

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

October 8, 2002

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

Mayor Thalhofer called the meeting to order at 7:01pm

PRESENT: Mayor Thalhofer, Councilor Smith, Councilor Kight, Councilor Rabe, Councilor Daoust and Councilor Ripma (7:05).

ABSENT: Councilor Thompson (excused).

STAFF: Erik Kvarsten, City Administrator; Rich Faith, Community Development Director, Elizabeth McCallum, Senior Planner; Marnie Allen, City Attorney; Debbie Stickney, City Recorder.

GUESTS: See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied as you recall we had a hearing for an application for a reimbursement district that was set over until tonight. That item is not on the agenda this evening; we understand that the parties involved are entering into a private agreement and they will be withdrawing their application.

2. CONSENT AGENDA:

2.1 Accept Minutes: September 10, 2002 Regular meeting.

MOTION: Councilor Rabe moved to adopt the consent agenda. Seconded by Councilor Kight. 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?

Bill Edgett stated I am here to speak in favor of Measure 26-41, which is the Troutdale parks bond measure that is on the November ballot. My wife and I have lived in the city for approximately ten years. We moved here for a number of reasons. One was the combination

of the urban and rural setting, the beauty of the city and we put a lot of attention towards the parks. In ten years the city has doubled its population and the amount of land that is left for development in the city is very sparse. The city has a well thought-out park system but the problem is that the population has grown and we should have more park space. New park space could house a girls softball field, a skateboard park, we need to improve our existing parks and we need additional park land. Measure 26-41 will give the city funding to buy property, when available, and make improvements to our existing parks. If the measure doesn't pass it will put land purchases in the future in jeopardy with the potential that the property could be sold to build apartments or condos. I think we have our share of apartments in the city already. Mr. Edgett encouraged everyone to vote for Measure 26-41.

4. PRESENTATION: Veteran's Day Program.

Mark Forstrom, Pastor at Discovery Community Church, stated we are a new church in town and hope to be fully functional by February. We really want to be a part of the community and be known as a church that serves and is involved in helping out. It has come to our attention, through conversations with Diane McKeel of the Chamber as well as the Mayor, that there is a need and a desire for a day of celebration in which we can honor our veterans. We would like to propose a Troutdale Veteran's Appreciation Day. We have done some initial planning to make this happen. The tentative plan is to hold this event on Sunday, November 10th at 10am at Troutdale Elementary School Gymnasium. The details of the program as we see it is we would love to have a color guard, a military band playing as people are arriving, a ceremony appreciating and thanking the Veterans, and we have come across a multi-media presentation called "The Price of Freedom". This presentation is shown on a 10x30' screen and it shows the various battles that our Country has had to fight for its freedom. The second part gives reasons why America is worth keeping free and shows the various monuments and memorials in Washington, DC. We would not make this a religious ceremony. The rest of the day would emphasize gratitude and patriotism and community spirit. We would like to be a sponsor of this event so people can see what we stand for. If the City Council does agree to work together and endorse this event, we would submit any and all publicity to your spokesperson for approval. We would like to propose to the City Council that you approve this Veteran's Appreciation Day as a community-wide event. We would request that you become the title sponsor for this event. We are not asking for any public funding, just your endorsement as the title sponsor. Another option, if you would rather, is you could be listed as endorsing the event along with other organizations. We would also appreciate your help with any programming ideas or connections, especially with getting the word out to the community.

Councilor Ripma asked would this be for this year?

Forstrom replied yes.

Councilor Ripma stated the idea of the City Council being the sponsor is a new idea. As individuals I am sure we all support this. It is coming forward very late for our consideration. I do appreciate the fact that you are willing to do this.

Mayor Thalhoffer asked on the publicity, are you expecting someone else to do that for you?

Forstrom replied we would do the majority of the footwork but we could use help with some ideas or connections for getting the word out, that would be appreciated.

Mayor Thalhoffer stated it is a great idea. Would it be okay if the church sponsored the event and the city was just listed as an endorser of the event?

