Center by the police station. He also spoke of one of his staff who lives near a grow site that has a severe impact on her personal life and he explained why and how. His concern was discussed. There was a brief discussion on personal recreational use vs. medical use, and that this was about dispensaries and not private or commercial grow operations.

Bev Frank, Troutdale citizen for 25 years, said one of the reasons she moved here was the wonderful outdoor wholesome community where she wanted to live with her children. She and her husband bought a wonderful property and opened a business, Bev's Antiques, and have been there successfully for 15 years. She does not like the thought of having a dispensary next to her business. It doesn't make sense to her. Her customers are wonderful people, and she has high school girls there every day. She would not be proud of Troutdale if this city allows a marijuana dispensary. She wants to feel good and proud of living here. Pot changes people's thinking and their mood.

Penny Cruz, Troutdale told of a grow site, not in the City of Troutdale, with its huge fans running all night, huge security lights blasting into bedroom windows of nearby residences because this was set up as close as they could to the property line. It is on a suburban cul de sac in what looks like a shop building in a residential neighborhood. Her other point is that she sees a lot of alcohol use and how it changes how people behave, and she asks herself how this is different. It feels different, she said, because it's new, maybe. One thing to consider is that now is the opportunity to set boundaries and bigger safety zones and regulations. If we do that now, we can relax those in the future more easily if people are obedient now. It's harder to go the other way. Commissioner Grande asked if the 1,000-foot setback sounds okay to her. She said she would not want to sit in his seat; her point is that the school clearly has the 1,000-foot setback now. One of the major points of decision here is whether to also include the parks. She was saying it would be easier to include the parks now and can relax that setback later, if we want to. If it's not set out now, it will be more difficult to get it later.

Diane Castillo (White) of Troutdale said she agrees far as boundaries and opportunities go, and said she had the privilege of going to Eugene last year where marijuana was being discussed. Some officials from Washington State attended, and she told of a City Councilor from Kirkland, WA, who spoke when they were trying to decide what boundaries they might set for the dispensaries. When they were done they had to think about it because they'd created so many restrictions. She said right now Washington State has decided that 25 miles is a hardship at this time. What we're talking about is a moving target, and she believes laws will be changed and there will be further restrictions and certain challenges. There are five lawsuits going on now. Things will pan out there within the next year, she said she believes. She said our downtown has a certain look and was created with a certain

feel; it lends itself to tourism. It's just a few little blocks so she advocates the marijuana facilities not be in that area. She also addressed parks and schools as well as churches.

Jon Lowell, Troutdale citizen, spoke of tonight's evening news about a lady who overdosed from eating marijuana candy and had to get hospital treatment in Sun River. He wanted to encourage the Commission to establish the regulations as presented this evening with the inclusion of the 1,000-foot buffer for parks, including Mayors Square.

A few Commissioners asked about specific properties and if they were included in the 1,000-foot buffer; they all are, Mr. Morgan told them, either by physical location or by zoning. Commissioners Grande and Sheets asked about any liability under Federal law; Mr. Morgan said there is always that possibility and even if the City regulates more strictly than the State, there is still the question of Federal law not only in Oregon but in every state that has enacted this legislation. Chair Staffenson said he knows that what is in front of the Commission now has been passed by other municipalities.

Mr. Morgan said the question this evening is does the Commission want to change this proposed ordinance in any way, and if not then will they accept this, and it will be what we publish for the public hearing. Mr. McCaffery said staff is looking for guidance on the actual language as they have it within each of the zones, and if they want any changes in the proposed ordinance itself.

Commissioner Glantz asked about the moratorium; Mr. Morgan said that relates only to the issuing of permits for medical marijuana, not recreational marijuana. Commissioner Sheets asked that the Commission only deal with the medical marijuana dispensaries because there is a very high likelihood that we may take an incorrect direction that may not be compatible with the OLCC. It would be prudent to let the State set the rules and then we can decide how we want to do that. Bundling recreational and medical together can inflate the issue, he added. Mr. Morgan said he expects the League of Oregon Cities to be developing model language based on the OLCC rules. There is a good chance that every city in the state will adopt the same language.

