



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

REVISED AGENDA CITY COUNCIL – SPECIAL MEETING

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

Wednesday, April 5, 2017 – 7:00PM

- 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
- 2. PUBLIC HEARING / ORDINANCE (Introduction):** Adoption of Comprehensive Text Amendments to the Troutdale Development Code and providing an effective date clause.
Chris Damgen, Community Development Director
- 3. ADJOURNMENT**

Mayor

Casey Ryan

City Council

David Ripma

Randy Lauer

Larry Morgan

Glenn White

Rich Allen

Zach Hudson

City Manager

Ray Young

City Recorder

Sarah Skroch

Casey Ryan, Mayor

Dated April 3, 2017

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 Sarah Skroch, City Recorder at 503-674-7258.

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: Sarah Skroch, City Recorder 503-674-7258.



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- 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
- 2. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance adopting the Troutdale Development Code of 2017.
Chris Damgen, Community Development Director
- 3. ADJOURNMENT**



Casey Ryan, Mayor

Dated: 3/24/2017

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MINUTES
Troutdale City Council – Special Meeting
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060

Wednesday, April 5, 2017 – 7:00PM

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.

Mayor Ryan called the meeting to order at 6:59pm.

PRESENT: Mayor Ryan, Councilor Ripma, Councilor Lauer, Councilor Morgan, Councilor White, Councilor Allen and Councilor Hudson.

ABSENT: None.

STAFF: Ray Young, City Manager; Ed Trompke, City Attorney; Chris Damgen, Community Development Director and Kenda Schlaht, Deputy City Recorder.

GUESTS: See attached list.

Ray Young, City Manager, states there are no agenda updates unless you would like to make any comments regarding the crime incident last week.

Mayor Ryan states as most of you probably know, last week we had an incident in our community where a gentleman's home was broken into and vandalized with some very horrible things. I was away so I wasn't here to deal with a lot of it but Ray and I did talk quite a bit about the process and put out a statement. I wanted to give everybody on Council an opportunity to go on record to give a brief statement. It was a horrible thing to happen to our community. I appreciate the community effort that I've seen and the people that have stood by. Ray has been excellent through the process. We chose to not do any interviews and did the statement instead. I know there is an ongoing investigation and I hope they find what happened so we can move forward with this.

Councilor Allen states I look forward to the day where we all rise above such things and we don't experience it anymore in the future.

Councilor Hudson states I would like to say thank you to Mayor Ryan for putting forward your statement so quickly. I also want to thank City Staff for everything you've done. I think it was really heartening to see the community support for Mr. Afshar and the collection of donations.

Councilor Ripma states I agree with everything that has been said and Ray's and the Mayor's statements. I can't imagine how someone could do that. I hope they catch whoever it was.

Councilor Lauer states I think the support from the community speaks a lot of what Troutdale is and who Troutdale is and the love and support that they've shown Mr. Afshar. I hope to catch them.

Councilor Morgan states I think it's unfortunate. I know that Troutdale is a very inclusive and warm community. I am very encouraged by the action of law enforcement. They are working at getting to the bottom of whatever it is and hopefully prevent such acts of any kind of this nature in the future.

Councilor White states when my wife saw the story she immediately went to the home and that's why the news came to our home. They were there when she reached out wanting to help with cleanup. I know that law enforcement is all over this. I feel sorry for the person who did it. It was hard to see what they did. I hope he feels welcome and sticks it out and stays in the community.

Mayor Ryan states I know we had this incident but it doesn't take away from the amazing community we are and the good things we have going on. I cannot be happier with Multnomah County Sheriff's Department. They have been fabulous and so responsive.

2. PUBLIC HEARING / ORDINANCE (Introduction): Adoption of Comprehensive Text Amendments to the Troutdale Development Code and providing an effective date clause.

Chris Damgen, Community Development Director, states I have a staff report but I think it's also important to give our Planning Commission a chance to speak as well since they were tasked with this almost 4 years ago. It's been a very long effort and they should be acknowledged. This is the comprehensive update to our development code and they are effectively known as text amendments. The text amendment basically refers to whether you are changing a word or whether you're changing the entirety of the code. Council is ultimately the decision making entity. There was an initial evidentiary public hearing for the information you are hearing tonight and that occurred 2 weeks ago at the Planning Commission hearing. This is the first hearing for you folks and your first reading of this ordinance. Assuming it all goes well tonight it will go forward to a second reading on the 11th. It is an ordinance and it requires 2 readings to Council and then there is a 30 day period before the ordinance or new code would come into effect. The thing to know based on the State statute is there is a 21 day appeal period until May 2nd. Throughout a 3 year period the Planning Commission hosted a number of work sessions in addition to the regular business that they would have on a regular monthly basis. It came to a head in the fall of 2016 and we had our first public hearings of the draft that they came up with.

Chris Damgen showed the City Council a PowerPoint Presentation which outlined the ordinance of Comprehensive Text Amendments to the Troutdale Development Code (attached as Exhibit A to these minutes).