Forstrom replied yes.

Councilor Kight stated I don't have any problem with the City Council being a co-sponsor. What would you be asking the City to do besides endorsing the event?

Forstrom replied the main thing would be the endorsement and then help in putting together the program, contacts with publicity agents, someone to donate a banner and those types of things.

Councilor Rabe stated we have, on occasion, had proclamations to recognize appreciation days. If a proclamation could be drafted it would be a material endorsement that would not necessarily be recognized by the Council but by the City, whom we represent.

Mayor Thalhoffer stated that is a good idea. We can put that on the October 22nd agenda.

Councilor Daoust stated I have no problem supporting this. I think the City of Troutdale could be listed as endorsing this. You should check to see what the publication dates are for the Troutdale Champion newsletter, which is delivered to every household in Troutdale.

5. PUBLIC HEARING / ORDINANCE (Introduced 9/10/02): An Ordinance amending Troutdale Development Code Chapters 1, 3 and 6 relating to definitions, industrial zoning districts and annexations and amending the zoning map.

Mayor Thalhoffer read the Ordinance title and opened the Public Hearing at 7:37pm.

Elizabeth McCallum, Senior Planner, stated we are returning with the revisions to the Troutdale Development Code text amendment and Troutdale Zoning District Map amendment pertaining to industrial uses. Following the hearing on September 10th, we did modify the text amendments. We are retaining the Industrial Park zoning district in the Development Code and retaining the Industrial Park zoning on the Mt. Hood Community College properties, which lie south of Stark Street and on the west side of Troutdale Road. The recreation vehicle parks have been removed from the conditional use list in the Light Industrial (LI) zoning districts. Self-service storage or mini-storage uses have been removed from the permitted use list in the industrial zones. The text amendments pertaining to annexations have been set-aside for action at a later date. In the packet that was distributed to you, Appendix 1 to my staff report is an alphabetical list of the uses that would be allowed in the three industrial zoning districts in the city. Uses that are revised or new uses are

shaded, where there are no numbers listed that use is not in that zoning district. The Council also directed staff to investigate whether there were other cities in East County that did allow for concrete and asphalt manufacturing or batch plants. On page four of my report you will see that I contacted Fairview, Gresham, Wood Village and Multnomah County and those uses are allowed in those jurisdictions, they aren't called out as specifically as they are in our code. Our development code specifically identifies concrete and asphalt manufacturing plants as a specific use, our code is distinct from the other cities in Multnomah County in that we have named those uses and the other municipalities bring those uses in under industrial uses or manufacturing uses, but they do allow for those uses. With respect to how our current development code is for asphalt and concrete manufacturing plants; as a conditional use the planning commission is able to give those uses more scrutiny before they go in. On page five of my report I have copied the criteria from the development code with respect to conditional uses. We have prepared a draft ordinance for your consideration with the changes that I outlined earlier.

Councilor Smith asked the proposed changes, will they permit the science and technology park?

McCallum replied yes, research and development companies, experimental, or testing laboratories and trade or commercial schools are allowed in all three industrial zoning districts.

Councilor Smith asked if we didn't make these changes then it would not be a permitted use?

McCallum replied it would be permitted in the LI and in the IP zoning districts. The change allows that use in the GI zone.

Councilor Ripma asked the area where the science and technology park is being proposed is in the GI zoning district, correct?

McCallum replied yes.

Councilor Ripma stated so this change will accommodate the siting of that facility if and when it happens.

Councilor Kight asked do we have a cement plant in Troutdale?

McCallum replied we have two. There is a batch plant on Marine Drive and one on Rogers Circle.

Councilor Kight asked could we remove either the concrete or asphalt batch plants from the approved list?

McCallum replied they are listed as a conditional use.

Councilor Kight stated I am asking if we can remove them totally.

McCallum replied we would have two businesses that would be rendered non-conforming uses.

Councilor Kight stated they would be grandfathered in. I am talking about future development of either concrete or asphalt batch plants.

