

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

**March 12, 2002**

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

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

Mayor Thalhofer called on Councilor Ripma to lead the Pledge of Allegiance.

**PRESENT:** Smith, Ripma, Thompson, Thalhofer and Kight.

**ABSENT:** Rabe (excused) and Daoust (excused).

**STAFF:** Faith, Galloway, Nelson, Callan, Sercombe and Stickney.

**GUESTS:** See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Galloway replied we have no update Mr. Mayor.

**2. CONSENT AGENDA:**

- 2.1 **Resolution:** A Resolution granting an easement for a portion of Tract A, Troutdale Town Center, to James L. Ellis
- 2.2 **Motion:** A Motion appointing Don Cook to serve on the Port of Portland Airport Noise Advisory Committee and Bob Paine to serve as the alternate.

**MOTION:** Councilor Thompson moved to adopt the consent agenda. Seconded by Councilor Kight. The motion passed unanimously.

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

Mayor Thalhofer asked is there anyone here that would like to speak to us on a non-agenda item?

Robert Houghtaling stated the last time I was here was about a year and a half ago to comment about Home Depot and the lighting issues. I am here tonight to say that in our household we still have some concerns about the lighting issues at Home Depot and some of the other developments. In your packet on page 52, I am not addressing an item on the

agenda I am just using a convenient visual aid, section 8.050 reads, "Outdoor lighting; The fixtures shall be constructed or fully shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part". (Robert showed the Council a catalog that had a picture of the luminaire that is located at Albertsons). I called the manufacturer today and gave them that model number and asked them if it corresponds to the section of the Troutdale Development Code (TDC) that I just read. (Robert drew an illustration of the light fixture that is in the catalog and at Albertsons). The TDC has stated for a long time that if you draw a horizontal plane from the lowest part of the luminaire, that light is not allowed to go above that horizontal plane. The problem with this particular fixture is that it has a dropped lens so light goes off of that area and goes up above the horizontal plane. All I am trying to accomplish tonight is to provide a little education about the fact that the Troutdale Development Code really hasn't been adhered to in the Albertsons, Home Depot, Saturn, and Thriftway developments. When I came here a year and a half ago the Council seemed extremely concerned that Home Depot wasn't complying with the conditions of approval and the development code. So if it is the case that a lot of these lights have been installed unlawfully, I have a handle on how that may have occurred based on a conversation that I had with Rich Faith last night. I am here to ask you what the remedies are to this situation? From my house we are still bothered by the fact that we see parking lot lights that are not compatible with a residential neighborhood. We also see the hanging luminaries from inside the garden center at Home Depot.

Mayor Thalhoffer stated you have made a good point. I think that the Council needs to take a look at this lighting situation. I would like to put it on the agenda for a future council meeting so you can have more time and staff can look into this.

Houghtaling stated I do appreciate some of the changes that have occurred.

Karen Burger-Kimber stated I am the Executive Director for the Metro East Portland Hospitality Network. That is a group of twenty-six churches that are working in collaboration to provide shelter for homeless families while they get back on their feet. This has been an exciting adventure for me for the last three years. Just recently we were awarded a Community Development Block Grant from Multnomah County. It was through the cooperation of the City of Troutdale that we were able to get those funds. The funds are being used to help remodel our day center, which is a facility that we have during the day for our homeless families to go where they can take showers and do their laundry. They have a computer, work station, phone and other facilities available to them while they are looking for housing and employment. I just wanted to introduce the program to you and extend my appreciation for your cooperation and support in acquiring those funds for our program.

#### **4. RECOGNITION: Troutdale Recreation, Friday Night Basketball Program.**

Mayor Thalhoffer called this item.

Tracy Callan, Recreation Program Manager, stated I come before you tonight to recognize one of our longest running programs from the Troutdale Recreation Program, now running for six years. Tonight I would like to recognize some of our community partners that we have as

well as some of the people involved that have made this program possible over the last six years. Six years ago we started in the Sweetbriar School gym with about five teenagers and a supervisor. It gradually outgrew the Sweetbriar gym and we moved to the Walt Morey Middle School and we now have two hundred and fifty participants each Friday night. The program is supervised by our Troutdale Police Department. I would like to recognize Hud Lasher, Superintendent of Reynolds School District; Ladyle Simpson, Principal of Walt Morey Middle School and present them with a certificate of appreciation. Chief Nelson will present certificates to all of the Officers and Reserve Officers that have been a big part of this program. We could not have done this without them.

Chief Nelson stated we have been involved in this program for about six years. We started off using full-time officers. Recently we have had our reserve officers participate in the program. I would like to introduce and thank the following officers: Sergeant Jim Leake, he is in charge of the reserve program; School Resource Officer Rodney Wilkerson, part of his duties include working with the Friday Night Basketball Program and he has been a valuable asset to Walt Morey Middle School; Reserve Officer Brett Guinan; Reserve Officer Matt Hochstetler; Reserve Officer Kristin Hartman; Reserve Officer Don Smith; Reserve Officer Jennifer Goss; Reserve Officer Teresa Troutt; Reserve Officer Shane Cox; Reserve Officer Wiley Howell; Reserve Officer Martin Bennett. We have two new reserve officers that just started our program, Tim Fujii and William Day. They just graduated from the Reserve Academy last Thursday night.

#### **5. REPORT: Gresham Fire Department Activities in Troutdale.**

Mayor Thalhofer called this item.

Captain David Phillips, Gresham Fire Department, stated I am here tonight to provide you with a summary of our run volume for last year, give you an idea of the type of calls we went on here in Troutdale and provide you with some information on activities that we have been doing over the past year. This information relates primarily to the activities of Station 75 on Cherry Park Road in Troutdale. On occasion we are already out on a call or out of our area on training activities and other companies provide the service to the citizens of Troutdale so those numbers are not represented in my report. I would estimate that to be an additional 5% over my numbers. The total runs for the year 2001 for Station 75 was 1,341 calls for service. Of those 1,341, 698 were calls for medical service and 643 calls for fire and non-fire related emergencies. Of those 1,341 calls we responded to 825 calls within the City of Troutdale and there were 15 working structure fires, those are fires that are not controlled within structures. In addition to our calls last year, Station 75 is responsible for wild wind, which is a program for the entire Gresham Fire Department. In Troutdale we spent a lot of time in the early spring and into the summer doing pre-fire or pre-incident surveying where we identify areas that we could have trouble. With that information we draw maps and make plans and share that information with other stations that may serve this area. Another area we look at is called urban interface, places where forest or brush either abuts to a residential structure or completely surrounds them. This year we have been working with Troutdale Parks Department to identify a program that both meets their needs and our needs with the idea of putting out some kind of informational material to the public on how to protect their home from brush fire that may get out of hand. The other program that we house at the Troutdale

Station is the Swift Water Rescue Program, which is in the developmental stage. This last year a few of our members attended some technical training with the idea of learning more about the program and being able to work towards developing a program ourselves. We will be training all of our operation personnel to the Awareness and Operations level for Swift Water Rescue. The last area I wanted to touch on is what the community has been doing especially post September 11<sup>th</sup>. September 11<sup>th</sup> was a long day for all of us, but it was especially hard on the emergency services field. I wanted to let you know that many cards, letters, posters, flowers, plants and food have been sent to the Troutdale Fire Station as well as every other fire station in the region. They were very much appreciated. I would also like to thank the florist at the Troutdale Thriftway for offering to put a display in her floral area to advertise the posters that were marketed through the fall and winter to benefit the families in New York. From my Station and the rest of the Gresham Fire Department I want to thank the public for reaching out to us.

