

MINUTES
Troutdale City Council – Regular Meeting
Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060

Tuesday, September 25, 2018 – 7:00PM

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

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

ABSENT: Councilor Morgan (excused).

STAFF: Ray Young, City Manager; Sarah Skroch, City Recorder; Tim Ramis, Acting City Attorney; Chris Damgen, Community Development Director; Erich Mueller, Finance Director and Mollie King, Recreation Program Manager.

GUESTS: See Attached.

Mayor Ryan asked, are there any agenda updates?

Ray Young, City Manager, replied on consent agenda item 3.1 the resolution regarding the IGA with the Sandy Drainage Improvement Company that we discussed last meeting is being pulled. There are some typos in the IGA we need to repair. It will be back on a future agenda.

2. PUBLIC COMMENT: Public comment on non-agenda and consent agenda items is welcome at this time.

Paul Wilcox, Troutdale resident, stated consent agenda item 3.2, it appears on the very top left corner of page 1 it's using the Kibling Avenue address for City Hall. Also, at the bottom of page 2, it shows Debbie Stickney as City Recorder.

3. CONSENT AGENDA:

3.1 RESOLUTION: ~~A resolution authorizing an Intergovernmental Agreement between the City of Troutdale and the Sandy Drainage Improvement Company.~~
Pulled, coming back on a future agenda.

3.2 RESOLUTION: A resolution accepting a right-of-way deed from Firebird Industrial LLC for NE Harlow Road right-of-way.

3.3 RESOLUTION: A resolution accepting a perpetual non-exclusive utility easement along NE Harlow Road from Firebird Industrial LLC.

MOTION: Councilor White moved to approve consent agenda items 3.2 and 3.3. Seconded by Councilor Lauer. Motion Passed 6-0.

4. PRESENTATION: NW Natural's Low Carbon Pathway.

Nina Carlson, NW Natural, stated I am the liaison for government affairs to our jurisdictions and I want to thank you for having me here tonight. About 5 years ago our company did a real deep analysis of our business model and our climate that we were in. We noticed some areas that we had risk. And by us having risk that means our ratepayers may have risk. Probably the largest risk going forward was climate change and potential carbon or climate legislation coming out of the federal government or one of the 2 State Houses. We believe this session there will be some sort of a cap and invest or carbon tax that we will be looking at. Ahead of that, without being regulated to do so, we basically put together some strategies that we could address climate change as an independent local gas distribution company. That's kind of what I'm going to go through with you today. The reason I think it's important for you guys is you may be asked by your state legislator, what do you guys think? What are your constituents saying? What about your community? This is just our thoughtful way of trying to address that. And it may sound a little bit wonky but in the scope of this next session I think you're going to be pleased that we were out there doing it. I really need folks like you who are decision makers, policy makers and leaders to know where we're at. We believe in a low carbon future. We believe that climate change is real and that it requires collective action from all of us. As your utility providing something that does emit green half gases when it's used, we believe that we are in a unique place to help address some of the issues in climate change. It basically is down to 3 real serious objectives.

Nina Carlson showed the Council a PowerPoint presentation (a copy can be found in the meeting packet).

Nina Carlson stated we encourage you to take a look at this. If you have questions, we have a lot of people that have a wealth of technical experience and we love to show them off to people.

5. REPORT: A report on Troutdale's Recreation Program.

Mollie King, Recreation Program Manager, stated I want to share with you a little bit about our rec program. I've been here in Troutdale for 8 years and I love this community. I've worked in a lot of different communities and I enjoy the small town and the people. The people are really friendly and warm here. It's been a pleasure to serve here in this town.

Mollie King showed the Council a PowerPoint presentation (a copy is attached as Exhibit A to these minutes).

Mollie King stated we offer year around programs and I just want to highlight some of the ones that I kind of call my bread and butter programs. These are the ones that go term after term. Our yoga program, soccer classes, dance, taekwondo and we have some science classes. Those just continually run and we have great followings. We get new people coming in and we have our tried and true. Also with the yoga program, when I got here 8 years ago we had a company here offering yoga but the whole point of her and her company being here was to have someone in the program be interested in teaching, get the training and then teach in Troutdale. And that's exactly what happened. We have various programs that run off and on. Right now we have Tai Chi going, we did some theater classes and we have some drop in programs. We have a little kid play park program, Friday night basketball in partnership with Multnomah County Sheriff's Office and the adult basketball program. Both basketball programs are free to our public. We have a long term volunteer. We also work with various contractors. Right now I'm working with Mt. Hood Community College with their wilderness leadership program trying to figure out some different things we can do in partnership with them. A new program we offered this summer was the Wilderness Survival. They learned a lot of great skills like building fire, whittling and building shelters. I just wanted to share with you why I think this department is so valuable and what it does for our community. Building community is what I feel I do and try to support why it's important. What goes with that is combatting isolation, physical and emotional well-being and these people get to know each other. Upcoming we have a disaster preparedness class in November. Also, one of the things I'm working on is thinking more and more about how to create family opportunities. I'm leaning towards looking into trying to offer a couple concerts in the park.

Mayor Ryan stated it's good stuff. I know Fairview does movies in the park. Have you thought about it?

Mollie King replied I did think about it. So the part I like about concert versus movies, movies is a start and a finish and music is unique in how people can really connect with music. I like the movie thing too. It's something definitely to explore as well.

Mayor Ryan stated it would be kind of cool down at the Sam Cox Building to do a Christmas movie. You could be inside and serve hot chocolate and stuff in the back.

Councilor Allen stated many of our services are essential for existence of life. The program that you're involved in gives the City heart. I appreciate you being there.

6. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance to adopt Text Amendments to Chapters 1, 3, 5, and 6 of the Troutdale Development Code.

Chris Damgen, Community Development Director, stated this is a text amendment hearing that we're going into about accessory dwelling units and also accessory structures. We're going to go through the staff presentation and this will be the first reading. You'll have a second reading, assuming no further delays, at your October 9th meeting. The issue at hand that we have in front of you tonight is really coming out of

state law and it came from Senate Bill 1051 which was passed last year and went into effect July 1st.