Chris Damgen states one of the things that we did change at the Planning Commission hearing 2 weeks ago, there was a provision in there for if you were developing an industrial property of 50 or more employees and you're doing it on a street that either has transit or might have transits there was a pretty heavy handed setback saying you couldn't be more than 50 feet off the property line. If you're considering industrial property that is really large in size like the kind you find in our City if you're developing a pad of 2 to 8 hundred thousand sq. ft. having a very standard for setback doesn't make sense so Planning Commission made an amendment to give a break for those type of considerations. It doesn't give a break to commercial development or multi-family development because that's really the spirit of what that standard was written for. There were some minor amendments to off-street parking to ensure consistency. I know in the past there have been discussions over the years of what was appropriate parking particularly for apartments and multi-family. None of that changes and the standards we have in place remain in place. The sign code actually went through a big change in Chapter 10 and that really had to do with constitutionality concerns. There was a Supreme Court case 2 years ago called the Gilbert Case which effectively required most sign codes in States to change because there were unconstitutional provisions. It had to do with regulating content and basically you could no longer differentiate the size of one and not the other, it proved problematic. What we did with working with Jordan Ramis in this Chapter is we developed a code that is actually several pages shorter and really eliminated all that unconstitutional trap language. There are 2 appendixes and one has to do with design standards along 257th Avenue. Those were basically put in place with an Intergovernmental Agreement (IGA) with Multnomah County. If you wanted to change anything there you would have to change the IGA. The other had to do with central business district design standard. Staff would not recommend a change unless there was a new or updated town center plan.

Councilor Allen asks, in Chapter 17, 17.050, the bond or cash deposit, when you're dealing with another jurisdiction do you really need to be asking for a bond or cash deposit?

Ed Trompke, City Attorney, responds we have executed IGAs with the Port on a couple occasions in the last 2 or 3 years where the Port District has asked for relief from that and Council has approved them pretty routinely in order to allow it. There may be times when we don't want to simply waive a bond. There may be some special districts that don't have sufficient funds to guarantee the work will be done.

Councilor Morgan asks, how long is the IGA for the appendix B standards along 257th Avenue?

Chris Damgen responds I don't have the IGA in front of me but I don't believe there was a sunset clause. It's been in effect for about 15 years I believe. A note on the written testimony we've received before we got into the findings, most of the testimony we received thus far are satisfied. There were 2 citizens in particular, Paul Wilcox and Charlie Foss, who did a terrific job at spelling and grammar. We have 4 decision criteria in front

of us tonight and basically it's going to have to be in your estimation as a Council to determine whether or not that these text amendments as proposed have properly been addressed through these decision criteria. You are welcome to make changes to what we proposed and in the end we recommend you approve the draft. This is the first reading tonight and the second reading is scheduled for April 11th and the effective date would be May 11th. This has been a really tremendous effort. I've been doing planning now for a little over 10 years and this is by far the best Planning Commission I have had to work with and they should be commended for a job well done.

Councilor Ripma states that was a great summation of a very long and complicated process. The 4 decision criteria, are they in our packet somewhere?

Chris Damgen responds they are on page 9 of the longer staff report I provided.

Councilor White states on Chapter 1, page 21, 21.03 it is called bankfull stage, the definition is actually describing in my opinion ordinary high water. Could this body change that word from bankfull stage to ordinary high water mark? That's typically what you see in development codes in other jurisdictions. I think it's more recognized in the building industry as well. In Chapter 2, page 1, I have a question about minor partition. They used to be a Type I procedure then it got moved to a Type II. I was trying to figure out if it was Type I or II and I was wondering if you could answer that.

Chris Damgen responds a minor partition, which would be if you went from one lot originally to 2 or 3 lots it's still a Type II procedure. It's an administrative 45 day review period. Once you go 4 or more you're creating a subdivision which requires Planning Commission approval. A lot line adjustment if you're making a boundary change but not creating or destroying a lot would be a Type I which is basically over the counter.

Councilor White states in Chapter 2, page 7, it's about notifying neighbors if you're doing a Type II development. I want to make sure we're not going to include hotel guests or someone that's had a campground or someone that's in a transient lodging environment. That's something that has occurred in the past in our city and it really put a great deal of burden on the person doing the project.

Chris Damgen states that's good to know. I think the intent would be for the property owners. If a hotel was in that realm for instance it would be the hotelier or the management company who runs it.

Councilor White states in Chapter 3, page 3 item D where it talks about if you have 2 acres of property you could sell farm eggs or strawberries and have a roadside stand. There isn't a lot of 2 acres parcels left in Troutdale. My thought was possibly to lower that to 1 acre. I think the community enjoys stuff like that and it gives us that small town atmosphere.

Chris Damgen states if I heard you right, Councilor, right now the standard shows maintain on a lot of less than 2 acres.

