



# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

## REVISED AGENDA

### CITY COUNCIL – REGULAR MEETING

Troutdale Police Community Center – Kellogg Room  
234 SW Kendall Court  
Troutdale, OR 97060-2078

**Tuesday, June 12, 2018 – 7:00PM**

#### Mavor

Casey Ryan

#### City Council

David Ripma

Randy Lauer

Larry Morgan

Glenn White

Rich Allen

Zach Hudson

#### City Manager

Ray Young

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
2. **PUBLIC COMMENT:** Public comment on non-agenda and consent agenda items is welcome at this time. *Public comment on agenda items will be taken at the time the item is considered. Public comments should be directed to the Presiding Officer, and limited to matters of community interest or related to matters which may, or could, come before Council. Each speaker shall be limited to 5 minutes for each agenda item unless a different amount of time is allowed by the Presiding Officer, with consent of the Council.*
3. **CONSENT AGENDA:**
  - 3.1 **RESOLUTION:** A resolution approving an Intergovernmental Agreement with Multnomah County for the Community Development Block Grant Program for program years 2019-2021.
4. **MOTION:** A motion to approve the Mt. Hood Cable Regulatory Commission's 2018-19 Annual Budget.  
*Norm Thomas, MHCRC Troutdale Representative*
5. **PUBLIC HEARING / RESOLUTIONS:** A public hearing and 2 resolutions providing for State Shared Revenue for Fiscal Year 2018-2019:
  - 5.1 A resolution certifying the City of Troutdale's *eligibility* to receive Fiscal Year 2018-2019 State Shared Revenues.
  - 5.2 A resolution declaring the City of Troutdale's *election* to receive State Shared Revenues for Fiscal Year 2018-2019 *Erich Mueller, Finance Director*
6. **PUBLIC HEARING / RESOLUTIONS:** A public hearing on the following resolutions:
  - 6.1 A resolution adopting the City of Troutdale's Fiscal Year 2018-2019 Annual Budget and making appropriations.
  - 6.2 A resolution imposing and categorizing Ad Valorem Taxes for Fiscal Year 2018-2019. *Erich Mueller, Finance Director*

7. **PUBLIC HEARING / ORDINANCE (Introduced 6/5/18):** An ordinance adopting Comprehensive Land Use Plan Map and Zoning District Map Amendments on approximately 8.82 acres of land located at the intersection of NE 242<sup>nd</sup> Drive and SW Cherry Park Road.

Chris Damgen, Community Development Director

8. **PUBLIC HEARING:** Hearing on adoption of Planning Commission's approval with conditions of application for Site Development Review and Variances for a proposed development on two parcels with an approximate total area of 8.82 acres located at the intersection of NE 242<sup>nd</sup> Drive and SW Cherry Park Road. File #18-017.

Chris Damgen, Community Development Director

9. **STAFF COMMUNICATIONS**

10. **COUNCIL COMMUNICATIONS**

11. **ADJOURNMENT**



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**Casey Ryan, Mayor**

**Dated: June 11, 2018**

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 (HD Channel 330) and Frontier Communications Channel 38 on the weekend following the meeting - Friday at 4:00pm and Sunday at 9:00pm.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page [www.troutdaleoregon.gov](http://www.troutdaleoregon.gov) or call Sarah Skroch, City Recorder at 503-674-7258.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Sarah Skroch, City Recorder 503-674-7258.

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale Police Community Center – Kellogg Room**  
**234 SW Kendall Court**  
**Troutdale, OR 97060-2078**

**Tuesday, June 12, 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 (7:19pm), Councilor Lauer (7:36pm), Councilor Morgan, Councilor White, Councilor Allen and Councilor Hudson.

**ABSENT:** None.

**STAFF:** Ray Young, City Manager; Sarah Skroch, City Recorder; Tim Ramis, Attorney with Jordan Ramis; Erich Mueller, Finance Director; Chris Damgen, Community Development Director and Travis Hultin, Chief Engineer.

**GUESTS:** See Attached.

Mayor Ryan asked are there any updates?

Ray Young, City Manager, replied yes, Mayor, in the original agenda published last week we removed the resolution establishing a solid waste collection fee and put it off until 2 more weeks. It was just one item that may take a little bit longer and we were doing what we could to keep the length of this meeting down and it's not critical to be done at this meeting. We can wait 2 more weeks.

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

Michelle Card, Troutdale resident, stated I'm with the West Columbia Gorge Chamber of Commerce (WCGCC).

Jay Marquess, Troutdale resident, stated I'm also representing the West Columbia Gorge Chamber of Commerce tonight. We have our Annual Board Summit Meeting tomorrow and we would like to invite you all (handout is included in the meeting packet). On behalf of the WCGCC, we would like to suggest or hope that we can get a sponsorship of \$2,000.00. We appreciate our partnership with the City of Troutdale and our city workers. We appreciate all the opportunities you've allowed us to have. With that in mind, I also want to thank Zach Hudson for coordinating and being so involved in helping us with

SummerFest. And Councilor White for being an entry in our parade. It means a lot to us as always. A special appreciation for all the staff of Troutdale.

Michelle Card stated I was asked to make a few comments regarding SummerFest which is what we are requesting the funds for to support that. We do have some sponsors and we're very grateful to Weston Kia, Waste Management and McMenemy's Edgefield. They all offered to support the event. A portion of the proceeds this year are going to go to the Multnomah County Animal Shelter. We're going to be supporting them and we've been using the animals to help promote the event. We've been posting on Facebook. Also we're doing a pet photo contest and that's going to be run from June 18<sup>th</sup> to July 18<sup>th</sup>. Anyone with a pet is welcome to enter. Also we've got good things going for the vendors and the parade area.

