

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

**Tuesday, April 26, 2011**

**1. 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; Sarah Skroch, Deputy City Recorder; David Ross, City Attorney; Rich Faith, Community Development Director; and Amy Pepper, Civil Engineer.

**GUESTS:** Les Perry, Carl and Tina Tebbens.

Mayor Kight asked is there an agenda update?

Craig Ward replied staff would propose that items 7 and 8 be reversed in order. The presenters from ODOT that were scheduled for item #7 are not going to be here tonight, and reversing the order of items would allow Ms. Pepper to give her presentation earlier and allow her to leave.

**2. CONSENT AGENDA:**

**2.1 ACCEPT MINUTES:** April 12, 2011 Regular Meeting.

**MOTION:** Councilor Daoust moved to adopt the consent agenda. Seconded by Councilor Thomas. Motion Passed Unanimously.

**3. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.

None.

**4. PROCLAMATION:** Proclaiming May 2011 as Arts and Culture Month in the Columbia River Gorge.

Mayor Kight read the proclamation. We have one of the finest art galleries in the State of Oregon, if not in the Pacific Northwest, and that of course is Caswell Gallery. Rip

Caswell started his foundry and art studio many years ago and is of international fame. He has works in Europe and throughout other parts of the world. He has recently remodeled his facility and if you haven't had the opportunity to go there I highly recommend that you do; you won't be disappointed. Rip has been very active in our community. He provided the Trout that are on the Arch, as well as the sculptures in Mayors Square. Visit and support your local artists.

**5. REPORT:** An update on Metro news and events.

Shirley Craddick, Metro Councilor, showed a PowerPoint Presentation to the Council (attached as Exhibit A). A handout was provided to the Council regarding Opt In which is a web based survey process (copy included in the packet).

Mayor Kight stated one of the concerns that leaders of Oregon have is that employment in this state is tracking 10% below the national average in wages. For the last twelve years we have been on a decline. Would you say the direction on the part of Metro is somewhat changing in that they are looking for avenues for economic development to bring in new industry and new jobs to the state, and to bring up the level of income?

Councilor Craddick replied the Community Investment Strategy that I referred to is focusing on what we can do to improve economic development in our region. There are a variety of things under that initiative. The Community Investment Initiative focuses on finding funding to help us make those investments. They are looking at everything from what we need to do about system development charges, the future of levies, and options and opportunities available to us to find funding to get more investments made. The other area is the corridor development, the East Metro Connections Study. That is all about economic development. Education is a big piece of this; how do we get more of our students to graduate from high school and college. We have to get more jobs in this region that pay \$80,000 or more a year. At the Portland Business Alliance presentation there was a woman there representing Intel who said that they have to go out of state to find many of their employees because they only hire folks with a Masters or PHD, and there are not enough people with that level of education in Oregon. The average Intel employee earns \$120,000/year. We need more jobs like that in the Metro region.

Councilor Daoust stated I am very glad that you are on Metro. I travel around the United States and see other cities and the way that they have grown or not planned. People ask me what is going on in Portland and I say we have Metro. You are the only layer of government that I am aware of in the major cities that actually can compare and bring equity amongst all of the cities within a common boundary. The job that you do with the urban and rural reserves is unique; that doesn't happen in very many places. I am kind of proud of that. What is the future of urban and rural reserves? I think you commented that it is coming to a close. What is going to happen next?

Councilor Craddick replied probably within this week all of the four jurisdictions (3 counties and Metro) will approve the Urban/Rural Reserves. I can provide you with more information on this the next time I come. You have land to the east of your city that is undesignated, and Gresham has a small urban reserve east of it, and there is another urban reserve just east of Boring. The next step is that Metro will go back to its routine of every 4 to 5 years looking at expanding the Urban Growth Boundary (UGB). We have to look at and determine if there is a 20-year land supply available in this region. By the end of this year we will do a UGB expansion. You will be receiving a letter soon, if you haven't already, asking your city if there are any lands that you want Metro to consider in this UGB expansion that are in the urban reserves. I expect that this expansion will be a very small number of acres, but there will be an UGB expansion.

Councilor Daoust stated you mentioned that you would like to have shared goals between all of the cities out here. How do you see that working? Would it be the type of thing where we meet and develop those together?

Councilor Craddick replied I have observed that the other two counties are using what they call coordinating committees. Washington County started this several years ago and Clackamas County has been using it for a few years now also. Prior to every Joint Policy Advisory Committee on Transportation (JPACT) meeting all of the cities in that county get together and review the JPACT agenda and they determine what their position will be on the issues at that meeting. JPACT has authority that even the Metro Council doesn't have. They determine what gets funded and then they recommend that to the Metro Council. If the Metro Council doesn't agree it gets sent back to JPACT, but for the most part the Metro Council follows the JPACT recommendations. It is a powerful group that is made up of representatives from the Port of Portland, ODOT, and jurisdictional leaders. The most important thing we can do as Multnomah County is to form this coordinating committee. You are the people that will make that happen, I don't have that authority. I am just trying to encourage you and I will do all that I can to help facilitate that process. Commissioner McKeel and I have talked and I have asked her if she would be willing to propose something to the cities. I think Mayor Weatherby has already put together a draft set of bylaws that you might want to consider. The best thing that we can do as a region is to get together and say that this is what is important to us and this is in the best interest of Multnomah County.

Councilor Allen stated as you are determining where to put effort, as I was campaigning in Troutdale and Gresham a number of people said we need jobs and anything we can do to aid that. I was surprised that they didn't ask for good jobs, they asked for jobs. I think that is a sign of the times.

Councilor Craddick stated I think we are desperate. The question is what is going to help bring those jobs to our community. I am going to go back to the East Metro Connections study because that is what that study is all about. What are the catalysts that will help bring the businesses and companies to our community? You have

industrial land (the TRIP property) so from your City's prospective what is the most important transportation projects that need to be built to open up that area? What are the barriers right now that are interfering with opening up all of those properties? In Gresham it is the Springwater area and what do we need to do to be able to help open up the Springwater area? That is the first step to bringing jobs to this part of the region and that is what this study is all about.

Councilor Ripma stated we are glad that you are representing us. We do occasionally have issues with Metro and we look forward to working with you to help us smooth those out.

Councilor Anderson stated I think you are wonderful. I have had the pleasure of meeting you at Persimmon and working with you there, and at the Gresham City Council. As Councilor Ripma said, we have had our issues with Metro from time to time but if there is anybody that can help us navigate through those I believe you are it. I look forward to working with you.

Councilor Thomas stated I wanted to thank you for allowing your staff to come out and make a presentation at the inter-council get together last week. It was very informative and helpful. When you talk about the UGB one of the things that still concerns me, although it is not technically in the UGB, is the property to the south of us. One of the things that we need to look at for the future is our ability to grow to the south.

Councilor Craddick asked when you are referring to the south are you referring to the undesignated land on Strebin Road?

