

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
104 SE Kibling Avenue
Troutdale, OR 97060-2099

Tuesday, March 8, 2011

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

Mayor Kight called the meeting to order at 7:00pm.

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

ABSENT: None.

STAFF: Craig Ward, City Manager; David Ross, City Attorney; Rich Faith, Community Development Director; Charlie Warren, Public Works Director; John Bushard, Engineering Associate II; and Sarah Skroch, Deputy City Recorder.

GUESTS: See Attached List.

Mayor Kight asked is there an agenda update?

Craig Ward replied there are no changes.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: February 8, 2011 Regular Meeting.

MOTION: Councilor White moved to approve the consent agenda. Seconded by Councilor Anderson. Motion passed unanimously.

3. PUBLIC COMMENT

None.

4. RESOLUTION: A resolution exempting water system SCADA radios from the requirements of TMC 2.24.210(A)

John Bushard, Engineering Associate II, stated I'm the project manager for the Water SCADA Radio Conversion project. This item is being presented in order to ensure desired brand name items are used for this project. Currently the Water SCADA System is utilizing a telephone based frame relay system to communicate between wells and reservoirs which is becoming prohibitively expensive to use. With the amount of success that staff has experienced using digital radios with the City Sewer System, it seems prudent to utilize the

same technology with the Water System. Using this technology will ensure consistency with existing systems that are currently being used by the City. And as a result, it will be significantly less expensive to operate and maintain. Under State Statute, specifying brand names in public improvement projects is prohibited unless an exemption is created by a local contract review board. In accordance with the Troutdale Municipal Code, the City Council can act as that local contract review board. Therefore staff is looking to the City Council to grant an exemption from the prohibition on specifying a product by brand name. By granting this exemption, it would allow staff to specify a product by brand name for this project and for future purchases related to the Water SCADA System. There are draft findings to meet the requirements stipulated in the Troutdale Municipal Code included in your Council Packet. In closing, Public Works recommends that City Council resolve to exempt the Water SCADA Radios from the requirements of the Troutdale Municipal Code.

Councilor Thomas asked will we be losing anything as far as response times by going from a land based system to a broadcast system?

John Bushard replied in conversations with the Water Superintendent, it ought to be improved. There have been deficiencies with the existing system. Based on the last 3 years of use with the Sewer System, it's been an open line of communication. We haven't seen any issues.

Councilor Thomas asked do you know what the cost savings might be?

John Bushard replied the cost savings annually will be roughly \$14,000.

Councilor Thomas asked what would the cost be for the radios?

John Bushard replied it's about \$10,000 to \$15,000 in upfront costs.

Councilor Allen asked have these radios proven themselves to work well in bad weather?

John Bushard replied yes. We've been using them for roughly 3 years for the Sanitary Sewer Pump Stations. In the beginning there were some issues but the kinks have been worked out since then.

Mayor Kight asked have you found there to be any dead zones for these radios? I know our Police Department has had situations where their radios haven't communicated because of dead zones.

John Bushard replied we have not experienced that. These seem to perform very well.

Councilor Thomas asked do these radios communicate with each other versus having to go through a centralized based station?

John Bushard replied they are going to be through antenna systems and they will be routed to the Public Works Building.

MOTION: Councilor Thomas moved to adopt a resolution exempting the Water System SCADA radios from the requirements of the Troutdale Municipal Code 2.24.210(A). Seconded by Councilor Daoust.

VOTE: Councilor White – Yes; Councilor Allen – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes; Councilor Anderson – Yes; Councilor Thomas – Yes; and Mayor Kight - Yes.

Motion Passed 7 – 0.

5. PUBLIC HEARING/ORDINANCE (Introduction): An ordinance amending the Troutdale Comprehensive Land Use Plan, Goal 9 Economic Development, in fulfillment of Task 2 of the City's Periodic Review Work Program.

Rich Faith, Community Development Director, stated periodic review is a process that all local governments in the State of Oregon must go through from time to time to assess whether our comprehensive plan and implementing ordinances are in compliance with State regulations pertaining to our State Land Use Planning Program. We have the statewide land use goals, Administrative Rules that implement those goals, and other rules that come into play that affect our land use planning program. We were notified in May 2008 that we were officially under periodic review and needed to commence preparing a work program. We've prepared that work program with the assistance of the Citizens Advisory Committee (CAC) who has been guiding this process from the beginning. We submitted our work program to the State Department of Land Conservation and Development (DLCD) in November 2008. In April 2010 we received approval of the work program with some modifications and we have been engaged in carrying out our work program ever since. We were provided assistance from the State through a Periodic Review Technical Assistance Grant in order to retain the services of consultants that could carry out the requirements of our work program. Before you this evening is an Ordinance that pertains to amendments to our comprehensive plan Goal 9, Economic Development. Under the obligations of our approved work program we were required to conduct a commercial and industrial buildable lands inventory, complete an economic opportunity analysis to determine if there are suitable lands to accommodate projected employment needs, review the comprehensive plan policies pertaining to economic development, and amend the comprehensive plan and development code as needed. Our consultant Johnson Reed LLC, along with 2 subconsultants, Angelo Planning Group and Group Mackenzie, have been providing us with the technical expertise to conduct the economic opportunity analyses and other reports that also pertain to this task. The economic opportunity analysis is attached as Exhibit A. This particular document serves as the foundation to the ordinance and specifically the proposed amendments to our comprehensive plan. The information in the economic opportunity analysis is what has provided the narrative that is being proposed to replace our current Goal 9 narrative. In addition that narrative along with the community's values and aspirations are what went into formulating the different policies which are part of these amendments. Presently in our comprehensive plan Goal 9 there are 25 policies. Under the proposed ordinance this evening, 2 policies are being deleted and 2 new policies are being added. The remainder of the existing policies for Goal 9 are either unchanged or there are minor wording changes to improve the clarity or meaning of those policies. The criteria in the Troutdale Development Code (TDC) for evaluating comprehensive plan text amendments are:

1. The amendments comply with Statewide Land Use Goals and related Administrative Rules.
2. The public need is best satisfied by the change resulting from the amendments.
3. The change will not adversely affect the health, safety and welfare of the community.

I have addressed each of these in my written staff report and provided an explanation of why I believe that those criteria have been met. The CAC has been instrumental in guiding the process that we have been following under periodic review. In particular, they have reviewed the proposed amendments at their December 2010 and January 2011 meetings. Those were forwarded on to the Planning Commission with their endorsement. The Planning Commission conducted a public hearing on these amendments on February 23rd of this year and their findings and recommendation to adopt these amendments are included as Exhibit B. The findings contained in the Planning Commission's final order have been incorporated into the findings of the Ordinance itself. The amendments being considered are attached as Exhibit C.

Councilor Daoust asked where are the first 13 pages of Exhibit A?

Rich Faith replied those pages speak to national and state trends in economic development. I didn't want to bore you with that level of detail.

Councilor Daoust stated on page 18 of Exhibit A, at the bottom it talks about transportation linkages. At the end of that paragraph, the sentence just drops off. That's not that crucial because the language is complete in Exhibit C.

Rich Faith replied that's a good catch because the consultant has not been released yet. I wanted to wait until we concluded these hearings so that he could make any corrections if necessary.

Councilor White asked in Exhibit C, page 9, under Employment Generating Land Use Policies, item 5 talks about the boundary for the Central Business District (CBD). Is that our current boundary?

Rich Faith replied the western boundary of the CBD is where the gas station is located. The only difference is that some of the southern boundary is a bit removed from the main street. In terms of the east and west boundaries this is an actual description of that boundary.

Councilor White asked could you ask the consultant why they didn't look at extending it to the corner where Jackson Park Road intersects with the Historic Columbia River Highway?

Rich Faith replied a quarter mile stretch is the maximum they think you should have for a pedestrian oriented business district.

Councilor White stated I bring this up because we've added the bus at Glenn Otto Park and there is a pocket of neighborhood commercial in there. We also have the old tax building which is vacant. The next time we look at periodic review could be 20 years down the road and we might have outgrown that small section.

Rich Faith replied there is an important point here. The area that you're talking about is not zoned CBD but it is within the Town Center (TC) Boundary which does have some additional standards which can encourage higher density and pedestrian friendly development.

Councilor White stated on page 10 of Exhibit C, under Town Center Plan Policies line 1, the new line states "do not allow large-scale commercial development to locate nearby if it will compete with the same market as the CBD". We want to discourage that?