**3. CONSENT AGENDA:**

**3.1 RESOLUTION:** A resolution approving an Intergovernmental Agreement with Multnomah County for the Community Development Block Grant Program for program years 2019-2021.

**MOTION: Councilor White moved to approve the Consent Agenda. Seconded by Councilor Morgan. Motion Passed 5-0.**

**4. MOTION:** A motion to approve the Mt. Hood Cable Regulatory Commission's 2018-19 Annual Budget.

Norm Thomas, Mt. Hood Cable Regulatory Commission (MHCRC) Troutdale representative, stated the reason I'm here tonight is to request that you approve the budget for MHCRC. I have a few remarks I would like to read. With me I have Marty Jones who is the Director of MetroEast. He also has some things he wants to talk about.

Marty Jones stated I want to say thank you and give you an update on what we did on our Community Media Day. In your packet is a wonderful insert through our partnership with the Pamplin Media Group and the folks at The Outlook and the Sandy paper as well as The Tribune. It talks about MetroEast and all the things that we're doing. 50,000 of these are going to be distributed this week. It's an exciting time to be at MetroEast and it's also a daunting time so we're counting on your support. We're looking at a \$200,000.00 decrease in our budget next year because of people cutting the cord or people never buying cable. People are getting their media in different ways. If they don't do it through cable then we don't see any of that money and it's a decrease in our operation. We appreciate your support.

Norm Thomas stated the reason that it's important for MetroEast to come talk with you is part of the funds goes to support them. I am your representative on the MHCRC. I'm here to highlight a couple of the many MHCRC activities over this past year and to seek your approval of the MHCRC Fiscal Year 2018-19 Budget. (Norm Thomas read from a statement attached to these minutes).

**MOTION:** Councilor White moved to approve the Mt. Hood Cable Regulatory Commission's 2018-19 Annual Budget. Seconded by Councilor Morgan.

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

**Motion Passed 6 – 0.**

- 5. PUBLIC HEARING / RESOLUTIONS:** A public hearing and 2 resolutions providing for State Shared Revenue for Fiscal Year 2018-2019:
- 5.1** A resolution certifying the City of Troutdale's eligibility to receive Fiscal Year 2018-2019 State Shared Revenues.
  - 5.2** A resolution declaring the City of Troutdale's election to receive State Shared Revenues for Fiscal Year 2018-2019.

Erich Mueller, Finance Director, stated the first item is related to the State Shared Revenues. There are 2 actions that the Council will take with the components of the overall budget. The State Shared Revenues provide a portion of revenues to both the General Fund and to the Street Fund. As we discussed during the Budget Committee meetings in April, there are essentially 4 steps that the jurisdictions have to take in order to receive State Shared Revenues. One of those was a public hearing before the Budget Committee which took place on April 16<sup>th</sup>. The following was a scheduling of public hearing before the City Council on the use of State Shared Revenues.

**Mayor Ryan opened the public hearing at 7:24pm.**

**Mayor Ryan closed the public hearing at 7:24pm.**

**MOTION:** Councilor Morgan moved to approve a resolution certifying the City of Troutdale's eligibility to receive Fiscal Year 2018-19 State Shared Revenues. Seconded by Councilor Hudson.

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

**Motion Passed 6 – 0.**

**MOTION:** Councilor Morgan moved to approve a resolution declaring the City of Troutdale's election to receive State Shared Revenues for Fiscal Year 2018-19. Seconded by Councilor Hudson.

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

## Motion Passed 6 – 0.

- 6. PUBLIC HEARING / RESOLUTIONS:** A public hearing on the following resolutions:
- 6.1** A resolution adopting the City of Troutdale's Fiscal Year 2018-2019 Annual Budget and making appropriations.
  - 6.2** A resolution imposing and categorizing Ad Valorem Taxes for Fiscal Year 2018-2019.

Erich Mueller stated at this point I would like to invite our Budget Committee Chair, Tanney Staffenson, to join me.

Tanney Staffenson stated I would like to thank you and say it's an honor to serve on the Budget Committee with all of you. As we know, the cCmmittee comprises of the Mayor, the City Councilors and 7 appointed members of Troutdale. Of those 14 people, everybody's vote counts the same. We really appreciate having the opportunity to give input and be a part of the process that shapes our city. We spent 3 nights together going over the budget but everyone spent countless hours on their own going over it. I would like to say that I believe also that when we came down to voting for the budget we were unanimous in that decision. I think that's important as a team to get to that point.

Mayor Ryan stated I want to say, Tanney, good leadership again. It's a lot and we try to stay focused. Thank you for a top notch job as usual.

Erich Mueller stated this is the next part of the procedural process to move the City towards adopting the budget. Item 6.1 outlines the various funds and the appropriations and requirements provided in the budget.

**Mayor Ryan opened the public hearing for agenda item 6.1 and agenda item 6.2 at 7:29pm.**

Paul Wilcox, Troutdale resident, stated I have a specific line item to address. First I would like to back up to the role of the Budget Committee in this process. The committee spends about 10 hours over the course of 3 evenings reviewing the budget. I think it's noteworthy to note what was removed from the budget. What was removed unanimously was a proposal to raise the stipends for the Mayor and the Councilors. The other one was a proposal to use the \$175,000.00 from the Sheriff's lease payments for this building, which has been applied to reducing the bond which in turn was reducing property taxes, and apply it to the debt service for the \$5 million loan for the Urban Renewal Area. That was unanimously rejected by the Budget Committee. The credit for property owners is retained and the \$175,000.00 is going to be taken out of the general budget reserves, I assume. A couple of other items that were moved to remove, one was \$70,000.00 for the dog park. The vote on that was 5 to 12 to remove it. So it was retained. The other one was a \$100,000.00 expenditure to build a parking lot at Visionary Park and that one lost 4 to 8 I believe. That's the one I want to address. It seems to me that particular project disproportionately benefits Caswell Gardens. Caswell has donated the property where that parking lot would be built providing 7 parking spaces, supposedly to serve Visionary

Park. I just think that doesn't really benefit the citizens of Troutdale to the level of a \$100,000.00 expenditure.