People are already looking at sites, Chair Staffenson said, and they want to know what the rules are. That is one reason to try to be proactive. Commissioner Sheets said he thinks that is a poor business decision on their part to speculate on that. They can speculate all they want, and push the City Council for clear direction on something that might not even be compatible with State law, but it's not the City's burden to look into a crystal ball for that kind of thing. It's not appropriate.

How much of demand is there for these facilities, Commission Woidyla asked. Will we have one every block? There was no answer to this. He said he did not want to see Troutdale become a hub of this type of activity. Recreational marijuana businesses/dispensaries were discussed. We are trying to write rules for recreational marijuana, Commissioner Glantz said, even though it is not yet legal and the OLCC has yet to weigh in. Why would we do that, she asked. There was discussion on what would need to be done when they publish their rules and whether or not the Commission should act now or later. Again, Commissioner Sheets said the two should be discussed separately, taking medical first and then recreational at a later time. Chair Staffenson said since the language in the proposed ordinance would hold true for both, he asked if the Commission can enact the recreational piece when that legislation comes forward. There will be at least a year before that will have to be considered, assuming the OLCC rules are ready by then, Mr. Morgan said. He added that he would like to think there will be enough lead time and input at the local level for local governments to adopt extemporaneously appropriate zoning at the same time. There is no compelling reason to adopt this now. We could either decide to not adopt this or we could elect to change it, at some point in the future, Chair Staffenson said. He said almost every municipality he's studied has adopted language for both and said he wonders why everyone else is doing this one way and we are looking at doing something different; not that we shouldn't, but (unfinished sentence). There was another discussion on medical versus recreational marijuana, and what the Commission wanted to do with this proposed ordinance. Commissioners Glantz and Grande said this ordinance is a good start.

Commissioner Sheets moved that the Planning Commission not consider recreational marijuana sales in this proposed text amendment; Commissioner Grande seconded the motion. There was no discussion. **The motion passed – 5 yes, 1 no (Prickett), 1 absent (Coulton).** Commissioner Sheets asked for a discussion on the addition of park buffers and expanded definition of a school. He said he believes there is a rational understanding about schools and he thinks that is where the compromise came in HB 3460 for not coming within 1,000-feet of real property comprising a public, private elementary, secondary or career school primarily attended by minors; he understands that, he said, and it makes sense. They must also not be within 1,000-feet of another medical marijuana facility so that says there will not be a strip mall of dispensaries; he understands that. He said he thinks about places like Cannery Park which is a strip of property with a bench on it, and other similar places, and where he sees children going into Walgreen's and other places, maybe walking down the grocery aisles, the wine aisles, and he does not think he wants to necessarily put up a big fear flag to his children. He said he is stumped because it's out there and we don't need to parent the entire community by telling people that within 1,000-feet of a park is where you can't have a place for people to go to for their medicine. He has an issue with the addition of the park buffer because it is not in the State legislation. This is a bit much, but he does agree with what comes out of HB 3460. He has heard people say things to the contrary and he's okay with that. Part of this discussion is about what kind of community we want to have and he respects other opinions. Chair Woidyla asked if he would not object to a recreational marijuana facility near a park. Commissioner Sheets said he does not see why we would treat recreational marijuana any different from a bar or a restaurant or a pharmacy, a brewery or any other thing that does not have a 1,000-foot buffer zone to a park. Commissioner Woidyla asked if Commissioner Sheets thought there would be litigation if we do have that prohibition; Commissioner Sheets said he was not speaking to any legal piece here, simply policy. Commissioner Prickett said Cannery Park is close to her house and the high school kids come through Cannery Park; it looks like it's not used but it is. Fair enough, Commissioner Sheets said. He was asked what he wanted, and he said he would just like to discuss it before anyone makes any motions on it. Commissioner Glantz asked if there is a way to create a special zone or district that says that is where recreational marijuana can go. Chair Staffenson said no, but we have a map showing the areas/zones where it could be located. Specific areas and properties and zoning were discussed.