Councilor Ripma stated I would like to give my heartfelt thanks to you and the entire Gresham Fire Department for your many property and life saving activities that you engage in.

Councilor Thompson stated thank you.

Mayor Thalsofer stated I would also like to thank you as well. You do provide a great service for Troutdale. We appreciate all of the hard work you do. I thought there would be more medical emergencies that would show up in your numbers.

Captain Phillips stated typically that is what we would experience. We seem to have, because of the freeway, more non-fire related accidents and minor calls that don't come in as medical but come in more as a traffic accident.

Mayor Thalsofer asked how often do you respond to calls at the airport?

Captain Phillips stated not very frequently.

Mayor Thalsofer asked the Swift Water Rescue program, ultimately would you want that to be some sort of a lifeguard program?

Captain Phillips replied what we are trying to gear up for is the ability to respond to the occasional car that may overturn in a creek. We want to be able to go in and get them out. We are looking at becoming a partner with the regional team and being able to provide our own service and become a part of the bigger service as well and be able to provide rescue via swimming as a last resort to help a victim.

Mayor Thalsofer asked so you would be getting into the recovery aspect?

Captain Phillips replied that currently belongs and would probably remain with Multnomah County Sheriffs. We would just have the ability to help people that may get caught out on an island, by using ropes and water craft we would be able to go and retrieve the person off the island.

Mayor Thalhoffer asked do you expect to ever have a dive team?

Captain Phillips replied at this time we have one member of our department who is a member of the Multnomah County Sheriffs Dive Team. I would hope to strengthen our working relationship with them.

Councilor Kight asked one of the issues that has come up is cost recovery. I know Gresham was talking about doing cost recovery for the emergency calls they receive from people that do not live in the community, do you know where they are in that process?

Captain Phillips replied the last I heard was work was still being done and they were looking into it but no decisions have been made.

Councilor Kight stated the 698 medical calls, when you are called out on a call you bring the entire crew, the pump truck. Is there any consideration to having a dedicated medical van just for EMT's to go out on those kinds of calls?

Captain Phillips replied since 1989 or 1990 when we initiated the advanced life support engine company program we had an advance life support rescue that ran in support of all of our fire engines, which at that time were EMT basic level trained. What we ended up having was five individuals responding on all calls for medical service. Since that time we have been able to place paramedics on the fire engines. At this point if you were to give me a rescue unit to run out of my station I would be faced with a decision of do I take it and split my crew up and send a couple members out and once we are cleared from that call have to wait a while before we are all back together to be able to respond to a fire call. That would be a judgment that I would have to make and I think at this point I would be more in favor of keeping that engine company together so we are better able, as a team, to respond to whatever comes before us.

Councilor Kight asked you don't transport people on medical calls, that is still done by ambulance?

Captain Phillips replied yes.

Councilor Kight asked do you see anytime in the future where that may change?

Captain Phillips replied currently AMR has the contract. When that contract comes up there is the opportunity to bid. I do not know if Gresham Fire will choose to bid for those services at that time.

Councilor Kight asked would you like to do something like that?

Captain Phillips replied I would enjoy transport.

Councilor Kight stated there is a new state law that requires the ten-year life smoke detector and battery. The smoke detector contains a battery that cannot be used in any other device other than that one smoke detector. It is a lithium battery that is reported to last at least ten years. We need to get that information out to the general public. If I may offer, we publish a newspaper that goes out to all of the residents of Troutdale and that may be a good way to communicate the information to the citizens in Troutdale about the new smoke detectors that are required in their homes. The other issue has to do with the dry brush areas. If you notice brush surrounding a residence and they are not maintaining it and you see that as a fire hazard, you can contact Jack Hanna our Code Enforcement Officer and he can file a notice with those folks and bring them into compliance. Thank you for all the fine services you provide.

Councilor Smith stated I think Troutdale is fortunate to have the crew that we have in Troutdale. I happen to be the recipient of your services three times in the last two years. They have been efficient and are able to deal with everything and anything. I have nothing but good things to say about our fire department.

**6. PUBLIC HEARING / ORDINANCE (Introduced 2/26/02): An Ordinance adopting text amendment #31 to the Troutdale Development Code relating to multiple-family residential design standards.**

Mayor Thalhofer read the Ordinance title and opened the Public Hearing at 7:55pm.

Rich Faith, Community Development Director, stated this ordinance was introduced two weeks ago. It is a set of amendments to the Troutdale Development Code that relate primarily to establishing multi-family design standards. At the last meeting several council members did raise some questions about the amendments or issues related to those amendments. First of all Councilor Ripma had asked about the manufactured home parks within the R-4 and R-5 districts and whether or not we were required by law to allow for those in both districts and whether it would be possible to eliminate manufactured home parks from one or the other. The Council directed the City Attorney to research state law and come back with a report. The City Attorney has provided you with a memorandum on that issue. The Mayor voiced a concern about major utility facilities that are currently allowed within the Town Center area and expressed concern about continuing to allow for these. I think what you were addressing was the AT&T Broadband facility and the Verizon telephone switching station, which have been constructed in the last several years in the downtown area. I believe it was your desire not to see anymore of these types of facilities along our main commercial street, Columbia River Highway and Halsey. I responded that major utility facilities are allowed by conditional use in all of the zones that we have in the Town Center area; therefore, they require the approval of the planning commission. I also caution the council about eliminating the category of major utility facilities from the Town Center area because that category encompasses other types of utility facilities that may need to locate in the Town Center area.

Councilor Kight asked couldn't we make that distinction if it is required within the Town Center?