**Mayor Ryan closed the public hearing at 7:33pm.**

**MOTION: Councilor Morgan moved to approve a resolution adopting the City of Troutdale's Fiscal Year 2018-2019 Annual Budget and making appropriations. Seconded by Councilor Hudson.**

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

**Motion Passed 6 – 0.**

Mayor Ryan stated the last one on this agenda item is agenda item 6.2, a resolution imposing and categorizing Ad Valorem Taxes for Fiscal Year 2018-2019. I would entertain a motion.

**MOTION: Councilor Morgan moved to approve a resolution imposing and categorizing Ad Valorem Taxes for Fiscal Year 2018-2019. Seconded by Councilor Hudson.**

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

**Motion Passed 6 – 0.**

**7. PUBLIC HEARING / ORDINANCE (Introduced 6/5/18): An ordinance adopting Comprehensive Land Use Plan Map and Zoning District Map Amendments on approximately 8.82 acres of land located at the intersection of NE 242<sup>nd</sup> Drive and SW Cherry Park Road.**

Mayor Ryan asked, does any member of the Council wish to announce any actual or potential conflicts of interest?

None.

Mayor Ryan asked, does any member of the audience have any objections to the Council's jurisdiction to consider this matter?

None.

Mayor Ryan stated we will now have our staff presentation by Chris Damgen.

Councilor Ripma stated Mr. Mayor, I was out of town and I just came straight from the airport to participate but I did want to announce that I listened to the entire June 5<sup>th</sup> meeting and read the packet and I'm prepared to participate tonight.

Ray Young stated Mayor, let the record reflect that Councilor Lauer has now arrived.

Chris Damgen, Community Development Director, stated this is the second hearing of two on the map amendment proposal for the Eagle Ridge Apartment Homes as submitted by Sheldon Development. My presentation tonight for this component of it will be shorter than last week. For this particular hearing we are talking about the map amendments. These are the comprehensive land use plan amendment and zoning map amendment. These actions would be approved by an ordinance tonight. If the above is approved then the next item on the agenda would be consideration of the site development approval and the 2 variances associated with that. Those actions can be approved by order and it only technically requires one hearing. Which again, if there is a positive vote in favor of the current hearing then that would go forward. If there is not a positive outcome then the second considerations go away. You will receive testimony from the applicant. I will stress also that the applicant has provided to you a written narrative on some of the questions from members at the first public hearing. Those have been distributed to you.

Chris Damgen showed the Council a PowerPoint presentation (attached to these minutes as Exhibit A).

Chris Damgen stated on the issue of traffic impact and mitigation strategies, this is a common concern and it is a very appropriate concern because we all face that. We all know what the intersection is right now. I think the key thing to stress is that the staff report contains a solution to move forward. There are improvements to be made to that interchange. It is a partnership of Multnomah County, the City of Troutdale, the City of Gresham and presumably, if this application goes forward, the applicant bears some financial responsibility as well. We believe that the intended strategies and intended recommendations of the traffic impact study are sufficient and will go a long way in addressing those issues to the intersection. And as it was said also, traffic is a macro problem not just for this particular intersection but for the entire road network across East County and across the Metro area. We've heard several folks raise concerns about the visual impacts that the 2 to 3 story apartment building would have on their backyard. I think it's a warranted concern and what it would do to privacy. I think the response would be this, respectfully of course, as it's currently zoned right now you could have single family residential dwellings. The same height restriction that is applied to apartment residential, which is 35 feet, also applies to a single family residential. If you have a 2 story or even a 3 story single family or attached duplex/townhouse type arrangement, which is currently allowed under the zoning, it has a visual impact too. In essence, an apartment structure by nature of it being multi-family has landscaping and screening standards that they have to adhere to. Those landscaping and screening standards, which could help mitigate the effect of visual impact and privacy that, I stress, do not apply to single family homes. In other words, if you're doing a platted subdivision, it is at the option for the homeowner to do screening or not screening. The applicant in a multi-family



development has no choice. They have to do screening. So that's a pretty big thing to consider. The other thing is that the setback requirements for an apartment residential unit in that area are roughly the same as the setback requirements for a single family dwelling in that location too. The third issue, which really emerged is the decision criteria language that we're talking about. There were two phrases that were things that you were chewing on. The first one was the significantly adversely impact the existing or planned uses. Basically by approving this map change, does it significantly adversely affect existing or planned uses? I don't think anybody would suggest otherwise that there won't be an impact. I think we can all understand and agree that there is an impact to development. Regardless if it's this or single family or if it's an expansion of the Fuji Farms stand. There's going to be an impact. The question is, is the impact of a zoning change at that location going to adversely significantly impact the surrounding property? The other thing is on the zoning map criterion the amendment will not be detrimental to the general interest of the community. How do you define community and how do you define general interest? There's certainly community members here that have an interest. But you have to consider not just the immediate surrounding area of that location. You have to consider the general interest of the community at hand, the goals that you have outlined for the community in your comprehensive plan and in your Council goals and determine, does this development fit those goals and that general interest as you define it? Those are the reasons that from a staff reading of your reports, your goals, comprehensive plan, we felt that there was consistency there so that's why we made the recommendation. Staff retains its position to recommend approval with conditions. We understand this has a tremendous impact on you and like we said last week, decisions like these have to be made at the highest level and that is why it's resting with you tonight.