Rich Faith replied large scale commercial, yes. In the mixed office housing district we have a maximum size that I believe is 15,000 square feet for the building footprint. We are retaining smaller type businesses and not allowing for big box retail in the TC area. In the CBD I believe there is something similar in terms of maximum size for retail establishments. The purpose is to discourage big box retail in the downtown core.

Councilor Anderson asked to clarify, if there were a small hardware store in the CBD then we would want to discourage a big box hardware store?

Rich Faith replied the way the code is written right now, it would not allow for a big box of any kind. It sets limits on the actual size of the buildings. We're trying to promote more of the boutique type look.

Councilor Thomas asked in regards to a footprint of 15,000 square feet, is that total floor space?

Rich Faith replied without the development code in front of me, I can't answer that for sure.

Councilor Thomas asked where are the north and south boundaries of the CBD?

Rich Faith replied the north boundary is the railroad tracks and the south side is 2nd Avenue except towards Kendall where it includes the CCB site and Frank Windust's property.

Councilor Thomas stated I ask because based on 15,000 square feet and what we were looking at for the Urban Renewal Site, I wondered if that would create a problem.

Rich Faith replied it creates a real problem for the property zoned Mixed Office Housing which is the Eastwind Development property. It doesn't pose a problem for the City's property or the Outlet Mall because it is zoned General Commercial (GC). That's why we contemplated that there may need to be some zoning changes made before any development occurs there.

Councilor Thomas asked in Exhibit C, page 10, paragraph 2, you specifically call out the historic commercial downtown and also the riverfront redevelopment site. Wouldn't it make more sense to list that as CBD if that's what it is?

Rich Faith replied it isn't all CBD. The riverfront development property is not zoned CBD, it's GC and Mixed Office Housing.

Councilor Thomas asked why do we need to call those out specifically? You're within the TC Overlay and in the CBD, I don't really see a reason for that paragraph.

Rich Faith replied it's talking about concentrating commercial retail in the historic commercial downtown. I don't believe that the urban renewal site would come under the historic commercial downtown and I think we are trying to promote and encourage commercial retail on that property. It seemed fitting to me that we would also mention that as part of the same policy. It extends beyond the main street to include the Factory Outlet Mall and the urban renewal site.

Councilor Thomas stated in paragraph 1 on that page I notice you struck the portion that talked about the Columbia Gorge Factory Stores. Then you added a portion to paragraph 9 on page 11 which allows for expansion of the Columbia Gorge Factory Stores if it's compatible with desired developments within the City's riverfront renewal site. This is another one that doesn't make sense to me. We don't know what's going to happen in the urban renewal site because the stores are part of the urban renewal site. If they opted to expand then they would be within the boundaries.

Rich Faith replied if they opted to expand and we were willing to sell our property to them to allow expansion.

Councilor Thomas stated somebody might come in and buy everything so the statement wouldn't make sense.

Rich Faith replied that's why this is a policy that drives an aspiration of what you want to see there. That's what is meant by comprehensive plan policies. It's trying to give some shape to your destiny. It speaks to what you'd like to see happen as opposed to anything goes. If this is too constrained and you think it poses a problem then it could certainly be changed.

Councilor Thomas stated I'd like to see it a little more open. I don't want to be restricted by a perceived policy. It's not cast in stone but it is an ordinance. The code needs to be written in such a way that it allows flexibility so that they can at least ask the question, is this something we can do?

Rich Faith replied I don't think that the way this is worded precludes the Factory Outlet Mall from expanding. I think it recognizes that the expansion can take place and we aren't going to prevent it from happening but we are concerned about how it's oriented to that development and we want it to be complimentary as opposed to creating a brick wall.

Councilor Thomas stated instead of calling out the Outlet Stores specifically, maybe it could be worded that the development would have to be complimentary to the surrounding business area. To me that would give it more flexibility. I can look at the other businesses and if I need to be complimentary then I know what I'm up against.

Rich Faith replied keep in mind that the words listed in paragraph 9 of the Town Center Plan Policies, except those in bold, is existing policy. We could leave that out entirely and therefore you're not objecting or supporting.

Councilor Thomas stated I'd be ok with taking it out because we talk about it being complimentary to the other businesses in other parts of this plan.

Councilor Daoust stated that's my thought also.

Mayor Kight asked isn't it true, if a viable development should come to the City of Troutdale that they won't be reading Chapter/Verse what we're deliberating over tonight?

Rich Faith stated what's really going to rule when a development comes in is what's allowed under our zoning and what needs to change in order to accommodate that use.

Mayor Kight stated to bring this conversation to a close, would we protect ourselves as Councilor Thomas points out by pulling out the Outlet Mall reference?

Rich Faith replied by eliminating this particular policy, I think you remove potential ammunition for someone that might oppose an expansion of the Outlet Mall or a rezone in conjunction with expansion of the Outlet Mall.

Councilor Allen stated it's my understanding that we have a CBD that we put a lot of effort into building up and we don't want to put direct competition nearby that would dry it out.

Rich Faith replied yes that was part of it.

Councilor Allen stated if it's to the point where it's likely to bring in more people to shop in the CBD then that's a good thing. But if it's a development that dries up our downtown area then it doesn't seem like a prudent thing to do.

Rich Faith replied I think it could be interpreted that it may not simply be the scale or type of use but a desired development may also be what is likely to attract to the downtown.

Councilor Allen stated I'm looking for flexibility that gives us what we truly want and protects our CBD.

Mayor Kight stated on the graph on page 5 of Exhibit C, it appears that we're leading in manufacturing, retail, and construction. Were you surprised to see this kind of data? I was.

Rich Faith replied not completely. Clearly transportation which encompasses the trucking industry, I can see why we're ahead of the region as a whole. Manufacturing I'm surprised by. Some of those did strike me as interesting to say the least.

Councilor Daoust stated those are percentages and not total numbers.

Rich Faith replied it is how we compare to the region as a whole.

Councilor Daoust stated for our newer Councilors, can you give a brief discussion on what we can do in periodic review versus zoning changes. We're just working with comprehensive plan policy statements and changing the development code here.

Rich Faith replied in the findings and conclusions of both the economic opportunity and housing analysis if it was determined that we were not in compliance with various state laws or that our buildable lands supply would not meet our needs in terms of employment lands or housing then we would have been faced with some decisions about how we fix that on our zoning map. That could have been part of our periodic review tasks however the analysis found that our zoning is fine and we comply with all the statues and administrative rules pertaining to both housing and employment. Based on that, we've chose to not amend anything on the zoning map with the exception of the County Farm property which wasn't triggered by periodic review, it is just something that we've wanted to study.

Councilor Thomas stated I have a question in regards to Councilor White's suggestion of extending the CBD to Jackson Park Road. Will the TC Overlay be able to accomplish nearly the same thing as having the CBD extended to cover that space?

Rich Faith replied there are certain advantages and disadvantages to CBD zoning. It has the broadest range of uses because it allows residential along with commercial. But the residential is somewhat limited because the residential has to be above or behind a commercial use. It doesn't allow outright residential.

Councilor Thomas asked would the existing homes then become non-conforming if we did that?

Rich Faith replied that is correct. We would have a number of detached single family homes in the CBD that are non-conforming. Some of the other zones in the TC Overlay, such as Mixed Office Housing and Neighborhood Commercial really have no restriction in terms of the residential. You can do some commercial but it's a little more limited than what the CBD would allow.

Mayor Kight asked if the Beaver Creek Cottages were in the CBD would they have been allowed to be constructed?

Rich Faith replied Beaver Creek Cottages is in the TC Overlay and is zoned Neighborhood Commercial. They were able to do a single family subdivision. If it was zoned CBD it would not have been allowed.

Mayor Kight opened the public hearing at 7:46pm.

There was no public testimony.

Mayor Kight closed the public hearing at 7:46pm.

MOTION: Councilor Thomas moved to extract item #9, from Exhibit C, page 11 under the Town Center Plan Policies from the current proposal. Seconded by Councilor Daoust. Motion passed unanimously.

6. PUBLIC HEARING/ORDINANCE (Introduction): An ordinance amending the Troutdale Comprehensive Land Use Plan, Goal 10 (Housing) in fulfillment of Task 1 of the City's Periodic Review Work Program.