Councilor Thomas replied yes, south of Strebin Road. I had a chance to read the proposal from Mayor Weatherby regarding the coordinating committee and I think it is fantastic. I only saw a couple of small things that could be added to help clarify a few things. I would like to see us proceed forward with that. I think it is valuable for the region.

Councilor Craddick replied I will do all I can to help facilitate it, but someone needs to step up and so far no one city has stepped up to make it happen. It will make my job easier. I don't want to be in a situation where I have eight cities that I am representing with eight different agendas.

**6. DISCUSSION:** Stayce Blume, Owner of Skyland Pub, has requested to speak to the Council regarding amusement device fees.

Stayce Blume, Troutdale resident and Owner of Skyland Pub, stated I previously brought this issue forward to you under public comment and I am glad that it was put on an agenda so I can make a case for the local businesses in the area that are paying the amusement device fee. With me tonight is Mr. Hoerth, the gentleman who provides amusement devices to us, with the exception of the pool tables. We share the fee with him so it is a burden on both of us. With all of the other surrounding cities (Gresham, Portland, etc.) having removed this particular fee it seems to me that maybe Troutdale

should get onboard with that. The amount of tax that we (Skyland Pub) pay ends up being about \$1,200 a year which is about 30% of the total revenue you generate from that tax. As a small business it seems like a large share for one business to pay. As far as what the tax is for, I may be a little unclear, but from my understanding it goes into the General Fund which is for general city services. We aren't utilizing any additional city services by having those devices in our business for our clientele. When my husband and I took over one of the main reasons we capitalized on, or maybe made the best use of, our space for our customers was so that we could give them another option, or something else to focus on, besides the consumption of alcohol or playing video poker that would also give them some entertainment.

Shawn Hoerth, owner of Mt. Hood Vending, stated the State of Oregon also eliminated the fees on regular amusement devices. We got a call after the last time we were here and it was my understanding that you were going to review this and give us a refund. I have heard nothing other than to send something to you in writing as to what we verbally addressed when we were here the last time. You have to understand that with the advent of technology people have games on their phones and they have better games at home than we can provide commercially. The cost of the equipment is very expensive. If you saw the news the last two weeks Oregon is number 6 as the worst state to try make a living in. I just heard you talking with Metro about economic development and jobs; this is one thing that hinders Troutdale because I am really not interested in investing my equipment in this city. There are other accounts that I can do business with. This fee is exorbitant. It really isn't fair and it is not keeping with the trends of other cities, including the State of Oregon and the City of Portland, of eliminating it. We are competing with video lottery for the dollars. You can look at the record for what those accounts make compared to the regular amusement devices that we operate. We would like your consideration on that, and a refund from 2010.

Stayce Blume stated we calculated some quick numbers to put it in perspective. We have a total of 22 devices, 14 of which are quarter devices and the rest are dollar devices. Just based on the fee per machine, on the quarter devices it would actually take us 1,540 plays just to pay the tax on those 14 machines. On average we calculated it would take us a total of 1,705 plays all together (between the dollar and quarter machines) just to pay the fee.

Councilor Daoust stated I didn't quite follow the \$1,200 per year. Is that what you pay per year for all 22 devices?

Stayce Blume replied yes. It is \$55 per device.

Councilor Daoust stated and you said that was 30% of what.

Stayce Blume replied it was my understanding that the revenue that is generated is about \$4,000. \$1,200 is approximately 30% of \$4,000.

Councilor Daoust stated the last figure I saw was that it was a \$4,800 revenue item for the city. As far as I know the City of Gresham still has their amusement device section; it is Article 9.4. They still have an amusement device fee and they haven't rescinded it that I know of. The City of Portland also has an amusement device fee still in place, it is Section 14 B.110. I am not sure what you are referring to when you say that they have rescinded that.

Shawn Hoerth stated they have. I do business all over the state. This is the highest city per license per game that I know of in the state. I have been very active in the business. I am telling you that it is not reasonable. The only city that I know of that probably even compares is Molalla. I don't think it is unreasonable what we are asking. I do have a fair percentage of break-ins with the machines that I have in this city, and there is really no recourse with the police department. If there was something that was offered in terms of pursuing the people that break-in; there was one time when Winks was open where there were 3 police officers sitting there and I had just put an alarm on because I had been getting broke into regularly and the alarm went off behind the bar and they walked around the corner and apprehended the guy. We would like you to consider getting rid of this. You could do other research; I could provide information from the Oregon Amusement Association as to what other cities have if that is necessary. It is an extensive amount for a tax on the machines.

Councilor Daoust stated the only city in Multnomah County that has discontinued the fee is Fairview. Both Gresham and Portland still have the fee in place.

Stayce Blume stated it was my understanding that they didn't. Maybe it was part of the fees that were being waived by Gresham when people moved in.

Councilor Daoust stated the reason you probably have not heard anything back from the city is because we really didn't take a formal vote in our previous discussions. There was no desire on the Council's part, or the Economic Development Subcommittee, to do anything formal.

Councilor Allen asked is there a fee related to the initial install of the machines at this time?

Craig Ward replied I don't believe there is an installation fee. There is an annual fee that is done through the business license process. When you come in you disclose the number of machines you have and the fee is charged at that point. An example is that Ms. Blume's facility benefitted by the fact that while they opened late in the year, I believe that we didn't charge them in 2010 for that. Is that correct?

Stayce Blume replied that is correct.

Craig Ward stated there was some discussion over this issue before about prorating the fee through the year if they took over business at mid-year. We actually went a little further than that by charging nothing in 2010 and beginning in 2011.

Stayce Blume stated the prior owner had paid the fee for the full year of 2010; they didn't get a refund and we didn't have to double pay.

Councilor Allen stated I am not a fan of fees like this, but if I open a restaurant and I have a table I pay a fee initially for that table but nothing reoccurring.

Craig Ward stated no, you pay on an annual basis; it is an annual fee.

Councilor Thomas stated I am not sure you are talking about the same tables. He is talking about serving tables.

Councilor Allen stated I am comparing businesses; a restaurant with a bunch of tables versus a business that has machines.

Craig Ward stated that is correct, you don't continue to pay on a per table basis if you are operating a restaurant. You do if you are operating amusement devices.

Councilor Allen stated the initial reason for the tables is for system development charges to help offset the cost of support infrastructure for the business.

Councilor White asked do we have the background of how this fee originated or what the reason was.

Craig Ward stated we would be happy to provide a staff report if you want to go down that path. We did provide some information before. I believe that this fee was imposed in the 1950's, so it has been around a long time. It is essentially a revenue generator. We didn't find any evidence to suggest that it was necessarily correlated to the amount of criminal activity that was occurring, or the number of visits to the restaurant or anything like that.

Councilor Ripma asked do you have video poker machines?

Stayce Blume replied yes.