Councilor White states I would think a 1 acre lot would be the minimum. Then it talks about landscaping buffer and I'm pretty familiar with the code and I was kind of reading this through the eyes of somebody that isn't familiar with the code. When it comes to landscaping buffers in Chapter 3, page 8, I thought we should mention that Vegetarian Corridor (VECO) or a sloped district can be counted towards part or all of the landscaping requirement of a project. I think people might miss this and waste buildable land unnecessarily. Another thing, it's more of a zoning issue but in a lot of commercial uses we have the waterfront property that isn't zoned that allows waterfront use. To me it would make sense to clean part of it up. If somebody wanted to rent paddle boards it makes sense to have that use attached to a waterfront piece of property. It currently isn't in our code. The zoning doesn't match up to potential use. Then on Chapter 3, page 23 in 3.103, for neighboring commercial I would like to see the addition of miscellaneous street sales. A lot of the store fronts will bring some of their stuff outside the shop during Summerfest or the parade to sell on special occasions. We have a special permit or business license that allows that so I think it's one of those things that should be added to that listing.

Mayor Ryan asks, how does that work with these recommendations?

Chris Damgen responds effectively once you've received your testimony from other folks who may wish to offer an amendment then you could entertain those amendments procedurally. The one thing I would add to Councilor White's testimony on some of those is I don't know that we have in our definition section a miscellaneous street use so that is something that staff would have to come up with for your new draft if you want to include that. In order to list it as a use we would have to have a definition behind it.

Taney Staffenson, Planning Commission Chair, states I want to elaborate on some of what Chris had in his report. In July of 2013 as part of the Troutdale Planning Commission work plan, the review of the development code was tasked to the Planning Commission by the Troutdale City Council. The project initially was to review only several sections of the code but overall it was an attempt to streamline the code to reduce barriers to development. The project expanded by approval of City Council and I wish to thank those City Council members who did that at that time which were Dave Ripma, Rich Allen, John Wilson, Eric Anderson, Glenn White, Norm Thomas and Mayor Doug Daoust. I want to thank those individuals for trusting the Planning Commission with this project. I also want to thank each of you for your continued support of the Planning Commission and staff on this project. In November of 2013 the Planning Commission held their first work session on the development code. Since that first work session in 2013 there have been 35 public meetings and this includes regular meetings and work sessions where the development code was either the primary subject or secondary subject of those meetings. I wish to acknowledge developers, land owners, City Councilors, committee members and citizens that contributed to the project. Especially the Citizens Advisory Committee for all the work that they do to review and city staff. Thank you to the Planning Directors we've had, Rich Faith, Steve Winstead, John Morgan, Steve Sparks, Craig Ward and Chris Damgen. The Senior Planners we've had Elizabeth McCallum, Mark McCaffery and Chris Damgen. Rooney Barker, Administrative Specialist; City Attorneys Ed Trompke, Shelby Rihala and

Dan Olsen. Public Works Travis Hultin and Steve Gaschler and City Managers Craig Ward and Ray Young. Although we had a few staff changes it delayed the completion of the project but I feel it was really valuable insight and gave us a better product in the end. Each time we changed a staff member we took a step back to bring that person up to speed but then they brought new insight to the table and a perspective we hadn't seen. I also wish to thank each and every individual and agency that participated in this process over the last almost 4 years now. The input went a long way and helped us to put forth a better and more refined code than we had in the past. This draft is an attempt by the Planning Commission to implement the input from the community and city staff and remain in compliance with State, Metro and County regulations. Lastly, I want to thank members of the Planning Commission Shirley Prickett, Frank Grande, Marv Woidyla, Sandy Glantz, Jamie Kranz and former members Kevin Coulton and Brian Sheets for their dedication, time and support. We thank you for the opportunity, patience and support you afforded us during this process and we're excited that there's developers waiting for the adoption of this code. With that in mind there's a couple of final items that will come forward in the future's text amendments. One thing I thought about which would be one of the first things I would look for if I was you is a redline version. I would have liked to have seen one but it was very difficult to do when you took Chapters 2 and 16 and put that into Chapter 2. Chapter 6 was variances and conditional uses and became applications which was fed from a number of other chapters. Things like historic landmarks was broken up and put into a number of chapters. Public work standards moved out of Chapter 7 into their own documents. Then things like Chapter 8 which were almost complete re-writes. Chapter 10 which was definitely a complete re-write. It was really almost impossible for us to put together a redline version. I want to touch on a couple of things Mr. White brought up. One is street side sales and our thinking behind that was as far as allowing it or not, what came up in our discussions was the possibility of someone setting up in front of somebody else's business. If you have a shop downtown and they're paying rent and all of these additional costs and someone sets up really close to them. That kind of takes away from somebody else and their business. We weren't trying to not allow someone from spilling out from their store on occasion.

Councilor White states maybe just permit it to the property owner.

