

**MINUTES
TROUTDALE PLANNING COMMISSION
Regular Meeting
Council Chamber
217 E. Historic Columbia River Highway
Troutdale, Oregon 97060
December 18, 2013**

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

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

Commissioners Absent: Kevin Coulton
Staff: Craig Ward, City Manager
Elizabeth McCallum, Senior Planner

Guests (see list): Neil Handy, Troutdale Businessman/Resident
Alex Mauck Property and Business Owner
Dean Hurford, Troutdale Businessman
Ray Eppley
Frank Windust, Troutdale Businessman

1. **Agenda Update.** None.
2. **Approval of Minutes – November 20, 2013.** Commissioner Glantz moved to approve the minutes with corrections to add Commissioners Coulton and Glantz to the roster of Commissioners present for that meeting, and to correct a typo to change “ration” to “ratio” in paragraph 4.a. on p. 10. Commissioner Sheets seconded the motion. The motion passed unanimously.
- 2a. **Planning Commission Work Plan.** Mr. Ward said there are four items on the Planning Commission’s Work Plan: 1) Hearings for land use applications. Ms. McCallum currently expects two hearings in January 2014 and possibly one in February; 2) Development Code Standards to reduce barriers to development; 3) Addressing the findings of the Department of Land Conservation and Development’s (DLCD) evaluation of our administration of flood regulations. We plan a joint City Council/Planning Commissioner meeting on January 14, 2014, but that date is pending, and; 4) updating several sections of the Comprehensive Plan under Periodic which Mr. Ward said he hopes to bring forward in March and/or April. Chair Staffenson confirmed that DLCD told him we need to have these completed by June 2014.

There are also upcoming Code amendments anticipated to address floodplain requirements resulting from a State settlement on endangered species that the State will require all jurisdictions to enforce. We do not know the specifics on that yet, he added, other than a report on identifying areas of concern, and there is no definitive action or threshold given at this point. Mr. Ward said he guessed that we will address

this sometime after July 2014 although it is possible some of the issues will be discussed at the joint meeting with the City Council in January.

He plans to put these items into an updated workplan for the Commission's to review, but that has not been done yet.

3. Continuance of Consideration of Administrative Procedures and Development Code Standard Amendments to Reduce Barriers to Development.

Several comments were made in the December Planning Commission work session by people in the audience, Mr. Ward said, and he and Ms. McCallum put together a response (see *Response to areas of concern for the Planning Commission's consideration related to the November 20, 2013, Work Session*) and said he would respond to any questions on these. Commissioner Glantz asked if the last sentence (p. 10, last paragraph in the first 'box') is in effect now (*The PC may choose to specifically exempt all development permits less than 35' in height from 738-100-001 consideration*); Ms. McCallum said we would have to investigate it but it is correct that no such an exemption is currently in the Development Code. Mr. Ward said it is not clear exactly how we would administer that requirement; and we will probably have to discuss it in a work session due to its complications. Commissioner Woidyla said this is about the approach corridor and we don't want something interfering with the approach of a plane coming in. The FAA already has standards on heights in approach corridors. There was a short discussion on this. Mr. Woidyla said he believes the Federal code on that is CF 14 CFR 150.

Commissioner Glantz's next question was on p. 9 regarding the definition of mini-storage. Ms. McCallum agreed that while there are many definitions, the City's Development Code does not define "mini-storage," so we would need to add a definition to Chapter 1. Mr. Ward said that min-storage is also not shown as a permitted use. Ms. McCallum said that as mini-storage is not listed as a use, mini-storage is assessed as a "similar use." When a mini-storage application came before the Commission years ago, she believes Commissioner Grande made the motion that mini-storage be reviewed as a CUs in the General Commercial zone, but that decision was very narrow. The Planning Commission has the authority to do that, but requiring every unlisted application to come before the Commission to ask if their use is similar or not is cumbersome. She does not know of any development code that lists every possible or intended use, and reminded the Commission that this particular proposal is to permit mini-storage in one specific zone. Ms. McCallum noted that mini-storage uses had previously been proposed to be permitted in the Industrial zone, but recalled that the City Council had been concerned that allowing this low job density use would reduce the opportunity for creating jobs. Mr. Ward said that even though the City Council was previously unsupportive, the Commission is free to recommend it again and perhaps this City Council will come to a different conclusion. Responding to a question from Commissioner Glantz, Ms. McCallum said if mini-storage uses are listed as a Conditional Use (CU), then proposals would come before the Planning Commission at a hearing and the applicant will need to meet specific criteria. This

was discussed further as was the process for a CU hearing, the \$600 fee and site and design review.

Public Testimony. Chair Staffenson thanked the audience for coming, noting that some of the items discussed last month regard the City's Building Code which is out of the Planning Commission's scope and/or control. We are strictly working on the Development Code, he said, and will make recommendations to the City Council. He asked that everyone stick to this issue and, if possible, cite from the current Code any specifics.