Councilor Ripma asked and our fee doesn't apply to those?

Stayce Blume replied that is a separate fee.

Councilor Ripma asked and you are not in that business?

Shawn Hoerth replied we aren't legally able to do that; that is the State of Oregon. I have lost that floor space. I am competing with that and it is not a fair competition if you look at the public report on what those machines earn compared to what ours earn. In Gresham I am not required to buy that license, the business owner is, not the amusement operator. City councils tend to just group us together so what happens is

they cram that down my throat and say if you want to do business here you pay it. Now some people are genuine and share the expense because I make that agreement going in because I just simply can't absorb all of that. If you looked at the actual cost per piece of equipment that I purchase I think you would find it staggering. They are very expensive. I am just asking for you to be reasonable and to assess what I have shared with you before and tonight. I think there are ways to generate revenue other than penalizing a few people that have this type of equipment. It's just not reasonable.

Councilor Anderson asked on average for these coin operated machines, how much income do they generate in a month?

Shawn Hoerth replied my trade magazines give me a state of the industry report and it is broken down by machines. If you averaged it all out it is probably \$50 or \$55.

Councilor Anderson asked a month?

Shawn Hoerth replied per week probably. There is a lot of expense also.

Councilor Anderson stated in doing some research on this topic I think this is the second or third time this has been before the Council so you obviously believe very strongly in it. I have an issue with it in a couple of areas. First of all, no city services are provided for this. We are collecting a fee from a select group of businesses and not providing anything for that. What could stop us from going into Albertsons and saying you are stocking this kind of chili on your shelves so we are going to charge you a fee for every can. I don't like the way that looks. I think we can do better than that. This has been on the books since the 1950s. There were a lot of ordinances dealing with horses and where to chain them up back in the day that councils have had to take a look at and remove. I think this is one of them. I also think we are trying to stimulate business in Troutdale with our fee holidays. I understand it is budget time and we just went through two nights of budget committee meetings, but I think this is an area that we can and should do better at. I think it is the responsible thing to do to get rid of this fee. I would move that we advance the ball on this and prepare the appropriate staff reports and take the action that I think we need to take.

Councilor Thomas stated I was trying to figure out what kinds of machines we are looking at but as you answered the questions from the other councilors it starting making sense to me. We are really talking about everything with the exception of the video poker machines.

Stayce Blume replied exactly.

Councilor Thomas stated the City makes about \$4,800 a year total that goes into the General Fund which supports police and all of the various services that are provided to the general public. The Economic Development Subcommittee did look at this topic. In looking through the numbers we didn't see it at that point as being harsh, and we really didn't see any reason to change the rules. It wasn't a matter of trying to shove it



under the shelf and hoping you would forget about it. We really did take an honest look at it. We had the reports and we saw the history of it and our recommendation back to the Council was to leave it as it is. In light of the new information that you have provided it has really helped me in understanding it. I would think that we would want to direct staff to come back with some sort of a proposal.

Mayor Kight asked is there a consensus by the Council to have this as an agenda item?

Councilor Anderson replied yes.

Councilor Daoust stated this issue can probably be simplified down to the question of whether we just want to get rid of it or not. I don't know that we need to ask staff to come back with a bunch of homework, statistics, numbers and different options regarding prorating or cutting the fee in half. In my opinion we should just decide whether to get rid of it or not, if that is what the Council wants to do.

Councilor Ripma stated I would like a little more information about what other cities are doing. I recognize that we can just go up or down on this without any more information but I think that is relevant because we are broke.

Shawn Hoerth stated so are we.

Councilor Ripma stated we can't just...

Shawn Hoerth interrupted and stated yes you can sir.

Councilor Ripma stated the County Business Tax is strictly a revenue generator if you want to be blunt about it, and there are no specific services that anyone gets. There are lots of other things. This is a larger discussion. We need to replace the revenue somehow. We heard one side of the story, and a very persuasive one and I am sympathetic. I do think we deserve some background before we decide what to do.

Mayor Kight stated I would like to bring this to a close. What I am looking for on the part of the Council is if you would like to have this come back as an agenda item. Councilor Ripma has pointed out that he would like to have some more information; he wasn't here for the prior discussions. There may be other members of the public or other business owners that may want to weigh in as well.

**MOTION: Councilor Thomas moved that we ask staff to bring back a proposed ordinance change that would potentially remove the fee, with the appropriate supporting documents. Seconded by Councilor Anderson.**

**Mayor Kight stated there is a motion to bring this issue back to the City Council, and have staff do a report. I am sure some of the information that has been**

gathered in the past could be used again, I don't know that there needs to be any updating, but I will leave that up to staff to make that determination.

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

**Motion Passed 7 – 0.**

Councilor Daoust asked Ms. Blume to bring us information on what the 22 machines are grossing. Obviously these machines are making money for you so we need to know that to put it all in prospective.

Stayce Blume replied absolutely, I will bring that down.

Mayor Kight stated you will be notified when we put this item on the agenda.

Mayor Kight called for a break at 8:07pm and reconvened at 8:17pm.

**7. RESOLUTION:** A resolution supporting the recommendations of the I-84 Troutdale Interchange Area Management Plan.

This item was moved down on the agenda and will be taken up after Item #8.

**8. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance amending Chapter 12.07 of the Troutdale Municipal Code, Pretreatment Program.

Mayor Kight read the ordinance title.

Amy Pepper, Civil Engineer, stated this ordinance incorporates the mandatory changes that DEQ pointed out during an audit that we had in 2008, and makes changes to the regulation of discharges from two buildings at Mt. Hood Community College (MHCC). When I first came to the Council in 2006 with the pretreatment ordinance, which gives us the legal authority to run our industrial pretreatment program, the Feds were in the process of updating the pretreatment ordinance and the minimum standards. That came about in July 2006, two months after we adopted the ordinance. At that time I tried to go through and adopt the majority of the proposed changes, but it's apparent that I missed some. So in September of 2008 when DEQ came to audit our program they identified some minimum measures that we had missed and required that those changes be made. This fall it came to our attention that two buildings at MHCC were discharging to our sanitary system, and had been since the 1970s. Under the Federal requirements, and our own regulations, we are required to have an IGA with Gresham to regulate the discharges from those buildings. Parts of our pretreatment ordinance are more stringent than Gresham's, so they would be required to adopt a sewer use ordinance and local limits specific to those two buildings. We felt that was probably a little too onerous and that the partnership could be identified better in an IGA. So there are some code amendments to identify those as well.

Mayor Kight asked are we collecting any sanitary sewer fees for the two buildings on the MHCC campus that has been connected to our system since the 1970s?

Amy Pepper replied yes.

Mayor Kight stated I am a little confused. According to your staff report in 2010 it came to your attention that there was supposed to be pretreatment?