Chair Staffenson said this is something we haven't seen before but it seems like a Conditional Use. Commissioner Sheets said he thinks the Conditional Use is a great tool to be able to understand how to put this together. This, too, was briefly discussed. Mr. Morgan said a Conditional Use has conditions of approval intended to mitigate impacts of the use, whatever they might be. The criteria does not turn it into a popularity contest, you will still be looking at what the impacts are and how we can mitigate them. Every new facility, then, would require its own hearing, notice and decision, Mr. McCaffery said. The criteria will be set, Commissioner Prickett added, and our job would be to decide if it could be mitigated enough to meet that criteria. If there are impacts that cannot be mitigated, that is a case for denial, Mr. Morgan said, but that is pretty rare.

There was a discussion on making the decision now versus changing it at a later time; Commissioner Sheets said it's harder to change or repeal a law than it is to create it; what we're doing now is creating versus changing. Chair Staffenson it would very difficult if not impossible to increase the standard if we decided later it was necessary. Chair Staffenson asked if the Commission wanted to follow the letter of the State statute or to customize it for Troutdale. After discussion, Mr. Morgan suggested that for the hearing, staff bring both display and handout maps that show each of these areas (parks) that will identify the properties that are zoned for and can potentially be impacted by the two different overlays. This was agreeable to the Commission. After discussion, Mr. Morgan said staff will publish the notice of the public hearing on this ordinance without the medical marijuana portion, and the balance of the proposed text stands, and the illustration maps will be brought to that hearing.

Commissioner Glantz moved, with a second by Commissioner Grande, to approve this current draft as edited (minus the recreational marijuana portion). There was no discussion. The motion passed – 4 yes, 1 no (Prickett), and 1 absent (Coulton); the motion passed. The Commission took a break.

Consideration of Development Code Updates. The staff memo of January 14, 2015, included in the agenda packet, listed the changes made in the first five chapters of the Development Code (in red ink); other changes were made later but are not included here, Mr. Morgan said. These recommended changes are at this point based on clarifying language and on best practices in other places that we have learned about. He suggested the Commission take a brief look at these. Chair Staffenson said some of the revisions from the last meeting are not incorporated into this document, and some of the numbers and definitions don't match. Mr. Morgan said staff could reconcile that; things like numbering will not help us now because of all the changes that will occur in the very last draft. What is important now is the substance but he said he will walk through this with Chair Staffenson so those corrections can be reconciled and easily made ready for the first meeting in February. He again asked if the Commission will look at this version this evening to see if they have any questions, adding that this does not show every change made. We could look at his, Chair Staffenson said, but there are things that need to be added to it and things that need to be taken out. It was agreed that a pre-meeting to update this version would take place. The majority of the comments and questions posed related to changes made but not yet incorporated into this version. Commissioner Glantz had comments on the definition of a Duplex Dwelling and not making judgments on definitions (p. 4) and if there is another way to do this; and on Home Occupation why there is not language about being disruptive to the neighborhood (p. 5,j.). She also asked about p. 5, g, Fence, third paragraph; saying that sentence is not complete. This is the amended portion only, she was told. On p. 12, 2.a.A., she asked if it is required to have zero lot lines; Mr. Morgan said it was the Commission's choice. This was discussed briefly. This is existing language that simply adds flexibility, Mr. Morgan said. On p. 13, 4.a., the Commissioner asked what residential density has to do with family day care. It is defined there given the density since it is in a Single-Family Residential zone. This was discussed. The Commissioner asked what an R4 zone is; it was explained. If we eliminate it, Mr. Morgan said, then we need to do a remap and we don't want to do that now as part of this process.

Commissioner Prickett suggested that Chair Staffenson and Mr. Morgan review this document together and bring an amended document back to the Commission. If anyone has questions, Mr. Morgan said, they will need to raise them at the next discussion; he added that he and Commissioner Glantz could also get together to review her questions. Mr. Morgan said the Commission will have a work session on their regular meeting date on February 18th and staff will bring this amended document back, and because of public hearing notice requirements there will be a hearing on February 25th for medical marijuana.

Jay Ellis, Gresham, thanked the Commission for working so hard.