Alex Mauck, Troutdale property owner/sanitation business owner since 1948, indicated his property on a map (not viewed here) regarding Industrial Zoning (p. 9) and said that Troutdale Storage is already there on five acres, and he has a 100-foot wide by 700-foot long piece of property, but by the time he figures all the setbacks to build buildings and whatnot, there limited footprint available for development. He came to the City Council years ago, he said, which the Planning Commission approved but the Council overturned. He said he does not know why because it was his full intent to create jobs and warehousing, and that opportunity has now passed. Now he has a self-storage complex and six acres was sold to a church that is off the tax rolls. He said that the remaining parcel is useless. He wanted to clarify why he had made the request and expressed the need for min-storage. It is not an easy property to find, Commissioner Woidyla said, and Mr. Mauck agreed. With the new freeway project there will be a walkway through it, and he said there is not enough outdoor/RV storage.

Dean Hurford, Troutdale businessman, said things have changed as the area has grown, and they should be permitted until min-storage uses take up too much industrial land. Maybe we should send this back to the City Council, but why not make them Permitted uses until the zone use is filling up, and at that point maybe we should consider changing the zone. This would make it less hard for the first few people.

Mr. Ward commented that, as Mr. Mauck pointed out, the zone is Light Industrial (LI) and Troutdale does not have a great deal of LI land. Not knowing the history behind the previous proposal, he said it was difficult for him to comment on it but he believes there may have been a different emphasis then to conserve land for industrial uses that produce many more jobs per acre than mini-storage uses would. He said he doubt that attitude has changed at a regional level and it may have even strengthened. However, we may be able to find a justification without reinforcing the worry that we could lose many jobs from having the entire zone fill up with mini-storage or other low job density uses.

Neal Handy, Troutdale property owner spoke on the general issue of CUs, recommending that the City limit them as much as possible. When he built Cherry Park Plaza, he said the process cost a lot and the CU hearing was the worst thing a developer suffers through. All the adjacent property owners were notified and even

though they were building a retirement center that was, in their minds, much better than the standard apartment complex, they ended up paying some of the property owners to the tune of about \$25,000 [inaudible]. He said that a CU is expensive both for the City and for the developer, and has all kinds of ramifications and repercussions. When there is a chance to make a distinction between a Conditional or Permitted use, he recommended we opt for the Permitted use.

Commissioner Sheets asked what the \$25,000 was for. Mr. Handy said it was suggested by the Mayor at the CU hearing as a condition for remediation to the neighbors. Ms. McCallum said the Planning Commission makes the decision on CUs, and asked Mr. Handy if the neighbors appealed that to the Council, thus involving the Mayor. Mr. Handy said that was correct which costs the developer, more money for more lawyers. He explained that it would be easier and less expensive for both the developer and the City if a use is permitted rather than designated Conditional. Commissioner Woidyla said he was hearing that CU was a negative term and should be discouraged. Mr. Ward said he thinks of a CU as a use that can be allowed subject to conditions that are imposed that are not required of permitted uses. For example, if a mini-storage use is proposed in the LI zone, someone who lives nearby may be concerned because of the security lights that could be on all night long. A resulting condition may be to turn the lights off at night, or put them on a motion-detector switch. That gives the developer the knowledge of what he/she would have to do to have this development permitted. Another way to deal with the same issue is through lighting standards requiring all developments in an LI zone to have motion-activated security lights. If that was the only concern, then you wouldn't need a CU for mini-storage because everything put into the zone would be required to have motion-activated lights. By adopting a standard in advance that applies to every use in the zone, we don't have to deal with issues on a case-by-case basis. However, it is very difficult to anticipate all of the possible impacts of all of the possible uses, and the list of development standards can get exhaustive. The CU allows each CU to be assessed as development proposals come in, and it provides the Commission the opportunity to impose conditions. A CU process also requires a notification process, which enables neighboring property owners to inform the Commission of impacts that adopted standards have not anticipated and prevented.

Ms. McCallum said this was a good discussion; the Code has a purpose statement that she quoted regarding specified uses (6.340A) and noted that some of those overlap. This creates expenses and uncertainty for the developer. However, while permitted uses are already allowed, they also have to comply with clear and objective standards in order to be approved (and she gave some examples), as well as architectural standards in some areas. There is no list of conditions when the developer applies for a CU because they have to meet the standards when they apply. Their proposal then goes to the neighbors who can express their objection(s). The Commission then has the authority and discretion to impose conditions to mitigate the impacts. A discussion on Permitted and Conditional Uses ensued.

Ms. McCallum said this also brings up the point of having a standard for a CU application rather than have people come before the Commission to ask if they can apply for a CU (as did a beauty salon owner a few months ago). Mr. Ward said this could be discussed in another work session. Mr. Handy agreed, saying there are businesses out there that are not identified in any Code and it's puzzling to try to fit them into a specific slot.

In response to a question by Commissioner Grande, Mr. Ward explained the Historic Landmark Designation process required to having a property declared a local historic landmark, which includes holding a public hearing which also require paying the costs of conducting a hearing. Some owners of the nominated landmarks did not mind being designated but did not want to have to pay to go through a public hearing just to be officially designated. The City Council decided they public hearing fees would not be required for those properties already nominated. That history suggests that the City Council could consider something like that again if the fees for public hearings are deemed to be barriers to development.

