CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – WORK SESSION

Troutdale City Hall - Council Chambers
219 E. Historic Columbia River Hwy. (Lower Level, Rear Entrance)
Troutdale, OR 97060-2078

Mayor
Doug Daoust

City Council
David Ripma
Eric Anderson
Larry Morgan
Glenn White
Rich Allen
John Wilson

City Manager
Craig Ward

Tuesday, February 24, 2015

Immediately following the Regular Meeting, which starts at 7pm

1. Roll Call

2. Discussion: Report to Council Focus Groups Results.
   Steve Gaschler, Public Works Director

3. Discussion: Draft medical marijuana TDC updates
   John Morgan, Planning Director

4. Discussion: PGE undergrounding status and preliminary estimates for Historic Columbia River Highway and Troutdale Road.
   Steve Gaschler, Public Works Director

5. Adjourn

Doug Daoust

Doug Daoust, Mayor

Dated: 2/17/15

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy., Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page www.troutdaleoregon.gov or call Debbie Stickney, City Recorder at 503-674-7237.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Debbie Stickney, City Recorder 503-674-7237.

AGENDA ITEM #2

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: Street Maintenance Funding Public Communications Plan. Focus Group and Stakeholder Interviews Report to Council.

MEETING TYPE: City Council Work Session	**MEETING DATE:** February 24, 2015 **STAFF MEMBER:** Steve Gaschler **DEPARTMENT:** Public Works
ACTION REQUIRED Information/Discussion **PUBLIC HEARING** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Not Applicable **Comments:**

STAFF RECOMMENDATION: None.

EXHIBITS: A. Barney & Worth, Inc. Highlights of Focus Group Meetings

Subject / Issue Relates To:

☒ Council Goals ☐ Legislative ☐ Other (describe)

Goal: ***FISCAL PRIORITIZATION AND BUDGET ACCOUNTABILITY –***
-Develop options to stabilize public works funds

Issue / Council Decision & Discussion Points:

- Discuss findings from focus group meetings
- Discuss preferred election date
- Discuss moving forward with phase 2 Barney and Worth Inc. Community Outreach and Education

Reviewed and Approved by Acting City Manager:

BACKGROUND:

Over the past several years the City has struggled with how to adequately maintain the investment the community has made in its streets. Council has received detailed reports on the importance of adequate street maintenance and preservation and the current lack of funding during multiple work sessions. Several years ago Council considered, and chose not to pursue a local gas tax. Two years ago Council again discussed street funding options, and chose not to pursue a street maintenance fee.

After the September 19, 2014 presentation and discussion of the long range financial report addressing adequate funding for street maintenance and preservation, the Council agreed that additional funding was needed. Council directed staff to prepare a new proposal to consider a vehicle fuel tax. At the January 13, 2015 work session Council discussed and agreed that engaging and education of the voters on the street funding needed was necessary prior to potentially proposing a ballot measure for a local gas tax. On January 27, 2015 Council directed Staff to gather public input on street funding options, and Council agreed to the multi-phase communications plan scope of work as discussed with the consultants Barney & Worth, Inc. Council agreed to authorize the expenditure of $70,000 from the street fund contingency.

A complete summary of focus group results will be presented by DHM Research at tonight's meeting. The results of the stakeholder interviews and the focus groups confirm interest and support in a local option gas tax, but also demonstrate the need for public education on the street maintenance funding issue. At the earliest, a measure could go on the November 2015 ballot. That would require a Council decision in July—leaving enough time if we start now on voter outreach and education.

PROS & CONS:

Current Year Budget Impacts ☒ Yes *(describe)* ☐ N/A
Estimated cost $35,520 from Street Fund Contingency

Future Fiscal Impacts: ☐ Yes *(describe)* ☒ N/A

Community Involvement Process: ☐ Yes *(describe)* ☒ N/A

Exhibit A

Troutdale Road Maintenance Funding

Focus Groups – February 14, 2015

Two focus groups (ten participants each) were conducted on February 14, 2015 by DHM Research to consider road maintenance funding options for Troutdale. Participants were randomly selected from Troutdale registered voters, were 19 to 68 years old and had lived in Troutdale from one to 50+ years.

Discussion highlights appear below.

1. **Streets, traffic congestion, transportation are not top-of-mind issues for Troutdale voters**. None of the participants mentioned any of these items among their *"most important issues you would like the City of Troutdale's elected leaders to do something about."* Instead, the leading issues are parks and park maintenance, business development/jobs, and the homeless.
2. **Voters are generally happy with the condition of Troutdale streets and other local infrastructure.** The "current quality and condition" of streets was rated very good/good by every focus group participant. Local residents take some pride in their local streets. They compare favorably to streets in Portland, Multnomah County and other surrounding communities. "It could be the guy responsible is doing a good job," one participant guessed.
3. **There's good recognition of Troutdale's traditional road maintenance practices.** When shown a photo of crack sealing, most participants understand it is part of a systematic, long-term program to cost-effectively maintain local streets. Most describe the practice as "stopgap" or "quick fix" that must be supplemented by eventual repaving.
4. **There's confusion about which streets are maintained by city/county/state authorities.** When confronting potholes, most people don't know who to blame or who to call.
5. **Voters do not know how road maintenance is currently funded.** Most suspect funding is taken from the property tax. Only a single participant in twenty could identify a state gas tax as a probable source of road funding.
6. **Voters are open to solving Troutdale's road maintenance shortfall either by reprioritizing spending or finding new revenues.** Troutdale's funding dilemma is often compared to tough budget choices residents face at home. Some voters are willing to let the quality of streets decline a bit before they pay more taxes. Other voters see the wisdom is finding a "local solution for a local problem".
7. **There is little/no interest in a street utility fee.** This funding source is seen as "confusing" and unfair because households without vehicles would pay as much as multi-car families. "I think you're just showing us this to make the gas tax seem more attractive," one participant observed.

8. **The local option gas tax is preferred as the best source if funds are needed.** There is moderate to strong interest in the gas tax because it is familiar, with gas price fluctuations wouldn't be noticed, and a good percentage of the total taxes would be paid by people who don't live in Troutdale. The fact that all proceeds would be used locally and dedicated, by law, to road maintenance has strong appeal.

A complete summary of focus group results will be presented by DHM Research.

AGENDA ITEM #3

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: Troutdale Development Code Amendment concerning Medical Marijuana Dispensaries

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** February 24, 2015 **STAFF MEMBER:** John Morgan **DEPARTMENT:** Community Development
ACTION REQUIRED Information/Discussion **PUBLIC HEARING** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Not Applicable **Comments:** Planning Commission Hearing 02/25/15, Council Hearing 03/10/15
STAFF RECOMMENDATION: N/A	

EXHIBITS:
- **A.** Planning Commission 02/25/15 Staff Report
- **B.** Draft Ordinance with Code Language

Subject / Issue Relates To:

☐ Council Goals ☒ Legislative ☐ Other (describe)

Issue / Council Decision & Discussion Points:

- Amending Development Code to create provisions for the regulation of the location of medical marijuana dispensaries prior to expiration of the Council created moratorium on dispensaries.