Chris Damgen showed the Council a PowerPoint presentation on Accessory Dwelling Units and Structures (a copy is attached as Exhibit B to these minutes).

Chris Damgen stated it requires certain cities, including Troutdale, to allow for accessory dwelling units in single family residential zoning districts, at least one. The existing standards that are in our development code did not meet the legal requirements of Senate Bill 1051 so we're therefore required to do a full text amendment to that section replacing it in its entirety with standards that we believe are clear and objective and that meet the spirit of the law. I will do my best to answer any questions. I will state that the Planning Commission worked really hard on this. This is not an application that they necessarily welcomed or promoted but it is part of their duty and I think they did their best interest to look after the interest of the citizens. We believe we are in good shape as far as being in compliance and keeping the State and Metro happy with what we're proposing.

Councilor Allen stated one thought is, there is that idea where if 10% of people like to chop down the trees on their property then at that rate the property changes hands and X number of years all the trees in the city would be gone. This is kind of a reverse case where if a certain percentage of the people like to build accessory structures as it changes hands you start getting more and more throughout the city. Especially if you were to allow investment dollars to do it. It seems like we're all built differently psychologically. I'm not a natural extrovert but when I go to higher density areas, my heart rate goes up and my stress level goes up and I feel more relaxed when I come home to a suburb. If we densify everywhere there's nowhere to go. It just kind of reminds me of the building strategy of the 1800's and I wonder if people are reading history books these days. Where they went for smaller and smaller and denser and denser housing to where they ended up with squalor. How do we prevent squalor? That's one thought. What about our capacity on our water pipes and our sewer pipes and so forth? We've got relatively new infrastructure. Whereas some areas have older infrastructure and they have to replace it anyways. So it just seems like there is a lot of things going on here. I worry about what it will do to our town. I saw during the recession that there were a lot of people that were doubling up and tripling up in homes and parking became a problem and so forth. But this is more of a permanent thing instead of a recession. I'm thinking long term. We're not increasing the variety of homes we're just going to make everything dense. It's going to be dense everywhere.

Chris Damgen stated the idea of accessory dwelling units while seemingly newish is actually an old concept. If you consider the more affluent neighborhoods of Portland a lot of these turn of the century homes, we look at these now as single family homes. But when they were built a number of them over time became illegal ADU's or multiple unit homes with the appearance of single family façade. It was done because housing costs were high, families wished to stay together and I think what we're seeing now is we're in an era where housing costs have definitely increased. We're in an era where we see as

demographics change that increasing demographics, especially to East County, have expectations from where they originated from where families of multiple generations live together. I appreciate the concern about maybe investment properties. I think we've tried to safeguard that in the proposal by requiring ownership to live on the property. My mother is 86. She can't tend to a single family home anymore. I maybe don't want her in a nursing home but if I can offer her some measure of independence yet connection with where I live maybe that's an attractive option. The types of inquiries that we're seeing are more toward that example where you have people that say they want to have their dad live with them or their child can't afford something immediately out of college because they have college bills to pay. These are the types of arrangements that at least when we hear the reasons why people want to do it, at least in Troutdale.

Councilor Ripma stated Chris has done a good job defending this. There's another thing, Rich, we are being forced to do this. We have no choice. If we don't adopt these reasonable regulations there will be no regulations. Accessory dwelling units will be allowed without any requirement for parking or anything else. We don't have to be happy with this. I think Chris and the staff have done a good job of making it fit Troutdale's need and our desire to preserve the city and the neighborhoods and represent the best interest of the public. I recognize that the State has passed this. We have to adopt something. Can we apply this just to R-5?

Chris Damgen replied it has to be for what they call single family residential districts. It's R-20, R-10, R-7 and R-5.

Councilor Ripma stated the applicability of the setbacks and other building requirements for single family homes, the setbacks for building an accessory dwelling unit are not the same as the setbacks for an accessory structure.

Chris Damgen stated in section 5.950 that's the development standard. All ADU's shall comply with the primary dwelling units building setbacks and height standards of the underlying zoning district.

Councilor White stated I want to compliment the Building and Planning Department and Planning Commission. I think this is really well thought out. I hope our surrounding cities do as good a job as you guys did on this. My question has to do with system development charges. Is that going to trigger a SDC when you add an ADU?

Chris Damgen replied yes. I would caution that for the purposes of the development code implementation, we don't talk about SDC's but they do have to be acknowledged. There are schools of thought on how to handle it. That is a discussion the City Manager and the Public Works Director will need to have on an appropriate way to do it. Most jurisdictions because of the size requirements of ADU's is generally acknowledged that an ADU's impact on systems are less than a primary dwelling.

Mayor Ryan asked, Ray, when will we be able to look at some of those options?

Ray Young replied there are notice requirements with the State that you have to go through.

Tim Ramis, Acting City Attorney, stated I agree there's a wide variety of ways this is handled. I think you have a lot of latitude in choosing a system for that. It's an important policy decision. It'll need to be justified in terms of an economic analysis of impact.

Chris Damgen stated each city can handle that differently even for primary dwellings. Some cities handle it by number of fixtures you have in your unit kind of like a commercial business would have. It's really based on the analytics, the numbers, the study and then ultimately what the city would like to decide how to handle it.

Councilor White stated this kind of has to do with the next agenda item. If someone builds an ADU on their property it's probably going to cost more than \$10,000.00 to do that. Is that going to trigger a reassessment of their entire property? How is that going to work?

Tim Ramis replied I would assume that if it's visible from the street you will get a visit from an appraiser.

Erich Mueller stated if you had an attached ADU and you spend \$45,000.00. Well you're going to be above that \$10,000.00 threshold. That amount is going to be applied against the changed property ratio for that class of building whether it's single family home or other type. That resulting number is going to be added to the existing assessed value.