Rich Faith, Community Development Director, stated as part of our approved work program we were required to look at our Comprehensive Plan under Goal 10, Housing. There were a number of tasks that we were required to perform. Those are as follows:

1. Conduct a residential buildable lands inventory.
2. Analyze housing data for compliance with the Metropolitan Housing Rule which is in the Administrative Rules.
3. Review Comprehensive Plan policies pertaining to housing.
4. Amend the Comprehensive Plan and Development Code as needed.

Again we've used the services of our consultant Johnson Reid and the 2 subconsultants that work with them. They're prepared a couple of technical reports. One is a memorandum on Metro Housing Rule Compliance that was prepared by Angelo Planning Group which is attached as Exhibit A. Second was a Housing and Residential Land Needs Assessment that was prepared by Johnson Reid and that is Exhibit B. Those documents are what primarily formed the foundation of the proposed amendments. The information in those documents have been put into the amended language of our comprehensive plan and provides a narrative to Goal 10 Housing. The narrative, community values, and aspirations are what created the basis for the policies. In the current comprehensive plan there are 29 Goal 10 policies listed under 9 different headings. Of the 29 policies, 2 are being eliminated and 3 are being added through these proposed amendments. The criteria for approving text amendments to the comprehensive plan are outlined in the Troutdale Development Code. In the staff report I've addressed each of those and provided an explanation of why I believe that criterion has been satisfied. As with the previous ordinance and amendments, these amendments were reviewed by the CAC in both December and January and they were forwarded on to the Planning Commission with their endorsement for adoption. The Planning Commission held a public hearing on February 23rd and made their findings and recommendation for adoption. Their findings have been folded into the findings in the ordinance before you. The proposed comprehensive plan amendments pertaining to Goal 10 Housing are Exhibit D in your materials this evening.

Councilor Anderson stated the numbers for 2030 in the Future Housing Needs report seem to be significantly higher for what we need versus what we have now. Does this report take into account the current housing market?

Rich Faith replied it takes into account that the current housing market will not always be as it is now. They are looking at a 20 year projection and most forecasts say we will recover from this.

Councilor Thomas asked in Exhibit D, page 6, item 6e, it states "zero lot lines". When we've had discussions on that in the past there've been several heated public debates. Where are those currently allowed?

Rich Faith replied the only place where we allow those is in our single family residential zones. I don't recall any discussion about zero lot lines.

Councilor Thomas stated there were discussions when they wanted to put Morgan Meadows in. We talked about zero lot lines along 2nd Street.

Rich Faith asked are you equating zero lot lines with attached housing? They are 2 different things. Attached housing is where houses are actually adjoined like row houses.

Councilor Thomas stated what we were looking at during that time was a proposed development of 13 houses on 2nd Street.

Rich Faith replied those were attached housing and not zero lot lines.

Councilor Thomas stated they were on individual lots.

Rich Faith replied yes that's correct.

Councilor Thomas asked those weren't considered zero lot lines?

Rich Faith replied no. Zero lot line refers to detached single family homes in which one wall of the house is actually built on one of the property lines. The notion is by doing that it allows for a larger side yard. It gives the feel that they have a bigger lot area by exempting one of the side yard setbacks to zero. If you have a whole series of them then the separation from the houses is there but one wall of the house is actually on a property line. We don't have any in Troutdale that I know of.

Councilor Thomas stated I notice that you aren't changing that but I'm not comfortable with that statement.

Rich Faith replied it's an existing policy and we recognize it as a permitted use in the code but they're not that popular.

Councilor Thomas stated I'm envisioning a 10,000 square foot lot and a house built with 10 to 15 feet on each side. Then the neighbor decides to take advantage of this and instead of having 20 to 30 feet between the houses you now have 15 feet.

Rich Faith replied I don't believe that it can be done that way. When you do the subdivision you would have to declare at the time that you were going to be doing it as a zero lot line subdivision upfront so every lot is treated the same.

Councilor Thomas asked could you provide clarification on that when you have an opportunity?

Rich Faith replied yes.

Mayor Kight asked do we have to allow zero lot lines?

Rich Faith replied I don't believe that there is any State Law that says we have to.

Mayor Kight asked how did this end up being part of our code?

Rich Faith replied it goes back prior to my time here. Maybe at the time it was adopted there was a notion that these would be popular.

Mayor Kight stated you're making a good point. We're making decisions that will carry on for the next 20 years. I always try to anticipate unintended consequences. What may not be popular today could be proposed by a developer in the future. I could see all kinds of trouble breaking out.

Councilor Thomas stated on page 7 of Exhibit D, item 6i, it talks about allowing manufactured home parks as an affordable alternative housing type in areas designated medium density residential. What do you define as medium density residential?

Rich Faith replied that would be R4 and R5 zones. They are already listed as permitted uses in those zones. This change is to clarify what's allowed in our code.

Councilor Allen asked if you were to build a house with a zero lot line next to an existing house without a zero lot line, could the houses be as close as 3 feet?

Rich Faith replied no. The only time would be if it were done as a planned development. Morgan Meadows is our best example of where we have some 3 foot side yard setbacks. Otherwise I think for single family development, 5 feet is our narrowest side yard setback. Morgan Meadows was zoned apartment residential but they went through the plan development process in order to do single family detached.

Councilor Daoust stated I tried to make sense of the consultant's reports. I'm looking at the comparison of our capacity to what they say is our need in the future and I'm getting a little confused. If you look at Exhibit A, page 5, in Table 2 it says we have a residential development capacity of 1,230 dwelling units. In my mind, that set the stage for the capacity. Then in Exhibit B, which was prepared by the other consultant, page 8 under "Comparison of Future Housing Needs to Current Housing Inventory" it says the results find a need for 1,761 new housing units by 2030. Obviously that doesn't match up with what we have a capacity for. It doesn't match up with the number of new households that the same consultant is saying is moving into the area which is 1,573. We have capacity of 1,200, they say 1,500 will move into Troutdale in the next 20 years but they say we should really be building 1,700. I don't know whether we're on target or not.

Rich Faith replied I will do my best to answer because I had the same questions. The housing capacity from the Angelo report (Exhibit A) is the one that I'm comfortable with and that I give the most credibility to because it's closest to our own internal buildable lands inventory in terms of what we project we have capacity for under the current zoning. When I saw the numbers in the Johnson Reid report (Exhibit B), I questioned that. They said it's a different methodology. They said what they're looking at is not what our buildable lands will provide you but what we are projected to need. They go through a methodology in which they are looking at both housing types and housing prices. Their number doesn't necessarily reflect what we have capacity for but what we ought to be building to meet the need of different income levels and housing types. I don't fully understand their methodology. In the end it doesn't really factor into anything that's all that important because there are no policy

changes or zoning map changes that need to be made in order to accommodate that many housing units.

Councilor Daoust stated on page 6 of Exhibit B, they compare current needs to current supply. They are basically saying that we're really short with high end homes that cost more than \$230,000 and go up to \$700,000 or above. We have surplus homes in the median range which most of the homes are in Troutdale. How do they determine that Troutdale has a need for that many high end homes? How do they know who's moving into Troutdale and what price of home they're going to want?

Rich Faith replied it's built into this methodology which they claim is proprietary. We had a lengthy conference call with Metro folks about these tables and how they arrived at them. What sticks in my mind was that their methodology was one that they developed that's proprietary. I would be concerned about it if it resulted in us needing to make some change in order to accommodate it but the bottom line is that you don't need to change anything. You have an unmet demand in the executive housing area and in the very low income level.

Councilor Daoust stated on page 8, they state that the current surplus of rental units needs to be "absorbed". I think they're talking about 625 rental units. Do you know what they mean by absorbed? Do they think we'll be tearing down apartments and putting in homes?

Rich Faith replied I suppose that's a policy decision and maybe they feel that you have room to make adjustments in your zoning if you wish to. I can't offer anything different.

Councilor Daoust stated maybe it'll just be fodder for further discussion.

Councilor White asked in Exhibit D, page 4, why are we adding 1d and 1e, are they Metro guidelines?

Rich Faith replied these are at the recommendation of the consultants that did the housing reports. State Law and the State Housing rule speak to providing housing for all income levels. This policy is merely intended to address that requirement of State Law. Once again they're saying we don't need to do anything different in our zoning.

Councilor White stated I noticed in the report that Troutdale has a high ownership rate at the 74th percentile. Does that translates to 74% of our town's population owns their own home?