Reviewed and Approved by Acting City Manager:

BACKGROUND:

The Planning Commission and Staff have been working on language to amend the Development Code to create provisions regulating the location of medical marijuana dispensaries. A copy of the Staff report for the Planning Commission's February 25, 2015 hearing, along with the draft Ordinance with the proposed Development Code language amendments, is attached for the Council's information.

This report is to brief the Council on the proposed changes in advance of the Council's upcoming public hearing.

The Planning Commission will be holding a hearing and making a recommendation on the changes on February 25, 2015.

The Council is scheduled to hold a hearing on the proposed amendments on March 10, 2015. Second reading is scheduled for March 24, 2015 which will allow the new Development Code provisions to be in place before the expiration of the moratorium on medical marijuana dispensaries.

PROS & CONS:

Current Year Budget Impacts ☐ Yes *(describe)* ☒ N/A

Future Fiscal Impacts: ☒ Yes *(potential tax revenue)* ☐ N/A

City Attorney Approved N/A ☐ Yes

Community Involvement Process: ☐ Yes *(describe)* ☒ N/A

Exhibit A

2/24/15 Council Work Session – Item #3

CITY OF TROUTDALE
PLANNING AND COMMUNITY DEVELOPMENT
STAFF REPORT
TYPE IV LEGISLATIVE PROCEDURE

MEDICAL MARIJUANA FACILITY
TEXT AMENDMENTS
FILE NO. T15-008

INTRODUCTION

In November 1998, Oregon voters passed Measure 67 into law. The law, known as the Oregon Medical Marijuana Act (ORS 475.300), provides legal protections for qualified patients; requires a physician-written statement of the patients qualifying debilitating medical condition; allows for a caregiver to provide assistance; and mandates an Oregon Health Authority (OHA) registration system.

During the 2013 Special Session, the Oregon legislature passed HB 3460 which allows for the establishment and licensing of medical marijuana facilities. The bill prompted the Oregon Health Authority to formulate administrative rules governing the licensing of medical marijuana facilities. The Oregon Health Authority began accepting applications for medical marijuana facilities in March of 2014.

During the 2014 Regular Session, the Oregon Legislature passed SB 1531, which provided cities or counties the power to adopt "reasonable regulations" on facilities including limitations on hours, limitations where facilities may be located and conditions in which a facility may dispense medical marijuana. SB 1531 also gives local governments the ability to impose certain regulations and restrictions on the operation of medical marijuana dispensaries, including the ability to impose a moratorium for a period of time up until May 1, 2015.

The City Council adopted Ordinance 821 in April of 2014, effectively prohibiting medical marijuana facilities and marijuana retail premises in the City. Ordinance 821 automatically expires and is deemed to be repealed at 11:59:59pm on April 30, 2015, unless sooner repealed or extended by City Council ordinance.

PROCEDURE

Text amendments to the Troutdale Development Code (TDC) require a Type IV legislative procedure in accordance with TDC Chapter 15 Amendments (Attachment 1). The Planning Commission will evaluate the proposed amendments based on approval criteria and provide a recommendation to the City Council.

PROCESS

On January 21, 2015 the Planning Commission held a work session to review proposed text amendments to the Troutdale Development Code (TDC) prepared by Planning staff. The text amendments proposed to establish locational criteria related to medical marijuana facility facilities and recreational marijuana facilities. Staff provided an overview of the state regulations pertaining to medical and recreational marijuana facilities and proposed a definition for medical and recreational marijuana facility facilities. Staff proposed amendments to the general industrial, light industrial and general commercial zones. Text language included the state requirement that the facilities are not to 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. . Maps depicting the buffered areas in the City were provided to the Planning Commission and shared with the public in attendance. The proposed text amendments received public testimony and were deliberated by the Planning Commission. A motion to remove the recreational marijuana language from the proposed text amendments was passed unanimously. A motion directing staff to create additional maps depicting the school and park buffers was passed (see Map Section at end of report).

PROPOSED TEXT AMENDMENTS

Refer to Attachment 1 for the text amendments proposed by staff for the Planning Commission's review. HB 3460 regulates the location of medical marijuana facilities in Oregon (see Attachment 2) The facilities are not to 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 (see Map Section to view the school buffers applied to the City).

Per OAR 333-008-1110, registered medical marijuana facilities must be located in an area that is zoned by the local governing agency for commercial, industrial or mixed use or as agricultural land. The following zones in Troutdale may be considered under this rule:

- General Commercial
- Community Commercial
- Neighborhood Commercial
- General Industrial
- Light Industrial
- Industrial Park
- Central Business District
- Mixed Office Housing

Conditional permitting of medical marijuana facility facilities in the General Industrial (GI), Light Industrial (LI), and General Commercial (GC) zones was initially proposed by staff for consideration at the Planning Commission Work Session on January 21, 2015. The Commission may wish to address adding or removing other eligible zones where facilities could be located through the course of the public hearing.

REQUIREMENTS

Medical marijuana facilities will be required to adhere to the provisions under each zone including any zoning overlays that may apply. The facilities may be subject to additional land use requirements as indicated in each code section including but not limited to site and design review. Prior to submitting an application for a medical marijuana facility, the applicant will be required to attend a pre-application conference in accordance with the conditional use provisions of the Development Code. Conditional Use permits are a Type III procedure requiring approval from the Planning Commission as outlined in Troutdale Development Code 6.300. As the proposed definition indicates, facilities will be required to have a current and active registration to conduct business as a facility from the Oregon Health Authority. A current City business license will also be required.

APPLICABLE CRITERIA

Troutdale Comprehensive Plan

- Goal 1: Citizen Involvement
- Goal 2: Land Use
- Goal 9: Economic Development

Troutdale Development Code

- Chapter 6 Conditional use
- Chapter 15 Amendments

Oregon Revised Statutes

- ORS 197.610(1)

FINDINGS - COMPREHENSIVE PLAN

Goal 1 Citizen Involvement

- The proposed text amendments are consistent with Goal 1 because the Planning Commission hearing public hearing (see Attachment 3) was noticed in the paper prior to the hearing as required by state law, published in the Gresham Outlook on February 3, 2015, and February 18, 2015. The City also keeps the City's website up to date on when the city meetings are held and materials for the Planning Commission and City Council meetings are posted on the website a week prior to the meeting. The agendas are also posted in City Hall.