Taney Staffenson states your question on Chapter 2 as far as notifying someone staying at a hotel which was a good analogy, we say in paragraph A that the issue would go to landowners. What we were trying to do with that language was to include when a development comes in if it affected a homeowner's association we want to make sure we got notice to a homeowner's association and not just the neighboring landowners.

Councilor Morgan asks, do you see any problem with changing the amount of land from 2 acres to 1 acre? Was 2 acres a scientific number? Was it a best practice relative to other cities jurisdictions?

Taney Staffenson responds I believe that's what we have in the current code.

Councilor Ripma states it's only the R-20 zone we're talking about which doesn't cover very much. R-20 is very limited in Troutdale.

Councilor White states I thought it covered more. I'm fine with leaving it. I was just trying to get more opportunity for folks. I just want to thank Tanney. I know he took a lot of this on himself and spent an unimaginable amount of time working on it. You have the respect of your peers and you really took the lead on this. I'm not saying you did it all by yourself but I know you put a lot in this.

Tanney Staffenson states we had a lot of people spend a lot of time and a lot of input from so many in the community.

Mayor Ryan opened the public hearing 8:06pm.

Diane Castillo-White, Troutdale resident, states my first observation is Chapter 1, page 21 part .06 conservation easement, an easement applied to environmentally sensitive lands including, but not limited to, lands identified as hillsides. My question is about land identified as hillsides. In Troutdale a lot of the homes are on hills. The weird thing about definitions is they always change and in the future can become more restrictive. Right now if somebody had a backyard and they were on a slope in the downtown, in their backyard would they not be allowed to plant apple trees or have picnic tables if it's considered as open space?

Chris Damgen states the section that we're referring to those are not general city-wide definitions. Those are definitions specifically for the vegetation corridor and slope overlay Section 4.3 of the development code. It's best to be known that these are definitions that are applied to areas of the city where that particular zoning overlay is in place. The downtown areas to the West of Sandy Avenue there is no VECO issues in that area. To the East of Sandy as you get to the steeper hillside along Beaver Creek Canyon and all through Beaver Creek Canyon and also running into the Sandy River area as well as some areas in the industrial park you do have those VECO areas in those locations. Obviously in the industrial park those are sensitive lands that are not hillsides but in the Beaver Creek area those are hillsides.

Diane Castillo-White states on page 1-24 I have a question on .29 floodplains. In the description it says including land that may be covered temporarily by water as a result of a storm event. Let's say someone has part of their large backyard and it's not completely even. If there's some large puddles would you label that as a floodplain?

Chris Damgen responds no.

Diane Castillo-White states Chapter 10 page 7 lawn signs, only 2 are allowed for not more than 90 consecutive days. Let's say I wanted to endorse 3 candidates, would that be considered depression of freedom of speech?

Ed Trompke responds the problem is that under the Gilbert case that Chris was talking about you can't say it's okay to have 5 political signs but only 2 other signs because that's content based differentiation and it's not allowed. As long as it's a reasonable number, yes somebody could challenge it but a reasonable number I think would be upheld by the Supreme Court. What that number is, is hard to say.

Taney Staffenson states the reason that number was selected was we felt that at some point we needed to try to control the number of signs that were out there. For the political season you have each one of these candidates putting up signs throughout the City. The other 10 months of the year would you want 20 smoke Marlboro signs in front of a store or all the Jobdango signs? We were trying to find what a reasonable number of signs is.

Diane Castillo-White asks, what if they were different types of signs?

Taney Staffenson responds I think if you chose to you could change the number but you would be changing the number for all properties, 365 days a year.

Ed Trompke states you can't make it a differentiation based on the content of the sign.

Matt Wand, Troutdale resident, states I wanted to point your direction to community commercial and that particular zone classification. I have an interesting situation with a potential tenant at Troutdale Market. They want to put in a small play structure about 4,000 sq. ft. indoor where people can come during the day for a fee and let their kids play on the structure. I kind of imagined Imagination Station indoors. The tenant, being very diligent, called the City and spoke to Chris. Chris let her know that a commercial only zone and commercial amusement isn't allowed in community commercial. He likened it to like a bowling alley. When the tenant let me know that I thought there are a lot of uses that are very appropriate in community commercial that would be classified that way from bowling alleys to nickel arcades or a small indoor waterpark all of which fit very well within the concept of community commercial which is to service the most immediate kind of nearby neighborhoods. I'm hopeful that the best, most simple solution is to realize that limiting the square feet of this type of use would probably be the easiest way to address the legitimate concerns of the neighborhood. If we said 20,000 sq. ft. or under we get to do it. Over 20,000 sq. ft. is conditional use and we'll go through a process and make sure it's not a stadium with big lights and traffic headaches. I was hoping you guys would consider making that change.