Rich Faith replied yes. Not all single family homes are owner occupied but we have a high number of single family homes in relation to multifamily. I think that's what tips it into the ownership category as well.

Councilor White stated staying on page 4, under the heading of "Buildable Lands Inventory" it talks about excluding land with a slope of 25% or greater and land within the 100-year floodplain. I'd like to strike that because you can build a home within the 100-year floodplain if you follow the Metro guidelines. I'm worried that someone will read that and think that it's an unbuildable area. Are you saying that it has to be within 25% or greater slope and be in the floodplain to be excluded?

Rich Faith replied that sentence is an accurate statement in terms of how we define buildable land in our code.

Councilor White stated I'm a little confused because you could have land within the 100-year floodplain that is buildable.

Rich Faith replied we have to make certain concessions that land in the 100-year floodplain is not considered buildable land. If you have no other choice on your property, our code allows up to 30% of the floodplain area, steep slope area, or vegetation corridor to be developed but you have to go through a certain analysis or justification for it. It recognizes that you may have no other choice if your property is so constrained that there is no other area outside of that to build on.

Councilor White stated on page 5 of Exhibit D, line 4a, I think we should keep that whole sentence.

Councilor Thomas stated I'd assume that you'd then take out the 2 lines below that.

Councilor White stated I'd leave all 3 lines in.

Councilor Daoust asked is there a reason why it was struck?

Rich Faith replied it was vague on how you determine what goes beyond "essential for the public health, safety, and welfare" and what the minimum standards are and who's going to define them.

Councilor Daoust stated it just ties in with the approval criteria for text amendments. One of the 4 criteria is that the change will not adversely affect the health, safety, and welfare of the community. I think that's probably why it was in there in the first place. There's nothing wrong with the statement but it is pretty vague.

Mayor Kight stated on page 8 of Exhibit B, Projected Total Future Housing Needs, you indicated that they have proprietary protection for how they arrive at this data.

Rich Faith replied it's in terms of their methodology that they probably built into some kind of software program that they run for any community that they do this work for. That's my guess.

Mayor Kight stated you indicated you had a conversation with Metro over this issue. If we adopt this I don't want to see this being used against us by another government agency as a directive that we've adopted for housing stock. It may have adverse affects upon the City. In other words, where they're saying you are required to have X number of additional housing units and we have yet to understand what absorbed means. We need to find out from the consultant just what exactly that means. What affect does this have in our relationship with Metro if we adopt these numbers and then they come back and say we're out of compliance?

Rich Faith replied I don't know that they can find us out of compliance with this background information. They're more concerned about what your codes say and not some background report that's been used to create your comprehensive plan and your codes.

Mayor Kight asked couldn't they say that this is your own supporting documentation that you've adopted and you're not following your own criteria? I want to make sure this doesn't come back later to bite us.

Rich Faith replied I sense a bit of uneasiness with the language and how they arrived at some of these numbers. At the next hearing on April 12th I could ask our consultants to come and speak to these things.

Councilor Anderson stated that would be very much appreciated.

Councilor Daoust asked where we get into requirements, are the density numbers per acre for each zone?

Rich Faith replied it's the standards in the zone itself which say how many units you can create, and it's the zoning map in terms of how many acres in your city are zoned for apartments versus single family detached.

Councilor Daoust asked those are our "requirements"?

Rich Faith replied yes. That's what carries out whether or not on the ground we can comply with statewide housing rules. This is background to get us to that point.

Councilor Thomas stated when you mentioned adopting the ordinance changes, you said it doesn't necessarily mean that we'll adopt the reports that go with it, correct?

Rich Faith replied the ordinance does not speak at all to the adoption of the Economic Opportunity Analysis or the Housing Reports. We're strictly talking about the Comprehensive Plan amendments.

Councilor Thomas asked in Exhibit D, page 4, why do we need the new lines 1d and 1e?

Rich Faith replied I don't think it's an absolute that we need them. It was recommended by the consultant because the State Housing Rule says that we must provide and accommodate all income levels in terms of our housing supply. They felt that we were weak in our policies and this demonstrates acknowledgement to these statutes and state planning that relates to housing.

Councilor Thomas stated it's one thing to adopt 1d which is "Allow development of housing for residents at all income levels in the city". It's a whole different story to pick up 1e to go along with it. I propose that we get rid of 1d and 1e and if not both then just 1e.

Rich Faith replied the CAC spent a lot of time on 1e. They wordsmithed this particular policy because of concerns about affordable housing and how proactive or how involved the City would be in promoting or allowing it.

Councilor Thomas stated the other side of the coin is that this particular statement doesn't match our consultant's reports. Based on that report, we're ok in that area. I don't mind saying that we need to try to accommodate all income levels, it's the other part that I don't think is necessary.

Mayor Kight opened the public hearing at 8:27pm.

There was no public comment.

Mayor Kight closed the public hearing at 8:27pm.

Mayor Kight asked what direction do we want to give Mr. Faith, or do we want to wait for the consultants to be here?

Councilor Thomas stated I'd like to see us clean it up as much as we can now and the consultant would just give us clarification.

Councilor Anderson and Councilor Allen agreed.

Councilor Ripma stated I would favor the suggestion that 4a (Exhibit D, page 5) be reinserted.

Councilor Anderson stated I agree with Councilor Ripma. I understand that there was a lot of wordsmithing done by the CAC but I share Councilor Thomas's concerns as well. I'd like to come up with different words in place of allow.

Councilor Thomas stated I'm ok with reinserting 4a (Exhibit D, page 5) and I would strike 1e (Exhibit D, page 4).

MOTION: Councilor Thomas moved in Exhibit D, under section 1, General (page 4), we remove line e and under section 4, Ordinances and Standards (page 5), we reinstate line a. Seconded by Councilor Ripma.

VOTE: Councilor White – Yes; Councilor Allen – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes; Councilor Anderson – Yes; Councilor Thomas – Yes; and Mayor Kight - Yes.

Motion Passed 7 – 0.

Mayor Kight recessed the meeting at 8:30pm to take a 10 minute break.

Mayor Kight reconvened the meeting at 8:42pm.

Mayor Kight stated we are going to change the order of the agenda a little bit. We are going to skip to Agenda Item #8, a discussion regarding the lighting of the Arch. We have someone in our audience that's been very patient waiting for this discussion.

8. DISCUSSION: A discussion regarding the lighting of the Arch.

Councilor Thomas stated as we discussed at a previous Council meeting one of the things we have been concerned about was that we put the lights on the Arch for, what I thought was, holiday decoration. Once the holidays were over I wanted the lights to be taken down. We asked staff to provide some information for us and I believe the Chamber of Commerce has also provided some information as to the benefits of maintaining the lights on the Arch throughout the year.

David Brown, Troutdale Resident and President of the West Columbia Gorge Chamber of Commerce, stated I think the initial plan was to light the downtown core, not only the light posts but the Arch, for the holiday season. I don't think we realized what the impact of the lights on the arch would be. We want to light the Arch correctly and beautifully. But the lights that are on it now provide a great impact for our businesses in the downtown area. I talked to about 10 of the downtown businesses today. Every single person would highly recommend that the City keep the lights on the Arch and to plug them back in so people will at least have their eyes drawn to downtown Troutdale.

Mayor Kight asked have you found anybody in opposition to having the lights on?

David Brown replied I haven't personally.

Councilor Thomas stated the people that I've talked to have given me very positive results not only from downtown businesses but from several residents. The most common thing that I hear is let's don't leave them on too long, let's do it right.

David Brown replied I agree. Is anyone raising money for the rest of the lights?

Craig Ward, City Manager, stated the Mayor and I have had conversations with the International Brotherhood of Electrical Workers (IBEW) and we've also had a conversation with PGE. We have actively explored the possibility of getting services donated to put the lights in as originally designed to fit on the Arch. We don't have commitments from either one of those sources but both have been very encouraging.

Councilor Daoust asked are you talking about flood lights?

Craig Ward replied no we're talking about the lights that were originally designed to go on the Arch that were not installed as a cost saving measure. There are spot lights at the base of the Arch but they're inadequate. These are actually lights that follow the perimeter of the Arch and wording.

Councilor Thomas stated the design to put the lights in is done but we chose not to install the actual lights themselves.