- 3. **Adjourn.** Commissioner Woidyla moved, with a second by Commissioner Sheets, to adjourn. The motion passed unanimously and the meeting adjourned at approximately 9:19 p.m.

Tanney Staffenson, Chair

Date

Attest: _____
Rooney Barker, Transcriptionist

MINUTES
TROUTDALE PLANNING COMMISSION
Regular Meeting
Council Chamber
217 E. Historic Columbia River Highway
Troutdale, Oregon 97060
January 28, 2015

1. Roll Call/ Pledge of Allegiance – The session was called to order at 7:00 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 (see list): Paul Wilcox, 1030 SW 17th Way, Troutdale 97060
Jamie Schaeffner, 342 SE Kibling St., Troutdale, OR 97060

1a. Agenda Update. The agenda was amended to show the Election of Officers as Item 2.

2. Election of Officers. Commissioner Prickett nominated Tanney Staffenson for Chair; Commissioner Glantz seconded the nomination. Commissioner Woidyla moved, with a second, to close the nominations. This motion was unanimously approved and the nominations were closed. The voice vote was unanimous in favor of Tanney Staffenson as Chair of the Commission for 2015.

Commissioner Glantz nominated Brian Sheets as Vice-Chair; the motion was seconded. Commissioner Woidyla nominated Shirley Prickett as Vice-Chair; Brian Sheets seconded the nomination. Commissioner Glantz moved to close the nominations, with a second from Commissioner Woidyla. This motion passed unanimously and the nominations were closed. Commissioner Sheets accepted the nomination. The vote was unanimous in favor of Commissioner Sheets as Vice-Chair for 2015. Commissioner Prickett withdrew from the nomination.

Chair Staffenson introduced the 2015 alternate Commissioner, Jamie Schaeffner and welcomed her.

3. Approval of Minutes:

- **November 19, 2014 Regular Meeting.** The last paragraph on p. 1 is the same as the first paragraph on p. 2; one will be deleted. On p. 3 the first paragraph begins with a reference to Chair Glantz rather than Commissioner Glantz; this will be corrected.
- **Commissioner Sheets moved, with a second by Commissioner Prickett, to approve the minutes as amended. The motion passed unanimously and the amended minutes were approved.**

- **December 3, 2014 Work Session.** For clarity, Commissioner Prickett asked that the abbreviation of 're' in the last paragraph in Section 5.010(B), fifth line from the bottom of the page ("... located on the property re setbacks and fire . . .") be expanded to the full word "regarding". **Commissioner Woidyla moved, with a second by Commissioner Prickett, to approve the minutes, as amended. The motion passed unanimously and the amended minutes were approved.**
 - **December 17, 2014 Work Session.** On p. 2, Chapter 1 Introductory Provisions – Chair Staffenson said he did the Chapter 1 introductory provisions, not Mr. Morgan. The audio was reviewed; Chair Staffenson read his amendments immediately prior to Mr. Morgan giving the Introductory Provisions briefing. For clarification, the second sentence in the first paragraph was amended to read: *Chair Staffenson read his suggested text changes (see Exhibit C), untitled, in Chapters 1, 2 and 6.* Commissioner Glantz also had a correction but it was inaudible. **Commissioner Prickett moved, with a second by Commissioner Glantz, to approve the minutes, as amended. The motion passed unanimously and the amended minutes were approved.**
4. **Citizen Communications – Non-Agenda Items.** None.
 5. **Hearing Procedure.** Chair Staffenson read out loud to the audience the public hearing procedure and then opened the public hearing on the following agenda item.
 6. **Type IV Legislative Hearing**
Urban Agriculture Amendments to the Troutdale Development Code
Applicant: City Council Initiated

Mr. Morgan asked Mr. Wilcox (in the audience) if he planned to testify on this item. Paul Wilcox said he possibly would. Mr. Morgan explained the Council initiation of this item and summarized the briefing from the December 17, 2014, Planning Commission meeting when the Commission was first briefed on this. Text amendments to the Development Code can only be initiated by the Planning Commission or by the City Council. There was a request from the McMenamans Corporation to the City Council to initiate this amendment because there was a specific change in their use of this property. This amendment applies not only to McMenamans but in the Commercial General zone broadly and in the Town Center Overlay zone specifically. He explained that proposed use request to be able to grow food products beyond simple garden or herb beds to actual crops they would use in their own restaurant food, and possibly part of that would include having visitors in the farm area for viewing the crops. The Council is very interested in pursuing this.