Chris Damgen states right now the type of use that Mr. Wand's prospective tenants are looking at would be allowed in general commercial which is further down Stark Street over by the Home Depot and Albertsons is located. The other thing to know too is that we have those types of uses in industrial areas and as you guys know industrial property right now is at a premium throughout the Metro. To kind of echo Mr. Wand's testimony when I spoke with the applicants they were delightful people. I think staff's position would be that we would be okay with it provided there is either square footage restriction on it or you make it a conditional use. The definition as it is right now for commercial amusement goes from pool halls, bowling alleys but then it also adds theaters, arenas and auditoriums. You

have to have some sort of balance and community commercial does have, right now for retail and service restrictions on square footage up to 60,000. 60,000 is a pretty large supermarket. Effectively if that's going to be a proposed amendment tonight staff would be in support provided either you put a square footage maximum for permitted use or consider it as a conditional use for that particular zoning district.

Councilor Allen states it seems like you would want an activity center that doesn't disturb the neighbors amongst the community especially centrally located. It seems like this particular type of development would be a good idea.

Councilor Morgan asks, is this the proposed or discussion around Sunburst Play Café?

Matt Wand responds yes.

Councilor Hudson asks, if we decide to go with conditional use instead of the square footage would it then come before the Planning Commission and they would examine the community feel?

Chris Damgen responds correct. I'll draw your attention to Chapter 6, page 6-4 and 6-5. If you would want to consider it a conditional use they would have to hit A-F decision criteria. Effectively the applicant would have to say that it's a similar land use and that transportation and public works facilities could handle it. Basically they have to prove that they're not going to be burdensome to the community. Then the Planning Commission could also impose additional conditions for them.

Tanney Staffenson states when something becomes a conditional use for a developer that's a problem because they have to pay a fee, they have to go to Planning Commission and as Mr. Wand testified it adds time and uncertainty. I'll also say there is a slight benefit to that process because when something goes in, the process gives the citizens the opportunity for input that they have.

Councilor Lauer asks, can we hear from the 2 ladies about the idea of what they are hoping to bring?

Shannon Warner, Gresham resident, states I'm here with Melinda Pearson and we're both moms who live in Gresham and we've been looking around and this Troutdale Market location is wonderful. We met with the leasing agent and we've been in contact with Chris and Matt Wand. As parents we know it's hard being stuck in your house and you can't go to the park because you're getting all wet. We just would love to have something like this. I don't know if any of you have been to Whippersnappers out in Sandy but it's really similar to this. Besides a huge play structure there's a small café with snacks to keep the kids happy. A place to go and have fun and we know it will be successful.

Melinda Pearson states where it rains so much we would have them take off their shoes and be able to have a clean facility. We also will allow the parents to play on the facility

with their kids. We know it will be successful because Whippersnappers is successful and sometimes they have to close their doors because they're so busy.

Councilor Ripma states I think we're sold.

Mayor Ryan states I think it's a fantastic idea. I think it's a perfect fit at Troutdale Market.

Jay Ellis, Gresham resident, states I think the Troutdale Development Code has a good balance with having clear and objective standards while not being overly burdensome and still allowing developers and property owners to have the highest care about their property. My first point is to quickly bring up the definition for duplexes in Chapter 8 page 1, section 8.020 letter D, a duplex on a single lot. I'm a developer and I've got a lot and I want to build a duplex so I don't have to go through design review. Then I flip over to page 6, section 8.210 under applicability it says the only uses there are exempt and here it shows these codes and provisions shall apply to all residential dwellings other than single family detached, zero lot line dwellings and duplex dwellings on separate lots. I'm wondering if I'm misunderstanding this. Are duplexes exempt or not exempt?

Chris Damgen states you're dealing with 2 things here. You're dealing with a procedural matter which Mr. Ellis has highlighted to you and you're dealing with a design performance standard. The procedural one is correct. A duplex when it's on a single lot is exempt from what we call a Type II site and design review. That's where you have a decision made in 45 days, we send out notifications to property owners nearby, public agencies have 14 days to comment and then we make a decision. That's a Type II review. A duplex is like a single family home in this regard, it's on one lot and it is exempt from that level review. It's created over the counter through a building permit application. What Mr. Ellis is referring to in 8-6 and forward from there, those are specific design criteria as an architectural or building positioning on the lot that do apply to duplexes. There's reason for that and typically duplexes in this community are on smaller lots, they are downtown in our town center overlay and a lot of times the nature of duplexes have less of a setback so there's reason why to maintain design standards for duplexes even if you're just reviewing it through a building permit application.

Jay Ellis states that makes sense. It goes on to mention this section does not apply to dwelling units above, below or behind the street level for commercial uses. This is foreshadowing what I want to talk about next. Are you only design reviewing the commercial aspects of the building and not the residential portions?

Chris Damgen states on that provision the reason why there's that specific exemption which seems strange why it's in there is because you can go to Appendix A in the development code and you have specific design criteria for the Central Business District (CBD). That's really the only place in the city where you can have 2 story retail, 2nd story office or apartment type housing. Any type of design criteria that we would review as staff does not come from this 8.2 section it comes from Appendix A. Section 8.2 basically applies to any type of duplex, triplex or multi-family type standard throughout the city with the exception of town center central business district where Appendix A would apply.