Mayor Kight stated when the Centennial Arch was built it was designed to have lighting so that at night or when it was dark people could see the Arch. There was clearly a feeling on the part of the Council then and now that in the future when funds become available that we

wanted to see the Arch. To that end, the Arch has been rough wired so that they don't have to pull wiring through the conduit.

Councilor Ripma stated I would agree. We didn't realize how dark it would be. You can't see the Arch at night. We were enthralled when it first went up and it was up all last summer. It was good to see those lights even though they look pretty temporary, they were better than not having it lit, particularly at the businesses favor. There's no reason to spend money to take them down. Plug them back in and continue to fund raise.

Councilor Anderson stated I was overwhelmed with the response that I got while walking downtown. I would have liked to have seen us go with the original lighting and I hope that can still happen. To have what we have up there now and the feedback that we're getting from the downtown businesses, let's get them on.

Councilor Thomas stated I was very appreciative of their responses and I understand that it had a positive effect on people coming in for business since they could see the lights. I would prefer to see that the lights be operated on some sort of electric eye although they are LED lights and don't draw a lot of power. Long term, my concern is that over time the string lights will leave discoloration differences because of fading. I would hope that if we were going to get the lighting done that we do it very soon.

Mayor Kight stated very perceptive on the part of Councilor Thomas. There is the possibility of UV rays affecting the metal. I haven't shared with the Council my discussions with PGE and IBEW at this point because I was waiting for a response. I will be contacting other corporate types to see if there are donations available. At the end we may hit a brick wall and have to fund at least a portion of it. I think it would make a phenomenal change to our downtown. We've spent almost \$300,000 for an arch and it isn't visible at night.

Councilor White stated I noticed that sections of the lights aren't working. We might want to take a look at that, maybe they're under warranty. I like the idea of having the Arch look different during the Holiday Season so maybe there's another way we can accomplish that goal. Originally those light were up for Christmas only. I realize that they are a draw to the businesses and I think that's great. If we get permanent lighting from IBEW then I would still like to have some festive lights during the holidays.

Mayor Kight stated Comcast put up all of those lights at no cost. They brought 2 crews, their bucket trucks, and started at about 5:00am for 3 to 4 hours. To respond to Councilor Thomas, the lights are on a photo cell and timer so they come on when it's dark and go off at 11:00pm.

Councilor Allen stated I look forward to the original design. I can't help but wonder at what point does it not make sense to have the lights on. How late are businesses open?

David Brown replied it varies because you have restaurants and retail business. I think a predetermined time should be selected. As a citizen driving past it, I don't need to see the whole Arch, just having the 3 strands reminds me that there's a beautiful arch there.

Councilor Daoust stated I think we should let our light shine.

Councilor White stated I had a comment on lighting. I appreciate Caswell Gallery's effort of putting the red nose on the elk on top of their building. I hope that becomes a seasonal tradition.

Mayor Kight stated kudos to the C.E.O. of Plaid Pantry Incorporated. They provided monies to light the arch.

MOTION: Councilor Thomas moved that we turn the lights back on, on the Arch. Seconded by Councilor Anderson. Motion passed unanimously.

7. PUBLIC HEARING/ORDINANCE (Introduction): An ordinance amending the Troutdale Development Code Section 4.720, Permitted and Conditional Uses in the Town Center Overlay District, and to Section 5.010, Residential Accessory Structures, relating to Tasks 1 and 2 of the City's Periodic Review Work Program.

Rich Faith stated this is the third ordinance this evening related to periodic review. Unlike the previous 2 this proposal deals with amendments to the Troutdale Development Code. Among the tasks that we've identified in our Periodic Review Work Program pertaining to Goal 9, Economic Development, was the current zoning of the Edgefield North property. Many of us have known that as the Pig Farm site, however we are trying to drop that name. That property is zoned light industrial and has been for quite some time. There doesn't appear to be a lot of support for the uses allowed in a light industrial zone for this property. When we undertook periodic review and were going to be looking at our current housing supply and zoning, we felt this would be the appropriate time to take an in-depth look at this property to determine what our desired use of this property is and to zone it accordingly. The Citizens Advisory Committee (CAC) looked at this property and discussed what they'd like to see happen and determined that a General Commercial (GC) zoning is probably more appropriate. That was taken forward to a joint work session with the City Council and the Planning Commission and then it was referred back to the CAC for further refinement. The other part to these amendments has to do with dealing with residential accessory structures. Even though this was not identified as a periodic review task, we included it here because they are indirectly related to Goal 10 Housing because we are talking about residential accessory structures. Going specifically to the Edgefield North zoning, as I mentioned we had a work session between the Planning Commission and the City Council on December 7th. At that time we brought forward the recommendation of the CAC to change the zoning to GC. However there was quite a bit of discussion at the work session about what is allowed with the Town Center (TC) Overlay, which this property is currently part of, and whether or not GC zoning with or without TC Overlay is the right way to go. Even though the majority voted to go with the CAC recommendation of GC, they felt that there were still some uses in that zoning that may not be desirable and therefore wanted the CAC to do some further refinement. This matter was taken back to them at a subsequent meeting and at that time there were 5 different options that were outlined for their consideration. Those options were:

1. Rezone the property to industrial park which is another industrial classification that we have.
2. Rezone it to GC and leave the TC Overlay designation.
3. rezone it to GC and remove it from the TC Overlay.
4. Create a new mixed use employment zone.

5. Or retain the existing light industrial zoning.

To help guide the CAC in that discussion I put together a discussion paper that listed some of the major issues surrounding this zoning question. Essentially the recommendation was rezone it to GC, leave it in the TC Overlay but amend the conditional uses that are permitted in the GC zone. The CAC looked at the different options and concurred with that recommendation. These proposed amendments are carrying out the recommendation of the CAC and setting the stage for a separate action of rezoning the property. We are not dealing with a zone change tonight with respect to the Edgefield North property but this takes care of the text amendment that would be done in conjunction with a later rezone of the property. What we're talking about is that the one remaining conditional use under the GC TC is wholesale distribution outlets, including warehousing. If we were to apply the GC zoning as it currently exists, it would allow wholesale distribution and warehousing as a conditional use. There are a number of other conditional uses that are eliminated by virtue of it being in the TC Overlay. This is the one remaining that was considered to be undesirable or objectionable for this piece of property. The change in this amendment merely adds wholesale distribution outlets including warehousing among the list of conditional uses in the GC district that would not be allowed in the TC Overlay. What's important here is that there are currently other properties in the City that are zoned GC within the TC Overlay and they would be affected by this change. Those properties are the Factory Outlet Mall and the former Sewage Treatment Plant. They are both within our Urban Renewal Area and it's anticipated that those are going to be developed as either commercial type use or mixed commercial/residential. It's not as if we're going to detract from what might occur on those properties. By making this change we will be limiting or prohibiting a use that was previously allowed under the current zoning and that triggers a Measure 56 notice requirement which means we have to notify the property owners of this proposed amendment and that it would affect the allowed use of their property. We notified the owners of the Factory Outlet Mall at the end of January about this proposed amendment. We have not heard anything from them so as far as we know they have no concerns or objections. That's the reasoning and purpose behind the amendments as it relates to the conditional uses within the GC/TC Overlay. The other amendments are dealing with residential accessory structures. The main purpose was to eliminate the need for a citizen to have to come in and obtain a development permit when they're putting up an accessory structure like a shed or detached garage. Currently under the code if you want to put up an accessory structure not subject to a building permit, which means it's not in excess of 200 square feet in floor area or over 10 feet in height, then you must get a development permit instead. You would come in, provide us with a plot plan showing us where you're going to put it on the property, how far it is from the property lines, what size it is, and pay us a \$25 application fee and then we say yea or nay. The Planning Staff has felt that it's unnecessary to have to do that when dealing with very small accessory structures. We took this question to the CAC last year and they came to the conclusion that they agree that for very small accessory structures, those being 100 square feet or smaller in size and under 8 feet in height, we shouldn't put a citizen through that requirement. The standards of the code would still apply. You aren't exempt from having to meet setback standards but what we're saying is that it's not necessary to come in, pay a fee, and have us tell you it's ok to put it there. They felt we should exempt those smaller accessory structures from the standards. That is principally what these amendments are all about. It looks like much more than that but the bulk of this is simply housekeeping type amendments. Most importantly, we're changing the title of it to Residential Accessory Structures which makes it clear that these standards only apply to a residential use. It doesn't necessarily mean that it's

zoned residential, it means a residential use whether you are in a residential zone or a commercial zone. The criteria for approval are in the Development Code. There were 3 specific criteria that had to be met in order to justify the approval of these amendments. In my staff report I've spoken to those and provided an explanation of why I believe those criteria are met. These amendments were considered by the CAC at their January meeting and were then forwarded on to the Planning Commission with their endorsement. The Planning Commission held their public hearing on February 23rd and adopted their findings (Exhibit B) and recommendation that the Council adopt these amendments. The Planning Commission made no changes in the amendments as they were forwarded by the CAC. The actual text changes are attached as Exhibit C.