Amy Pepper replied because they discharge non-residential waste we are required, under the pretreatment rules, to have a special agreement with the other jurisdiction. I don't run the utility billing so I wasn't aware that they were discharging to our system. In the fall they came to us to ask if they could connect their new building to our system and that is when it came to our attention. They determined that it was going to be more cost effective to connect their new building to Gresham's system, but we still need to fix the problem with the two existing buildings.

Mayor Kight asked are they paying any storm water fees?

Amy Pepper replied no, they discharge directly to Beaver Creek.

Councilor Daoust stated I read that DEQ has formally approved your proposed amendments to TMC Chapter 12.07. So that is already done?

Amy Pepper replied yes. This is the final stage. I drafted the amendments, we had the City Attorney review them and we sent them to DEQ to ensure they meet the minimum requirements. There was some back and forth with that, and now I am bringing them to council for adoption.

Mayor Kight opened the public hearing at 8:22pm and asked is there anyone here that would like to speak to us on this issue.

No testimony received.

Mayor Kight closed the public hearing at 8:22pm.

**7. RESOLUTION:** A resolution supporting the recommendations of the I-84 Troutdale Interchange Area Management Plan.

Mayor Kight read the resolution title.

Rich Faith, Community Development Director, reviewed his staff report (copy included in the packet).

Councilor Allen stated the truckers seem to like the idea of this back road, the Marine Drive extension. It is a bit of a hassle to try and get onto Frontage Road from either one of the truck stops. Citizens in Troutdale seem to also like it as well, so it looks to me to

be a very good suggestion. The Graham Road improvements are necessary. Intersection C shown on Figure 2 (copy included in the packet), I imagine as property gets developed there may be more traffic in the future, so my suggestion for this would be to have a merge area for truck traffic coming from Sundial to Marine Drive east.

Rich Faith replied by merge area I am not sure I know what you mean.

Councilor Allen stated a truck making a left turn from Sundial Road onto Marine Drive east has to sit and wait for a break in traffic before they can pull out. It might be helpful if they had a first lane that they could pull into to get their speed up and then merge.

Rich Faith stated the recommendation is that Marine Drive, all the way to and slightly beyond Sundial, would be five lanes. So there would be two lanes in each direction and a center turn lane. That is also a signalized intersection, so there would not be a need for a merging lane.

Councilor White asked I am curious what the business owners (on Frontage Road) thought of the "backage road" or the Marine Drive extension. Were they opposed to losing property? Were there any concerns there?

Rich Faith replied we don't really know because they haven't chosen to be involved in the process. They were invited to be on the Advisory Committee and elected not to be. We had the same situation back in 2005 when this was first proposed and we sent notices to the property owners and they were informed and invited to the hearings on this and didn't attend. They have been somewhat silent on this issue, but it isn't that they haven't had the opportunity to be part of it and to comment on it.

Councilor White asked where does that road line up on 257<sup>th</sup>? Is it across from the Outlet Mall?

Rich Faith replied right, it would be right in-line with 257<sup>th</sup> Way, which is the street that goes into the Outlet Mall. I think it is important to point out that the Marine Drive extension (shown as E on Figure 2), which is included in our 2005 TSP, is not the highest priority under this IAMP recommendation. Figure 1 is really the important piece here because the recommendation is to pursue the improvements outlined in Figure 1 before these other things. Although some of these things are already in motion. 2A - underneath the viaduct for Marine Drive and I-84 is already in the works and is part of the funding that is coming out of the Jobs and Transportation Act (JTA) \$24 million. The widening of Marine Drive would likely be the next priority after that. The actual recommendation here is that the Marine Drive extension not be pursued until these other things are done and tested to determine if there are still problems that need to be addressed. It may be that these other improvements will take care of the problem and would negate the need for the Marine Drive extension. Even though it is still on the map, of the five things shown on Figure 2 it is the lowest priority.

Councilor White stated it is also the only part of this plan that I had concerns or questions about.

Mayor Kight stated from talking to the owners of both of the truck stops there is a shortage of overnight parking and if we put the “backage road” through there a lot of the parking would disappear. If you are out late at night on Marine Drive you can see 20 to 30 semi-trucks parked along Marine Drive because they can’t find space at either one of the truck stops. There is a higher demand for parking then there is availability for parking.

Councilor Ripma stated what Figure 1 is showing is that the truck traffic into Loves Truck stop would go in from South Frontage Road and all of it would exit through this new road that goes to a light. Is that correct?

Rich Faith replied that is the plan, yes.

Councilor Ripma stated and for Travel Centers of American all of the trucks going in there would go in off of South Frontage Road and they either exit back at Marine Drive or they can go out through this new road with the light.

Rich Faith replied yes, they could use either one.

Councilor Ripma stated it all seems sensible if the owners and managers who probably know best what is going to work are onboard. I have heard comments that they seem positive. I know you said that the business owners were invited to be on the committee. Were there any public hearings of any kind on this?

Rich Faith replied no public hearings. There will be two public outreach events that are coming up shortly. ODOT is sponsoring an open house on May 2<sup>nd</sup> which I believe you have been notified of. They will be talking about these construction projects. At the same time the recommendations of this IAMP will also be shown at that open house. The other event that has been talked about would be to set up a table at the First Friday Art Walk to attract the interest of attendees so they have an opportunity to see what is in store for the interchange if this IAMP is finalized and approved. My understanding is that they will be providing direct notice to those most affected (truck stops). In terms of the citizen representatives, Dan Walsh of Walsh Trucking was on the Project Advisory Committee. His business is not located on Frontage Road but they are certainly familiar with the congestion problems and what the truckers have to contend with. The actual business person who was there representing the truck stops and gas stations was William Roper from the Troutdale Chevron.

Councilor Ripma asked did they seem to endorse this?

Rich Faith replied absolutely. There was unanimous endorsement at the final meeting. Les Perry, Chair of our Citizens Advisory Committee, was also on that committee and took part in the discussions and the final vote on this recommendation.

Councilor Ripma stated that is good to hear. Does our vote to approve this, once there is outreach and they see how it is going to be built, lock this in or does ODOT have a plan for rolling these things out and reacting to problems as they are identified?

Rich Faith replied I wouldn't say that your action here locks it in. It just simply serves as further demonstration of public support for the recommendation, but it will still have to be vetted and approved by the Oregon Transportation Commission.

Councilor Anderson stated this is a great plan. It is a big issue. We all face it and our citizens face it. I can't imagine what it would be like driving an eighteen wheel truck trying to navigate through rush hour traffic on Frontage Road with tourists not knowing what lane to get in. I am glad to see all of the public outreach that was done and would encourage more, especially with truckers and those that it will be affecting.

Councilor Thomas stated when I looked at this my first question was I saw "backage road". When I got through reading the plan and they decided to put "backage road" as a secondary priority then it made sense because there were a lot of issues with the backage road. After looking at this plan I am very pleased with the design and I think it may alleviate the need for having "backage road".