Councilor White stated I think when we first brought up ADU's I made a request that we come up with some kind of a tax impact worksheet so people know what to expect. I don't want people thinking they're going to get rich off ADU's. I think if Portland's an example that's definitely not the case. I think that would help people make a better decision. Some of our properties can't be serviced by sewer so they're on septic, could you build an ADU and then tie into an existing septic tank?

Chris Damgen replied effectively it would be a call to the county sanitarian and looking at the septic system, its capacity and the ability to expand it if needed. We make no exclusions for that. I think it's important to stress just because it might be permitted by the zoning district doesn't mean it can actually be accomplished based on site constraints.

Councilor White asked, when you say it can exceed the primary height is that what that area would be zoned for?

Chris Damgen replied correct.

Councilor White asked, what prevents somebody to move into their duplex, call it their primary residence, build 2 accessory dwellings and then move back to their other house? Is there a time limit?

Chris Damgen replied I think it would depend on whether or not the duplex itself was on one lot or if the lot line went through the firewall in between the duplex because we have that scenario. The way we have it written is it's up to two for each primary dwelling. Yes, conceivably, you could. Most of our duplex zoned properties are R-4 attached housing zoning district or A-2 which in those cases they would not be zones where you would have that situation occur. So I don't really see that scenario playing out.

Councilor White stated there's this new phenomenon of tiny homes that are on wheels. Would those qualify?

Chris Damgen replied this is a hard one because with tiny homes there has been a hot potato game right now being played between the State Building Codes Division and the Division of Motor Vehicles on what is it. Is it a building? Is it a vehicle? The way I believe it's being played out for finalization is that the Building Codes Division will regulate them so long as they're not on an axle. As long as the tiny homes can pass muster on building code requirements and they can also pass the standards that the City of Troutdale would impose, yes, a tiny home on a foundation could technically serve as an ADU.

Councilor Hudson stated I think one of the things Councilor White was worried about is people finding a loophole with the owner living on the property. But let's say you own a home, you built an ADU to rent then you moved away and wanted to rent them both.

Chris Damgen stated the owner would have to reside on the property. That's how the statute is put in place.

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

Diane Castillo-White, Troutdale resident, stated on page 5-30 in section 5.950(F) it mentions that one off street parking space shall be required for each ADU. Would that be an existing parking space that is designated to that additional structure or would that be a newly created parking space? I believe at 800 square feet there are usually more than one person living within that space so I'm questioning, why not 2 brand new parking spaces required? I'm thinking about livability when people are walking in our neighborhood. One complaint I've been getting is that with the repairing of sidewalks or taking out trees that's effecting some people's discussions on livability. The other thing would be that there's so much complaints about when you do go into Portland the congestion of the parking on the streets is another item that's brought up to the livability of the neighborhoods.

Chris Damgen replied I think one thing we have to ask is, why do we only allow for one for single family homes, for the primary structure? Because that's what the zoning calls for, just one space. Is it fair that if you're doing an additional smaller unit, why should they have the obligation to have 2 additional spaces when the primary structure is only required to have one. On the first part of your question, the way we would handle it if we received

an application is we would look at the property. A space within a garage can be considered off street. Space on the driveway can be considered a space as well too as long as it can accommodate a vehicle. Probably a fair estimate in Troutdale is most single family lots have more than one parking space already. What we would do is we would have an applicant designate on a sketch drawing or an aerial photograph of their home, indicate where their primary dwellings parking space is and indicate where their ADU space would be. The burden would be on the applicant to tell the city and therefore the public where they are parking their vehicles that they're relating to the unit. In a case where there isn't space then it would be incumbent upon the applicant to provide that space in accordance with Chapter 9. Chapter 9 calls for parking spaces to be paved or to be properly sited.

Paul Wilcox stated I was at the Planning Commission meeting in August and it was getting to be about 10:30 and they hadn't gotten around to the public comment portion and I had to be somewhere the next morning so I didn't stick around. I attended their following meeting and addressed these issues during public comment. Mr. Damgen pointed out that they didn't apply because they weren't stated during the public hearing portion so this is going to be the third time I've said this. I have a few issues with this. First one is 5.940, I don't see any basis for requiring owner occupancy. I think Councilor Hudson was kind of alluding to that. If somebody moves out of the primary residence and they rent it out I don't see a problem with that at all. I noticed for accessory structures you're allowing 1,000 square feet which could be something like a very large shop building or 4 or 5 car garage. Then you're only allowing 800 for residence and I'm wondering why you're allowing more in this case rather than the other. The parking requirement, the Planning Commission received a letter suggesting they not have the additional one space parking requirement for the ADU but with Troutdale's minimal parking requirements for a single family home being only one space and as Chris said a single car garage is going to have a driveway so you've got 2 spaces right there. I'm fine with not requiring the additional parking space because I think it's available the way Troutdale is setup.

Taney Staffenson, Troutdale resident and Planning Commission member, stated good evening.

Councilor White stated I noticed it wasn't unanimous. Was there a reason for that member not voting? Did they have any concerns that you can recall?

Taney Staffenson replied not really. There weren't any concerns. I felt that it was a pretty well discussed subject, pretty effectively debated and I think the over-arching challenge is the Urban Growth Boundary. In our opinion that's really the piece that's driving prices the way that they are now. This comes down from the mother ship as Senate Bill 1051 and we're obligated to work with it. I felt personally that we did the best we could with what we had to work with. We looked at parking and the State suggests that you don't require any off street parking for ADU's. We have an issue with parking now where we have a higher standard than what Metro requires. So we tend to push back on the parking side of it and we felt it was necessary to require one.

Mayor Ryan closed the public hearing at 8:38pm.