Councilor Morgan stated I listened last week, I was on the phone. I normally completely agree with staff recommendations, this one, I have grave concerns. Chief among them being the rating of the traffic and congestion. I know that things have hypothetically been changed per the proposal but in your planning expertise, do you believe that in zoning specifically that the proper changes/mitigations have been put in place to ensure livability as well as commerce and it not being a nightmare? In your opinion.

Chris Damgen replied I think I should first state that I'm not a transportation planner. Understand that transportation is admittedly not my expertise but that is precisely why we have other people who are transportation planners and engineers look at this application with their expertise. I trust their judgment and I trust the evaluation performed by the applicant's consultant who is well regarded throughout this region and throughout this State as being a very good traffic engineer. If there were any objections that they would've raised and threw a red flag, I think our position as a staff would be very different. We understand that this is one of the critical issues of this application. However, they've come to us and said they believe that there is a solution to mitigate these issues to build capacity at that interchange to make it more functional, to allow the additional turn lane to add to the capacity of vehicle movements that go through the interchange. We believe that there is a plan in place for it to be a much better situation.

Councilor Morgan stated I've been in government long enough to understand government talk. Is a plan in place to have congestion mitigation and will be, are 2 different things. So the question I have is, will there be a congestion mitigation plan implemented if this zoning is approved?

Chris Damgen replied there is a plan in place to eventually improve this interchange. The issue here is when eventually, of course, it occurs. And what I would argue is that by allowing this zone change to move forward, the timeline to get that implementation done accelerates. The change will happen quicker. Why? Because there's more demand on the interchange and it requires a more immediate fix to it. This is an interchange that's not only a Multnomah County controlled facility, it's also a City of Gresham facility and both of those entities have identified the need to make the improvement and to commit to funding in order to solve it. And because of the interjurisdictional nature of it there's also additional funds that might be available that go above and beyond what the City may normally be able to do.

Ray Young stated I just want to add maybe some more specific detail. Correct me if I'm wrong, there are several specific things being done by this development and are already being done by third parties. Number one is, 500 feet east of Hogan will be 5 lanes wide which will double the stacking which means twice as many cars can get to that light as they do now. Going westbound, Gresham and Multnomah County are making sure that the receiving side of that west side has 5 lanes also so traffic flows clearly through. The apartment complex will have, on Hogan, a right in and right out which will deter some traffic from using Cherry Park. And we know as the third party, Reynolds High School has already added a brand new bus-out to 257<sup>th</sup> which will reduce the impact on Cherry Park starting next fall. So if you're looking for specific things that are happening or will happen directly as a result of this development, those things will happen.

Councilor Morgan stated I'm not beating you up. I received a lot of calls. I'm just trying to clarify that there is a plan in place that will be implemented, whether it be with the County or the City of Gresham and potentially the City of Troutdale to mitigate some of the concerns that would make this zoning recommendation more tolerable or manageable or feasible. In regards to the zoning, this zoning change does not prevent, currently, there being a mobile home facility being located there. Is that correct?

Chris Damgen replied yes that is correct. In addition to single family homes there are a couple of other land uses and a manufactured home park is an allowable use. Which effectively means that if there was a development proposal for that site it goes just through a staff review. It doesn't even go to the Planning Commission under the current zoning. Current zoning would also allow potentially for a utility facility.

Councilor Allen stated I've researched this thing every which way and I'm reading and listening to what people have to say. When I look at it I can count many reasons not to do it. However, I don't actually think I have a legal leg to stand on to say no here. It's in my mind that we're getting pressure from the State and Metro to densify. One of the things I read that was interesting for me was one of the letters and I'm probably taking this out of

context here but the suggestion was residential/business mix. Has the developer considered a mixed residential/commercial? I have in the back of my mind that there's grants for doing residential on top of commercial.

Chris Damgen replied that would be a question I would defer to the applicant to answer.

Councilor Ripma stated my understanding is that staff is recommending that we favor this change and provided findings for that but we are not required. We are able to turn this down. That is why we're here. You did direct us in your slide there that we would have to write findings to turn this down. I don't have any problem doing that but I do think staff should be prepared to assist us with that.

Chris Damgen stated if that's the direction Council is giving, yes.

Councilor Ripma stated if we conclude that this is not in the best interest of the City I think we can come up with some findings to justify that.

Tim Ramis, Attorney with Jordan Ramis, stated the procedure we would use would be this; if you choose to vote to deny, we would suggest that you make a tentative decision subject to reviewing findings that we will prepare for your consideration.

Councilor White asked, were we able to find any alternative sewer hook-up like utilizing Gresham?

Chris Damgen replied my understanding from our staff speaking with Gresham staff is that they would not have had the capacity or the ability to properly cross the city line.