Councilor White asked in regard to Edgefield North, if we change that zoning will it be in direct competition with our Urban Renewal site?

Rich Faith replied I would like to avoid concentrating on the rezone since that isn't the subject here. This amendment is in anticipation of that which will be coming at a later time. I would have liked to have brought that to you this evening however I ran into a hurdle. In order to process a zoning map amendment we have to comply with something called the transportation planning rule which means we have to evaluate the potential traffic impacts associated with increased traffic through the zone change. By increasing the allowed uses that could result in increased traffic and therefore we have to do an analysis on what those impacts may be and what mitigation might be necessary. Consequently I'm in the process of trying to find out what it's going to cost to do the traffic impact analysis and move forward. For tonight that really isn't the topic. What is really relevant is how does this affect property that's currently zoned GC/TC? Do you see any draw backs or problems associated with changing that for those current properties? We shouldn't assume that the zone change is an automatic. There will be plenty of opportunity through the public hearing to talk about the merits of that zone change.

Councilor White asked when you talk about excluding warehouse distribution outlets, would a Cabela's count as a wholesale outlet? I want to make sure I know what that is.

Rich Faith replied no. An example would be the Fred Meyer distribution center in Clackamas. It's a huge building where they truck to all of their retail outlets.

Councilor Daoust stated years ago when McMenamins was thinking of expanding we held a competition between 3 developers. We looked at the 3 developments and really liked what McMenamins wanted to do in expanding north. They had housing around the perimeter of the property, they had a hotel, they had green spaces, a swimming pool, an artist colony, a winery and an outdoor amphitheater. It was a whole mixed use proposal to develop that property. If McMenamins would like to expand again with a whole bunch of mixed uses, would moving towards GC inhibit them anymore than we did under the light industrial zoning?

Rich Faith replied it gets them closer to that concept of what they wanted to do. It may not get them everything that they want. That was a pretty elaborate scheme that they had in terms of the uses. I remember studying that to determine what would be the most appropriate zoning. GC probably came the closest, but even then they may have to do

something like a planned development or master plan mixed use, but I don't think the GC zoning alone would have gotten them everything that they wanted to do.

Councilor Daoust asked in regards to residential accessory structures, if a person builds a large accessory structure on their property do they need a building permit if it's over 200 square feet?

Rich Faith replied yes.

Councilor Daoust asked if a person builds an accessory structure and later they change the use of the structure to be more of a residential unit, like a small house, how does that work?

Rich Faith replied it's not allowed. In order to convert it from an accessory structure to a residence they would need to get building permits and that would trigger in our mind that this is no longer a storage building and is now meeting the definition of a residence and that is not permitted. Not to say they couldn't do it without permits but once we found out about it then they would be faced with corrective measures.

Councilor Ripma asked does adopting this ordinance make the decision if we leave Edgefield North in the TC or not?

Rich Faith replied that's correct. When that comes before you, you could still opt to take it out of the TC. That's why I'm saying even though this is done to position that property for a zone change what you really need to be concerned with is how it relates to those properties that are currently zoned GC/TC because we don't know what the outcome could be when that zone change request comes before you.

Councilor Ripma stated if you are building a large accessory structure you need a building permit. Do these new provisions of Exhibit C prohibit you building a large accessory structure? I couldn't tell. Are the regulatory requirements just for those that are under the development permit or do they apply even if you want to get a building permit for a large accessory structure?

Rich Faith replied first of all an accessory structure can't exceed 1,000 square feet. Regardless of whether you need a development permit, a building permit, or none, these provisions still apply to you. Even if you don't have to get a permit, there are still standards that must be met. The question is how would someone know about that if they're not required to get a permit? It's really no different than fences, for example. We used to require a development permit just to put up a fence. The standard for a residential lot is it cannot exceed 6 feet in height, it's still in the code, but we no longer require a development permit to put up a fence. I guess the answer is that a property owner or resident of the City has a responsibility that before they construct something to inquire. Just because there's not a permit requirement doesn't mean that there isn't a standard. Yes they can put up a fence and if it's 8 feet and a neighbor complains and it's brought to our attention then we have to tell them there is a 6 foot height limitation. We're moving into that same direction as it relates to these smaller accessory structures. We have standards and you don't have to get a permit but you should check before you install one.

Councilor Anderson asked what's the average dimension of a standard shed? Is it greater than 200 square feet?

Rich Faith replied if you look at what they have at Home Depot or Lowe's, I would say that most of those are 10 by 12 or 8 by 10, so typically 80 to 120 square feet.

Councilor Anderson stated it sounds to me that you're making a concerted effort to be friendly to the residents.

Rich Faith replied absolutely.

Councilor Anderson asked how are you communicating that? You said "residents have to..." or "they should...", how are we communicating that we're actually trying to be friendly here? You can't build a fence over 6 feet, I know that but I'm not going to assume that everyone in the City of Troutdale knows that.

Rich Faith replied I will have to check that what I'm telling you is absolutely accurate but I believe when a new resident comes into the City we have a packet of information that is provided to them and we have brochures that speak to standards in regards to accessory structures and needing to get permits for various things. When someone comes in to open their utility account they are provided this packet of information. That is how we try to reach out to a new resident coming into the City. Another way that we'll do that is when final action is taken on this I will put an article in the Troutdale Champion to let people know, but not everybody reads the Champion. We'll also post it on our website. We do what's within our powers and hope people will get the word.

Councilor Anderson stated in regards to Edgefield North, it's my understanding that we are weighing this potential zoning change only as it impacts property that is currently zoned GC. Is that what you said?

Rich Faith replied I'm saying that the action of adopting this is only going to affect properties that are currently zoned GC/TC. It would affect any future properties that are zoned that way.

Councilor Anderson asked in your expert opinion, are we limiting the potential of that property with a TC designation or enhancing it?

Rich Faith replied I think we're enhancing it. This is my own read but if you look at what the conditional uses are in the GC zone and the fact that there are a number of those uses that are eliminated when it's in the TC, I think it makes sense that we wouldn't want to see those uses. If you look Exhibit A, page 6, under the heading of "Effects of Town Center Overlay Designation on the GC Zoning District", and under the subheading of "Eliminated Conditional Uses". It eliminates off-street parking and storage of truck tractors and/or semi-trailers, so the truck stops on Frontage Road wouldn't be permitted; heliport landings; outdoor stadiums and race tracks; and automobile and trailer sales areas. Those are all allowed in the GC zone as a conditional use but property in the TC would not be allowed to have these uses. I think we're saying for that piece of property these would not desirable uses. We're talking about adding another use to that list which is warehouse and distribution.

Councilor Anderson stated I would agree with that. I don't want to limit someone who is considering developing that property.

Councilor Thomas stated since you are going to do a study for traffic, you might want to consider the Eastwind Property because we discussed that with Urban Renewal as a possibility of another place to look at a zone change.

Rich Faith replied that's very true.

Councilor Thomas asked when we had the joint meeting with the Planning Commission, I believe that the property owner of Edgefield North thought it would be better to change that zone also, correct?

Rich Faith replied I think they were in favor of GC zoning.

Councilor Thomas stated in the past we talked about leaving it Light Industrial (LI). By going to a GC would that have a negative impact on our ability to create higher paying jobs?

Rich Faith replied I'd say there's still an opportunity in the GC that you can have high paying jobs. It's generally believed that in an industrial zone you're going to have better paying jobs in general than you would in a commercial type zone because of the nature of those jobs. Based on the consultant's report, because there are so many environmental constraints on that property due to floodplain, wetlands, and slopes; it's really not very conducive to industrial development. Out of the 71 acres on that property, approximately 31 acres are buildable lands.