There are two language changes in the Code presented here (see *Urban Agriculture Amendments to the Troutdale Development Code*³, December 9, 2014 DRAFT, included in the agenda packet) that would allow any property owner within these zones and who meets the standards to be able to carry out this type agricultural operation. The first of the language changes is in the Definitions part of the Code with a new proposed definition for the term Local Food Production Use; he addressed the proposed change and then pointed out that this is a very broad definition of food productions that includes both animal and vegetable, but it could be amended in the future for some reason. The important thing in this case in the proposed change (on p. 2) which adds language limiting poultry or livestock

to not be within 100 feet of any other property, but it does allow that use in that particular zone. This is the proposal before the Commission.

Commissioner Sheets began a discussion on the fact that things could be excluded. The State review process and the OLCC rules will come in the future, so the marijuana farming question cannot be answered now, Mr. Morgan said. You could exclude that but we will see model language in the next year. Commissioner Sheets recommended that the Commission add a sentence to *1.020 – Definitions* that this does not include products listed in the Controlled Substances Act. Mr. Morgan said Commissioner Sheets' suggestion for a definition of food itself with a reference that specifically excludes controlled substances would be defensible. Discussion followed.

Commissioner Sheets began to make a motion for an amendment to the proposed text but delayed that until after the public hearing.

Chair Staffenson opened the public hearing on Urban Agriculture Amendments to the Troutdale Development Code.

Paul Wilcox of Troutdale asked how this amendment relates to McMenamins specifically. Chair Staffenson said their current land zoning does not allow this use. Mr. Wilcox said he understands that, and what he took from the previous meeting on this was that the Commissioners were pretty adamant about it being basically produce and no animals at all, and yet in this draft document there is listed every imaginable animal operation except a slaughterhouse. Mr. Morgan said that is because the definition is one thing and the regulation is something else. The definition is very broad but this is less than the definition allows in that particular zone. Mr. Wilcox said he does not see any restrictions other than the acreage requirement being 100-feet from the neighbor. This does allow livestock, Mr. Morgan said, as long as it is 100-feet from a residence, and the Commission may want to discuss that as it is of some concern to Mr. Wilcox who said it would be to everybody.

Commissioner Sheets asked Mr. Wilcox what threshold concerns he had. Mr. Wilcox said his understanding was that McMenamins was requesting this change in order to allow them to grow, basically, fruits and vegetables and none of this husbandry and animal raising and feed lots. He did not think that was McMenamins' intention, he added. If the Commission proposes to allow those kinds of things, what kind of restrictions would Mr. Wilcox like to have. *This discussion was barely audible.*

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

Livestock was discussed (pigs, cows, miniature horses) and household pets, that can be livestock. We do not define 'pet' in our Code. The language in this proposal, Mr. Morgan said, came from our attorney, McMenamins, and us. McMenamins has not spoken about this language. It is up to the Commission to decide if this is appropriate or not, or if it is appropriate to have any degree of livestock in that area. Commissioner Sheets said this is sort of difficult to work with in that there is no applicant. Typically there is a proponent with a plan where we look at what they want to do. Mr. Morgan said they might also think about freeing themselves from thinking it's about one property, but more broadly. There is

all that vacant Town Center land, not owned by McMenamins, and would it be appropriate eventually to allow crop production? And is it appropriate to allow a degree of livestock on any of that land? Commissioner Glantz said some of that could be the amount of livestock and what is sustainable. Commissioner Prickett said even having three cows would require one acre per cow, minimum. Commissioner Woodyla added that there could also be a production facility that didn't even allow the animals outside. And Commissioner Glantz spoke of the smell and sound issues. Commissioner Sheets spoke of and quoted from the State's agricultural definitions. The Commission discussed specific definitions (or none) regarding poultry and livestock. Commissioner Woodyla said we could beat this to death but he does not think we could do any better than what is proposed here; we have the definition of the use and it has the restrictions on Commercial zoned property. Commissioner Prickett asked if one could have cattle there. From a zoning perspective, Mr. Morgan said, that would not be prohibited. The Local Food Production language qualifies that, and Commissioner Woodyla said that should take care of that.