Goal 2 Land Use

- The proposed medical marijuana facility land use designation and proposed locational opportunities originate from a change in state laws permitting the sale

in accordance with state law. The text amendment to allow medical marijuana facilities is consistent with the Comprehensive Plan's land use policy to implement the Comprehensive Plan through zoning and development ordinances.

Goal 9 Economic Development

- By releasing the moratorium on medical marijuana facilities and establishing policies permitting and guiding their location the city is providing the opportunity for a new retail activity that will promote new employment opportunities both in the sale and preparation of product for sale. By permitting medical marijuana facilities within the city, the employment generating land use policies of Goal 9 Economic Development is met.

FINDINGS - TROUTDALE DEVELOPMENT CODE

6.300 CONDITIONAL USE
6.310 Purpose. This section provides for uses specified in the zoning districts as conditional uses. A conditional use permit may be considered under the Type III procedure provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Land Use Plan. [Adopted by Ord. 550, ef. 9/25/90]

- The conditional use chapter's purpose is to give special consideration to certain types of uses prior to being permitted in a particular district. The reasons for requiring special consideration involve, among other things, the effect such uses have on any adjoining land uses. All uses permitted conditionally are in possession of unique and special characteristics as to make impractical their being permitted outright. The authority for the location and operation of certain uses is subject to review by the Planning Commission and issuance of a conditional use permit. Staff recommends that medical marijuana facilities undergo a conditional use permitting process.

15.010 Action under This Code.
A. Amendments to the Comprehensive Land Use Plan text, Comprehensive Land Use Plan Map, Development Code text, and Zoning District Map shall be processed as a Type IV legislative or quasi-judicial procedure.
B. Amendments to the Comprehensive Land Use Plan and Development Code text shall be processed as a legislative procedure. These types of amendments may be initiated in any one of the following ways:
1. By motion of the City Council.
2. By motion of the Planning Commission.
3. Private citizens or groups may recommend specific Comprehensive Land Use Plan or Development Code text changes to either the City Council or Planning Commission, but may not initiate a change to either text.

- The proposal to amend the TDC to address medical marijuana facility facilities are legislative changes that were initiated by the City Council at a regularly scheduled meeting held on April 8 or 22, 2014.

15.020 Hearing Notice.
A. Legislative Type IV Procedure. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property. Where such mailing or posting is omitted, the Director shall prepare a notice program designed to reach persons believed to have a particular interest, and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.

- Notice of the public hearing was made in accordance with state laws (see next section).

FINDINGS - OREGON REVISED STATUTES

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.
(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land and Conservation and Development at least 35 days before the first evidentiary hearing on adoption. The proposal forward shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

- The proposal is consistent with ORS 197.610(1) because notice to DLCD was sent on January 22, 2015 at least 35 days prior to the February 25, 2015 Planning Commission public hearing and the notice contained the information required in this statute (see Attachment 4).

CONCLUSION

The proposed text amendments to the Development Code would allow medical marijuana facilities as conditional uses in the General Commercial (GC), Light Industrial (LI) and General Industrial (GI) districts on tax lots that are not within 1,000 feet of a school or park property. The 3 zones are amended accordingly to define the facilities and required parameters. The proposed text amendments also add a definition of medical marijuana facilities to the Definitions section of Chapter 1 of the Development Code.

The amendments to the Troutdale Development Code are consistent with the applicable criteria in the City's Comprehensive Plan, Development Code and Oregon Revised Statutes, and staff recommends the Planning Commission discuss the proposed text amendments with input from the staff report, attached maps and public testimony in order to make a policy recommendation to the City Council.

MAP SECTION

The following is a description of the attached maps:

Map 1: Identifies the 1000 foot buffer around the boundaries of public and private school properties in compliance with state law.

Map 2: Identifies the eligible zones to establish medical marijuana facilities per OAR 333-008-1110, which requires registered medical marijuana facilities to be located in an area that is zoned by the local governing agency for commercial, industrial or mixed use or as agricultural land.

Map 3: Overlays the 1000 foot buffer around the boundaries of public and private school properties with the eligible zones to establish medical marijuana facilities.

Map 4: Overlays the 1000 foot buffer around the boundaries of public and private school properties and overlays a 1000 foot buffer around park properties.

Map 5: Eligible tax lots in Troutdale with school and parks buffers applied.

Exhibit B

2/24/15 Council Work Session – Item #3

ORDINANCE NO. 8XX

AN ORDINANCE AMENDING CHAPTERS 1.020, 3.123, 3.163 AND 3.173 OF THE TROUTDALE DEVELOPMENT CODE BY ALLOWING MEDICAL MARIJUANA FACILITIES AS A CONDITIONAL USE IN THE GENERAL COMMERCIAL, LIGHT INDUSTRIAL AND GENERAL INDUSTRIAL DISTRICTS.

1. **WHEREAS**, during the 2013 Special Session, the Oregon legislature passed HB 3460, which allows for the establishment and licensing of medical marijuana facilities; and
2. **WHEREAS**, the Oregon Health Authority has formulated administrative rules governing the licensing of medical marijuana facilities and began accepting applications for their operation on March 3, 2014; and
3. **WHEREAS**, during the 2014 Regular Session, the Oregon Legislature passed SB 1531, which limits the ability of cities and counties to regulate medical marijuana facilities to the time, place and manner in which a facility may dispense medical marijuana; and
4. **WHEREAS**, Ordinance 821 adopted by City Council on April 22, 2014, effectively prohibits medical marijuana facilities in the City; and
5. **WHEREAS**, Ordinance 821 automatically expires and is deemed to be repealed at 11:59:59pm on April 30, 2015, unless sooner repealed by City Council ordinance;
6. **WHEREAS,** medical marijuana facilities are not defined in the Troutdale Development Code (TDC); and
7. **WHEREAS,** Chapters 3.123, 3.163 and 3.173 of the TDC specifies those uses requiring a Conditional Use Permit review prior to approval in the City's General Commercial (GC), Light Industrial (LI), and General Industrial (GI) Zoning Districts; and
8. **WHEREAS**, the addition of medical marijuana facilities as a conditional use in the GC, LI, and GI zones will only apply if the Troutdale City Council repeals Ordinance 821 prior to April 30, 2015; and
9. **WHEREAS**, if the Council repeals Ordinance 821 in the future, medical marijuana facilities (licensed and authorized under state law) will be permitted as a conditional use in the GC, LI, and GI Zoning districts and no other zone; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

- **Section 1.** Chapter 1.020 General Definitions of the TDC shall be amended as set forth in the attached Exhibit A.
- **Section 2.** Chapter 3.123 of the TDC shall be amended as set forth in the attached Exhibit A.
- **Section 3.** Chapter 3.163 of the TDC shall be amended as set forth in the attached Exhibit A.