Faith replied what I am trying to say is that major utility facilities is a category of use and the definition encompasses a rather broad range of things that are allowed. All of our zones within the city allow major utility facilities by conditional use except for our Light Industrial and General Industrial zones, where they are permitted outright. My caution was if we take that use out of the Town Center area there are other types of utility facilities that you would be eliminating from locating in the Town Center area, which may be appropriate and necessary because of the location and need. The other point that I was trying to make was that these particular facilities that the Mayor cited were reviewed by the Planning Commission as conditional uses and were found to meet the criteria for approval, such as suitability of the site and compatibility with the surrounding area. That was a judgment call made by the Planning Commission. My conclusion to the question posed by the Mayor is, unless I have specific direction I have no specific change recommended for the utility facilities. The third point that was brought up at the last meeting was one raised by Councilor Kight where he asked what kind of design standards other communities have for regulating telecommunication towers, cell phone towers specifically. Some communities have rather extensive regulations, however, I believe most communities have next to none. Again, these are conditional uses within the city and when we have processed applications for these in the past we have required them to be engineered and designed to accommodate additional antennas from other carriers so that when other carriers come along we can require collocation on those, thereby reducing the number of these towers within the city. I am still unclear as to whether the council is expecting anything further so I have not prepared anything further unless directed to do so. There are some additional amendments being proposed from those that were brought forward to you two weeks ago as recommended by the Planning Commission. The first of these are some minor wording changes to the definition of major utility facility, which I voiced to you at the last meeting. In Exhibit "D" of my staff report I have incorporated these changes for your review. Since the last meeting there are some other revisions that have come to light that we would also like to recommend. The need for these revisions came forward as we have been involved in meetings with several developers of prospective projects within the city. The first of these amendments pertain to lot dimension and density standards for attached dwellings in both the R-4 and the A-2 districts. As we had these meetings with the developers we recognized that there are some discrepancies in our proposed R-4 and A-2 zones. There are discrepancies between lot size and lot width standards that need to be addressed. For example, in the R-4 district, which allows for attached dwellings, we set a minimum lot size of 3,500 square feet for attached dwellings but then we set a minimum lot width of 20 feet. Consequently, it would require a lot with a depth of 175 feet if you were to have only a 20-foot wide lot to meet the 3,500 square foot dimensions. It doesn't really pencil out very well. Similarly in the A-2 district, which also allows for attached dwellings, we have a lot width of 30 feet and yet we allow for a smaller lot size than in the R-4 district. So we allow for a smaller lot but we require a wider lot, which is really out of character with the two different districts. Consequently, to correct those discrepancies and to provide for a tighter fit between lot size and lot width standards and particularly as it relates to the end and middle units of attached dwellings, like row houses, we have some amendments proposed to both the R-4 and the A-2 districts. Those are also reflected in Exhibit "D" of my staff report. The final set of revisions to the amendments being proposed is in reference to the planned development chapter. These revisions were actually

requested by the representative of a potential developer of a project. Mike Robinson, the legal representative, submitted a letter outlining the requested changes and the rationale for that. That letter is attached as Exhibit "C" to my staff report. The planning staff concurs with the requested revisions that Mr. Robinson has made and we assisted him in drafting these changes. However, subsequent to his letter and upon further review of the planned development chapter and the requested revisions, we identified some other changes that we feel are also necessary in order to improve language and clarify some of the meanings within the planned development chapter. The changes that Mr. Robinson has requested in his letter as well as some modifications to that are all shown in Exhibit "D". If I can refer you to Exhibit "D" to review these changes. The first is the change in the definition to Major Utility Facility. The second changes are to Chapter 3.050, which is the Attached Residential – R-4 district; Chapter 3.060, which is the A-2 district. Those that pertain to the Planned Development, I wanted to point out that the change that is being requested here is in section 4.514 Section C (1)(a) which reads, "Density shall be allowed consistent with the general plan and program throughout the Planned Development area without regard to zoning district boundaries." The whole purpose of that change is that as the planned development chapter is now written, if you have a piece of property that has multiple zoning on it, we would apply the density as provided by the various residential zones and you would be held to the density within the area of that planned development that falls under those different zones. For example, a piece of property that has A-2, R-5 and R-7 zoning, all one planned development project but three different zoning classifications, we would look at each area that is zoned and apply the maximum density and then hold you to that density within that underlined zoning. This change would allow for the developer to spread that density out over the entire property without limitation by the underlined zoning boundaries. You would establish the maximum density based upon that but you would be allowed to spread that around. That is the major change that is being proposed here. The recommendation from staff is to approve the ordinance, which encompasses those changes that are identified in Exhibits "B" and "D".

Councilor Ripma stated thanks for the analysis by you and the legal department on the issue of manufactured housing developments in R-4 and R-5. Essentially it is not something we can do in this round of amendments without going back to the drawing board, but we can do it ultimately and I think we will take that up next. On the planned development section 4.500 on page 31 of Exhibit B. Do we have to allow planned development of manufactured homes?

Faith replied a planned development is the equivalent of a zone change. It is essentially putting an overlay zone on a piece of property and therefore it has to go through the highest level of review, which would be a hearing before the Planning Commission and then to the City Council for final approval. There are a number of factors and criteria that apply to a planned development and to best answer your question; no you are not obligated to approve a planned development. If you find that a proposed planned development including a manufactured home subdivision, does not comply with the criteria then you could deny that planned development.

Councilor Ripma stated that isn't exactly what I meant. Currently 4.512 (A) and (B), could we just allow planned development for site built housing only and not for manufactured housing?

Faith replied I have to go back and explain why this is being proposed. If you recall, we currently have an entire chapter in the development code devoted to manufactured home subdivisions that set out certain criteria for approving manufactured home subdivisions in the R-4 and R-5 districts only. What I reported at the last meeting was that we are proposing to eliminate that chapter because it really no longer applies by virtue of the fact that we now allow manufactured homes on individual lots as required by state law, it really makes no sense to have something called a manufactured home subdivision. Any developer could do a full subdivision for single-family homes and allow for manufactured homes to be put on that. The Planning Commission thought that it was important that we still make it clear that through a planned development process you could do a manufactured home subdivision, as you can any other type of subdivision, that allows you to do something other than what the underlined zoning would dictate as far as lot size and width. The planned development process allows you to deviate from the normal as far as the lot width, depth and size. All this is attempting to do is to say that you have the planned development process available to do a single-family subdivision if you want to mix the size of the lots and the same holds true for manufactured homes, which are also permitted in our various residential zones. All this does is give credence to what state law allows you to do.

Councilor Ripma stated I know the planning commission had an opinion that it would be fairer to do this, but I think Troutdale has done its bit for the manufactured housing industry. We have to comply with state law but I guess I am thinking that we don't have to allow them through the planned development process. It doesn't sound like we have to, it sounds like it is a way of making up for the removal of the manufactured home parks procedure, but we are not required to allow them through the planned development process. In other words people could take their zoning district R-4 and make 4,000 square foot lots and if they want to put manufactured homes down there is nothing we can do about it, but we don't need to allow it as a planned development.

Faith replied I don't think that you could deny someone the right to apply for a planned development that would include manufactured homes. Again, you have the final say and you could deny that planned development.

Councilor Ripma stated that isn't exactly what I was saying. First of all these don't always come to the council, the planning commission can approve these can't they?

Faith replied all planned developments have to come to the council because it constitutes a zone change.