Jay Ellis states I need a little clarification on page 3-33. When you're in the A-2 zoning in the town center overlay your options open up and basically kicks A-2 into the CBD criteria for most development. With that being said, once you have A-2 in the town center you're effectively CBD.

Chris Damgen states the town center overlay extends from Edgefield north all the way down to just outside Glenn Otto. If you look on page 4-60 it talks about the dimensional standards meaning setback, lot coverage and I think he's saying the CBD standards which are on page 3-33, apply to that particular zoning district when you're in that town center overlay.

Jay Ellis states there's a distinction there and I think the key distinction is in the verbiage the code uses it treats A-2 zoning differently than every other residential zoning on the same page but if you look at the comp plan and you look at the index, A-2 is technically I think is a residential zoning. If you go to page 3-33 if I were to develop a property with A-2 zoning but want to build mixed use on a portion of it, that's mixed use at your higher zoning and if you do mixed use in A-2 there's no maximum density. You're effectively limited to the setbacks and site design criteria. If you look at page 3-32 in section C-1 for setbacks it says non-residential and mixed uses: no setbacks are required from a public street right-of-way or if abutting another commercial or industrial zoning district. If abutting a residential zoning district, the minimum setback along the abutting property line shall be 20 feet. That's the highest setback standard. I'm bringing this point up because if you go down to the residential uses in that same chapter of the same code for the same type of use, the code makes a specific distinction where it says Section 2 sub-section b under side yard setback it says adjoining a non-residential or A-2 zoning district: minimum of 5 feet. I think that or A-2 would be something that Council staff might consider for the setbacks of Section C-1 for the fact that that setback, if you're using mixed use building, you would have to be setback on the property in the A-2 zoning 20 feet which seems excessive. If you're strictly doing a residential and not mixed use then you pop over to A-2 and you could go 5 feet.

Councilor Morgan asks, is that the same as it was before?

Chris Damgen responds yes, to my knowledge I don't recall any provision changing in reference to those codes. Those standards have been put in place and I certainly sympathize with Mr. Ellis's concerns. One thing I would articulate is you're looking right now at CBD standards and the way the map is currently drawn there's only a few areas where you may have a conflict that you're describing if I understood the intent of your testimony. I think there's only a couple of areas where you would have that trouble spot.

Jay Ellis states that is true there's limited conflict points but there's only so many opportunities out there.

Mayor Ryan asks, if there's only a limited amount of supply this could be just an exception basis type thing, correct?

Chris Damgen responds right and I think what we're trying to say is there's possibility to address these through a variance process without changing the spirit of the code. If you have a smaller lot like you were saying and you're trying to do quality infill you have a very strong case to make in front of the Planning Commission that says I'm trying to fulfill your goal of density and mixed use in the town center setting but your code is preventing me from doing that and ask for a relief. They could turn to Chapter 6 and find the 4 criteria points they would have to bid on and I think staff would generally be, as long as you're not doing anything crazy, in support of an application like that because it fulfills the larger City mission of that type of development.

Jay Ellis states I agree 100% with your characterization of that situation and I just wanted that conversation on record.

Paul Wilcox, Troutdale resident, states this is kind of a continuation of an existing policy. I have a hard time understanding how you allow a bed and breakfast in A-2 zoning. Based on your definition of a bed and breakfast and also what's allowed in A-2 which I read as strictly apartments, townhouses, condos and attached housing. It might help by providing with a specific example. There's a property on the corner of Buxton and Cherry Park NW corner that is a single family home right on the street and it's wrapped around on 2 sides by an apartment complex. My question, with that single family home being a bed and breakfast is that entire corner of property A-2 or R-4 or R-5?

Chris Damgen responds just to be clear Mr. Wilcox, you're talking about the NW corner where it's zoned A-2 off Cherry Park?

Paul Wilcox states I'm sure from the appearance the single family home was there well before the apartments.

Chris Damgen states to address the single family home that would be considered a non-conforming use because it's not allowed these days. You couldn't build a single family house in an A-2 zone so that must have been a grandfathered situation there. On page 3-18, bed and breakfast inns in accordance with Section 5.500, are considered a permitted use. The section you want to refer to is 5.5 on page 5-18. It says in 5.520 that bed and breakfasts shall be processed through Type II site and design review procedure. Let's go back to the definition of what a bed and breakfast is on page 1-2. It reads, a structure designed for and occupied as a single family dwelling in which travelers are lodged for sleeping purposes and a meal provided and for which compensation of any kind is paid. A bed and breakfast facility is not a hotel, motel, boarding house or rooming house. It is structurally considered a single family home. Furthermore, I'll draw you back to 5-18 item C in standards for bed and breakfasts. Bed and breakfast inns shall be owner occupied. This is not a lodging facility where the owner is somewhere else. Are you referring to also cases where there might be a VRBO or an Airbnb type rental like a short term property rental?