McCallum replied you could consider that. It is my understanding that you would have to hold another hearing and give the current owners an opportunity to be aware of that change.

Councilor Kight asked Mr. Faith, I have two questions for you. One, could the concrete/asphalt batch plants be removed as possible future development in these areas? Secondly, could they develop in such a way that if you had a science technology park, that you wouldn't even know that a concrete asphalt batch plant was around there? In other words could it be built in a way that it was camouflaged both aesthetically as well as having some kind of odor control so that it would be a good neighbor?

Rich Faith, Community Development Director, stated yes you could prohibit them or exclude them from the GI zone simply by including some language where it now lists primary manufacturing that would read "but not to include asphalt or concrete batch plants". They would also have to be eliminated as a conditional use as well. It can be done. To answer your second question, with respect to existing manufacturing plants, there isn't much that can be done as far as imposing new conditions on them to mitigate or buffer them from potential future developments unless there is some expansion or activity that would trigger a land use permit and review, in which case you might be able to impose conditions for screening and mitigating adverse impacts.

Councilor Kight asked if they wanted to expand and that triggered a development permit, could you also impose restrictions on the current operating facility, or would it be specific to just the expansion?

Faith replied there probably would be a boundary that you could not cross over in terms of requiring improvements or changes to the existing operation.

Councilor Kight asked are they under any restrictions with DEQ?

Faith replied I would imagine that air emissions are subject to DEQ requirements and monitoring, I don't know what those standards are.

Councilor Rabe asked are junkyards permitted in both areas?

McCallum replied they are permitted only as a conditional use in the GI zone.

Councilor Rabe asked could you clarify accessory uses?

McCallum replied accessory uses include storage sheds. Some industrial and commercial uses do have a need for outdoor storage. Another accessory use is incidental office space inside of a business.

Councilor Rabe asked and those are permitted, not a conditional use?

McCallum replied yes.

Councilor Rabe asked they would still be required to get a permit for construction?

McCallum replied yes, if it is an accessory building. If they are under 1,000 square feet they are usually handled administratively.

Councilor Rabe asked on an existing business with an accessory building of 1,000 square feet or greater, it would need a building permit and would go through some kind of sight and design review?

McCallum replied greater than 1,000 square feet it would go through site and design review.

Councilor Rabe asked and it would be subjective to the current standards not those that were imposed on the existing structure?

McCallum replied correct.

Councilor Daoust asked if we adopted this ordinance tonight but we wanted to exclude the asphalt and concrete manufacturing plants, would we need another public hearing on this?

Marnie Allen, City Attorney, replied yes. Our recommendation is that you give notice to the property owners that currently can use their property for cement batch plants. Measure 56 says that if you are adopting a decision that limits or restricts a use that can occur on a property, those owners need to get a specific notice that is called out in the statute before you take that action and so far in this process those uses have not been proposed to be restricted or prohibited, I think a fair reading of the law is that you should give that notice first.

Councilor Daoust asked to clarify what we are doing with Industrial Park (IP) zoning. When this was before us at the last meeting, the proposed zoning district map changed all the IP to LI, and that was about 151 acres. At that meeting we said we wanted to retain the IP zoning district. Most of that discussion was centered around the Mt. Hood Community College property. Looking at the ordinance in front of us tonight, specifically Attachment "C", which is called properties to be rezoned from IP to LI, there is still 103 acres listed there that we are considering rezoning to LI. We are not really retaining IP totally, could you clarify that?

McCallum replied the prior proposal and the Planning Commission's recommendation was to totally omit IP. This recommendation is only that it remains applied to the Mt. Hood Community College property. This 103 acres is property that is currently zoned IP; this recommendation retains the bulk of the Planning Commission's and Citizens Advisory

Committee's recommendation, these properties as shown on the attached map (Attachment "B") would be included in the LI inventory.