Councilor Ripma stated that isn't quite what I was saying. Allowing for a subdivision by the planned development process, we couldn't exclude manufactured homes, I agree. But this being here allows for essentially what is called a manufactured home subdivision, being that it would be all manufactured homes. While they can do it on individual lots, it seems like this is allowing for an entire subdivision of manufactured homes and we wouldn't necessarily have to allow it under planned development.

Faith replied it would be fair to say that you would only allow for it in zones that permit manufactured homes on individual lots.

Mayor Thalhoffer stated I think this is a question for our City Attorney. Councilor Ripma would you please ask the City Attorney your question.

Councilor Ripma asked under Section 4.500, Planned Development, if we just had section A and not section B, would that violate state law? People could still do a planned development; they could make subdivisions and put manufactured homes where they are allowed without having a specific section for manufactured home subdivisions.

Tim Sercombe, City Attorney, asked so the affect of it would be that whatever advantages you can get by varying dimensional standards through a planned development process would not apply to manufactured homes?

Councilor Ripma stated it would be silent on it. I guess it would be because Section A mentions site-constructed housing. Yes, I guess that is right.

Sercombe stated I would have to think about that. The issue would be whether or not you could apply different planned development standards to a subdivision of stick built homes versus manufactured dwellings.

Councilor Ripma my other issue relates to these changes that are in Exhibit "D" on page 1, 3.054(A)(1), it mentions 3,000 square foot lots and I don't recall seeing 3,000 square foot lots. On page 2 on the Density Standards table, it mentions 2,000 square foot lots. On page 3, 4.514(C)(1)(b) that mentions a minimum 2,000 square foot lots. I just want to make sure as a reality check, have we ever had lots that small?

Faith replied we have them smaller.

Councilor Ripma asked in the code? I have only seen 3,500.

Faith replied currently in the Town Center we have a minimum lot size of 2,000.

Councilor Ripma asked is this limited to the Town Center?

Faith replied no. These changes would apply throughout the city. I think it is important to point out that in the R-4 district, the 3,000 square foot minimum lot size is only for interior lots of attached housing such as row houses. What we are saying is that we need to make a distinction between the end units, which have a side yard setback requirement but there is no setback for the middle units because these are attached houses and each one is sitting on its own lot and they have a common wall. What we are saying is those middle units can be as small as 3,000 square feet in the R-4 zone and as small as 2,000 square feet in the A-2 district. From experience we are seeing that this is the norm. We can look at the new row houses that have just been built ½ block from City Hall and they are only 16 feet wide. I believe those lots are only 1,300 square feet. The norm in the industry right now is 20 foot

wide attached row houses. What we are trying to do is recognize what is going on in the industry and in our higher density residential zones accommodate those and particularly for those interior units that don't have to meet any kind of a side yard setback standard.

Councilor Ripma stated I know we allow this in the downtown area but I am worried about expanding this to the rest of the city if we don't right now allow lots that small. It alarms me that we would be making that big of change. On page 1 of Exhibit "D", 3.054(A)(1), the old language is minimum lot 4,000 square feet for a single-family detached dwellings, 3,500 square feet for each attached or zero lot line dwelling. That is the standard we had and now it is going down to 3,000 so it is more houses on less land.

Faith replied you are absolutely right. We dropped from 3,500 square feet to 3,000 but only for interior attached housing, not for exterior.

Councilor Ripma stated but under the old rule the interior was required to be 3,500.

Faith replied that is correct.

Councilor Ripma stated the table on page 2, is this table from our current code?

Faith replied yes.

Councilor Ripma stated the 2,000 square feet was allowed for the multi-family developments with 15 to 37 dwellings and for 38 to 94 dwellings it was 1,500 square feet and 95 to 155 was 1,000 square feet. But for attached housing we are going from 3,500 square feet and 3,000 square feet if they are on one lot and 2,000 square feet if they are interior units. I am very alarmed with this.

Faith replied it is comparable because if you were building apartment units then you are into that second tier of standards and for apartment units you can actually get down to one unit per 1,000 square feet of land area, so it is quite dense.

Councilor Ripma stated but that is for one unit on one lot.

Faith stated yes all on one lot. What we are saying here is we also allow for attached dwellings on individual lots to allow for individual home ownership. Again to recognize what is being built out there today and what is practical, 3,500 square feet is not practical because you would be forced to have a 35' by 100' lot therefore you would have to have a 35' wide row house, which is not the norm in the industry. If we are going to allow for attached dwellings in the A-2 district we should make it possible to build them otherwise why have them.

Councilor Ripma stated you are saying that they are allowed in the downtown overlay district.

Faith replied they are allowed in the A-2 district, not just the downtown. They are allowed in the A-2 district, which is not a change from what we currently allow.

Councilor Ripma stated row houses are being built in town, are they at 3,500 square feet. You just mention that the ones up the hill were narrower. We are accommodating them here, what is the change. It sounds like this code change would allow them outside the downtown area.

Faith replied they are allowed elsewhere. An example is on 25<sup>th</sup> in the Hampton Point Subdivision on the left side we have six attached row houses. That was done as a planned development, so they asked for narrower lots than what the R-4 zone would have normally required because it was part of a planned development that was approved. Those would not be built if they had been held to a 3,500 square foot lot and 35 or 40-foot width. The planned development afforded them the ability to narrow the lots and build those six attached houses.

Councilor Ripma asked these changes are changes to the code and they wouldn't have to go through a planned development.

Faith replied that is correct.

Councilor Ripma stated I think I am hearing you say that this isn't much of a change. I am saying if it is not much of a change then why are we making this change. I think it is a significant change.

Faith replied what I mean by that is that it is not a change in the allowed uses. The uses are the same that are currently allowed. It is a change in lot width, lot dimension and lot size in order to realistically allow for those to happen if they are going to be permitted uses.

Councilor Ripma asked did these go through the planning commission?

Faith replied the Exhibit "D" changes, no. Those are changes that came to light as we were evaluating a couple of potential projects.

Councilor Ripma asked where is it in Exhibit "D" that within a particular piece of property that has different zoning, that you are allowed to average it out.

Faith replied that is on page 1 of Exhibit "D", the addition of subsection "A" is the significant change that will allow for those units to be distributed throughout the entire planned development site and not locked into a certain number. You would determine the maximum number of units that each of those zones allows and then you would have the ability to distribute them throughout the site without regard to the underlined zoning.

Councilor Ripma asked if you had a five acre parcel and it had R-7 and R-5 and A-2, in the end does this mean that you could build more units on the 5 acres than if we didn't make this change?

Faith replied no. You cannot build more. It is the same number but they can be distributed differently on the entire site.

Mayor Thalhoffer asked on page 1 of Exhibit "D" does this apply throughout the city, not just in the town center?

Faith replied yes.