Andrew Tull, 3J Consulting, stated we received a bit of correspondence from neighbors. We certainly appreciate the comments that came into the record. Especially those comments that were in favor of the development. We also prepared a letter addressing what we thought were the most significant concerns we heard coming out of the last Council meeting. We really appreciate you sharing your thoughts and concerns with us and giving us an opportunity to come back and address some of these points. In the letter that was submitted to you, on the second page of the application, I had placed in this letter that there were 1,100 students at Reynolds High School. It's actually closer to 2,700 students. I have a PowerPoint presentation that summarizes and provides some illustrations for the discussion tonight. At last week's hearing we took away 3 primary questions; the capacity of the schools within the area, sewer availability and the value or the potential impact on the value of surrounding properties. On school capacity, we made a valiant effort to reach out to Reynolds School District as well as the principal from Woodland. I have a voicemail from about 4:30 today on my phone from the Woodland principal but it didn't give me any details about capacity. So we looked at this on more of a global level or a larger, big picture level. I did find a few folks at district administration that talked about plans for growth and capacity of the existing schools in this area and the impression I got from them was that there was little concern for capacity because there's a brand new elementary school being constructed in the area. Then as we analyzed the

impact where under the current zoning you may expect 30 to 36 school age kids living in the neighborhood and under the proposed zone you might get 73 or so. It's about a 43 student difference. When you look at the number of students across the district, it's less than 1% of an impact. With regard to sewer availability, the City of Gresham does have lines downstream but the City has a very specific code requirement. I believe it's located in Section 12, which is in the Public Works section of your code which prevents extraterritorial extension of public utilities. So even if a connection were available we couldn't get past this extraterritorial extension. There's also downstream capacity concerns. Our proposed solution to this sewer problem on the site is the installation and maintenance of a small, private underground pump station that will be owned and maintained by the developer. Property values and livability is one of the hardest things, the most subjective topics to talk about. There was data submitted into the record during the public comment period but we don't believe that the data that was submitted into the record is sufficient to create a finding in opposition to this development. What was not directly addressed in any way, shape or form was whether the construction of an apartment complex lowers the value of surrounding properties which is the argument that's being implied here. But it was not directly addressed. We tried to address it. It just so happens that there are 2 engineers in my office and they purchased a home next to an existing field. At some point along the way the zoning changed to allow for high density on the field next to them and eventually an apartment complex was proposed. They were so upset and for the same reasons that this application has drawn fire, they were concerned about livability and property values and they appealed. They took it to the Washington County hearings examiner and they were not successful in their appeal. Now that the apartment complex is built we looked at property values based upon Washington County's Assessor. This is detailed in the letter we sent you. You can see that when the project was approved the property values were at a set rate and then construction started and property values increased by 3% for the lots immediately adjacent to the site. Then after occupancy, property values again went up 3%. According to the Washington County Assessor's Office there was no negative impact on property values. In addition to this we had a certified appraiser prepare a survey and release it to a professional network on social media. He asked the question, do you think it's likely that the construction of an apartment complex near existing single family homes is likely to have a negative value on the property values of the surrounding single family homes? 34 professional appraisers and industry professionals agreed that there would likely be no decrease in property value. They estimated it would be about the same. Which is consistent with what we found in Washington County where prices are going up 3% a year as allowed by Measure 50. I wanted to talk about this livability issue in relation to my friends. After 3 years of property values going up according to the appraiser and after 3 years of living next to construction and tenants moving in, one of the engineers in my office immediately after construction began they planted these Leyland cypress right along their property line. It's been 3 years that those trees have been growing and you can read her post. "What a difference 3 years makes." To me that implies it's not as bad as she thought it was going to be. It's not the end of the world. I know there's a lot of concern about this but residential next to residential was one of the points I made during the first Planning Commission hearing and during the first hearing before you. It really is not that stark of a contrast to have different types of residential next to one another. Especially when they're

built with a high quality. I wanted to conclude here that the criteria for the comp plan map amendment and the zone map amendment are satisfied. This application has been supported by local businesses and will lead to a high quality development in a highly visible corner within the city. The project is supported by the city staff, county staff and has been recommended for approval by the Planning Commission and the applicant has accepted the city's findings and accepts all proposed conditions of approval. I've invited Mr. Bell from Kittelson & Associates to come and talk just a little bit about the concerns raised by you, Councilor Morgan.

Matt Bell, Kittelson & Associates, stated Chris Damgen did a pretty good job of covering the traffic issues that were brought up here in the last session. I want to speak specifically to the mitigation measures. One of the concerns it sounds like you were raising was that there wasn't necessarily a plan in place and in fact what we're proposing to do as part of this long term zone change modification would be to make minor modifications at both the 242<sup>nd</sup> and Cherry Park Road intersections. Those modifications really just involve modifications to the left turn phasing. So right now the left turn is just a solid green arrow that allows you to go whenever the phase allows you to go. We're proposing to add a permitted phase to that which is essentially the flashing yellow arrow that takes up the additional capacity provided by that through movement whenever the movement allows. This is something that is being used in the County and being used pretty far and wide. And it's not going to address all the operational issues out there by any means. There are significant operational issues there today and they're projected to get worse in the future. This simply addresses the incremental increase that our proposed development is going to impose on this intersection as well as the one at 257<sup>th</sup>. The County has talked to some extent during the previous presentation about an improvement that they're proposing at 242<sup>nd</sup> and Cherry Park. That improvement includes providing a 5 lane section on Cherry Park Road and the east side of 242<sup>nd</sup> and will extend 500 feet that will taper back adjacent to the development. That effectively will provide those 2 additional west bound through lanes with less congestion. That works in both directions. It will have a significant effect not only on Cherry Park but also on 242<sup>nd</sup> and 238<sup>th</sup>. This development is both providing a frontage dedication to accommodate the improvement as well as providing a proportionate share of contribution towards that improvement. So that is ultimately what is needed at this intersection to address the concern not only today but carries through the 2040 horizon year.

Councilor Morgan stated great, that's awesome. We wouldn't be here tonight if you didn't have a plan. I'm not worried about the plan. I'm worried about the implementation of the plan. I have heard a lot about property values and I get it, I worked in real estate. I'm not worried about that. I'm worried about livability. Because they go hand in hand. To the point you said 3% per year, do you know what the appreciation was prior to that?