Dean Hurford asked if whether a former office use that is now proposed to be a restaurant would be charged the full amount for SDC's again? Ms. McCallum said that is called an "incremental" use, and if the new use imposes no additional demand on the purpose of the SDC (such as sewer, stormwater, water, or streets) for which SDC fees had already been paid, then no additional SDC fees would be required. However, if the new use exceeded the demand for which SDC's had been calculated, then additional fees would be due on the net increase.

Discussion. Mr. Ward asked for direction from the Commission on what elements of the Development Code they would like staff to prepare work sessions for, and particular areas of the Code they would like to see amended which can incorporated into the Planning Commission workplan. If the Commission wants to follow up on reviewing all the permitted and CUs in all zones, we can do a work session on that. Staff suggested that we plan on a work session on the FAA requirements; and noted that there are also other topics for which we can prepare, but we cannot hope to address all of them at once.

Commissioner Woodyla said it sounds as if they should focus on CUs but if we list everything that should go in there, the omissions become glaring and that is a problem. He asked how we could simplify it so that staff can make a decision without having to bring it to the Planning Commission? Commissioner Glantz said she thought there are two parts to that: how to address uses not-listed to be allowed as CUs, and then what the criteria is once they are set. Mr. Ward cautioned that such an approach would contradict the typical structure of a zoning code in which uses are either permitted or conditional. If they don't fit into either category, they are simply not permitted. The Commissioner suggested that when something isn't permitted outright, as in the hair salon case, all other uses could simply be treated as Conditional. Mr. Ward said that will be a pretty complicated discussion, and recommended that the Commission first review the list of permitted or CUs and decide if those make sense to

the Commission. If it doesn't, then we can propose changes. Ms. McCallum told them to keep in mind that each zoning district has its own list and while some of those uses might be repeated in specific zones, there are also some uses unique to particular zones. The Commission discussed briefly erosion control as it's not in the Development Code, and other parameters and standards that reference yet other parameters, etc., as well as some of the Metro standards and compliance issues. Neal Handy gave as an example the Portland Stormwater Management Manual (which he alleged includes mistakes); and noted that this update is a very broad effort when you take into account all the references and cross-references to other documents. A discussion about erosion control ensued.

Commissioner Glantz questioned how the list of areas to review that Chair Staffenson brought to the November meeting is to be reviewed. Ms. McCallum mentioned that the FAA, the Oregon Department of Aviation and the Port of Portland have very much wanted the City to be more proactive in amending the Development Code to comply with their local airport plans and the Airport Planning Rules, OAR, etc., and have been asking that for at least 15 years, noting that the Oregon Department of Aviation will have many suggestions to offer. Mr. Ward said State and federal agencies occasionally ask cities to voluntarily impose rules that the agencies don't have the authority to enforce themselves, and that we should carefully consider whether that is in the City's interest, remembering that our specific charge is to reduce barriers to development.

Chair Staffenson said he was willing, initially, to work on CU process and procedure, Building Code, rights-of-way – which prompted a brief discussion on the Planning Commission not having any responsibility for the Building Code. Mr. Ward offered to have the Building Official to support discussion on Building Code. Chair Staffenson said he meant to focus specifically only on those areas where the Development Code and the Building Code don't line up, and Commissioner Glantz gave an example (specifically, building height definitions) noted by staff as an issue. This was added to the list for discussion. Chair Staffenson asked staff to work on those and come back to the Commission with some recommendations, suggestions, thoughts, etc. As staff time is limited, Chair Staffenson said he would personally take on the drafting of code amendments as a project. Since the Commission calendar is full for January, he asked staff to come back with this in February. Mr. Ward clarified that Chair Staffenson was offering to do the staff research. Chair Staffenson said he may need some assistance from staff but he will do the bulk of it. The Commission agreed to this path, and Commissioner Woidyla said this would give them something to chew on.

The four areas of the Code to be reviewed, in addition to CUs, are: Design, Parking Standards, Signage, and Stormwater Management and Erosion. Chair Staffenson added Pedestrian Access. Another future topic, Ms. McCallum said, is the Airport FAA issues (prompting a brief discussion).

- 4. Adjourn. Commissioner Sheets moved, with a second by Commissioner Woidyla, **to adjourn.** Noting that there was no agenda item listed for Commissioner Concerns, **Commissioner Sheets withdrew his motion, seconded by Commissioner Woidyla.**
- 4a. **Commissioner Concerns.** Commissioner Grande reported that garbage was dumped along Sandy Boulevard behind the elementary school which he saw when he was walking. Mr. Ward said he would let Public Works know.

Chair Staffenson thanked the guests for coming to the work session and staff and the Commissioners for all their hard work, and he wished everyone a merry Christmas and a happy new year.

NOTE: In a work session, there is no agenda item for Commissioner Communications.

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

Tanney Staffenson, Chair

Date

Attest: _____
Rooney Barker, Secretary
Transcriptionist