- **Section 4.** Chapter 3.173 of the TDC shall be amended as set forth in the attached Exhibit A.
- **Section 5.** A medical marijuana facility will only exist as a conditional use in the GC, GI and LI zoning districts and no other zoning district if the Troutdale City Council repeals Ordinance 821 prior to April 30, 2015. Therefore, the amendments in Section 1 through 4 of this ordinance will only be effective if Ordinance 821 is repealed and the amendments will not be codified until that time.
- **Section 6.** This ordinance is effective upon and from 30 days after its enactment by the Council.

EXHIBIT A

1.020 GENERAL DEFINITIONS

.79 May. As used in this code, MAY is permissive and SHALL is mandatory.

.80 Medical Marijuana Facilities. A facility registered with the Oregon Health Authority under ORS 475.314 and OAR 333-008-1050 to:

i. Accept the transfer of usable marijuana and immature marijuana plants from a registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

ii. Transfer usable marijuana and immature marijuana plants to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

~~.80~~ 82. Mixed-Use Development. The development of a tract of land, building, or structure with a variety of uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form. See Dwelling, Mixed-Use.

GENERAL COMMERCIAL DISTRICT

3.123 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the GC district:

A. Wholesale distribution outlets, including warehousing.

B. Off-street parking, and storage of truck tractors and/or semi-trailers.

C. Heliport landings.

D. Outdoor stadiums and race tracks.

E. Automobile and trailer sales areas.

F. Community service uses.

G. Utility facilities, major.

H. Medical Marijuana Facilities licensed and authorized under state law, when not located within 1,000 feet of real property which is the site of a public or private school or a public park or public space. For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park or public space. This buffer shall not apply to new schools or parks located within 1,000 feet of an existing Medical Marijuana Facility.

~~H.~~ I. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90]

LIGHT INDUSTRIAL DISTRICT

3.163 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within a LI district:

A. Heliports accessory to permitted or approved conditional uses.

B. Retail, wholesale, and discount sales and services, including restaurants, banks, dry-cleaners, and similar establishments, with or without drive-up or drive-through window service, subject to the provisions of subsection 3.165(E) of this chapter.

C. Community service uses.

D. Utility facilities, major.

E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.

F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.

G. Motels or hotels, including banquet rooms, conference, or convention centers.

H. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.

I. Child care facilities, kindergartens, and similar facilities.

J. Medical Marijuana Facilities licensed and authorized under state law, when not located within 1,000 feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park or public space. This buffer shall not apply to new schools or parks located within 1,000 feet of an existing Medical Marijuana Facility.

~~J~~.K. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98; Amended by Ord. 724, ef. 11/8/02; Amended by Ord. 792, ef. 9/25/08]

GENERAL INDUSTRIAL DISTRICT

3.173 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within the GI district:

A. Child care facilities, kindergartens, and similar facilities.

B. Community service uses.

C. Concrete or asphalt manufacturing plants.

D. Sanitary landfills, recycling centers, and transfer stations.

E. Sewage treatment plants and lagoons.

F. Telecommunication towers and poles.

G. Junk yards.

I. Residential dwelling/hangar mixed uses when the hangars are served by a taxiway with direct access to the Troutdale Airport Runway. The use shall be subject to the following requirements:

1. Approval from the Port of Portland.

2. Approval from the Federal Aviation Administration.

3. No separate accessory structures are allowed.

I. Heliports accessory to permitted or approved conditional uses.

J. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.

K. Commercial uses within industrial flex-space buildings, subject to the provisions of subsection 3.175(D) of this chapter.

L. Processing facilities whose principal use involves the rendering of fats, the slaughtering of fish or meat, or the fermentation of foods such as sauerkraut, vinegar, and yeast.

M. The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations.

N. Medical Marijuana Facilities licensed and authorized under state law, when not located within 1,000 feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet in every direction from any point on

the boundary line of the real property comprising an existing public or private school or public park or public space. This buffer shall not apply to new schools or parks located within 1,000 feet of an existing Medical Marijuana Facility.

~~N.~~ O. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98; Amended by Ord. 724, ef. 11/8/02; Amended by Ord. 792, ef. 9/25/08]

DRAFT

AGENDA ITEM #4

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: PGE undergrounding status and preliminary estimates for Historic Columbia River Highway and Troutdale Road.

MEETING TYPE: City Council Work Session	**MEETING DATE:** February 24, 2015 **STAFF MEMBER:** Steve Gaschler **DEPARTMENT:** Public Works
ACTION REQUIRED Information/Discussion **PUBLIC HEARING** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Not Applicable **Comments:** None

STAFF RECOMMENDATION: None

EXHIBITS:

- **A.** Map Historic Columbia River Highway
- **B.** Troutdale Road
- **C.** Minutes from October 8, 2013 meeting

Subject / Issue Relates To:

☒ Council Goals ☐ Legislative ☐ Other (describe)

Goal 2 Improve and support the livability of Troutdale

Objective "C" Reconsider the prioritization of undergrounding utilities

Issue / Council Decision & Discussion Points:

- The adopted budget for 2014-15 has a balance of $1,498,000 in its dedicated undergrounding fund (Fund 19)
- Presently the utility undergrounding fund accumulates approximately $180,000 annually from the dedicated privilege tax charged on PGE power bills to customers within Troutdale
- Preliminary cost estimates from PGE for converting overhead lines underground, Historic Columbia River Highway $981,000, Troutdale Road $1,052,000 total estimated cost for both projects $2,033,000
- The current utility undergrounding fund balance is sufficient to pursue only one of the two projects

Reviewed and Approved by Acting City Manager:

- ♦ The first project could be built in the 2015-16 budget period and at that time the fund would have an estimated balance of $1,660,000. The second project could be constructed the following year and the fund balance at that time based on the numbers above would be $1,880,000 leaving us $193,000 short. We could borrow this from PGE against the privilege tax revenue the following year or from the City's SDC funds.
- ♦ Factors to be considered in prioritizing these projects include project cost, improvement to system reliability, financial impact on customers (see below), livability improvement (visibility/aesthetics), physical constraints, potential for integration with future street improvements and other factors the Council may deem relevant
- ♦ In addition to the City's cost to construct an undergrounding project, property owners that currently have aerial service(s) must underground their service lines at their expense. Historic Columbia River Highway has 16 properties and Troutdale Road has 5. PGE won't start the project without all of the property owner's written consent. This could be challenging if we require the property owners to pay for undergrounding their service. With Councils approval we could make this part of the project cost and pay for property owner service out of the undergrounding fund. This would add approximately $40,000 to the project.

BACKGROUND:

In 1994, the City Council enacted Ordinance 610, which established a 1.5% privilege tax on the gross revenues of any electric public utility providing electricity to customers or users within the Troutdale city limits. That same ordinance specified that the proceeds from that tax shall be used for undergrounding utilities along or in public rights of way. These funds are accumulated and appropriated in Fund 19.00, a fund dedicated solely to utility undergrounding.