7. PUBLIC HEARING / RESOLUTION: A resolution defining the area for calculating the changed property ratio.

Erich Mueller, Finance Director, stated the public hearing portion needs to occur tonight in order for us to be in compliance. The staff report that was included in the packet is slightly updated from the previous meeting. I tried to clarify or elaborate on some of the questions that were raised. Also in my phone conversation with the Homebuilders Association this afternoon I noticed that as part of my preparing the document I did a little bit too quickly of a cut and paste. I've got at least one error on page 3 of 5 of the staff report. I used an example and on the second bullet point I've got the wrong assessed value. It should have been \$147,000.00 rather than the \$207,000.00. I apologize for the confusion there. As I had mentioned 2 weeks ago, this doesn't affect existing properties. This relates to new properties that are added to the tax rolls. For Troutdale it would be for new properties added to the tax rolls effective at the next assessment snapshot which is at 1:00am on January 1st. So for any property that would go onto the tax rolls for Troutdale effective this coming January 1st forward we would have a changed property ratio that would be calculated based on Troutdale as a community rather than the ratio being overwhelmed by the huge property values in Portland overwhelming the overall calculation in the County wide number. This provides for equity and comparability within our community acknowledging that it's different than Portland or Gresham or Lake Oswego. Exhibit A applies to all different property classes.

Ray Young stated this is not really a revenue issue. It's an equity issue. Erich's done a great job both last time and tonight of explaining in detail what it really means. The real reason to approve it is the current Troutdale residents are being treated unfairly by the current system. And if you don't approve the changed property ratio then citizens will continue to be treated unfairly in comparison to new homes. So what we're doing by the changed property ratio is making sure that people who come into this city and build new houses or build new industrial land are paying taxes on the same or similar assessed value that you personally are paying on your home. Councilor White was concerned about what the Homebuilders Association thought and over the last 2 weeks I have had 3 phone calls with them, they've reviewed the staff report, talked with Erich on the phone and they said it sounds fair to them. They don't have a problem with it. It's not going to impact their construction costs at all for new homes or remodels and it does make the property tax system work fair for Troutdale residents.

Councilor White stated I feel like the new homes are like apples to oranges compared to an older residence with a big lot. I think there's definitely a lot of variables but I appreciate Council indulging me with the extra time. I learned a lot.

Mayor Ryan opened the public hearing at 8:46pm.

Mayor Ryan closed the public hearing at 8:46pm.

MOTION: Councilor Ripma moved adoption of a resolution defining the area for calculating the changed property ratio. Seconded by Councilor Lauer.

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

Motion passed 6-0.

Councilor White asked, what cities were eligible for this?

Erich Mueller replied when Gresham took the lead on it and took it through legislature there was a lot of negotiation back and forth. Essentially how they're choosing to implement it, they provided it so that it was available to cities in Multnomah County. The expectation is that in the coming legislative that it's likely to get expanded. Currently only Gresham and Wood Village have adopted it.

8. RESOLUTION: A resolution approving the Collective Bargaining Agreement with Employees represented by AFSCME Local 3132.

Erich Mueller stated we briefed the Council in an executive session 2 weeks ago. There's a wide range of articles and provisions in the bargaining agreement that covers the relationship between the City as the employer and employees. I think there were 20 of the 30 some odd articles that were modified through the negotiation process as well as the appendices. The AFSCME Council 75 is what governs the Oregon organization and Local 3132 is the Troutdale employees local AFSCME Council 75. The prior collective bargaining agreement was for 3 years and was to run through June 30th of 2018 based on the public employees collective bargaining act. The existing remains in place as a default until a successor contract is agreed upon by the parties. The membership voted last Wednesday to ratify the tentatively agreed collective bargaining agreement that the 2 bargaining teams reached. Before the contract can become effective City Council has to adopt the tentative agreement that the union has ratified. We've had a significant amount of turnover in the last couple of years and wages have been a consistent issue. It's part of why we're addressing the cost of living increases in the contract. The cost of living adjustment is 3.75 for July 1st 2018 retro to now. Part of that is driven by the fact that we got behind because during the fiscal years 2009-2010, 2010-2011 and 2011-2012 the City and the Union had agreed to a zero COLA. That effectively put us behind a lot of other comparative jurisdictions. As their wages continued to move forward we've been trying to play catchup. One of the other challenges whereas we don't have any positions that we actually pay minimum wage for, the last few pages of the contract lay out the wage tables. Our wage tables build from the bottom up and part of when the legislature made the changes to the minimum wage law, minimum wage went up 15%. And then July 1st of this year it went up another 6%. Those things have impact on the wage scale, it pushes all the relative wages of comparator jobs upward. That's part of what we're trying to address in the contract as well as a number of the other provisions.

Councilor White stated I think we have a really great staff and the culture and the work environment has greatly improved with the addition of Ray Young.

MOTION: Councilor White moved adoption of approving the collective bargaining agreement with employees represented by AFSCME Local 3132. Seconded by Councilor Ripma.

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

Motion passed 6-0.

9. STAFF COMMUNICATIONS

Ray Young stated on October 16th, we will have a meeting that evening and it's a joint work session with the Sandy Drainage Improvement Company. We will have a good discussion about the future of the Sandy Drainage Improvement Company and the levees so I encourage you to get that on your calendar. We are going to start the meeting at 6:00pm so we will have dinner for you. Good news on Imagination Station. Despite the fires and the like that took away some of our parts, those have been remedied. The parts should be here by this weekend and Mark Leather's team will be here next week on Monday to start the final phase of finishing up Imagination Station. You'll see information going out about volunteer opportunities for that next weekend on October 6th and 7th. Also, so far we have saved \$15,000.00 in volunteer hours on the contract I believe. The Town Center Open House is tomorrow from 4:00pm to 8:00pm at Troutdale Elementary School. This week tomorrow afternoon, Thursday, Friday and Saturday morning is the League of Oregon Cities Conference in Eugene. Councilor Allen, Councilor White and Planning Commission Chairman Tanney Staffenson are registered and going to be there. Finally, Councilor Allen and guest, Councilor White and guest, Councilor Hudson and guest, Chair Staffenson and guest and Councilor Morgan and guest are registered to go to the TIP benefit dinner at the casino in Ridgefield. That's Saturday night at 5:30pm to benefit the TIP program.