Mayor Thalhoffer stated as far as the Town Center area is concerned I am not too happy with the way things are going further down Halsey where we have light industrial uses when we really need to keep our beautiful downtown moving to the west. I have argued this point and apparently it is not going anywhere. I think we ought to take another look at the Town Center Plan and decide if we want industrial uses alternating with commercial uses. I don't think that is what we planned originally.

Councilor Kight stated earlier a citizen commented on lighting issues, which we are going to have under a separate agenda item. You did not have an opportunity to respond to his concerns. Page 52, section 8.050 addresses outdoor lighting. Does our current lighting code for commercial lighting take care of the problem that he was talking about? Is there enough language in there that if people are in compliance they are not going to have the spill over into residential neighborhoods? I thought this was already taken care of.

Faith replied it is under the new lighting code that has been adopted. I believe that his point is that we are showing that we are going to eliminate language that is in the code that speaks to this kind of situation that should have been brought into play when Home Depot and Albertsons were processed and evaluated.

Councilor Kight stated well lets look at a hypothetical situation. Assuming that we still have the cabbage patch property today and Albertsons came in with a proposal, would the lighting that they proposed, under the new lighting regulations, would that take care of the problem of spill over into the residential neighborhoods?

Faith replied I believe so.

Councilor Kight asked so if Home Depot or Albertsons built the same facility today, would they have a different lighting fixture?

Faith replied I would have to believe that they would. We would be looking at it under the new standard, which is much clearer in terms of the information that has to be submitted for our review and therefore we would have zeroed in on the issue of light pollution and we would have been sure that the shielding was in place to address the standards in the new lighting ordinance.

Councilor Kight stated page 16 lists the minimum design standards. You indicated that you talked to the Building Official and today a lot of developers are already meeting some of these standards. Currently the city requires them to have at least a minimum of six of these items. My comment at the last meeting was could we increase that six to a higher number. What was your response to that?

Faith replied the answer is yes you could. Is that a reasonable expectation? Since you asked that question, I have again spoke with the Building Official and what he concluded is that of this list of twelve there are five of these architectural features that are pretty much a standard. 98% of all new single-family housing that is being built today incorporates five of these features. The standard that we are proposing that you must incorporate at least six is raising the bar.

Councilor Kight asked would you indicate to me which is the five that you think is the normal five that developers will meet. This would also be applicable to multi-family, right?

Faith replied no, these are only for detached single-family dwellings and zero lot line and duplex when each of the units in on an individual lot. If you go beyond that to more units than that then you are subject to the standards that are in this new chapter 8.200.

Councilor Kight stated so a developer could skirt these standards by making sure a duplex is not on two separate tax lots, right?

Faith replied no, then if you do that you are subject to the standards that are in 8.200 on page 47 of Exhibit B, Multiple-family attached duplex and triplex dwelling design standards. These apply to all of those types of units within the city and in any individual residential zoning district that allows for these types of uses we specifically reference these standards. These that you were pointing out on page 16 are only applied to single-family detached zero lot line, which is also a detached single-family dwelling, and duplex dwellings when each of the units are on a separate lot. According to the Building Official the design features that are usually incorporated into single-family houses are item 6 – off-sets on building face for a roof of a minimum of 12”, item 7 - gables, item 8 – covered porch entry, item 10 – eaves at a minimum of 6” and item 12 horizontal lap siding, but he does qualify that to say that is sometimes only true of the fronts of the structure and not all sides of the structure.

Councilor Kight asked can we make that applicable to the other three sides of the building?

Faith replied if you did that then they could still probably meet it by incorporating some other feature. It doesn't necessarily cure it if you are only required to incorporate a minimum of six design standards and you write this to say horizontal lap siding on all sides, the builder may choose to skip that one and will make it up by putting in a bay window or a window shutter. There is no guarantee that you are going to get all new housing with horizontal lap siding.

Councilor Kight stated we could have an “A” list and a “B” list and the “B” list would be a minimum of what they had to do and then if they wanted to expand on that and go to tile shaped architectural comp roofing.

Faith replied before we would embark on that change I think it would require some feedback from the building community. They should be approached on the impacts of that type of a change.

Councilor Kight asked why couldn't we require seven or eight design requirements.

Faith replied you could. The question is at what point do you require too much and it starts to affect the cost of the house.

Councilor Kight stated the thing that bothers me is I keep hearing "minimum standard". When a house is built we are going to be looking at it for the next 75 to 100 years. I am wondering if the rest of the Council would support the idea of raising the bar a little bit higher and getting a higher quality home. The other issue that was brought up at the last meeting was the cell towers. We have seen a proliferation of those in the community. As you have indicated there are other communities that have looked at them and said that they don't like just the minimum standard, we want something of just a little better quality if we are going to be looking at these for a number of years. Why not include something like that for Troutdale. I would be interested in finding out what other communities are doing to make them aesthetic pleasing. The last issue has to do with excluding utilities in the Town Center area. Could AT&T have built that particular structure in another part of the city? Was there a reason it had to be built in that location or could it have been built in the industrial section of the city?

Faith replied I don't know if I have the answer to that. I assume that they could but I don't recall the precise reasons why they picked that particular location.

Councilor Ripma stated my concern really is with the new changes that I am seeing this time that were not presented at the last meeting. Is Exhibit "B" the same as what we saw at the last meeting?

Faith replied yes. Exhibit "B" is what the Planning Commission recommended.

Councilor Ripma stated the way I read this is only in the Town Center are 20 foot wide lots in the A-2 zone, otherwise the minimum was 30 foot.

Faith replied under the Town Center Overlay District what we said was that the residential densities of the underlying zoning shall apply except for, and we called out the commercial zones and the A-2 zone, the maximum residential density in these zones shall be one dwelling unit per 2,000 square feet of net land. So we have set a 2,000 square foot lot size per dwelling unit in the A-2 zone in the Town Center but it did not apply to the A-2 zone outside of the Town Center.

Councilor Ripma stated in the changed language that you are proposing in Exhibit "D" it does.

Faith replied only for interior lots within attached row houses.

Councilor Ripma stated on page 2 of your staff report it reads "As now written, the A-2 district allows attached dwellings the same as the R-4 district, but requires lots to be a minimum of 30 feet wide. This is wider than the R-4 district allows." It seems to me that the R-4 district does allow 30 foot.

Faith replied what that means is, as now proposed under Exhibit "B". Exhibit "B" is the proposed amendments brought to you two weeks ago. If you look under Exhibit "B", page 19 what you see is we have minimum lot size under 3.054 A (1) it reads "Minimum lot size 4,000 square feet for all single-family detached dwellings and non-residential uses; 3,500 square feet for each attached, duplex, triplex, or zero lot line dwelling." When you go to section 2, minimum lot width, you will see that we allow a 20-foot wide lot but it has to be 3,500 square feet in size. So you can have a 20 foot wide lot but to accommodate attached dwellings you have to have a 3,500 square foot lot so therefore it would have to be 20' x 175', it makes no sense.