These funds accumulated gradually for several years following imposition of the tax. In the early part of the 2000's the City engaged in discussion and collaboration with PGE to identify and prioritize potential undergrounding projects. The City Council selected SW 257th Avenue from Stark to Cherry Park Road as the top priority project at that time, and in 2004 and 2005 the City collaborated with PGE to execute that project, resulting in the successful underground conversion of one mile of overhead utilities along that corridor. That project exhausted the resources of the undergrounding fund at the time.

One of the City Council's goals for FY 13-14 is to prioritize undergrounding projects. Doing so will provide direction to staff and enable staff to pursue execution of the City's next undergrounding project.

PROS & CONS:

Pros:

- Prioritizing the candidate undergrounding projects will provide direction to staff and enable staff to pursue execution of the City's next undergrounding project.
- Accomplishes Objective C of City Council Goal #2.

Cons:

- Potential cost to property owners along project street for undergrounding their service
- Disruption to street during construction

Current Year Budget Impacts ☐ Yes *(describe)* ☐ N/A
None construction wouldn't start until 2015-16 Budget

Future Fiscal Impacts: ☒ Yes *(describe)* ☐ N/A
Projects will draw down undergrounding fund to near zero fund balance

City Attorney Approved N/A ☐ Yes

Community Involvement Process: ☐ Yes *(describe)* ☐ N/A

EXIBIT A HCRH ↑ NORTH

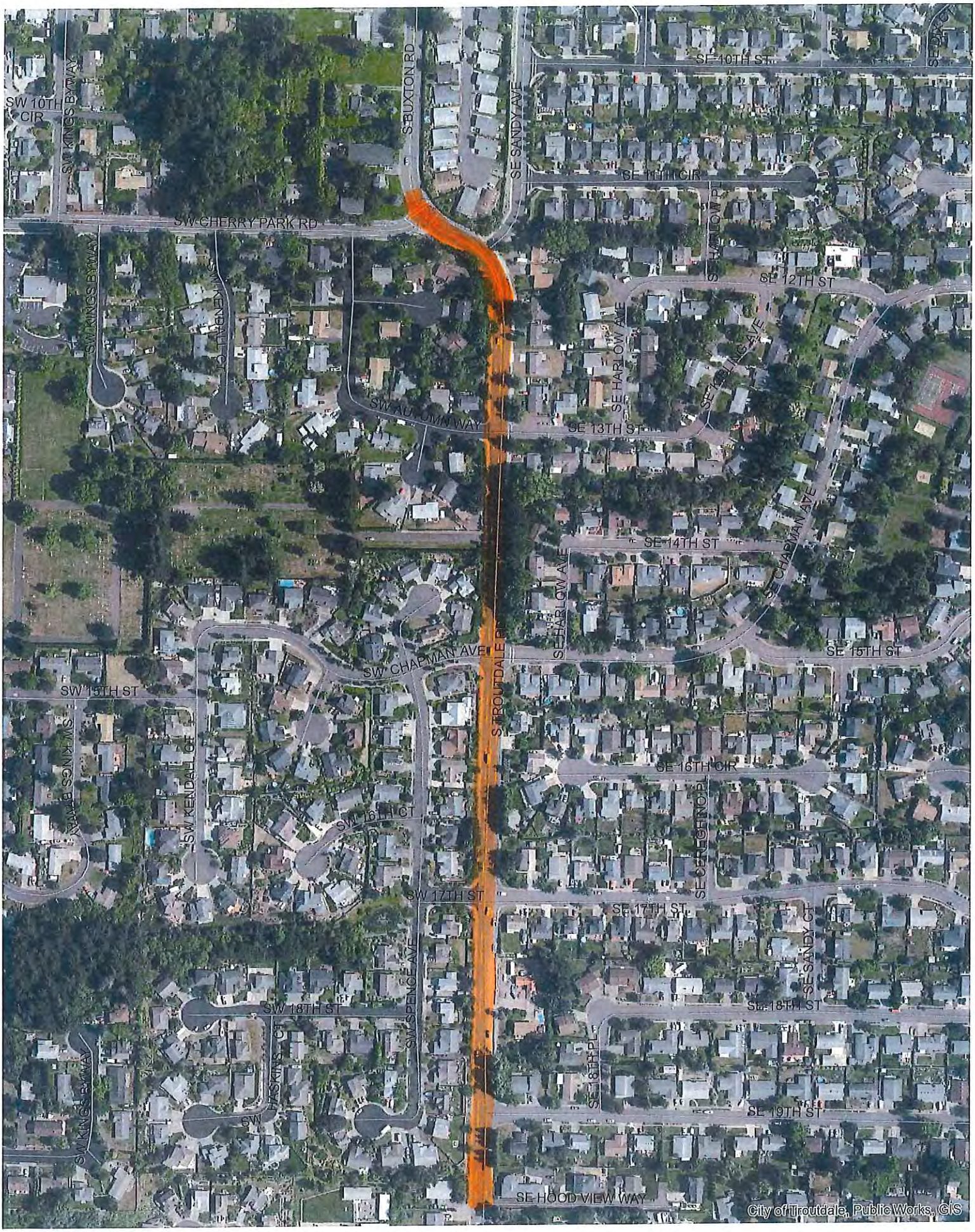
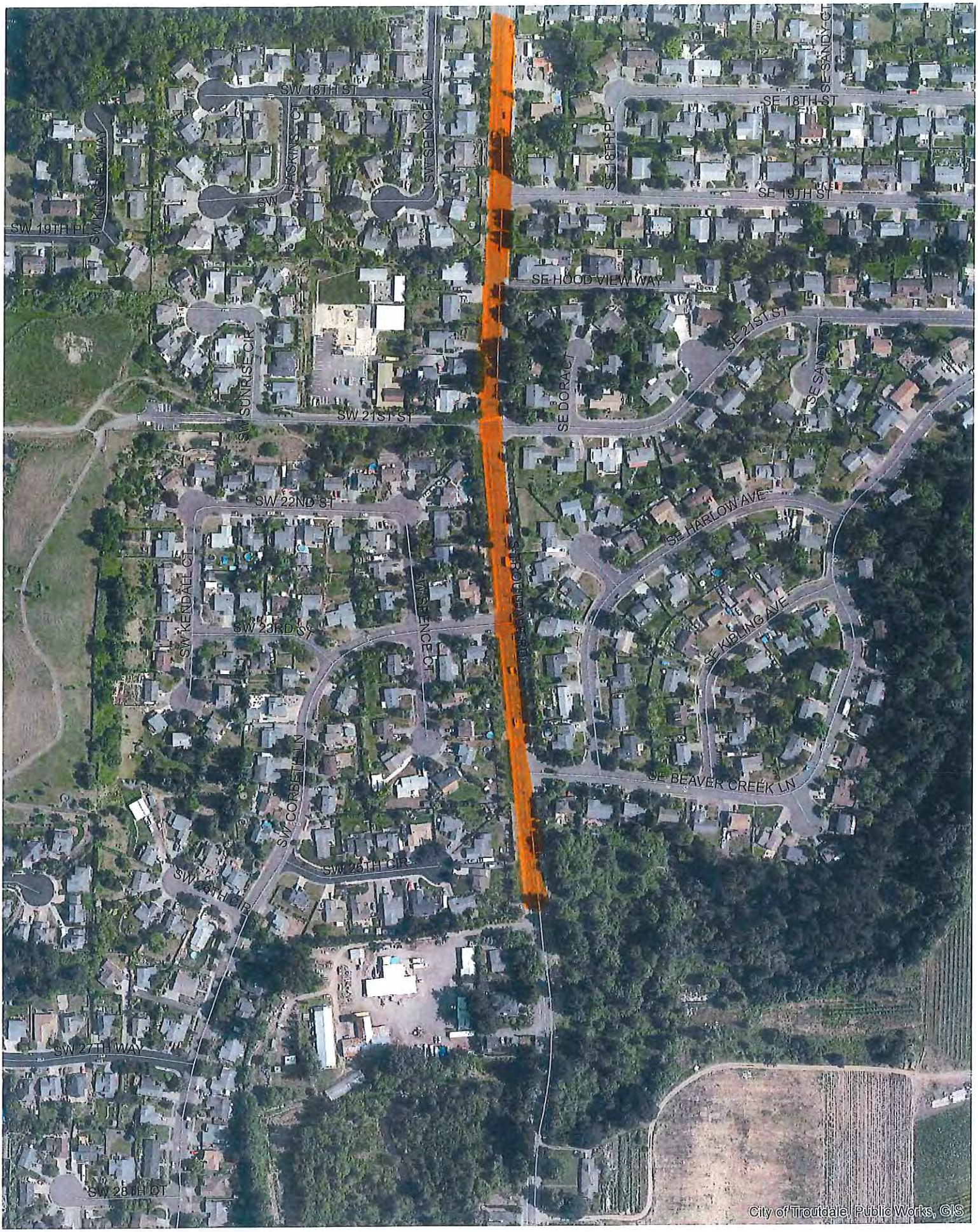