10. COUNCIL COMMUNICATIONS

Councilor White stated we had the 4th Annual Fall Festival of the Arts and it was a huge turnout. The biggest turnout I've seen so it's definitely gaining momentum. I wanted to thank staff. They helped set up the gallery displays and it was really a big help. I wanted to compliment Chris Damgen. I noticed the one-way streets and the angle parking are completed in downtown. It's a huge improvement so thank you and Ray Young.

Councilor Allen stated I'm open to suggestions on LOC if anybody has an opinion on how that voting should go. Also, I am concerned with what I'm seeing in our society as far as the ends justifies the means. I say that because when you're in the military, in countries where that gets out of hand it gets terribly destructive and violent. I just wish our country

would not go in that direction and have respect for different opinions. Just a word of caution.

Councilor Lauer stated I will be gone the 9th and the 16th of October. I will be on a very overdue honeymoon. I will not be calling in. Also, I've been in contact with Evergreen Skate Park. I know that during the election cycle where I was elected when we had our community Town Hall down at Glenn Otto it was brought up that a skate park was on the minds of the community around and that everybody was in favor of building a skate park. I know everyone that was there also stated that they were in favor of building a skate park so I just want to keep that in everybody's minds. I'll hopefully be gathering some sort of presentation and bringing it in front of the Parks Advisory Committee at a later date and bringing some numbers and designs. I think it's something that this community is big enough and young enough and modern enough that I think we can enjoy it. I think the youth and kids can use it for something to have fun to do around where they live.

11. ADJOURNMENT

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

Meeting adjourned at 9:04pm.



Casey Ryan, Mayor

Dated: November 15, 2018

ATTEST:



Kenda Schlaht, Deputy City Recorder

City of Troutdale Recreation Program

Dance



Soccer



Yoga

Year
Round



Taekwondo



Theater



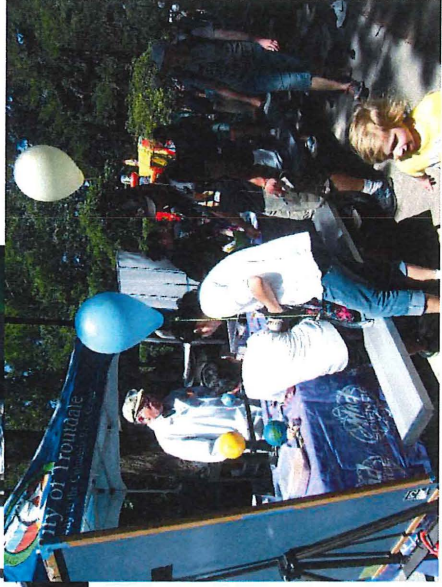
Tai Chi

More programs

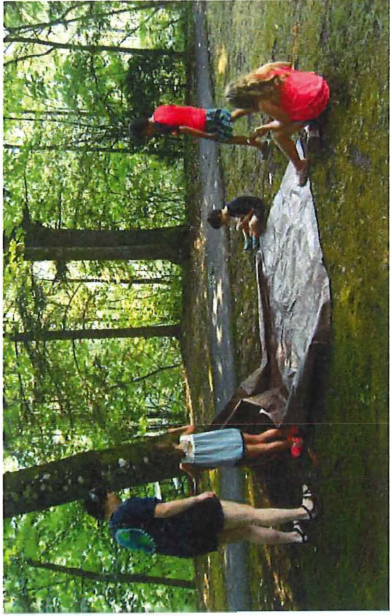
Drop in Basketball



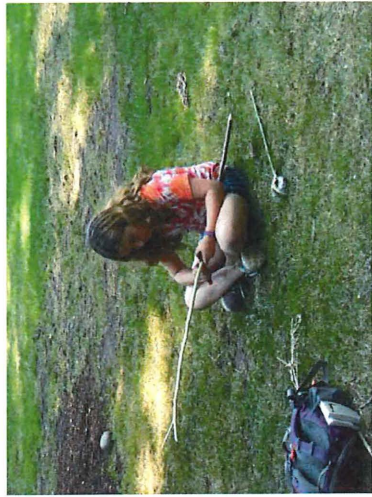
SummerFest



Wilderness Survival Summer Camp



Learning valuable skills and having fun!