Councilor White stated I continue to see people turning out of the truck stops and heading the wrong way on the one-way road. I don't know if there is anything that could be done to improve that.

Rich Faith stated if this Figure 1 is implemented it will make that impossible because of this barrier that they are talking about. It will be important to watch the signage as you come off of the off-ramp because if you want to use the services on Frontage Road you are going to be directed to go to the right and then once you get into that lane about all you can do is turn into the businesses because you will be physically prevented from getting back over. There are a couple of breaks in there that will allow you to get back out.

**MOTION: Councilor Thomas moved to adopt the resolution supporting the recommendations of the I-84 Troutdale Interchange Area Management Plan. Seconded by Councilor Allen.**

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

**Motion Passed 7–0.**

**9. PUBLIC HEARING / ORDINANCE (Introduced March 8, 2011):** 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.

Mayor Kight read the ordinance title.

Rich Faith, Community Development Director, stated this ordinance amending the Development Code relates to a periodic review task which dealt with Goal 10, Housing Goals, both as a statewide land use goal and within our Comprehensive Land Use Plan. This amendment sets the stage for a subsequent zoning map change that we would like to bring forward at some time in the future for the Edgefield North property, which is the property owned by Multnomah County on the north side of Halsey across from McMenamins Edgefield. We have been looking at that property through our periodic review work program trying to determine the most appropriate zoning for it, generally recognizing that the current Light Industrial (LI) zoning is probably not the best fit. We have evaluated that in conjunction with doing our economic opportunity analysis and residential housing use analysis and determined that we do not have a need for those 71 acres as LI, and that a rezone to something else would be appropriate. We studied different options. The Citizens Advisory Committee (CAC) in particular felt like the General Commercial (GC) zoning was probably the best fit. It then came down to the question of whether it should be retained within the Town Center Overlay District (TC) as it currently is, or removed from the TC Overlay. After further review on that question the recommendation of the CAC was that leaving it in the TC Overlay is fine as long as we eliminate this one remaining conditional use that still is permitted within the TC Overlay. Most of the industrial type uses in the GC zone are prohibited once you are in the TC Overlay. But the CAC felt that the one remaining use here, warehousing or distribution centers, was not desirable. The recommendation in this amendment is to eliminate that as a conditional use in the GC zone TC Overlay. That again sets the stage for a rezone of that property to GC in the future.

The other piece to these amendments deals with residential accessory structures. We incorporated these changes at this time because of an indirect relationship to housing. These amendments were discussed at several meetings last year with the CAC. The primary reason behind these changes is to remove the requirement for a development permit on certain accessory structures. Right now virtually all accessory structures regardless of size require a development permit and in some cases also require a building permit, which entails having to come in pay a fee and submit an application and a site plan. That all takes time for the applicant and staff. We felt that the smaller accessory structures, in particular those that are 120 square feet or smaller in size and 8 feet and less in height, would be very unobtrusive and therefore we didn't see a need for requiring a development permit. They are still subject to the setback standards and so forth, but would no longer be required to come in and obtain a development permit. That was concurred with and recommended by the CAC. The rest of the changes in that particular section of the Code are mostly reorganizing the order of things and some housekeeping changes for clarity.

Both of these issues were referred to the Planning Commission (PC) by the CAC with their recommendation for approval. The PC conducted its own public hearing and has forwarded these to you with their recommendation for adoption.

Councilor Daoust stated so we are not allowing wholesale distribution outlets including warehousing in the TC Overlay. It was previously allowed, and we are changing that so we have to notify property owners like the Outlet Mall, which I assume we did.

Rich Faith replied we have done that; it is called a Measure 56 notification.

Councilor Daoust asked did we get any reply or response from Chelsea?

Rich Faith replied no we did not.

Councilor Daoust stated so I assume they don't have any issue with that.

Rich Faith replied that would be my assumption.

Councilor White stated regarding the Edgefield North property, since there are so few vacant lands left in the TC Overlay and even fewer owners, I am wondering if we shouldn't approach these other property owners to see if there is any tweaking we could do in their zone that might help them to develop their properties. My concern is that we might get accused of spot-zoning here by just singling out this one piece and not doing it for the 12 to 13 other properties that are remaining in our TC. Besides that angle, I am also thinking that it is a good idea for us to do that. I know we (the council) have contacted property owners in the past, but I think it would be a good time given the changes in our economy to possibly look at doing that.

Rich Faith replied this property is 71 acres and is the only property within the TC Overlay that is zoned industrial. That is really the issue here. The TC is an area that is supposed to represent and accommodate our mixed-use development, our higher density residential, it is our vibrant center. The whole question of having industrial zoning in the TC is what is at the crux of the matter. That is why for all these years we have pretty much recognized that this is a holding zone and it is probably not what we ultimately want to see developed there. That is why we purposely chose to study this property as part of our periodic review. By virtue of its size under our Development Code it constitutes, if and when we do rezone this, a legislative action meaning that it doesn't require an application by the property owner for the city to undertake this. By virtue of the amount of area that we are talking about the city can initiate this as a legislative zoning change. I don't think we are totally immune from a claim of spot-zoning. I think it is highly unlikely that anyone could win the challenge of a spot-zone when we are taking a legislative action like this.

Councilor White asked what happens if you have an accessory building that is larger than 120 square feet under this proposal? Does that mean that you do have to get a permit?



Rich Faith replied once you are talking about a structure of 200 square feet or greater than that triggers a building permit under the Building Code. If you are at 120 to 200 square feet in area, what this is saying is that you will need to get a development permit, although there is not a building permit requirement. The feeling was that for that size we ought to take a closer look at that and make sure that it does comply with the setbacks. By requiring the property owner to come in for that permit we put our stamp on it that says it does comply with the setbacks and other things that might be in affect because you are at a greater risk of impacting your neighbor when you start getting into something of that size.

Councilor White stated I am reading the old code and if you are building smaller than 200 square feet you don't need a building permit but you need a development permit. We are basically dropping the development permit if you are under 120 square feet.

Rich Faith replied 120 square feet and under 8 feet in height.

Councilor White stated speaking of height, in the old code the way to measure it was from the finished floor up. This new way of measuring sounds like you need to do grading work to determine the height, unless I am reading that wrong.

Rich Faith replied that is not a new way of measuring. That is what is currently in the Development Code. The problem is that we have different definitions for how to measure height depending on whether you are working under the Building Code or the Development Code. The Development Code talks about measuring from average grade, simply because depending on which side of the building you are looking at you might have uneven ground so it could be a different measurement. So you are required to look at the average grade, and you are required to go to the peak of the roof, whereas in the Building Code they have a different definition and call out a different way to measure height. We are only saying here what is currently in the definition section for building height.

Councilor White stated I was just trying to make it easier for someone to be able to go to Home Depot to pick out a shed. I thought it would be easier to use the language that I read in the Code stating that you could measure from the finished floor to the top of the roof.