Chair Staffenson suggested in Section 4.710 Purpose and Intent, removing from the first sentence the phrase ". . . *consistent with the Metro 2040 Growth Concept for town centers*"), and in Section 4.720 Permitted and Conditional Uses, (for readability and consistency) the following, separating the uses under E.1. to three paragraphs, a. b. and c., and adding "separate buildings" to a.

Commissioner Sheets asked what will be included in the staff report going to the City Council regarding the concerns expressed about the animal issues and possible threshold issues. Mr. Morgan said normally he would transmit the Commission's action. If the Commission's preference is that he highlight that issue, he will include that in the staff report. Chair Staffenson said he could also go to the Council meeting to testify about it. Commissioner Sheets asked if the Commission's concern on this issue would be included in the Findings of Fact. Mr. Morgan apologized for not having the actual staff report available this evening but said it is pretty straightforward and he asked them to accept it based on their actions this evening.

Commissioner Glantz moved to accept the proposed amending language with the following amendments:

- ✓ **Section 4.710 Purpose and Intent, remove from the first sentence the phrase ". . . *consistent with the Metro 2040 Growth Concept for town centers*";**
- ✓ **Section 4.720 Permitted and Conditional Uses, E., 1. Additional Permitted Uses:**
 - a. Single-family separate buildings and 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;**
 - b. Local food production uses on lots or parcels one acres in size of larger, provided no poultry or livestock, other than household pets, shall be housed with 100 feet of any residence other than a residence on the same lot; and**

c. Public parking lots.

- ✓ Add a new sentence to *Section 1.020 – Definitions* stating that **Food does not include any Federally controlled substance under the Federal Control Act.** (Here the Commission asked staff to craft the appropriate language.)
- ✓ Add a **Finding of Fact that there is concern about quantity of livestock.**
Commissioner Prickett seconded the motion.

In discussion, it was noted that the added Finding of Fact possibly could come back before the Commission for correction. **The vote was unanimous and to motion passed.**

7. **Work Session.** Not held this evening.
8. **Department Reports.** Mr. Morgan reported that he and Chair Staffenson reviewed the few changes on the Development Code draft and he will bring them before the Commission very soon. He also told the Commission to expect some land use cases to come before them in the spring. The walking path concern has been fixed, he added. Commissioner Grande thanked him.
9. **Commission Initiatives and Concerns.** Commissioner Glantz asked Chair Staffenson about the meeting he previously spoke of with Metro. It has been postponed, Chair Staffenson said. Chair Staffenson said he is honored to be elected Chair for 2015.
10. **Adjourn.** Commissioner Sheets moved, with a second by Commissioner Prickett, to adjourn. **The motion passed unanimously and the meeting adjourned at 8:06 p.m.**

Tanney Staffenson, Chair

Date

Attest: _____
Rooney Barker, Transcriptionist

MEMORANDUM

TO: Troutdale Planning Commission

FROM: John Morgan, Planning Director

SUBJECT: Planning Commission Workshop
Troutdale Development Code Analysis

DATE: March 18, 2015

Tonight the Planning Commission will continue its review of the first staff report on proposed amendments to TDC dealing with Chapters 1 through 5.

At its February 18th work session the Commission reviewed and comments on approximately half of the items laid out in the staff report. Tonight the discussion will continue with the intent of making it through the entire report.

Also, the staff's report of recommendations for Chapters 6 through 17 of the Code will be distributed. Discussion of that report is scheduled to start at the Commission's workshop on March 25th.

The Commissioners are asked to bring their copy of the first Staff report to the meeting, along with their copy of the Development Code.

If you have any questions, please contact me at your convenience.