Paul Wilcox responds not at all. An actual bed and breakfast. What I'm trying to determine is, are you actually permitting bed and breakfasts to be set up in a townhouse or an apartment complex?

Chris Damgen responds no, those are not considered single family houses.

Paul Wilcox states they are A-2.

Chris Damgen states they are in the A-2 zoning district, yes but the only way you could feasibly permit a bed and breakfast as written and defined in this code is if it's a single family house. A condo, townhouse, attached house or duplex could not would not.

Paul Wilcox states my confusion is how single family homes are not allowed in A-2 but you're allowing bed and breakfasts in A-2.

Councilor Ripma states they exist in A-2. They're not allowed to be built.

Chris Damgen states if it was a grandfathered type situation it would have to still abide by non-conforming standards. Yes, in theory it could exist but in practice that might be the only one or handful of locations this situation might apply. For any type of new construction we would not allow single family homes to be constructed in that zone.

Paul Wilcox asks, that's essentially a loophole then? The property I described, that single family residence, could be a bed and breakfast under current rules.

Chris Damgen states we would have to look at non-conforming uses and that is a whole other section in the code and we would have to apply the standards for that because technically the home by its very presence in A-2 is a non-conforming use. There are certain exceptions granted for buildings and structures and uses in non-conforming uses where you can either continue it or expand it to a certain percentage but again, unless we have an application in front of us to review there wouldn't be a guarantee that it could be approved. It still has to go through a Type II review by staff in order to be approved. It's a Type II staff review and that would be the biggest hindrance for that particular example that you're referencing.

Paul Wilcox states just to be clear in my mind, you would not allow a bed and breakfast in apartments, townhouses or condos?

Chris Damgen responds correct.

Mayor Ryan closed the public hearing 9:10pm.

Chris Damgen states Mr. Mayor, for your benefit and for the Council, if there are any amendments that you wish to propose we can type them up on the screen.

Mayor Ryan states one would be the Sunburst Café people for community commercial. I think 0 to 20,000 sq. ft. would be permitted and 20,000 to 60,000 would be conditional use.

Councilor Allen states I think what's being proposed here would be a great asset to the community and we should be allowing it. I'm always concerned about unintended consequences so I would really like to get the advice of staff.

Chris Damgen responds as Tanney Staffenson said the recourse is obviously through conditional use permit. If you apply that standard to folks that wish to bring in a business that has layers of uncertainty about whether or not what they're intending to do. One thing I would say is if you were to make it a permitted use and let's say for the benefit of this example that sits in front of you, these folks wish to move into the space in that facility they still have to go through what we call a tenant improvement process that's through a building permit application to get the space up to speed and have it checked out by a building official, the Fire Marshall, plumbing inspector and also us as a planning staff would have to look at that. In our review of that at staff level it's under a building permit application process, not a land use application. If we saw something like a dramatic increase in parking or maybe they had an outdoor component to it, that might be something that would give us pause and ask for us that we consider it at a higher level. That would be one way that you could maybe litigate that concern if you made it a permitted use. What would the recourse be? It would effectively be holding up the improvement permit but it has to be a situational standard that would have to apply.

Ed Trompke states it makes more sense I think to deal with them directly in the permitted use so that you might say what kinds of commercial amusement of the 20,000 sq. ft. might cause those type of traffic issues. It's better to deal with it not in a building permit situation but address it here in the zoning development code.

Chris Damgen states I believe the code gives the director the ability if there's a certain lack of comfort in a particular application you can refer it to the Planning Commission. Is that a more appropriate way of doing it so we have another set of eyes on it?

Ed Trompke responds if it's a permitted use you can.

Councilor White states maybe we can come up with a short list that we all agree on and if it's something outside of that they can present it to planning.

Ed Trompke states you may want to say commercial amusement of kid's play structures up to 20,000 sq. ft. and limit it to specific kinds of use.

Councilor Ripma states that would be safest because it would allow this one.

Councilor Hudson states I would like it to say except, instead of saying only including.

Tanney Staffenson states a suggestion would be commercial amusement, commercial recreational uses such as pool halls, bowling alleys and similar uses. Take out theaters, arenas and auditoriums.

Councilor Ripma states but put in children's play structures. That doesn't sound like pool halls to me.

Councilor Morgan states in the examples it states karate, gymnastics and small indoor soccer. You don't want to be super specific that excludes anything.

Chris Damgen states there's a new tool to staff's disposal in the new code that wasn't afforded to us previously and it is called director's interpretation. If I don't feel comfortable making that decision based on the initial facts I might be able to request that an applicant file for a director's interpretation. That's a Type II review so it's handled administratively, not to the Planning Commission level yet, but it allows that type of application and the implementation of that particular land use to be reviewed by staff. There's a 14 day period and there's still a public notice given to 250 feet around the property and then it can be made administratively. Would that be fair?