Craig Ward stated a balance there is if it were industrial versus commercial, the average wage may be higher in industrial but the density in industrial is typically much smaller than retail. So the total wages generated on the same piece of property may be higher in a GC.

Councilor Thomas asked in regards to the residential accessory structures, how would you control the number of accessory structures on a property?

Rich Faith replied the language says, "the cumulative area of the detached accessory structures shall not exceed 25% of the gross lot area, nor 50% of the area of the required rear yard". It doesn't put a restriction on the number of structures. If someone were putting up numerous 100 square foot, 10 by 10 sheds, maybe when they got to the 5th one a neighbor might inquire about what's going on over there and then we'd have to go look into it.

Councilor Thomas asked are green houses considered temporary structures?

Rich Faith replied if they are attached to the residential structure then they are not considered accessory. If it were detached, then yes.

Councilor White stated in Exhibit C, page 4, paragraph B1, we drop it down to 120 square feet. I'm thinking that should be 200 square feet unless I'm reading that incorrectly.

Rich Faith replied right now any accessory structure up to 200 square feet requires a development permit. When you exceed that, over 120 square feet in area or 8 feet in height, it will need a development permit. Once you reach 200 square feet and 10 feet in height then you need a building permit. If someone comes in for a building permit then the Planning Department will be notified and review it against the code.

Councilor White stated on the page 5, paragraph C1, regarding metal cargo shipping containers. I've seen examples where someone has used one of these for their enhanced security and then built a shed around it. I'm thinking that those should be allowed unless there is a reason not to, maybe they weigh too much for the land? If you can make it look like a shed then there's no reason for not utilizing those.

Rich Faith replied that's a little different twist that we didn't get into discussions about. The CAC was pretty unanimous, as was the Planning Commission, that they wouldn't want one of these in their neighborhood. Nobody brought up that you could perhaps enhance it by putting some wooden siding on it or something of that nature.

Councilor Allen asked does anyone remember the size of a shipping container?

Councilor White replied you can cut them down to pretty much any size. I've seen them done and the end result looked just like a shed but it's like a vault shed. My final point on this is that I feel like this was written specifically for residential sized lots. My concern is that this is going to be citywide. I think we should look at giving larger lots some added consideration if they want to build a barn or a riding arena. I could see some applications for that in our city. An easy way to fix it would be to apply this to only certain size lots that meet a residential size.

Councilor Daoust stated it can only be 1,000 square feet.

Rich Faith replied that's the maximum regardless of what the size of the lot is. That's currently in our code, it's just being moved to a new place. We have had a variance to that. The Planning Commission approved an accessory structure in excess of that which was on a large lot for that very reason.

Councilor Allen stated it seems like the accessory structure is a win-win. We're not requiring residents to get a permit for a small shed and we don't have to retain the records for that. The other part is when we look at zoning, one thing that always comes to mind is that you have an area such as Edgefield North that the width along the road is long. I can see things that I would permit on one side of the property that I would not necessarily want on the other side because it borders residential area. Is there any ability, if the purpose is noisy, to have it a certain distance from existing residential? Is that a possibility or is it an all or nothing deal?

Rich Faith replied we certainly don't have a standard with respect to noise and how it requires a special separation from other uses. It makes sense that nobody would want an obnoxiously loud use next to them.

Craig Ward stated other places that I have worked have had a different setback standard for some types of uses when they're adjacent to residential for instance. It's not a noise

standard per say but it's an exception to the normal setbacks for properties that are adjacent to highly sensitive land uses.

Rich Faith replied we do have that in our industrial zones. It says if you are going to be located next to a residential district then I believe there is a 50 foot setback.

Councilor Allen asked do you see what I'm getting at? Having an amphitheater on the west side of the property may be fine but if you put one within feet of someone's home they're not going to be very happy.

Rich Faith replied sure. That's why things go through a site and design review process. Even if something is permitted outright, you can't just go and build it. You have to go through a review process to determine location on the property and the adjacent property owner is given notice that this is being built. All of those things get worked out during the land use permitting process.

Councilor Daoust asked for residential accessory structures that require a building permit, if somebody builds a full concrete basement underneath a structure, does it go against the 1,000 square foot limit of floor area?

Rich Faith asked so it's essentially 2 floors?

Councilor Daoust replied yes.

Rich Faith replied I've never heard or seen anyone build a two floor accessory structure.

Councilor Daoust asked you haven't?

Rich Faith replied not an accessory structure.

Councilor Daoust asked is an in-ground pool an accessory structure? We don't address that in here.

Rich Faith replied no. The only thing that was mentioned is that portable swimming pools less than 24 inches in depth are not considered accessory structures. So any pool deeper than 24 inches would be an accessory structure.

Councilor Daoust asked even though it's a pool it would still follow the guidelines as a building?

Rich Faith replied I'll be honest, pools are problematic for us to deal with. We struggled with whether or not we needed a separate section of the code to deal with pools. We have not really addressed it here but this is what we came up with for now, that we're not going to apply this as it relates to pools that are less than 24 inches in depth. If they're beyond that then they technically still have setback standards. I think it needs further work.

Councilor White stated I would like residents to be allowed to have both a shed and a greenhouse and this doesn't allow for that.

Rich Faith replied it does allow for that. You can have multiple accessory structures. You are subject to a maximum of 1,000 square feet for any single accessory structure. Then we look at the accumulative area as it relates to the entirety of the lot or the rear area.

Councilor White asked could you have two 120 square foot accessory structures without a permit?

Rich Faith replied yes, you do not need a development permit.

Mayor Kight opened the public hearing at 9:48pm.

There was no public comment.

Mayor Kight closed the public hearing a 9:48pm.

8. DISCUSSION: A discussion regarding the lighting of the Arch.

This item was discussed out of order prior to Agenda Item #7.

9. STAFF COMMUNICATIONS

Craig Ward stated I'm pleased to announce that we received notice that we'll receive a \$100,000 grant award from the Oregon Parks and Recreation Trail Program. That will supplement the \$177,000 Metro Bond money for the greenway trail on the Mt. Hood Community College property. That will provide money for both the trail and the Troutdale Road half-street design and construction. It is a County road so they would have to approve that design. We hope that we can begin construction this year. At the last meeting Councilor Thomas proposed some policy initiatives and I need to understand more from the Council whether staff is directed to pursue the creation of staff reports and put the following items on Council Agendas:

- Rental Housing Inspection Program – Council agreed not to proceed at this time.
- Predatory Towing Code – Council agreed to have staff research this topic to bring forward at a future meeting for discussion.
- Wild Animal Control (Skunks, Raccoons, Opossums, etc.) – Council directed staff to educate the public through means such as the Troutdale Champion and City website on remedies to address these animals.

David Ross, City Attorney, stated I wanted to remind you that your Statement of Economic Interest forms are due on April 15th.

10. COUNCIL COMMUNICATIONS

Councilor White stated you may have noticed the pile of wood near Lewis and Clark State Park. ODOT is allowing people to get that wood but you first have to get a permit from the Hamilton Construction office which is near the I-84 worksite.

Councilor Ripma stated on Sunday, March 20th the Troutdale Historical Society is having its regular meeting and the featured speaker will be Chuck Rollins, a friend of mine and a former

logger. He has just come out with a wonderful book of photographs of logging in Oregon. The meeting will be at the City Conference Building at 2:00pm and refreshments will be provided.

Councilor Thomas stated I believe our Storefronts Program expires in June. My proposal would be to extend that for another year. I would like that to come forward on a Council Agenda so that it's in place prior to the expiration date. The other item I'd like to bring up is that Frontier pulled out of Washington County for cable services. To date we haven't heard anything specifically on what their plans are for our 4 jurisdictions. When I find out more information I will be happy to forward it to you.

Mayor Kight stated Craig Ward and myself are flying into Washington D.C. for a week long Emergency Management Institute (EMI) seminar in Maryland. We talked about doing some lobbying with our Federal delegation while we're there for 1 or 2 days. We haven't made any appointments yet, we are asking for City Council approval.