Andrew Tull replied I didn't go much farther. It was probably 3% for a long time before the recession and then probably started appreciating again at 3%.

Councilor Morgan asked, do you know what year it was that that was taken?

Andrew Tull replied the values that I pulled started in 2015, 2016 and 2017.

Councilor Morgan asked, where was this at in Beaverton?

Andrew Tull replied this is in the Bethany area, unincorporated Washington County.

Councilor Allen asked, is there another zoning that ends up to be more profitable for your customer that is also more digestible for the folks that showed up here tonight?

Andrew Tull replied I really appreciate that question. I can say that Sheldon Development builds a lot of really good garden style apartments and they've got the model down. They plan on doing a high quality product here. To my knowledge, we have not explored a mixture of zonings or a combined office and retail and housing style development. Commercial typically generates a lot more trips per day than residential does. With this particular proposal we put a lot of thought into what we think is going to work very well here.

**Mayor Ryan opened the public hearing at 8:22pm.**

Rich Shepard, Troutdale resident, stated I live at 2404 SW 22<sup>nd</sup> Street. I've submitted written comments. I'm not going to repeat them but I would like to add some things that I heard tonight. This proposal was rejected 3 years ago and the traffic has gotten worse since then. We have no control over what's going to happen with the Port of Portland at the Gresham Business Park. They already have 3 big distribution centers that aren't even leased yet. There's going to be more and more building out. There may be guarantees that 242<sup>nd</sup> is going to be expanded but I think the history of cities expanding traffic capability has shown that the more you expand the more the traffic fills up to take up that space. You provide more room on 242<sup>nd</sup> and more people will start using it because there's more room. It's not planned but this is what happens. In my almost 40 years as an environmental consultant and ecologist, I've seen a lot of people both on the proponent side and the opponent side cherry pick data to show what they want to show and support their position. Without making any accusations, I just want to say look carefully at data. There's a reason that the area between 242<sup>nd</sup> and 257<sup>th</sup>, Cherry Park Road and Stark has all single family housing. There are a few duplexes in there. The cabbage fields that were north of Stark have been developed single family. There are no apartment buildings there. I've been here for 26 years, no apartment buildings in any of the areas that were changed for development. There are on the eastside of 257<sup>th</sup> and on the north of Cherry Park Road but nothing in there. If you want to build on there, knowing what the zoning was, why go in and say I want to do something different and have the City Council change the comprehensive plan and zoning to fit that? If you know what the zoning is, plan your development for that.

Keith Glueck, Troutdale resident, stated I live at 1773 SW Daybreak Way in Troutdale. As it has been said, 3 years ago we fought this. And the traffic has only gotten worse. Having a flashing turn signal instead of a green one and whoever said that has never been at that intersection at most every day. There isn't any clearance or any slack to be

able to turn left there. Saying that in the future there might be the improvements to the streets and widening, you're creating a huge problem and then you're having to deal with the State and the City of Gresham. If one of them doesn't want to fund it or if they change their priorities as to what gets done, who suffers? We all do.

Rene Thorsell, Troutdale resident, stated I live at 2240 SW 18<sup>th</sup> Way. Being passed around is a representation of what I believe that it could look like with apartments coming in (handout attached to these minutes). The top photograph is what my view from my property is this morning. I do believe that the decision on criteria being the livability and the property values of mine property would be drastically impacted. You look at those and you ask yourself, which would you rather see out your house in the morning? The folks that live at the top of the adjacent property, this is not just a vacant lot. This is a house with property behind it and a span of old growth trees that will all be taken down and destroyed. The view will be destroyed. My livability will be destroyed. Should this happen, the traffic during peak hours will not be able to go either west or south. You can hardly turn left even now. I respectfully ask that you consider our concerns.

Randy Manning, Troutdale resident, I live at 2122 SW 22<sup>nd</sup> Court in Troutdale. I have owned 47 homes and I can tell you that putting in an apartment complex does destroy your property value. I've had it happen to me several times. I'm also retired from owning 3 tow companies for 27 years. He's talking about putting in a blinking yellow light. I'll tell you right now, in an area like that with that kind of light, I've been to more fatalities because of people that ignorant driving wanting to run through and beat other vehicles. If that's what you guys allow that's what's going to happen.

Sandy Glantz, Troutdale resident, stated 4450 SE Sweetbriar Lane.

Shirley Pricket, Troutdale resident, stated 2617 SW Indian John Place.

Sandy Glantz stated we have a handout (attached to these minutes). I have something that I think will help you Councilors. In November of 2017 the Planning Commission heard a presentation on the Missing Middle in terms of what our community is missing for housing. And it's not apartments. I quoted some of the information provided that there's a 5.5% vacancy rate for rentals but there is zero for home ownership. The turnover is so fast. Also, as of today, Fairview has 550 new multi-family rental units under construction or in the process of coming to construction. My point to all of this is that we don't need more apartments. I checked on Zillow and there are 67 apartments for rent in Troutdale but only 23 homes for sale. Under Apartment Finder there are 21 complexes in Troutdale, 7 of which have vacancies. We don't need more apartments in this area. We need more R-4 and R-5, the missing middle. I also want to address a comment that was made last week by the applicant that some of the people on Planning Commission seemed to think the existing zoning and development standards were set in stone. I can only speak for myself but I don't find that to be true. If this were to be a planned development where it went to either commercial or it was something that went from residential to residential to duplex to mixed use that would be appropriate. But to have a sudden shift between R-7 to A-2 doesn't seem like that's planning at all. I took some inventory of the Cherry Ridge

development and the Woodale development. The average square footage on homes adjacent to the apartments there is 1684 feet for a value of \$208.00. In Woodale the average is \$253.00 per square foot. I would also like to point out that the apartments in the Cherry Ridge subdivision are separated by both a park and a street from homes. They're not directly attached. On the back are some recommendations.