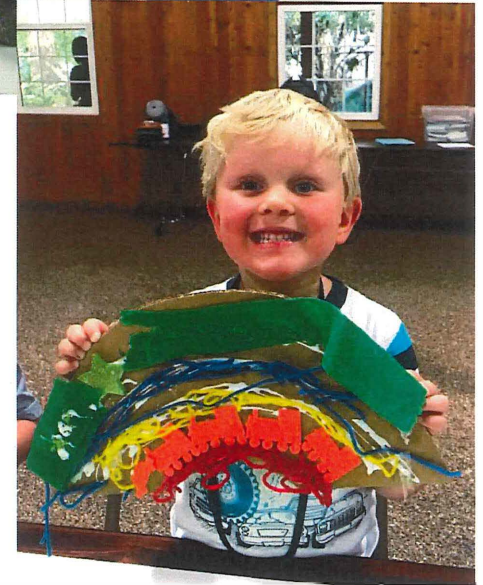
Youth Volunteer Parks Program



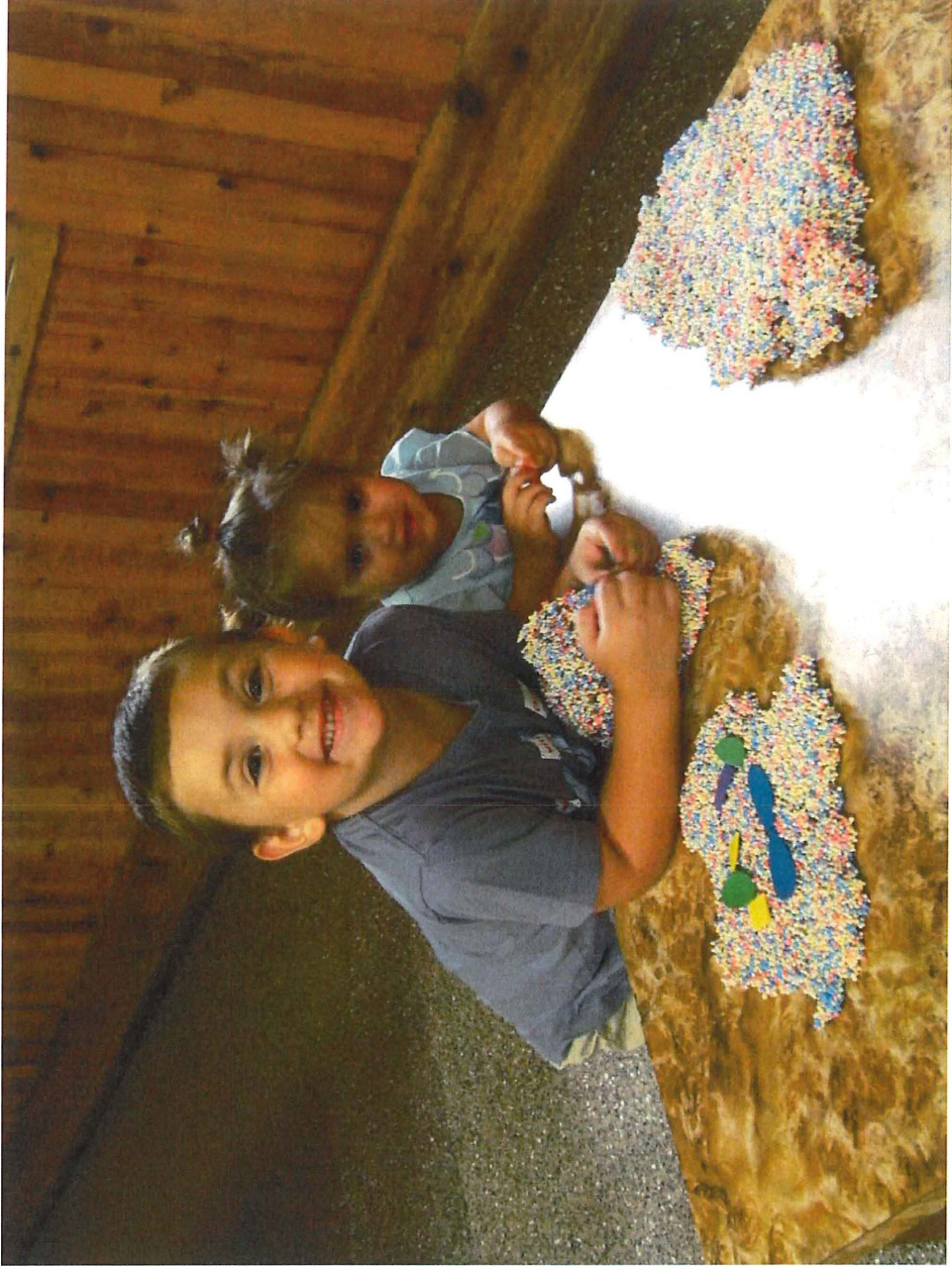
More summer programs



Arts & Crafts
Family Time



Building Community



75-02

Accessory Dwelling Units and Structures

Text Amendment | Type IV Procedure

Public Hearing: Tuesday, September 25, 2018

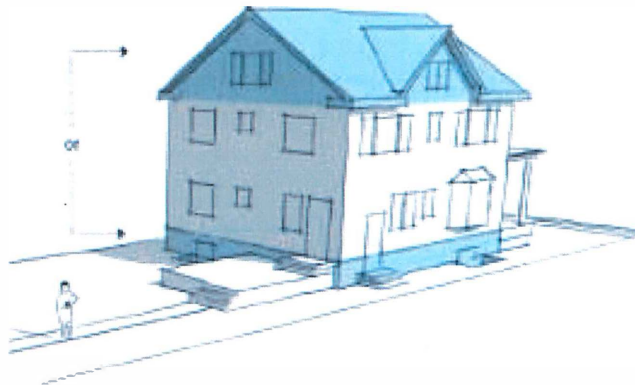
Troutdale City Council | Troutdale Police Community Center

Staff Presentation

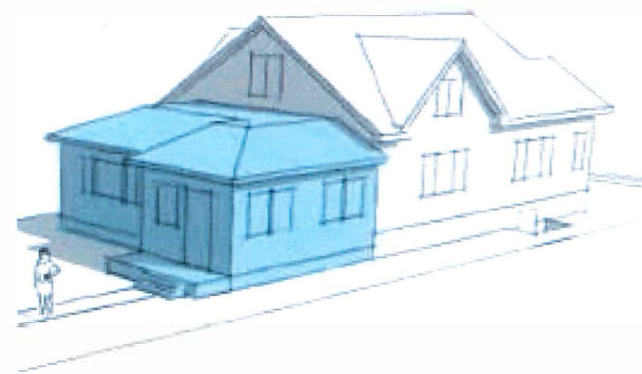
Issues At Hand

- State law (SB 1051) requires certain cities to allow for Accessory Dwelling Units (ADU) in single-family residential zoning districts
 - Reasonable local regulations related to siting and design
 - “clear and objective” standards
- Existing standards did not meet legal obligations of SB 1051
- Text amendment required to bring City into compliance
- Clarification between ADUs and accessory structures (non-residential)