Councilor Daoust stated a lot of those small sheds are taller than 8 feet tall at the peak of the roof. The 8 foot limit is kind of restrictive.

Councilor White stated on page 5 of Exhibit B, Item 4 – “The maximum height of a detached accessory structure shall be the height of the primary dwelling or 20 feet, whichever is less...” So if you have a ranch style home your accessory structure cannot go beyond the height of your home?

Rich Faith replied unless the home is more than 20 feet. If it is a ranch style it is unlikely that it would be. It can be as high as the primary dwelling or 20 feet, whichever is less.

Councilor White stated accessory structures like shops are usually taller than the home. Kind of like a barn versus the farm house setting, if you can picture that. I like the 20 foot height restriction. Whether or not you live in a two-story or one-story house, I don't think that should be the determining factor on how high you can build your accessory structure. I would prefer to see just a straight 20 foot height restriction. If the purpose of your shop is to store a motor home you might run into trouble with this one rule.

Councilor White stated on the same page under Item 2 – No single accessory structure may exceed 1,000 square feet in floor area. We do allow variances; would it be proper to have that language in the code, “unless a variance is obtained” added at the end of that line?

Rich Faith stated it really isn't necessary because the whole variance chapter is there. Any time someone runs into a problem meeting a standard we need to inform them that if they want to pursue it then they can seek a variance.

Councilor White stated I wonder if we should give some leeway for someone who is handicapped. I know that they allow larger garage sizes for handicapped individuals because they need more room. Should we include that in the Code somewhere?

Rich Faith asked do you mean that 1,000 square feet may not be large enough?

Councilor White replied yes, I have a concern with that. Would that just be a variance?

Rich Faith replied that would be an option. I think a two-car garage typically is about 600 square feet. So even if you needed extra room because of a handicapped situation 1,000 square feet gives you about 40% more over a standard size.

Councilor Ripma asked other than the change in the requirement for Development Code or Building Code for the 120 to 200 square foot building, are any of the other numbers being changed here?

Rich Faith replied I don't believe so. Most of the changes that you see on page 5 that are in bold type that would suggest that it is new text is really not new text, it is just language that we have moved forward in the code that had occurred later on. We have taken these standards and reorganized them, but the setback standards and height and so forth are existing code.

Councilor Allen stated on page 6, item 11 would be the exception.

Rich Faith replied right. We have reduced that to 18 feet in terms of a side yard setback if you are actually going to be using it for a vehicle, like a garage coming off a side street so you can park in front of it without encroaching over the sidewalk.

Councilor Thomas stated on page 2, I am trying to figure out why we eliminated grocery stores from Community Commercial (CC). I don't see the logic behind that.

Rich Faith stated that is existing language. When you stop and consider that in a TC Overlay the only property zoned CC is Jack's Snack and Tackle, I don't think that it is a big deal.

Councilor Thomas stated it was mentioned earlier about wholesale distribution outlets in the GC zone. What do you mean by wholesale distribution outlets?

Rich Faith replied I think the Fred Meyer distribution center over in Clackamas is probably the best example of wholesale distribution. It is where major chain stores have their trucking centers and ship stuff out.

Councilor Thomas asked how is that different than warehousing?

Rich Faith replied warehousing is a component of distribution centers. You could have these huge warehouses that may have multiple tenants in them, but essentially they are just serving as warehousing. Along Airport Drive is an example of warehouses.

Councilor Thomas asked do we have that defined someplace?

Rich Faith stated we have a definition for warehouse, but we don't have one for wholesale distribution outlet.

Councilor Thomas stated I think we need a definition. I was looking at Exhibit A under the Edgefield North zoning options consideration. I noticed that during the work sessions the council had made a recommendation that we take Edgefield North completely out of the TC, based on how I am reading this. After reading through the rest of it, and what the CAC or PC came back with, I couldn't understand exactly what the decision was in the end. Did we leave it in the TC Overlay or is it not in the TC Overlay anymore.

Rich Faith replied there is no proposal to take it out of the TC Overlay. There is a proposal, or what will be coming forward, based on the recommendation was to rezone the property to GC but leave it in the TC Overlay with the understanding that we are going to be eliminating the one remaining undesirable allowed use, which is the wholesale distribution outlets and warehousing.

Councilor Thomas asked do we have the property owners consent to change that.

Rich Faith replied it doesn't require the property owner's approval because it is not going to be a quasi-judicial application; it is a legislative action by virtue of the size. But more importantly, we have Multnomah County's approval and support for that rezone. When we bring that rezone forward I will be sure to have either a letter or have them here personally.

Councilor Thomas stated on page 4 of Exhibit B, the question I had about accessory structures is what about portable garages. You tried to define everything else but you really haven't defined portable garages because one, they exceed the 8 feet, but two they can be a pretty good size.

Rich Faith stated we call those frame-covered accessory structures. Those are the ones that you can buy and you usually put a canvas over.

Councilor Thomas stated yes, they are 10x20.

Rich Faith stated we actually address those or include those as accessory structures. They, by definition, are also subject to this code and these standards.

Councilor Thomas asked how would someone know that?

Rich Faith replied I guess we could make it clearer. We do have in the definition section what is an accessory structure. Perhaps we should just call it out; it is vague. As a standard rule we have included those as accessory structures and they are subject to these standards. Maybe we should include that in the definition of accessory structure.

Councilor Thomas stated on the top of page 5 under item C-1 where you talk about cargo shipping containers. Not all cargo shipping containers are made out of metal. Maybe we should take the word "metal" out and just have it read "cargo shipping containers".

Rich Faith stated that is fine with me.

Councilor Daoust stated on page 4 of Exhibit B, regarding the 8 foot height, the more I think about it I know for a fact that small sheds, even 72 square foot sheds, are more than 8 feet tall to the peak of the roof. I am thinking that when you get up to 200 square foot sheds there is no way that the roof is below 8 feet unless they have a flat roof.

Councilor White stated those would be allowed, you would just need a permit.

Councilor Daoust stated I know. But if we are trying to make it simpler for people with small sheds to not have to get a permit, that 8 foot limit is knocking a bunch of sheds out. Could we change that to 10 feet?

Rich Faith replied yes.

Councilor Daoust stated I think changing it to 10 feet would solve it.

Councilor White stated I prefer the measuring technique under the Building Code that says, "and a height of 10 feet measured from the finished floor level to the average height of the roof surface". To me that is much easier than having to figure the grade.

Rich Faith replied yes and no. If you have a pointed roof you are not going to the peak or to the eaves, you have to go to the average height. It has its similarities in terms of needing to get an average grade or average peak.

Councilor Daoust asked on page 4 of Exhibit B, under items B1 and B2 where we address 8 feet, would those both be changed to 10 feet?

Rich Faith replied yes, if that is what you want we can do that.

Councilor Daoust stated I think architecturally we have to.