Paul Charpentier, Troutdale resident, stated I spoke last week. Why do people want to move to Troutdale in the first place? It's not because of apartments. If this change is okayed for the apartments, there's 2 more properties right next to it. Is he going to try to buy those and build more apartments there? That could be another 500 apartments. I've heard the City Council meeting. They kind of regret building the outlet stores because of the traffic jam there that bottlenecks. You talk about putting a turning lane on 242<sup>nd</sup> to get onto Cherry Park, so if you're in this apartment complex to pull out to go to Fred Meyer, you would have to go across the sidewalk, bicycle lane, turning lane and 2 lanes of traffic to get into the turning lane. How does this make Troutdale better? I don't think it does. We the people of Troutdale are asking the elected officials to support us.

Virginia Welch, Troutdale resident, stated I would like reiterate what he said. Mr. Sheldon, in the last proposal, had only made an earnest money agreement in the pretense that the zoning would be changed for his apartments. He has now, very boldly, bought those properties knowing what they were zoned and knowing that we, the City of Troutdale and the citizens of Troutdale chose not to have it rezoned. His company that he has hired has spun it very nicely for you.

Aaron Lambert, Troutdale resident, stated I live just south of the line as you can see in the picture of my house (handout attached to these minutes). I sent an email and only got one reply so I just want to make sure you guys have this in your hands. On the left side you'll see 100 feet away from my property line you can see how the view to my property would be. These are pretty hard facts right here. They describe the distance would be minimum 24 feet. I backed up 25 just to get a little bit of air and you can see at 10, 20 and 30 feet exactly what people will be seeing. There's not too much else to say. Livability would be very difficult here. We've already talked about possibly moving if this goes through.

Brent Kusisto, Troutdale resident, stated 1863 SW Daybreak Way. I noticed on the criteria given there were a couple of lines that left a little room for interpretation. Considering the Planning Department has quite a job trying to coordinate everybody and make a plan that will work and they've done so and they've already got some zoning in place. My question is, given that it is a little unprecise on your criteria is there no urgency or need for an applicant to show a benefit for changing the existing zoning?

Tim Ramis replied the staff put up the criteria earlier and those are the specific criteria that need to be addressed.

Tom Angell, Troutdale resident, stated currently northbound on Hogan we have 5 lanes which narrow down to 3. That already creates a backup nearly to Stark every day a lot of



the time. And that's with the fruit stand on the corner. The problem of adding 400 to 500 more cars to that corner is not going to be cured by a blinking yellow light.

Wayne Schulte, Troutdale resident, I was here last week. If you have a 216 units, 7 cars per day generates 1512 cars per day. Peak hours will give you about 10% of that total which is 150. You're expecting to handle that with the minor improvements that I've heard tonight. I haven't heard anything about the movement from northbound to westbound.

Paul Wilcox, Troutdale resident, stated I side with the Planning Commission and staff. The city zoned the property R-5 without adequate sewer infrastructure in place to support that level of development. City Engineer, Travis Hultin, has acknowledged that even at R-5 a pump station would probably be required. When Gresham's Vista Business Park is fully developed there will be 100's if not 1000's of jobs within walking and biking distance perhaps eliminating the need for a second car for an Eagle Ridge resident. Troutdale is also becoming a major job center with the development of the TRIP property. The police and fire service costs increase every single year whether there is any development or not. This project would provide a major increase in the tax base. Traffic is increasing throughout the area, not just on the two adjacent streets. Being delayed by a few minutes is hardly a reason to deny close-in housing for over 200 households. There's also the issue of affordability with new single family homes in Troutdale being priced in the 400 to 500,000 range. At the recent Council meeting on the subject of proposed curb extensions downtown, City Manager, Ray Young, shared the observation that the naysayers are generally the most vocal when a change is proposed. All those approving or to whom it doesn't matter don't bother to speak up. There's never a guarantee what might or might not go in a vacant lot nearby. I know that's probably not much consolation for a 3 story wall. The setback requirement is 22 ½ feet versus 15 feet for R-5 neighbors. An opposing argument I heard at the first reading was the impact on local schools, unless the City were to limit households to the average of 2.4 children, I don't see how school enrollment could be directly controlled. An issue has also been made of available on-site parking, I've surveyed the surrounding east county cities and none are as strict as Troutdale standards. Troutdale code only requires 1 on-site parking for a detached single family dwelling. This is the best use of this property.

Julie Cropley, Troutdale resident, stated I live at 2325 SW Dunbar Place. I totally agree with a lot of the concerns. I don't know how they can say that it's not going to affect our schools. Our schools are already overcrowded and when you're adding apartments you're adding kids. And that's going to cause a problem. I've heard a lot about traffic. I totally agree with the traffic issues. I don't want people parking in my neighborhood and walking to their apartment because the parking is not sufficient. I have not heard anyone talking about 238<sup>th</sup>. I drive that road going to work and coming back. It cannot support any more traffic during rush hour.

Cynthia Jacobson, Troutdale resident, stated my address is 1422 SW 25<sup>th</sup> Street. I live on the other side of the neighborhood and on our side they did put in new single family homes near Walt Morey and it's not negatively impacted. However, I do feel that a huge apartment complex would. I agree with the people who said the schools will be impacted

because, where is an entire bus filled with students? Every apartment complex when it takes our whole neighborhood to fill up 2 buses with one going towards Sweetbriar and one going towards Woodland. I don't see any place set up for these kids to play. They're going to run through the neighborhood. I think it will impact the traffic quite a bit.