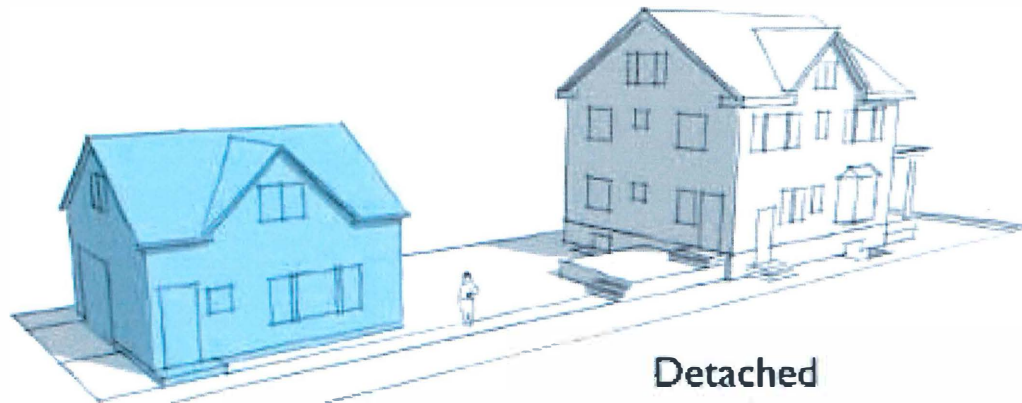
What is an ADU?



Internal



Attached



Detached

Application & Applicable Criteria

What is being requested...

- **Text Amendments to the following Chapters/Sections:**
 - Chapter 1 – Section 1.020 (Definitions)
 - Chapter 3 – Permitted Uses in several sections
 - Chapter 5
 - Section 5.010 – Accessory Structures – amend opening purpose statement
 - **Section 5.900** – Accessory Dwelling Units – replace in its entirety
 - Chapter 6 – Section 6.915 (Site Development Review procedures)

What is not being requested...

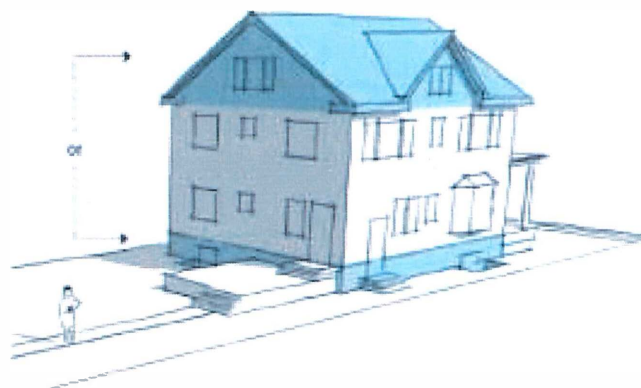
- Any specific Accessory Dwelling Unit application

Application & Applicable Criteria

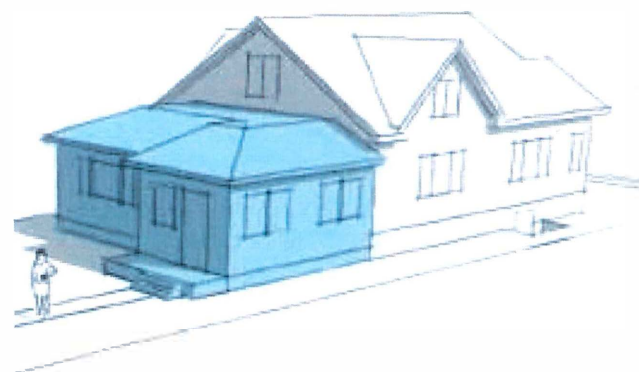
Applicable Criteria

- Comprehensive Land Use Plan
 - Housing Needs Analysis
- Trousdale Development Code (TDC)
- Appropriate Building & Fire Codes
- Construction Standards for Public Works Facilities
- Relevant standards in Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)
 - Statewide Planning Goals

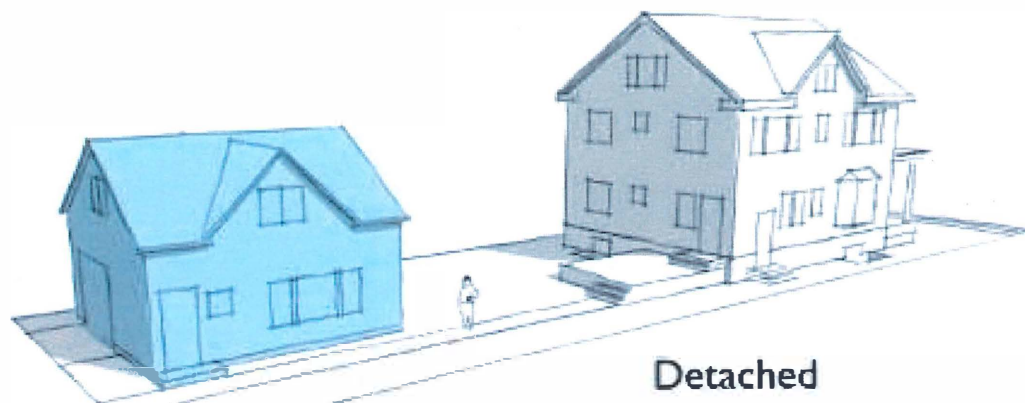
What is an ADU?



Internal



Attached



Detached

Review Procedure

Type IV Quasi-Judicial Procedure

- Public Hearings
- Planning Commission recommendation to City Council (**voted 5-1-1 to recommend**)
- City Council is the decision-making entity

If approved, the next steps:

- Ordinance is formally in effect 30 days from the date of the approval from City Council
- Appeals must be made within 21 days

If there is an appeal...