Mayor Kight asked does anyone know for certain what the height is for the prefabricated shed roofs?

Councilor White stated they are over 8 feet; they are usually 10 feet.

Councilor Daoust stated I have researched it and Tough Shed has a 72 square foot small shed and the roof is taller than 8 feet from the ground.

Mayor Kight asked how tall?

Councilor Daoust stated it is about 9¼'.

Councilor White asked do we currently have any property owners that have metal shipping containers on their property?

Rich Faith replied there was one residential lot that had one and it was required to be removed because the ruling was that it didn't constitute an accessory structure. Now I want to add it to the code so that it is clear.

Councilor White stated I still don't have a problem with someone having one of those if they build a shed around it. I wonder if we should pursue language to do that because of security. Sheds are one of the first things that a thief targets.

Rich Faith stated if someone brings a cargo shipping container in and builds a structure around it, what are we really talking about. Are we talking about a wooden structure or metal structure at that point?

Councilor Thomas stated regarding going with the 10 feet height, I would like to have something in the language that says it can't be a flat roof at 10 feet. The reason being

is that most accessory structures tend to be built closer to the property lines and I think part of what you are trying to protect are the sights from the neighbors. One of the concerns I remember from being on the CAC is when you start building tall structures next to the property lines people start complaining about losing sunlight and all kinds of things. I am okay with 10 feet to the peak because that is what it takes, but maybe we could add something that says 10 feet to the peak but the sides can only be 8 feet or whatever so that we don't have someone going up 10 feet and building a flat roof or a very minimal slope. I want to try and maintain the character of the neighborhoods.

Councilor Daoust stated I agree with that theory, but I don't know how to word that.

Rich Faith stated I think what you are talking about rather than to the peak of the roof is the actual wall height; as measured to the top of the wall as opposed to the roof line.

Mayor Kight stated how about both. You have an 8 foot wall but you have 10 feet to the peak of the roof, which forces you to have a pitched roof.

Craig Ward stated or a flat roof that is 8 feet high. If you require no more than an 8 foot wall height and no more than a 10 foot roof height, then you said that requires a pitched roof. The alternative is that you could do a flat roof. I would point out that under 5.010.A – A building permit is required for any accessory structure over 200 square feet in floor area or over ten feet in height. So I think the 10 feet in height maintains some consistency with the building codes as well.

Rich Faith replied I would agree with that.

Mayor Kight asked are we protected so that we won't have someone building a 10 foot structure and putting a flat roof on it and blocking views, etc.? Do we have any protection for the adjoining property owner so something like that doesn't happen?

Rich Faith replied on page 6 we allow for a reduced setback. An accessory structure that is 120 square feet or less in floor area and 10 feet or less in height may be as close as 3 feet to the side property line. We set the limit at 10 feet in height but that is still measured to the peak at the highest point. So you could have a 10 foot wall and a flat roof and put it as close as 3 feet to the side property line.

Mayor Kight asked is that what we are looking for?

Councilor Thomas stated just leave it at 10 feet because it maintains consistency. I still like the idea of not having a flat roof.

Mayor Kight asked could we require no flat roofs?

Craig Ward stated you could require a pitched roof not to exceed 10 feet. The obvious impact on that is that anyone that doesn't want a pitched roof might call the council and complain that we are being overly restrictive because we are not allowing flat roofs.

Mayor Kight stated I can visualize someone putting up a building with 10 foot walls and then putting a flat roof on it. Is the Council okay with that?

Councilor Ripma stated the Development Code is an evolving document. Rather than trying to word smith this, which seems to be a bit difficult, and adding definitions for wholesale distribution outlets, portable garages and so on, I would favor considering adopting these ordinance changes. Then in the next round consider some of these other things that are being discussed which are worthy, such as Councilor White's comment about 20 foot height of accessory buildings which really deserves a full discussion by the CAC and PC. These amendments that are proposed are worthy of doing; they clean up the code and they do simplify things. I realize that we could change the 8 feet to 10 feet, I could support that, but it does run the risk of being a flat roof. My thought is we could just adopt the changes being proposed and then invite staff to bring back some of these other things.

Councilor Thomas stated that seems like redundant work. We have it here now and the CAC has already reviewed most of this. We are not making a whole set of changes to the code, we are just cleaning up a few things that we saw that the CAC and PC didn't. Most of what we have here is fairly straight forward. We are adding a couple of definitions for clarity. We are proposing to remove the word "metal" from the cargo containers. Councilor Daoust suggested allowing for a 10 foot peak on the roof. I would like to see us add an 8 feet height for the walls.

Mayor Kight asked is there support by the Council for these changes, or do we want to have the CAC revisit some of these issues?

Councilor Ripma stated I favor what Councilor Daoust and Councilor Thomas are proposing. It is just that this is a second reading of the ordinance and we are not going to be able to come up with the language to define wholesale distribution centers and warehouses tonight. Can we adopt it without the exact language and direct staff to insert a definition? I have no problem getting rid of the word metal on page 5. If you want to go to 10 feet in B1 and B2, those are simple. We can add some language about the height of the walls. The rest will require some staff work.

Councilor Allen stated I think I am detecting some wisdom in what was stated before which is finished floor level to the average height of the roof surface. Say 9 feet is the average, then if you buy one that has a peak that is about that you are still okay, but it wouldn't allow a flat roof greater than 9 feet.

Councilor Daoust stated I am okay with moving ahead tonight. If we want to address Councilor Thomas' 8 feet wall we will have to come up with language tonight. I don't recall anyone taking notes on all of the changes that we have been proposing.

Rich Faith replied I have been. I think that the 8 foot wall and the 10 foot peak is fairly easy to change. If I am hearing correctly what the concern is, in B1 and B2 on page 4

of Exhibit B, which is the exception of when you do not need a development permit, it could read: B-1 - The accessory structure is 120 square feet or smaller in floor area and is eight feet or less in height as measured from the average adjacent grade to the highest point of the wall, and is ten feet or less in height as measured from the average grade to the highest point of the roof.

Councilor White stated I like Councilor Thomas' idea about just stating that shipping containers are not permitted and remove the word metal. On page 5, item C-4, the maximum height of a detached accessory structure shall be 20 feet or less, then have it go into, provided the accessory structure meets the side and rear yard setbacks of the underlying zoning district. That way it is not based on the size of your home, it is just a 20 foot straight height limit.

Councilor Daoust stated it does say whichever is less. So if you have a tall home, it still has to be 20 feet.

Councilor White stated or less, that is what I am proposing.

Councilor Daoust stated that is the way that is written already.

Rich Faith stated I think his concern is that if you have a ranch house that is not 20 feet in height than you are going to be restricted to the height of your house which is less.

Councilor Daoust asked is that your concern Councilor White?

Councilor White replied yes.

Councilor Ripma asked are we planning on crafting language for warehouses...

Rich Faith replied that I can't do without looking at some resources.