Councilor Daoust stated that clarifies what we have in front of us. When you reviewed the actions from the last meeting, it appeared like we wanted to retain all of the IP land and I just wanted to clarify that we are making zoning district map changes for 103 acres of IP land and changing that to LI.

McCallum replied on page three of my report it states that we will retain the IP zoning district chapter in the Development Code. That district text and chapter will be retained so we will have an IP zone that will exist. The prior action was to eliminate it completely.

Councilor Ripma asked if we remove the asphalt and concrete batch plants and had to send out the required notices, how much time would that take?

Marnie Allen replied you have to give at least a 20-day notice before the hearing is held but not more than a 40-day notice.

Councilor Ripma stated we could take this up separately at a later date. We could go forward with this ordinance the way it is and address that issue later.

Faith asked do we have to notice just the two property owners that have concrete batch plants currently or do we have to notify all property owners?

Allen replied we need to notice all property owners that currently have property zoned GI.

Mayor Thalhoffer asked is there anyone here that would like to speak to us on this agenda item?

Scott Maclean stated I am with Norris, Beggs and Simpson and we do the leasing for the I-84 Corporate Center. We want to lend our support to the proposed zone amendments. We think it would be beneficial to us if we have a little more flexibility with regard to whom we can lease to. It still allows the city to have a conditional use process for most of the new types of businesses that would be allowed in that zone, but it gives us a little more flexibility when we are marketing that space.

Chad Rheingold I am with Wyse Investment Services Company and we manage the I-84 Corporate Center. We have had to turn away tenants, mostly sports facilities like indoor soccer, indoor archery range.

Andy James stated I am also with Wyse Investment Services Company. It is key, due to the economic conditions, for governments to be as flexible as possible.

Chad Rheingold stated right now we have two different zones there. One side of the street is GI and the other side is IP. When we are showing potential tenants the space sometimes

they like the space across the street but the use wouldn't be permitted there. The new LI zone brings it a little bit closer to the GI zone.

Ken stated I am with Norris, Beggs and Simpson. I agree with everything that has been said. We really need flexibility out there. We need something very similar to what the City of Portland has. What you are doing right now gets us a lot closer to that.

Councilor Kight asked you have a pad on the southeast corner of the property, is there any plans for future expansion and how would these zoning changes affect what is going to be built there?

Chad Rheingold replied currently we don't have any plans for it. We would like to just lease out what we have now; we are only about 37% occupied right now.

Councilor Kight asked could you give us some other examples of potential tenants that you have turned down because the zoning wasn't appropriate for them?

Chad Rheingold replied in addition to the sports facilities there was an RV dealership.

Scott Maclean stated the specific examples were a gymnastics facility, indoor soccer, and indoor archery. Those were the primary ones. We also had various other uses that we don't think would have been good compliments to the park as well.

Councilor Rabe stated assuming that this ordinance is adopted and these changes occur, would that change the approach of how you market your property? Is it primarily inquiry driven or are you in pursuit of tenants?

Scott Maclean replied this would allow us to expand the different categories of tenants we go after. As we have gone through this process, we identify a use that we think could fit in the park, for example we were going after businesses in the home industry like designers, heating and air conditioning contractors, plumbing and painting contractors. We do target specific categories. This would allow us to target some additional categories.

Chad Rheingold stated the Commercial Real Estate community has a system in place for putting out requests for proposals for different types of space. This change would allow us to respond to more of those requests.

Councilor Daoust asked an additional benefit to the I-84 Corporate Center, if we made these amendments, is that fact that there would be the removal of trip counts that was applied to your property as a conditional use. What does that mean to you?

Scott Maclean replied we were allowed to do 15,000 square feet of retail but we had to comply with trip counts that were imposed on us. We were concerned how that would impact us but as of now it has not come up as an issue. We have not had a user come along that would exceed the trip counts. I think we are giving up the trip counts but I think we are also giving up the potential of having 15,000 square feet of retail uses.