EXHIBIT B 1/2 TROUTDALE RD ↑ NORTH



EXIBIT B 2/2 TROUTDALE RD. ↑ NORTH

EXHIBIT C MTG. MINUTES

Agenda Item #2.1
11/12/13 Council Mtg.

DRAFT

MINUTES
Troutdale City Council – Work Session
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060-2078

Tuesday, October 8, 2013

1. Roll Call

Mayor Daoust called the meeting to order at 6:28pm.

PRESENT: Mayor Daoust, Councilor Ripma, Councilor Anderson, Councilor Thomas, Councilor White, and Councilor Wilson.

ABSENT: Councilor Allen (excused).

STAFF: Craig Ward, City Manager; Debbie Stickney, City Recorder; Steve Gaschler, Public Works Director; and Travis Hultin, Chief Engineer.

GUESTS: See Attached.

Craig Ward, City Manager stated I spoke with Brian Lessler today and he said that his material and presentation is not ready for Item #3 on the agenda so that item is being pulled. We will reschedule as soon as we can.

2. Discussion: Ordinance amending the Troutdale Development Code (Text Amendment No. 48) pertaining to requirements of the Oregon Transportation Planning Rule and Metro's Regional Transportation Functional Plan.

Craig Ward, City Manager, stated the information in your packet has been evolving for some time. The Planning Commission (PC) has made their recommendation for Council consideration, which has been provided to you in your packet. These amendments are being recommended to address Statewide Planning Goal 12 on transportation in order to comply with the Oregon Transportation Planning Rule (TPR) and Metro's Regional Transportation Functional Plan (RTFP). Most of the amendments are straight forward. The amendments that received most of the debate by the PC and are those pertaining to off-street parking requirements for multi-family residential development. Metro was made aware of tonight's work session. I think that their position is clearly articulated in their June 19th letter, which is included in your packet. Darci Rudzinski, the Project Manager from Angelo Planning Group, has been involved with this project from the beginning and is here tonight to brief the Council and answer any questions that you have.

Darci Rudzinski, Angelo Planning Group, stated we are a sub to Kittelson & Associates who is helping you update your Transportation System Plan (TSP). My firm specializes in code writing among other things and we are oftentimes brought onboard to tackle and

audit local jurisdictions codes, as we have done for Troutdale, to identify areas that may need to be updated as part of your TSP update. The first thing we want to do is look at those areas that may be changing or are being updated in your TSP and highlight those areas in your code that we need to look at so that when you are adopting your TSP you also have consistent implementation language in your code. We also look at the overarching regulatory framework when we approach a code audit. First and foremost we have the TPR that local jurisdictions need to comply with, and since you are in the Metro area you also need to pay attention to the RTFP. At the beginning of the process we went through your code looking for those areas that address transportation requirements and land use requirements that have to do with transit, building orientation to transit, parking, etc. What we came up with was a series of recommendations. Working with city staff we took those recommendations and suggested some model code language that was formatted to fit into your current Development Code with a mind towards compliance as well as implementation of the TSP.

I don't believe your packet included the background information as to why we are making a particular change and what it does for Troutdale, but that was part of the PC's packet. As we go through the amendments if you have specific questions I may refer to that because I think it was nicely articulated. Rich Faith, who has a long memory, helped prepare it. What you do have is not only the amendments but you have a nice table (Attachment B) which is a quick summary of the amendments that are being proposed.

Generally we are trying to codify current practices to some extent. The proposed changes are meant to increase safety and acceptability for all transportation modes. Historically in this state we have concentrated on automobiles. In metropolitan areas we are trying to shift that and pay a little bit more attention to other modes such as transit, bike and walking. We tried to increase opportunities for multi-mode travel and address parking and provide some flexibility in the parking requirements.

Darci Rudzinski briefly reviewed the proposed amendments outlined in Table A-1 (included in the packet) which is a summary of the proposed TDC amendments and the corresponding RTFP and TPR requirements which included:

- Codifying transportation impact analysis requirements. Troutdale already requires this in certain circumstances but this proposed amendment codifies that so that everybody knows what they are getting into going into a development proposal.
- Provisions permitting transportation facilities outright. There are a handful of things that can happen in the right-of-way that don't require land use permits, but again we are codifying them so that everyone will be informed.
- New design standards for walkways and large parking lots that will break up really large parking lots - 3 acres or larger. The PC had some comments about Troutdale not having a lot of opportunity for that, but they said if we did having some safe walkways would be great.
- Site orientation and design standards related to the planned transit system.
- Provide parking requirements including revisions to your bike parking requirements.