- State Land Use Board of Appeals

Timeline

- August 15, 2017: SB 1051 signed by governor
- March: rulemaking, model code, and guidance documents provided by Dept of Land Conservation and Development
- March 21: 1st PC work session held
- **May 22: presentation to City Council on upcoming action**
- June 20: 2nd PC work session held
- June 29: Notice to DLCD for Post-Acknowledge Plan Amendment provided
- August 6: Staff Report produced
- August 15: Planning Commission Public Hearing
- **September 25: first City Council hearing**
- October 9: second City Council hearing and vote
- November 8: anticipated effective date

Notification & Summary of Testimony

Agency Testimony

- City of Troutdale Planning & Building
 - Hazard Mitigation concerns

Other Testimony

- Resident (Carol Cottingham)
 - In support of ADUs
- Fair Housing Council of Oregon & Housing Land Advocates
 - Compliance to include language that ties back to Housing Needs Analysis and Buildable Lands Inventory
 - Disagrees with off-street parking requirement

Local Standards

- Reviews:
 - Internal or attached: **Type I** (no neighbor notification, staff decision within 30 days)
 - Detached: **Type II** (neighbor notification of 250 feet, staff decision within 45 days)
- Property owners are required to live on property
- Number of ADUs allowed: up to two (2) per dwelling. If two, one must be interior/attached, the other external
- ADUs to comply with primary dwelling setbacks
- Maximum size:
 - 800 square feet or 50% of primary dwelling's floor area, whichever is smaller
 - Interior conversions only: ADU that result from conversion of a floor can occupy the whole area
- Detached ADUs: only located in side or rear yards of the building
- Attached units shall utilize the same exterior material, roofing material, and paint color of the primary dwelling *
- ADUs may not exceed height of primary dwellings
- One off street parking space per unit *
- Meet all health, fire, and building codes

Amendments Proposed to Draft

- Planning Commission

- Amend 5.950.D as followed:

Attached units shall utilize ~~the same exterior material, roofing material, and paint color of the primary dwelling.~~ the same paint color as the primary dwelling. Attached units shall utilize the same exterior materials and roofing materials as the primary dwelling, except in instances where the primary dwelling has an exterior or roofing constructed with non-fire resistant materials. In such situations, the applicant may elect to utilize fire-resistant materials to construct attached units."

- Staff

- Amend 5.950.F as followed:

One (1) off-street parking space ~~shall be required for each accessory dwelling unit,~~ in addition to that which is required for the primary dwelling, shall be provided for each accessory dwelling unit. All designed parking spaces shall comply with applicable standards in accordance with Chapter 9 of this code.

Approval Criteria – TDC 6.1120

A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.

The majority of the amendments proposed in this application are not substantive in a way that could affect the Comprehensive Land Use Plan goals or policies. Of the ones that are, only the proposed additions to include shared housing standards would correspond with the Plan. Given that the standards as proposed in the new Section 5.090 were in the previous Development Code which in turn was found to be consistent with the City's Comprehensive Land Use Plan, there are no anticipated conflicts with this amendment. **The criterion is met.**

Approval Criteria – TDC 6.1120

B. The proposed change is consistent with the applicable Statewide Planning Goals.

The text amendment application is a response to Statewide Planning Goals that were modified with Senate Bill 1051, which called for increasing housing variety and opportunities within cities and urban growth boundaries. **A review of the most up-to-date residential buildable lands inventory (BLI) and housing needs analysis (HNA) indicate that the proposed change would not negatively impact the City's future housing capacity and would actually be of benefit. This is because ADUs increase density within the existing built environment, which improves the efficiency of land use in the City and allows for future land to be preserved and more carefully considered for a variety of housing types as called for in the locally adopted Comprehensive Plan. Therefore, the criterion is met.**

Approval Criteria – TDC 6.1120

C. The proposed change is consistent with the applicable provisions of Metro Code.

The proposed text amendments are consistent with several Metro Code provisions and the overall regional housing goals identified in the 2040 Growth Concept. Within the Urban Growth Management Functional Plan [Chapter 3.07] exist two such provisions.

Under **Title 1 Housing Capacity**, Metro requires cities to establish “at least one accessory dwelling unit for each detached single-family dwelling unit in each zone that authorizes detached single-family dwellings. [3.07.120] Furthermore, under **Title 7 Housing Choice**, cities “within the Metro region shall ensure that their comprehensive plans and implementing ordinances include strategies to ensure a diverse range of housing types within their jurisdictional boundaries. [3.07.730] The new standards for accessory dwelling units increase Troutdale’s compliance with these provisions. **The criterion is met.**

Approval Criteria – TDC 6.1120

D. Public need is best satisfied by this particular change.

Previous accessory residential unit structures standards were not clear and objective, which was required by changes in state law. The standards as proposed provide clear standards for applicants to understand and Staff to evaluate accessory dwelling units. The public is able to better pursue constructing additional housing opportunities to the community while being respectful of the community's desire for reasonable regulations to ensure health, safety, and overall quality of life in those areas where the use is allowed. **The criterion is met.**

Approval Criteria – TDC 6.1120

E. The change will not adversely affect the health, safety, and welfare of the community.

The City expects the majority of the accessory dwelling unit applications to be in the form of attached additions to the primary dwelling or in the conversion of a portion of the primary dwelling into a separate unit. Detached units are typically considered to be more controversial due to the visual impact on surrounding neighborhoods. Any detached unit proposal would be reviewed at a Type II level, which would allow the proposal to be reviewed based on the site conditions and offer the surrounding area an opportunity to comment on the application. If concerns about health, safety, and welfare of the community exist for that particular application, they can be articulated and appealed accordingly. Furthermore, the City has placed reasonable standards in place with regards to siting, parking, and construction to ensure the effect of having accessory dwelling units on a property are not disruptive to surrounding properties. **The criterion is met.**

Staff Recommendation

Staff recommends **approval** of the text amendment application, provided that City Council:

- Provides direction to staff to incorporate the revisions to the draft proposed by Planning Commission and Staff as presented tonight.
- Provides direction to staff to incorporate the revisions to the findings as presented tonight.
- Updated copies of the draft and the findings which incorporates the revisions (and other revisions as discussed) to be supplied at the second reading (Oct 9)

Public Testimony

Public Testimony

Order of Testimony

1. Applicant
2. Proponents
3. Opponents
4. Neutral Parties / Clarifications
5. Requests for Additional Time

Reminder:

- All issues raised by a participant must be sufficiently clear and specific to allow PC and other parties to respond.
- Failure to raise an issue during this public hearing may invalidate a future appeal based on that issue.