Councilor Ripma stated you don't need to make them 20 feet wide, that is the minimum. What you pointed out was that R-4 didn't even allow them and the A-2 allowed 30 feet, which was wider than the R-4, allows. R-4 allows 30 feet and more, it just doesn't allow anything narrower than 20 feet. The question is do we want to encourage 20-foot wide dwelling lots outside the downtown area or not?

Faith replied that already exists in the code.

Councilor Ripma stated I have no problem with that. I am alarmed by the change that you are proposing. I guess the thing that worries me, this is the second reading and I think this would be a significant change at the second reading that wasn't there for the first reading and I don't think it is proper. I don't think we can adopt this tonight. It is too much of a change and it hasn't gone through the planning commission. It is increasing the density of areas all over the city that we didn't contemplate originally. I say this because we originally did the downtown overlay to accommodate our high density housing and the rest of the city would be left at as low of density as possible. It doesn't mean that we don't have A-2 outside the downtown, but it doesn't mean that we weren't going to have A-2 as dense as you can get it. We want to encourage density downtown, not in the rest of the city. I think this is a major change in that philosophy. I know you had competing things to deal with in the last week. Could we really vote on this tonight?

Tim Sercombe, City Attorney, stated the charter provision that deals with the adopting of ordinances prevents you at the second hearing from substantially revising the ordinance as opposed to amending it. What that means is that the ordinance, at the second hearing, cannot be marked up and changed in a manner so that it is not very similar to what it was at the first hearing, but you can amend it. These kinds of changes, which are technical changes and wouldn't amount to a substantial revision is probably okay. It is a different issue politically if you are talking about whether or not the changes are significant in terms of major amendments, if you want to put them through some different public comment process, that is a different issue.

Councilor Ripma stated I would to urge the Council to talk about this. This is a major change from what we were doing at the first reading. I was all in favor of the amendments at the first reading with a few minor changes.

Mayor Thalhoffer asked is there any problem with setting this over to the next Council meeting?

Faith replied no.

Mike Robinson stated I am a land use lawyer in Portland and with me today is Phil Morford who is the Development Director for West Hills Development. I would like to explain why we proposed the limited amendments for the planned development section of the ordinance. Normally I would not come to you or to any city council and request that you make these kinds of amendments at a second reading of an ordinance. I began meeting with Mr. Faith about two weeks ago and at that point I recognized that you had some text amendments before you. I wanted to see if we could make some, what I thought would be, fairly simple changes to the planned development section of the code using this text amendment process, that is why they are before you at this stage. West Hills is interested in developing the Finnigan property. We are not here to talk about a particular piece of property, but the way we arrived at these amendments have to do with how the Finnigan property is zoned and how that in turn works with the planned development ordinance. It has three zones on it; A-2, R-5 and R-7. When we began meeting with Mr. Faith and the Senior Planner it became apparent fairly quickly, because we have to adhere to those boundary lines which bear relation to how one would actually layout a subdivision and make it compatible, that West Hills couldn't develop that property. In fact they would have been in a position that if they wanted to go forward they would have to develop multi-family housing on the A-2, which they are not interested in doing. That is an important point that I wanted to make. If the planned development ordinance is amended, West Hills does not want to do row houses or multi-family homes, what they want to do is an entire planned development area of single-family homes; homes that would be compatible with the surrounding area and consistent with how you want the area developed. Our main focus is really on being able to spread the entire density over the entire planned development area. Councilor Ripma asked the right question. The amendments that we discussed with Mr. Faith don't allow you to do more units, they simply allow you to move the number of units around so that you can end up with a good planned development. We think that is consistent with what planned developments are supposed to do. They are suppose to encourage the flexibility and creativity and in the end you are suppose to end up with a better development then if you went through the subdivision process. The other point I want to mention to you, Councilor Kight and Mr. Faith were talking about the menu of architectural features that need to be included in zero lot line, detached and duplexes; West Hills uses, if not all of them, most of those features in their single-family detached homes. It is not a requirement of your code but that is the kind of subdivision that West Hills would like to do. What we are trying to do with this planned development is at least get to the point where we can submit an application and then seek the planning commission's and ultimately your approval for it. I think West Hills has been working with Mr. Faith and the Senior Planner a good deal of time before I got involved. It was pretty clear that the way the planned development is now structured they were not going to be able to do what they thought they needed to do to come up with a good residential community. Together with Mr. Faith and Ms. McCallum we have come up with some language that we are all comfortable with. The main language that we think does the trick is on page 3 of Exhibit "D" 4.514C(1)(a) "Density shall be allowed consistent with the general

plan and program throughout the Planned Development area without regard to zoning district boundaries.” So if we have a planned development that is approved by the planning commission and the council and we are not putting in more dwellings than the base zoning allows. This amendment lets you spread the density over the entire area. The pages I handed out to you (copies are in the council packet) are from other codes around the Metro area. The second page is from Portland’s code, if you look under paragraph 3, it reads, “However the dwelling units may be placed without regard to zone boundaries.” We are not proposing something that has not been done in other jurisdictions. Sherwood, Tigard, Portland and a number of other jurisdictions allow this. The only other point I would like to make is what is important with these amendments is not just the substance that we are asking the Council to adopt but the kind of development that you expect to see when you receive a planned development application. Because planned development is a Type 4 proceeding, you ultimately have the ability to say yes or no to any planned development application. It really depends how wide the lots are, what kind of houses they are and the architectural features really depend on how good the developer is and how much thought they put into the process and I think you can judge that in the course of the planned development application. You can afford to be a little more flexible because you retain significant amount of expression, nothing is guaranteed and ultimately at the end of the day if you don’t like what you see you don’t have to approve it. We would hope that eventually you would adopt these amendments. I think it is wise to take some additional time to think about these amendments and I would appreciate the additional time to answer any questions that you may have.

Phil Morford, Director of Development for West Hills, stated the majority of our projects are planned developments. We like planned developments because it gives us flexibility that allows us to take into account our surrounding neighbors. If we were to take the existing zoning of the Finnigan property and build to meet the density and within those zone lines you would end up with the A-2 having 3-story apartments or 3-story row houses. If you are able to spread the density throughout the entire development and basically erase those zone lines, you would build no greater number of units, you would end up with a development where all the homes are detached and are no taller than 2-stories. All the homes would range from 1,400 to 1,800 square feet, 3 or 4 bedrooms with 2 ½ baths. They are very nice homes.

Phil Morford displayed some pictures of developments they have done.

Mike Robinson stated one of the other options we could have pursued and we rejected was doing some comparable plan map and zoning map amendments. The reality is that always concerns folks that live around the area because they are not sure what is happening and when you start to change the plan map and zoning map designations you have to show compliance with statewide planning goals. We thought that this sort of change, if you are comfortable with it, gets you at least to the point where you can take a look at this kind of application. If you are going to continue this hearing we can come back another evening and if you have any questions that you would like us to address at the next hearing just let us know.