Mayor Kight asked Mr. Ross, can we adopt this without having the proposed change relative to warehousing? Would it be better to bring the whole package back again for a third hearing?

David Ross, City Attorney, replied you could postpone to a date certain.

Councilor Thomas asked is it possible for us to adopt this and come back later with the definitions and adopt that?

Rich Faith replied the concern that I have is that we adopt this and then the expectation is that I will come back with a definition that will be another amendment to the code. That requires an enormous amount of process. Any amendment to the development code requires notice to the DLCD, a 45 day notice, etc.



Craig Ward stated there are provisions in codes for interpretations. My question to Rich was absent a formal definition wouldn't the staff normally provide an interpretation of this, at least on an interim basis until such time that we were to bring forward a batch of housekeeping amendments. At some point when we are done with all of this there may be a number of small amendments that need to be made in order to bring the code up to standard. We have had this language in here for some time haven't we?

Rich Faith replied yes.

Craig Ward stated so in effect it hasn't been a problem. If it was a problem we would provide a staff crafted interpretation that would hold; it wouldn't have the force of law because it hasn't gone through the process but it is an expedient that we would use when called upon.

Mayor Kight asked is the Council satisfied with that?

Council agreed.

Mayor Kight opened the public hearing 9:45pm and asked is there anyone here to speak to us on this issue?

No testimony received.

Mayor Kight closed the public hearing at 9:45pm.

Councilor Thomas asked Mr. Faith if he could state all of the changes?

Rich Faith stated we want to make sure that what you called portable garages, or what we commonly refer to as frame-covered accessory structures, is captured in the definition. It either needs to be incorporated into the definition which is in Chapter 1 of the Code which is not part of these amendments, or a short cut is that on page 4 under item 5.010 where we start out saying, "A residential accessory structure is an accessory structure as defined in section 1.020 of this code and includes frame-covered structures", or whatever term you want to use.

Councilor Thomas stated if frame covered structures means the same thing as your definition I am okay.

Rich Faith stated I am proposing that in the first sentence of 5.010 at the end we add, **and includes frame-covered structures.**

Rich Faith stated the second change is on page 4, item B-1: **B-1 - The accessory structure is 120 square feet or smaller in floor area and is eight feet or less in height as measured from the average adjacent grade to the highest point of the wall of the structure, and is ten feet or less in height from the average adjacent**

grade to the highest point of the roof of the structure. That same change would occur in B-2.

Rich Faith stated on page 5, item C-1 we would remove the word “metal” and simply say, “Cargo shipping containers...”

Rich Faith stated I think it is still up in the air in terms of what you want done on C-4, which Councilor White had requested.

Councilor Thomas stated what Councilor White suggested was, shall be 20 feet.

Rich Faith stated I understand that but I haven’t heard anyone else other than him comment on that so I wasn’t sure if there was consensus on that.

Council did not voice any objection to this change.

Rich Faith stated so item C-4 on page 5 will be amended to read, “The maximum height of a detached accessory structure shall be 20 feet provided that the accessory structure meets the side and rear yard setbacks of the underlying zoning district.”

Rich Faith stated we will leave the interpretation of what constitutes a wholesale distribution outlet including warehousing up to me until some point in the future.

**MOTION:** Councilor Thomas moved to adopt 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 with the changes specified by Rich Faith, our Community Development Director. Seconded by Councilor Daoust.

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

**Motion Passed 7–0.**

**10. APPOINTMENT:** Appointment of Troutdale’s representative on the Mt. Hood Cable Regulatory Commission.

Mayor Kight asked Councilor Thomas how many years have you served on the Mt. Hood Cable Regulatory Commission (MHCRC)?

Councilor Thomas replied 15 years.

Mayor Kight opened the nominations.

**NOMINATIONS:** Councilor Anderson nominated Councilor Thomas for Troutdale's representative on the MHCRC. Seconded by Councilor Daoust.

No further nominations were made.

Mayor Kight closed the nominations.

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

**Motion Passed 7–0.**

## **11. STAFF COMMUNICATIONS**

Craig Ward, City Manager, updated the Council on the following:

- On April 16<sup>th</sup> we had Earth Day Clean-up at Columbia Park. Oregon Department of Forestry presented the Tree City USA Award to us for 2010. 96 students and youth planted 165 trees and shrubs and filled a dump truck with ivy and blackberries as well as 40 bags of garbage from Columbia Park. A grant from Multnomah County Soil and Water Conservation District, and donations from Starbucks, provided refreshments and a barbeque.
- On April 30<sup>th</sup> there is a Spring Clean-up event at the Troutdale Transfer Station from 9am to 2pm, located on Eastwind Drive.
- On May 7<sup>th</sup> the Sandy River Clean-up will convene at Glenn Otto Park sponsored by the Northwest Steelheaders.

## **12. COUNCIL COMMUNICATIONS**

Councilor Daoust stated as I understand it there is a lot going on at Glenn Otto Park on Saturday, May 7<sup>th</sup>. There is the Troutdale Trot, which is a 10k run/walk and a shorter walk for children sponsored by the Troutdale Lions Club. There will be a bake sale for the Mike Kellogg family to assist with their medical expenses which is also on May 7<sup>th</sup>. There are other activities also taking place at Glenn Otto Park on May 7<sup>th</sup> throughout the day. I would encourage folks to head down to the park on May 7<sup>th</sup>.

Councilor Thomas stated at one time we had requested to have our web address changed from ci.troutdale.or.us to something like troutdale.org like most other cities in the area have done. I was hoping that we could get a status update on that.

Councilor Thomas stated I would like to have the issue of the Multnomah County Coordinating Committee that was mentioned earlier by Metro Councilor Craddick added to an agenda.

Councilor Thomas stated I attended the pancake breakfast that was sponsored by the Boy Scouts at Glenn Otto Park last Saturday along with their Easter egg hunt and I received a lot of questions about the kitchen at the Sam Cox Building. It would be nice to receive a report on what our estimations are for getting that completed.

Mayor Kight reminded the Council to ask question of staff prior to the meeting when possible to help facilitate moving our meetings along. It would also help the staff to be better prepared to respond to your questions.

Mayor Kight stated it appears that we have at times two or more people trying to speak at once and as the Chair of the meeting it makes it difficult to run the meeting. If we could show respect for everyone by acknowledging the Chair then I can call upon you to speak. If you have any suggestions on how we can make the meeting go smoother or quicker please let me know.

Councilor White stated I wanted to thank the Troutdale Lions Club for sponsoring the egg hunt, and the Scouts for the pancake breakfast at Glenn Otto Park. It was a well attended event and a great tradition for Troutdale to continue.

### **13. ADJOURNMENT:**

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

Meeting adjourned at 10:08pm.

**Mayor Jim Kight**

**Approved May 10, 2011**

**ATTEST:**

**Debbie Stickney, City Recorder**