Councilor Thomas stated in that case these particular rules wouldn't kick in if they are based on parking requirements. Where they would apply is at the former Thriftway site and if they wanted to expand they would have to have all these other facilities.

Craig Ward stated if the only driver is in fact the number of required parking spaces, I can't give you a straight answer to that, I don't know the answer to that. It is unusual to have no off-street parking requirement. I will have to go back and look at that.

Councilor Thomas stated that would be nice to know before we put this in place.

Mayor Daoust stated if there are no further questions or comments I think that we have adequately directed staff.

3. Discussion: City Hall – Option 3

Mayor Daoust stated for those of you who came for the City Hall Options discussion, it will not be discussed tonight.

Councilor Anderson stated I would ask that we have the city hall discussion sooner rather later. I think it is important.

Mayor Daoust stated yes. Brian Lessler wasn't prepared to come tonight. The sooner we can get him here the better.

Craig Ward stated understood.

Mayor Daoust called for a break at 7:45pm and reconvened at 8:01pm.

4. Discussion: Prioritization of potential utility undergrounding projects.

Travis Hultin, Chief Engineer, reviewed his staff report (copy included in the packet).

Councilor Thomas stated when we did the 257th undergrounding I seem to recall that we borrowed money off of future revenues to help cover some of that.

Travis Hultin replied we did. PGE fronted us some of the money and we paid that back to them the following year. The way we were able to complete the 257th project is by collaborating with PGE. Basically they acted as the project manager for the project. We provided the funding and the coordination with the individual homeowners, but the design and project management was all done by PGE. That is what we hope to do again. They are the experts when it comes to this.

Councilor Thomas asked is that a requirement?

Travis Hultin replied not necessarily, but it is a more efficient way to do this. There are certain elements that they have to provide like system layout, the type of vault needed and the size of conduit, etc.

Councilor Thomas asked when they looked at the priorities, did they look at the number of homes that are actually impacted.

Travis Hultin replied they didn't address that specifically; they might factor that in as to how it affects system reliability. When they look at reliability they look at whether it is a power-line that feeds a large area. They are not thinking about if this line goes down these individual customers are connected directly to that line, they are looking at what is downstream of that line.

Mayor Daoust stated the number of customers that will be financially impacted is included in the table that was in the packet.

Councilor Anderson stated that shows the number of people that are financially impacted where they have to pay the $1,500. But I think Councilor Thomas' question was what is the number of utility accounts that undergrounding Troutdale Road is going to serve versus undergrounding SW 4th Street for instance. Is that where you were going with that?

Councilor Thomas replied no. I was thinking more of the impact per mile of the direct connections that we have to deal with. The other thing I would look at is the service coming down Troutdale Road, I would imagine that a good chunk of the surrounding area is also serviced by that.

Travis Hultin stated I think that is factored in by PGE when they rank these. When they look at system reliability they are looking at how wide of an outage can we hopefully prevent by undergrounding a power line.

Councilor Anderson asked for 257th is there any data that shows the number of outages that we had prior to doing the undergrounding versus post undergrounding?

Travis Hultin replied PGE may have something but I don't know.

Councilor Anderson stated I am operating under the assumption that undergrounding utilities, especially in high residential area, will increase service reliability so when the wind blows power lines aren't going to go down.

Travis Hultin stated while they haven't given me specific numbers I take the PGE engineering folks at their word when they say we rank this one the highest because this would have the most benefit for system reliability.

Councilor Ripma asked does staff have a recommendation?

Travis Hultin replied I didn't provide a formal recommendation, but we have always had the impression that Troutdale Road would be the next project. It seemed to make the most sense.

Mayor Daoust asked when you look at this map am I to assume that the rest of the residential streets in Troutdale already have the power lines undergrounded?

Travis Hultin replied yes.

Councilor Anderson asked is that a Development Code requirement?

Travis Hultin replied yes. The requirement to underground the utilities has been in place as long as I have been here and I assume it predated me for some number of years. A big chunk of the residential development occurred in the last two to three decades. Much of the undergrounding has been done under the requirement that any new utilities have to be undergrounded. In fact, if it is a large enough site they even have to underground existing utilities as part of the project. That requirement is still in place.

Councilor Anderson stated there was an idea floated regarding undergrounding E. Columbia River Highway. That being a county road are county funds available to underground utilities on a county road in the City of Troutdale?

Travis Hultin replied not that I am aware of. 257th is a county road. They are trying to find money just to do their street improvements. They would probably look to us and say why are you asking us, you have the undergrounding surcharge.

Craig Ward stated it is our franchise with PGE that is collecting the money. They don't have a franchise with PGE so I don't know where they would get the money.

Councilor Ripma stated south Troutdale Road just happens to be the road that I live on. The promise, as I recall it, was that the undergrounding would be done on the west side because of the row of historic trees, even though the poles are on the east side.

Travis Hultin stated PGE noted that on the south segment there are significant trees and they would probably need to underground on the west side. There is enough room on the west side so I don't see that as being a problem.

Councilor Anderson asked how much money can we feasibly borrow from future surcharges?

Travis Hultin replied that would be a question for the finance director because we would have to loan it from another fund, unless PGE offers to front some money again.

Councilor Ripma stated I would be okay tackling the projects in the order PGE ranked them as we can afford them.

Councilor White stated I think this makes a lot of sense from an engineering standpoint, but I would like to add to the criteria and talk about self-promotion, aesthetics and an area of the town that we want to focus on. I think moving one street in particular to the top of the list has some merit if you add that as a criteria. Where do all of the filming crews go?

They go to our main street in downtown or Glenn Otto Park. I think there is some merit in looking at that. I think that was the catalyst for this whole discussion; it was brought up by a private citizen to look at prioritizing that one particular street.

Councilor Ripma asked you mean E. Historic Columbia River Hwy., the western portion?

Councilor White replied yes.

Councilor Ripma stated I would be okay with that. We did downtown under this program. I am sure we all remember that it was just a night and day difference; it looked so much better. We hadn't realized how ugly the power lines were until they were gone. I would endorse that.

Mayor Daoust asked does anyone in the audience want to speak to this issue?