Councilor Ripma asked could you show us where the zones are on the Finnigan property and why it doesn't work the way it is?

Robinson replied sure. We can provide you with that information. What date would we need to have that information submitted to you.

Debbie Stickney replied the Thursday before the meeting.

Councilor Ripma stated it sounded to me like all you are asking for as far as a change in our code is in exhibit D, page 3, section 4.514C(1)(a).

Robinson stated we also support the amendment 4.514C(1). This is something that Rich and I talked about a great deal. If you look at what exists now in your planned developments, Section 4.513A, you can vary the lot size right now. You don't have to follow the minimum lot size in a planned development. You can propose a lot size that makes sense, consistent with the purpose of the district. The discussion that we had with your staff is that it makes sense to clarify it so that there is no doubt what you can do in the A-2 zone. That A-2 lot size is consistent with your comprehensive plan density. We are not doing something that your plan doesn't already allow. Our focus is on spreading the density. I don't know the answer if you were to ask what would happen if you didn't adopt the recommended change in 4.514C(1). I don't know what change or impact that would have on the Finnigan property.

Councilor Ripma asked the language you are adding "except for the A-2 zoning district which shall be based on the density per dwelling unit established in Goal 2 of the Comprehensive Land Use Plan for high density residential planning area", are you talking about downtown?

Robinson replied that is you're A-2 designation.

Councilor Ripma stated I can't see why you need that change.

Robinson stated we have a week or so to think about this. We can talk with Rich and if we feel like it is necessary we can come back and make our best case. I don't want to deviate from what your task is, which is to amend your code. So when we come back and give you more information I don't want the public to misconstrue what we are proposing. We don't have a proposal on the Finnigan property before you and wouldn't have if we can't spread the density. We are just trying to work on the text and we are using the Finnigan property as an example of why we believe the text needs to be amended.

Councilor Kight asked you mentioned that out of the twelve design standards that most of your homes include at least ten of those architectural features. You would have no problem meeting the required six?

Morford replied no. You can build a home cheaper per square foot than we do and there might be a need for that in other areas of your city. Requiring lap siding on all sides of the home can add considerable cost to a smaller home.

Ryan O'Brien stated I have worked in every city and county in the metropolitan area and I don't know of any code that doesn't allow mixing of uses or densities throughout the zones. That is the reason for planned development. One thing that is very important Mr. Ripma, is that in the A-2 zone, that is the issue we are talking about, going from 3,500 square feet to 2,000 square feet for attached housing. Most row houses are 20' wide and most are 80' deep. If you hold to the 3,500 square foot you won't get any row houses what you will always get is apartments because you are allowed to go down to 1,500 square feet per unit. So what you are doing is trading the option for a developer to be able to do row houses with ownership at a much lower density and I think that is what you would want. If I was a developer and I was looking at land in the city that is zoned A-2, I would probably develop the apartment complex rather than the row house and maybe that is why you are not getting any ownership row houses in the A-2 zone. I think that is something you need to think about.

Councilor Ripma stated the density is not going to be that much different because we have this maximum density. You can't do low density in an apartment zone, you must do 80%. I understand your point, I hadn't thought of it that way but density wise it is not going to make that much difference.

Councilor Kight stated you are correct in stating that we would prefer home ownership where people have a vested interest in the community. By going to 2,000 square feet you encourage row houses, is that guaranteed?

O'Brien replied no but it encourages it in the A-2 zone because the only other option is apartments.

Karen Burger-Kimber stated I am excited to hear about the Finnigan property and the possibility of having single-family dwellings. We have struggled for a long time with how that property was going to develop. There are some issues with regards to this ordinance that I am concerned about with regard to my property on Cherry Park Road. All of the property that I reside on is zoned A-2. A couple of years ago I came to the city with a proposal for row houses. I don't agree with the gentleman that just spoke about this zoning and that 2,000 square foot lots are going to encourage row houses as opposed to apartments. With the nature of my property, it will actually force me to put in apartments and tear my house down if I want to development my property in a planned development. I can't do much about the 80% requirement but I would like for the Council to consider the interpretation of what a "per net acre" means when we are considering the quality of the neighborhoods and the quality of the development of our city. Quality of life is a big issue for all of us. Visual landscape is a big part of our community. We have some beautiful landscape in this area including some old growth trees and other architectural amenities that are natural and manmade that set us apart from the rest of the Portland area. Just because the City of Portland did their development 50 to 75 years ago on larger lots, we are being forced to meet a higher density requirement in our community. One of the things that I don't want to have happen is to put ourselves in a position, like the Council and ordinances are putting me into, in order to develop my property I have to take out significant trees and architectural features that will drastically impact the visual landscape of the whole community. I have several large significant trees on my property that affect people, the visual landscape, for two to four miles

and even across the river. There are other people that have those same significant features on their property. It is really important to consider those architectural issues, those visual issues when we are doing a development. I would like to propose that the Council look at what does a "per net acre" mean and possibly consider identifying significant features on a piece of property and taking those out of the per net acre so that you can decrease the density of the property without violating any of that 80% rule. I concur a lot with the letter from the developer. On page 3 of the letter, the second paragraph reads, "The third amendment is a minor change that deletes the word density and replaces it with the words net area. The use of the word density in this criterion is a mistake." Again, changing the wording from density to net area and then defining the net area with the flexibility that I proposed could address some of those density issues on the 80%. In the third paragraph it reads, "Among the relevant approval criteria is the requirement that the development be compatible with the surrounding area." I think we really need to be sensitive to that and be aware that taking trees out or creating such a high density crowds people and could affect the compatible surrounding area. I am concerned about the 2,000 square foot issue. The City Attorney had said that making changes to this ordinance at the second hearing, as long as they were minor changes, was not an issue. But if there were significant or substantial changes that there should be another hearing. I feel that the issue of a 2,000 square foot lot issue is a significant issue and substantial change. Although I don't want to discourage the developer from going forward with the Finnigan property, I see this as two separate issues. I would like to encourage the City Council to go forward with the ordinance and exclude the 2,000 square foot issue and address that as an amendment to the ordinance and have it go back through the hearing process. If you have a lot that is 100' x 100' in an A-2 zone, that requires 3,500 square feet per lot. That means you can only put 2 lots on that piece of property. If you go to a 2,000 square foot lot configuration for row houses, you can double the density of that lot by having the two end units at 30' wide and the interior units at 20' wide. I think that is a significant change and is worthy of discussion by the planning commission.

Mayor Thalhoffer asked Mr. Faith to work with Karen Burger-Kimber on these issues.

Mayor Thalhoffer stated that we will set this hearing over until April 9<sup>th</sup>.