Councilor Ripma states it puts pressure on the staff. Obviously when developers come in they don't want to have to go through all this.

Chris Damgen states it also cuts down on the amount they would have to pay for a conditional use permit, the length of time, the amount of review and the number of decision criteria. Again, I want to make sure we're legal in doing that.

Councilor Allen states there's a church there that has an auditorium and doesn't seem to be a problem. How big is that?

Chris Damgen responds I don't know the size of it but it was permitted because it was an accessory.

Ray Young states just so I'm clear what does the Council want to make sure doesn't happen in the commercial amusement? What are you most scared about happening here?

Councilor Allen states you have a complex that has a row of houses right behind it so if you do something that's too annoying or loud you're going to have a bunch of neighbors coming down here and yelling at us.

Chris Damgen states you would have mitigation through the municipal code through noise ordinance restrictions. I hear your point.

Ed Trompke states it's hard to anticipate what neighbors might complain about. The one that comes to mind is a couple who bought a house right behind a church school and they bought in July and in the first week of September there were screaming kids all over.

Taney Staffenson states the one's I propose to pull out are theaters, arenas and auditoriums. My thinking with that was those might be some you'll want to look at because it may have a very high concentration of people even at 20,000 sq. ft. which could create parking issues and would likely run well into the evening and you could have noise issues.

Councilor Allen asks, would a community theater be permitted?

Ed Trompke responds you would have to come under conditional use permit.

Councilor Ripma states the only other one I noticed was the 2 signs per yard and that seems pretty narrow. I was thinking, how about we just say yards signs, which are defined, must be at least 10 feet apart?

Councilor Morgan asks, doesn't it go to enforcement? Then they have to enforce the code.

Councilor Ripma states the sign ordinances are a complete nightmare always. If you look at pictures of our cities and towns 100 years ago when there were no sign ordinances they were beautiful. We have so many ways of irritating each other now with oversized signs and such. My modest proposal was yard signs are permitted as long as they're 10 feet apart. I live on a property with a large frontage and I always have more than 2 signs during election.

Councilor Hudson states you would be legislating the density of signs and that's not content based.

Councilor Ripma states it should be constitutional. It's not content based. I agree with you.

Mayor Ryan states I am good with that.

Councilor Morgan states I would like to say in that case, lawn signs shall appear for no longer than 90 consecutive days. Why worry about 10 feet?

Councilor Ripma states it was meant to be some sort of limit. I'm okay with that.

Taney Staffenson states I think that would be fine but consider when you have a property like a market center, you could have a lot of signs on that property. I have seen that in other areas. You can have some Jobdango or something out there all the time. I feel a little bit of this is personally kind of a reaction to political signs and there's not a good solution to that. We were talking about taking political signs out of it.

Councilor Ripma states let's see what happens. It's not enforced anyway.

Councilor Lauer states I say we leave it where it is and not over government this. The whole point of this was to minimalize it and break it down and make it easy. We're going to make it more difficult if we add more to it and keep going.

Councilor Ripma states 90 days without a number of signs in rotation is what I would prefer.

Councilor Morgan states consecutive days.

Mayor Ryan asks will someone make a motion on the 90 days?

Ed Trompke states technically we need to have a motion on adopting the ordinance and then you can have a motion on the amendments.

MOTION: Councilor Morgan moves adoption of Comprehensive Text Amendments to the Troutdale Development Code and providing an effective date clause. Seconded by Councilor Lauer.

Ed Trompke states we have to formally have this in front of the Council, it really wasn't formally in front of the Council. Now you can discuss it and make motions for the amendments.

MOTION: Councilor Ripma moves to amend 10.025(K) to limit lawn signs to 90 consecutive days. Seconded by Councilor Morgan.

VOTE: Councilor Allen – Yes; Councilor Hudson – Yes; Councilor Ripma – Yes; Councilor Lauer – No; Councilor Morgan – Yes; Mayor Ryan - Yes and Councilor White – No.

Motion passes 5-2.

MOTION: Councilor Hudson moves to adopt the amendment on 3.113 permitted use as written and 3.114 as written (A copy of the amendments as written are attached to the minutes as Exhibit B). Seconded by Councilor Lauer.

VOTE: Councilor Allen – Yes; Councilor Hudson – Yes; Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Morgan – Yes; Mayor Ryan - Yes and Councilor White – Yes.

Motion passes 7-0.

Ed Trompke states the written amendments will be included in the record.


Councilor White asks, do we need to do any of those I brought up like the bankfull stage versus ordinary water line?

Ed Trompke states we only talked about those during the presentation. Council could instruct staff to bring back language for adoption at the second reading.

3. ADJOURNMENT:

**MOTION: Councilor Morgan moved to adjourn. Seconded by Councilor Ripma.
Motion passed unanimously.**

Meeting adjourned 9:41pm.



Casey Ryan, Mayor
Dated: 5/15/2017

ATTEST:



Kenda Schlaht, Deputy City Recorder