Rip Caswell stated you might say that I have a vested interest in this decision, but more than that I have a vested interest in the overall aesthetics of Troutdale. I feel that tourism is a major part of the visual impact as visitors come out of the scenic Columbia River Gorge seeing all of the natural beauty. I would like the transition to be more subtle as they transition into our town rather than a stark ghetto sort of looking entrance and then they come into the town. We have an opportunity because there are no street improvements in that area yet. That area is pretty underdeveloped. You would get the most bang for your buck of any of these projects by putting that to the top of the list. I would like to remind you to consider that the sole purpose for this fund was to visually impact the downtown and tourism. The reason it was set up was to bury those lines in our downtown core and this is just the final stage of that extension. I am sure that people might be impacted. I live up on 7th and I just haven't noticed the power lines where I live; it's not a visual problem for me at all. But as an artist and someone that looks at the natural beauty and scenic wonder, it really bothers me coming in from that area looking at our town.

Councilor Ripma asked are you talking about from the Troutdale Bridge into downtown?

Rip Caswell replied yes, so the visual impact as they come across that bridge is clean and it sets the stage for upgrading that area of town.

Mayor Daoust stated there would be 14 customers impacted.

Rip Caswell stated but for the hundreds of thousands of tourists that drive that road it sets in their mind an image of what our town is about. Even though our Arch didn't affect too many customers you saw it fit to invest in the aesthetics of our town and I think that was a wise choice and I believe that this is another wise choice.

Councilor Thomas stated that is the first I have heard about it being in place for tourism. I always heard it was put in place for reliability.

Rip Caswell stated it was for the overall look of the town.

Councilor Thomas stated going underground helps a lot.

Councilor White asked how much money out of that fund would the City be comfortable with spending right now?

Travis Hultin replied that is more of a question for you. I wouldn't have any problem spending it all. That is what we did with the 257th project; we basically spent everything we had and got that project done and we have just been waiting for the fund to recapitalize for the next project.

Councilor Thomas stated we have $1.3 million right now. We could still do the S. Troutdale Road piece and we could pick up most of the other two and we would only have to ask PGE to front us a little bit which we could probably repay in a couple of years. If we wanted to pick up the E. Historic Columbia River Hwy. west and the east and do all of those together, you would have the contractor in once and you may save some set up and tear down time. The only challenge is getting across Beaver Creek.

Travis Hultin stated PGE rated that segment really low because crossing the creek will push up your unit costs. If you package those three together, that might be a stretch. These figures are based on those thumbnail numbers and the E. Columbia River Hwy. east project is probably going to be higher than those unit prices because of some of those challenges.

Councilor Thomas stated we could cut it off at the corner of Jackson Park and not do the east project yet. I would do from the Depot up to Jackson Park as the #2 project. Keep Troutdale Road as #1 project, and from Jackson Park to Stark Street Bridge if we can find a way to fund it using future revenues, which I don't like to do, but I would put that as #3. I would like to see us do the area around the Discovery Block since they are going to be doing a lot of construction in the area.

Travis Hultin stated if it is associated with a development typically that would be done by the developer as a requirement of the Development Code. But that also has to meet certain minimum thresholds for PGE. They don't want to undertake a small project.

Councilor Thomas stated that was just a pie in the sky of what I would like to see. All of the citizens are paying into this fund and the idea behind the fund was to try and keep the electricity reliable and we all know that undergrounding is more reliable and less maintenance for PGE.

Mayor Daoust stated we have enough money to cover S. Troutdale Road north and E. Columbia River Hwy. We may be $60,000 short but I don't see that as a hurdle.

Travis Hultin reminded the Council that these are very preliminary estimates. The concept for tonight is to prioritize these projects and once you have set the priority order staff will start working down the list with however much money we have.

Councilor Anderson stated I agree that undergrounding is to increase the reliability of service and is also to be aesthetically pleasing. I think a combination of E. Historic Columbia River Hwy. west and either S. Troutdale Road north or south will do that. The only caveat I would throw in there is the number of people that receive the most impact. I don't know whether there is more people that would be impacted on S. Troutdale Road north or south.

Travis Hultin asked you are talking about from a reliability perspective?

Councilor Anderson replied yes. I would vote for the one that gives the highest number of people increased reliability.

Travis Hultin replied my take on what we got back from PGE is that the two segments of Troutdale Road were rated pretty equal as far as reliability because they are part of the same line. With either one of those you are going to be basically making an improvement to the same trunk of the system. The relative rankings on down reflect if this line goes down they are looking at how much of an outage is that going to cause. I think that is what is reflected in these rankings.

Councilor Anderson stated I am in agreement with the aesthetic value. If we give you direction tonight when do we get started?

Travis Hultin stated this project takes a while to develop. Once we have our priority order and we look at the first one or two projects that we want to tackle, the next step is to sit down with PGE folks and discuss details and they would start developing some more detailed estimates so that we know for sure how much we can do. We have to develop an agreement with PGE for project management and execution. The whole process took quite a while; we might be able to start construction next summer but I won't promise that.

Councilor Anderson asked and it doesn't have to come back before us, is that correct?

Travis Hultin replied the money was appropriated in the budget. If there are any expenditures in this fiscal year there is money appropriated. It would come back before you in the sense that it would come back through the budget process to be appropriated next year because even if construction were to commence next summer it would carry over to the next fiscal year.

Mayor Daoust stated so we don't need to approve an ordinance or a capital improvement plan. What you hear tonight is all you will need.

Travis Hultin replied once you give us the priority we will start working on it.

Councilor Thomas asked Councilor Anderson, are you talking about the number of people impacted or are you talking customer base, or the number of folks who actually have to pay money, those that are financially impacted?

Councilor Anderson replied no I am talking about either Troutdale Road north or south, the section where the greatest number of people that will be positively impacted by increased service reliability.

Councilor Thomas stated to me that would be the north section.

Councilor Anderson stated that is fine.

Councilor Ripma stated that sounds good. See what PGE would say to S. Troutdale Road north and E. Columbia River Hwy. west. See if that is within our budget and if it is I am okay to just say go.

Councilor Anderson stated I agree with that.

Councilor White stated I want some clarification. So we are keeping number one as the first priority, and we are proposing that item number six is the second priority.

Councilor Anderson replied correct.

Councilor White stated Rip brought up the idea of going all the way to Glenn Otto Park.

Councilor Thomas stated that would be number three.

Councilor White stated with that being proposed I feel it necessary to declare a potential conflict of interest because that is the street that I live on.

Councilor Ripma stated we don't have to vote on this. I am probably financially impacted if we went in front of my house.

Travis Hultin stated I think I heard a consensus that the Council's top three projects are: **#1** – S. Troutdale Road, north; **#2** – E. Columbia River Hwy., west; **#3** – E. Columbia River Hwy., east. Is that correct?

Council agreed.

Travis Hultin stated I would like to suggest that we identify a number four project simply so that if for some reason we start getting into the detail with PGE and one of these projects drops out for some reason such as an insurmountable obstacle that prevents us from moving forward at this time on that project we don't have to come back to you to find out what your number four project is.

Councilor Anderson stated I would suggest S. Troutdale Road south.

Council all agreed that #4 would be the S. Troutdale Road, south.