Ken stated that would be more of a factor if we had more retail tenants. It just really isn't a retail location. The retail is on this side of I-84 not that side. I think at one time that was a hope that we might be able to put a hotel on that vacant land and I think that is where the trip count came into play.

Chad Rheingold stated I think that is why we had the two different zones, to accommodate a hotel use that never happened.

Andy James stated currently hospitality is not a real viable economic development.

Mayor Thalhoffer asked is there anyone else here that would like to speak to us on this agenda item?

No further testimony received.

Mayor Thalhoffer closed the Public Hearing at 8:22pm.

MOTION: Councilor Ripma moved to adopt the ordinance amending Troutdale Development Code Chapters 1, 3 and 6 relating to definitions, industrial zoning districts and annexations and amending the zoning map. Seconded by Councilor Daoust.

Councilor Ripma stated I favor it as it is. I think it captured the requested changes very well. While it might be worth considering some further changes that were discussed here, I think that the last speakers indicated that there is a need for making these changes now, so I favor going forward with this tonight.

Councilor Daoust stated we did bring up concrete and asphalt manufacturing plants tonight as a possible concern. My preference is to adopt this as it is and deal with that as a separate agenda item in the future. I would like to thank the Citizens Advisory Committee and the Planning Commission for the time they spent on this issue. This leaves us flexibility in the future by retaining the IP zone on the Mt. Hood Community College property. Before, or as part of the consideration to change the zoning away from IP we should have discussions with the Mt. Hood Community College Board to see what implications that would be to them with their future plans. As far as the science and technology park, we can re-evaluate that zoning when the proposal becomes reality. I do like the part of excluding unsupported developments like RV parks and self-service storage facilities. Overall, these are good amendments to the Development Code and good changes to the zoning district map with the rezoning of the IP to LI.

Councilor Smith stated I more or less agree with everything that has been said. It is hard to make sweeping changes across the board. I feel if something works, leave it. With the changes as far as the technology park and leaving the college property the way it is, I guess I would go along with the rest of the changes.

Mayor Thalsofer stated I favor the motion although I have some problems with parts of it. I think giving more flexibility to the zoning will bring in more business and create more jobs, that is probably long over due. The part I don't favor is excluding different uses like RV Parks. Every park is not necessarily going to be like the one we have now. I don't like the idea of not consulting with Mt. Hood Community College to see what they have in mind for their property. I think we should be working together with the college and accommodate them the best we can. I don't think it is wise to carve out one section of the city and say everything else is changing from IP to LI except this piece.

Councilor Kight stated I am going to support these changes. It provides flexibility as was articulated by the folks that are trying to market the I-84 Corporate Center.

Councilor Rabe stated I also support the amendments. I would also thank the Citizens Advisory Committee and the Planning Commission for the time they spent on this.

Councilor Kight stated on the asphalt and cement batch plants, could staff look into removing those types of facilities as uses allowed in the city.

Erik Kvarsten, City Administrator, stated we will provide you with a memorandum that outlines the process to make that exclusion and then after reviewing that if you would like to direct us to pursue that, you can do that.

VOTE: Councilor Smith – Yes; Councilor Ripma – Yes; Mayor Thalsofer – Yes; Councilor Kight – Yes; Councilor Rabe – Yes; Councilor Daoust – Yes.

Motion passed 6-0.

6. COUNCIL CONCERNS AND INITIATIVES:

Councilor Rabe stated a citizen came to me to inquire about some ground excavation work that was being done at the point where Troutdale Road crosses Beaver Creek, upstream from the Strebin Farm property.

Council asked Rich Faith to look into this activity and report back to Council.

Councilor Daoust stated that the four East County cities will be meeting on October 10th at Gresham City Hall to discuss issues regarding urban growth boundaries, gang problems in east Multnomah County and Metro's Industrial Lands Policy.

7. ADJOURNMENT:

MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Kight.

Meeting was adjourned at 8:40pm.

Paul Thalhofer, Mayor

Approved October 22, 2002

ATTEST:

Debbie Stickney, City Recorder