Craig Ward stated I initiated this idea. I understand that we haven't had the practice of going to Washington D.C. and lobbying, nor would I be proposing that we invest the money to do that necessarily. We meet with our representatives here and try to maintain a relationship with them. It's not as though we don't do any lobbying per say but it's just about taking advantage of the fact that our airfare to D.C. is fully reimbursable by the Federal Government because we're attending this EMI training. Since we're physically flying into the Washington D.C. area it just seems to be an opportunity for us to meet with our delegation, the 2 Senators and our Representative, in their offices and with their senior staff who are not the same people that work out here. Unfortunately the schedule to attend the EMI training requires us to fly in on Sunday where we will be picked up, go to Maryland for the training, and then brought back to the airport on Friday afternoon. I contacted our delegation to find out who might be available to meet with us either before or after the EMI training and it's been difficult to get any kind of commitment out of them because this is several months out in late July. I was a little surprised that Senator Wyden's staff penciled us in for 4:30pm on Monday afternoon after EMI is over. I explained that we cannot make a commitment yet. When I spoke to the Mayor about this he said that this is potentially a non-reimbursable expense and wanted to know how much money it would be. We're looking at up to 4 days at approximately \$150 per day for hotel and \$50 for other expenses such as meals. So a total of \$200 a day for 4 days give us \$800 which I think is a reasonable estimate. If we are able to meet with some on Friday and the rest on Monday then we might be able to fly out on Tuesday. But I'm trying to block out 2 full days just to be safe. Meanwhile airfares are changing and they're not going down so I think it's wise to decide whether or not we are going to add this onto our trip. My travel isn't budgeted for next fiscal year and this does fall into next fiscal year. I would presume that I'd be attending also, in which case we're talking about \$1,600. We do have a tentative list of topics to discuss and I would prepare a packet to present to them and tell them what our priorities are and how we would like their support. Airfare is not included in the figures that I have mentioned.

Councilor Daoust asked if you utilized 2 full days would you then return on Wednesday?

Craig Ward replied I would block out Thursday and Friday before the EMI training or Monday and Tuesday after the training with a return flight on Wednesday.

Councilor Daoust stated that would be 5 nights extra. So it would be more than \$800.

Craig Ward replied yes if we stayed for 5 nights. I would seek to shave that number down to stay within the \$800 estimate but I can't guarantee that.

Councilor Daoust stated so it would be about \$2,000 for the two of you to stay the extra 5 nights.

Councilor Allen stated my wife and I have both lobbied and our experience is that if you don't bring your issues forward at multiple times in multiple settings then you're issues get forgotten. I encourage this. These are difficult economic times so as long as you're staying in a hotel that an average Troutdale citizen would stay in, eating food that the average Troutdale citizen would eat, and you keep your stay limited and business focused then I would support this.

Councilor White asked since you've done this before, does it help having both you and the Mayor there or is it something that one or the other could do to save on cost?

Craig Ward replied it doesn't have to be both of us. I think that having 2 people makes a stronger presence. If we're meeting with senior staff then I think staff to staff is probably more helpful than having the elected official there. But when you meet with the elected official then I think having an elected official in the room is beneficial. Since the Mayor hasn't done this before I think there's real value in having both of us attend.

Councilor Ripma stated it sounds like a couple thousand dollars is a realistic cost. I am not a fan of this idea. I don't think Troutdale should start lobbying in Washington even though this is a free trip. I saw your list of topics and we may think of some other things to add. It's not realistic for us to expect to increase our chances of getting money for the interchange. We'd all like to think that it would help but there are so many other layers of government that have something to do with that including ODOT and Metro. Congressmen have stopped doing earmarks. I wouldn't do it but if everyone else wants to go along with it then it'll be the end of what I'll say.

Councilor Thomas asked what are your expected results?

Craig Ward replied my hope is that we can put our issues succinctly before them and ask for advice on what they think will have the most likelihood of success. The issue Councilor Ripma raised about earmarks is kind of a fascinating one in its own regards because I'd like to know what's going to replace earmarks when they stop doing them. More importantly than a defined outcome, is the fact that we're reaching out, they know we're there, we've taken the time to meet with them on their turf, and we're hoping to build a relationship in a way that we haven't before. Those are admittedly very soft outcomes and I think Councilor Allen's point is one that I would share as well which is that it's about a relationship and understanding their situation and how to fit into their glove in a way that over time raises our profile with them and an understanding that we need their help and are willing to work with them.

Councilor Thomas stated in the day of electronic media, face to faces aren't happening. So by meeting with them in their office, what would we gain that we couldn't do over the phone? I know that the Senators are out here periodically and it's possible to schedule meetings when they are here. I don't believe that we've really put a concerted effort to try to do that. The same goes for the Representatives. To meet with staff at their desk versus by phone doesn't make sense to me. When I look at where they're at budget wise today and they're trying to cut \$60 billion before the end of this fiscal year and potentially similar impacts next fiscal year, I don't see a lot of value to this.

Craig Ward replied the outcome is going to be very difficult to measure. It comes down to your opinions about whether the money is a wise investment.

Councilor Thomas stated I think I'd rather put \$2,000 to \$3,000 into training for our own staff.

Councilor Daoust stated I've attended a congressional briefing workshop. Working for the Federal Government they like to train us on how Congress works. We listened to lobbyists, Congressmen, their Aides, and they all talked to us about how the process works. Wyden's staff talked to us and said most of our Oregon issues are handled by out staffers in Oregon, if you want to talk about Oregon issues we have excellent staff in Portland and you should check in with them first. There's a pretty good connection between the Oregon staffers and the Washington D.C. staffers. Considering what I learned, I'm real hesitant to spend \$2,000 of City money for the two of you to lobby in Washington D.C. when you can accomplish the same thing in Portland.

Councilor Allen stated there's an awful lot of electronic media traffic to Representatives and it doesn't go nearly as far as face to face. I agree with what Councilor Daoust has said but if you're in the area I would do both. They need to know what we're facing. There's a tendency to lose touch.

MOTION: Councilor Daoust moved to have a good time at the EMI conference but come back after the conference is over. Seconded by Councilor Thomas.

VOTE: Councilor White – No; Councilor Allen – No; Councilor Daoust – Yes; Councilor Ripma – Yes; Councilor Anderson – No; Councilor Thomas – Yes; and Mayor Kight - No.

Motion Failed 3 – 4.

Mayor Kight asked do we need another motion on this?

Councilor Ripma replied I think it's clear enough, we don't have to vote again.

David Ross asked is there a \$2,000 limit, is that's what is understood?

The Council agreed.

David Ross replied I don't think another motion is needed.

Mayor Kight stated the other issue that I want to bring up is in regards to the Joint Policy Advisory Committee for Transportation (JPACT). The current alternate is the former Mayor Dave Fuller who is going to be resigning if he hasn't already. The primary member is Gresham Mayor Shane Bemis. My feeling is that it's important to have representation from the City of Troutdale for a whole host of reasons but primarily because of all the different transportation projects that we're being faced with: Troutdale Interchange, the two-way under Marine Drive, improvements to Graham Road, pedestrian improvements and boulevard projects for 257th, the widening of Stark from 257th to Troutdale Road including sidewalks, infill on the sidewalks on Troutdale Road, and the list goes on. I've served several years on JPACT and have experience at both MPAC and JPACT. I think Mr. Ross has some information so we don't end up deliberating too long on this subject.

Councilor Ripma asked point of order, could I suggest that we put it on the agenda for the next meeting and discuss it then? This is just the sort of thing that happened with the MPAC appointment.

Mayor Kight replied it's quite different in that all the City Councilors have had multiple conversations.

Councilor Ripma stated I have requested to put this on the April 12th agenda. Obviously that's not final if the Council would like to take it up.

Councilor White stated I would second that.

MOTION: Councilor Ripma moved to defer this to the April 12th agenda.

Mayor Kight stated I'd still like to have Mr. Ross share some information with the Council.

Councilor Thomas stated we have a motion on the floor.

Councilor White called for the question.

Mayor Kight asked Mr. Ross how do we proceed at this point?

David Ross replied there's a motion on the floor. Unless there's further discussion, somebody asked for the question to be called, and the vote will be taken.

VOTE: Councilor White –Yes; Councilor Allen – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes; Councilor Anderson – Yes; Councilor Thomas – Yes; and Mayor Kight - Yes.

Motion Approved 7 – 0.

Councilor Ripma stated Mr. Ross, could you send us whatever it is you have and we'll read it with interest.

Mayor Kight replied it'll be part of the agenda item so it'll be in your packet.

11. ADJOURNMENT

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

Meeting adjourned at 10:31pm.

Mayor Jim Kight

Approved April 12, 2011

ATTEST:

Sarah Skroch, Deputy City Recorder