Councilor Kight asked Mr. Faith to bring back some examples of what other communities have done with cell tower regulations to the next meeting.

Robert Houghtaling stated on page 52 of exhibit "B", section 8.050 and 9.090. I have a concern some development code issues have not been met. The concern that I would like to address right now is if this wording is stricken from 8.050 and 9.090, would that interfere with the ability of the city to enforce this wording after the fact. The developments have already been approved and I am trying to convince you that even though they have been approved they are still in violation of the code. Will we have any recourse if this wording is stricken?

Tim Sercombe, City Attorney, stated at least one of those standards is the standard for what has to be in a site plan that is put up for approval when a developer comes in. Typically the development is approved and conditioned or subject to certain standards. I don't know in the individual developments that you are talking about, Albertsons and Home Depot, how the

final conditions of approval were worded but that would affect the remedies that the City has. New development will be conditioned to these standards. Existing development is going to be conditioned on standards that were in affect at the time it was approved.

Mayor Thalhoffer asked could we have some answers to this question by the April 9<sup>th</sup> meeting?

Councilor Ripma asked isn't Troutdale Municipal Code Chapter 8.26 what we are relying on to control outdoor lighting?

Faith replied that is correct. The outdoor lighting ordinance now takes precedent. To clarify what Robert is talking about, the language in 8.050 and 8.090 that we are showing to be stricken is language that is currently in the code. What he is attempting to argue is if we have existing developments that have already been approved that didn't meet that standard, do we have recourse now to go in and say, even though you have been approved, you don't comply with this, can we force them to change out their light fixtures. The minute we strike this from the code, then we can no longer make the argument that you didn't meet that standard when it was part of our code, and it is gone now and so you are subject to the new ordinance which exempts existing lighting fixtures.

Houghtaling stated the new lighting ordinance is not retroactive. My suspicion is that since this wording was in affect when they went through the plan review process then that is what they are suppose to adhere to but I am not certain of that. By striking this wording it may mean that I can't refer back to that wording anymore, I don't know.

Sercombe stated it depends on what the conditions of approval were for the specific developments in terms of standards that they were required to comply with in the future as a condition of their design review approval or as a condition of occupancy. I don't know what that specific language is. These standards in part, are site review standards that are assessed at the time of your site approval. What the development has to comply with depends on the language in the site review approval itself. I suspect there are two types of ordinances that you are talking about. One ordinance says here is what you have to show in your plans and here is what we are going to use to assess your plans; a standard for reviewing what a site plan looks like. Another ordinance can set an ongoing standard for all developments that says anybody that owns property has to comply with this standard. These standards about lighting, I believe, were standards that are in place to govern the approval of the site plan. What the property has to do once that plan is approved is typically, to continue to comply with the approved plans. The technical answer to that may depend upon looking at that precise approval to see what is required. That is what will need to be looked at for these particular developments. It is not an issue of changing this particular ordinance, it is an issue of what these approvals required when they were approved.

Faith stated given Mr. Sercombe's interpretation of that I would have to conclude that the specific projects that Mr. Houghtaling is concerned with, Home Depot and Albertsons, those projects were found to have complied with the conditions of approval that were imposed through the land use permitting process. On that basis, we did issue them final certificate of

occupancy. This language that is being stricken is really not relevant because we did impose a condition regarding outdoor lighting and we deemed that it had been complied with and we signed off on the project.

Mayor Thalhoffer asked can we get some answers before the next meeting? He has raised a very good point. What he is saying makes sense.

Sercombe replied I don't want you to misinterpret what I am saying. I don't know the answer to the question of what specifically was approved in the site plans and what was made a condition of approval in those developments. If the question is, what can be enforced against the development now, we have to go back and look at what was approved.

Mayor Thalhoffer asked would you do that?

Sercombe replied yes.

Councilor Ripma asked should we strike these words or not? Is there any loss of our ability to control outdoor lighting by striking these words. It seems we could leave them in.

Sercombe replied this is language that we are putting in the code to apply to standards that we are going to assess new development on. It is proper to have your current lighting standard be the standard against what you assess new development. By changing it I don't believe that you lose enforcement rights against development.

Faith stated this language does not have to be taken out. I would suggest that if we leave it in we include "and comply with the requirements of Troutdale Municipal Code".

Mayor Thalhoffer stated we will have an agenda item at the next meeting to address lighting.

Faith asked so the question would be whether or not the Home Depot lighting met the conditions or requirements of the code?

Mayor Thalhoffer replied yes.

Faith asked would you like to study that independent of these amendments?

Mayor Thalhoffer replied yes.

Faith stated I would propose that we deal with that in two weeks.

Galloway stated if there are requirements from the City Attorney we may want to see what their timeframe is.

Sercombe stated there are two separate issues. First, what standards apply to Home Depot or Albertsons now in terms of new standards or old standards. The second is the factual question of whether or not the lights they have do or do not comply with whatever standards

are applicable. I don't know how long it will take to assess that. We can answer the question of what standards apply to the operation of their lights in two weeks.

Mayor Thalhofler asked can you have the technical answers in two weeks Mr. Faith?

Faith replied if we have to have an expert go out and do some investigation, no. I would hope that we don't need to resort to that. I am prepared to come back in two weeks.

Houghtaling stated I would appreciate if you would also look at Saturn.

Mayor Thalhofler replied okay.

Sercombe asked are we talking about just Home Depot or are we also talking about Albertsons and Saturn?

Mayor Thalhofler replied all three.

Faith stated that given that we are going to also have to look at Albertsons and Saturn I would feel more comfortable waiting until April 9<sup>th</sup>.

Mayor Thalhofler closed the public hearing at 10:25pm and stated that we will hear a lighting report for Home Depot, Albertsons and Saturn followed by the third public hearing on this ordinance on April 9<sup>th</sup>.

## **7. COUNCIL CONCERNS AND INITIATIVES:**

Councilor Ripma stated I went to vote today and I don't understand why we couldn't have a polling place in Troutdale. There was only one item on the ballot and it was a Troutdale issue.

Mayor Thalhofler stated I agree with you. It makes it very inconvenient for Troutdale voters when it is a Troutdale issue. There is a Metro workshop on livability at the Oregon Convention Center Friday, March 15<sup>th</sup> and on Saturday at the St. Henry's Church in Gresham at 8:30am.

Councilor Kight stated on a recent police ride-along it came to my attention that our city has a problem with street racing. There are 75 to 100 cars that come to Troutdale and race behind the airport. The police would like to have an ordinance to take care of this problem.

## **8. ADJOURNMENT:**

**MOTION: Councilor Smith moved to adjourn. Seconded by Councilor Ripma. The motion passed unanimously.**

The meeting adjourned at 10:36pm.

**Paul Thalhofer, Mayor**

**Approved April 23, 2002**

**ATTEST:**

**Debbie Stickney, City Recorder**