Dane Lovell stated I live at 2245 SW Brink Avenue in Troutdale. I want to thank Councilor Ripma for actually standing up and saying you can vote any way you want. You're not held to anything. That's why you're here. I want to thank you, Mr. Allen, for attempting to offer other avenues of zoning that they didn't seem to care about. I've talked to a lot of people that live in my neighborhood. Absolutely nobody wants this thing. You're never going to convince me that the traffic isn't going to be adversely affected. A lot of the meetings, this is the general consensus from a lot of people that I've talked to, they were conveniently placed right after holidays. Almost every one of them. We pretty much think that it was made that way so that a lot of people are on vacation. They're not around so they don't attend them. As far as the visual impacts, whether it be houses or not, on paper that sounds good but in reality there's no houses there at all. If you're curious how people here feel about this, just listen to the applause.

Taney Staffenson, Troutdale resident, stated I've followed this pretty closely and I just want to say I followed the Planning Commission. That was a pretty agonizing application. That group spent the better part of 4 hours hearing testimony and deliberating. In the end they had a very split decision of 4-3. There's a lot of factors to this. You've got an intersection that pulls 3 cities together. You've got one that is industrial, 2 corners that are commercial and 1 that is presently residential. How does that work effectively? As I mentioned at the Planning Commission meeting, I know what my car says when I'm sitting at that intersection. It says, take me someplace else. I don't want to be here. But I also know what the traffic engineer said. That was one of the things that drove that decision, was the professional information that we had at that time to make that decision. I don't know that there's an easy answer to this. You could probably have somewhere in the range of 60 homes there which would definitely be different than apartments but I don't know that it would relieve some of the issues we have today. I also know that that particular zoning was done in 1990. I think that tells us all that we need to work on that piece of it. I don't know what the answer is. I know for our group we deliberated over this long and hard and we tried to follow the data. There's a lot of criteria that's spelled out.

Chris Damgen stated I really don't have too much to add. The only point of clarification is about a comment made about there not being an apartment complex in that vicinity between 242<sup>nd</sup> and 257<sup>th</sup>. There is an apartment complex to the north of the Safeway property that was part of the original Cherry Ridge Master Plan. There's also apartment residential zoning directly across the street of the high school where the memory care facility is. Also, there is an application that was recently withdrawn but we expect a resubmittal for a townhouse style development immediately adjacent to it. I just want to clarify that we do have denser housing arrangements in that area that also do immediately back up to lower density residential areas.

Matt Bell stated one of the first things we did was we petitioned the cities of Gresham, Wood Village and Troutdale to identify which in process developments were currently underway. There's a lot of comments about the yellow flashing arrow light. I can reiterate that we don't expect the flashing yellow arrow to address all the operations issues of this intersection. We certainly can't accommodate that, it's just simply an improvement. The real improvement is going to come from the County. There's a little bit longer time frame and there's a lot of good people coming together on that. I think some of the general concerns about traffic being able to get into and out of the site are the types of things we've considered in our analysis. We do anticipate that the driveways operate acceptably per County standards. The driveway on 242<sup>nd</sup> is going to be right-in and right-out and it's going to be designed to ensure that you can't turn across sidewalk, the bike lane, 2 travel lanes and the turn lane to try to get out onto 242<sup>nd</sup>.

Andrew Tull stated I agree with everyone who has come up and testified and thank you for your time tonight. This is a very difficult project to talk about. There's a lot of emotion involved and it has quite a history. The transportation comments that were offered by Joanna Valencia indicated that not only is the City of Troutdale's attention focused on this intersection but so is the entire region's transportation professional staff because of the amount of industrial and significant employment development that's happening in this area. There are a lot of projects that are being planned and being funded right now for this year to five year horizon. By the time this complex is built, traffic projects are going to be happening in this area that we are going to contribute to funding through both SDC's as well as fee contributions. I do appreciate the continued concern about property values but I just don't think that what has been submitted into the record provides enough of a finding to say that property values in this area are going to drop. We believe that this project is actually going to have a very minimal impact on the community. Residential next to residential in multi-family and single family forms is not that unusual to see throughout this region. Our office as well as your staff planning offices act in the public interest. It's the job of a planner to have the public interest and this is a classic example of really good planning. Therefore, in the public interest in its own right, it provides diversity in housing choice in a community that is almost completely dominated by single family detached homes. This particular project is going to come with high quality finishes and is going to be amenity laden. We can get into that later if we get to that point. It's an opportunity to locate several residents nearby existing employment centers, proposed employment centers, shopping centers, a library, existing schools and an existing job center. This is exactly where you want residents to be because it provides the opportunity to take single occupancy vehicle trips off the road and get people on the bus line that's going to be coming to serve this intersection or get people walking or riding their bikes to the store or to their jobs and get more cars off the road. We think that has been completely overlooked in the testimony and it's a massive opportunity for you to capitalize on tonight.

Councilor Morgan stated the grave concerns that I have, have not been around the zoning. I think that what Chair Staffenson had mentioned was that this is a 28 year old zoning amendment or change. The problem that I have is around this particular development and this particular location. The zoning change is different to me than the project itself. And it has been.

## **Mayor Ryan closed the public hearing at 9:11pm.**

Councilor Hudson stated although it hasn't come up in discussion tonight, it was included in the correspondence that we received. Just to check, that correspondence is a matter of public record, right? It's quite correct to say that there have been communications both for and against this from Troutdale residents. We have read those. I personally have gone and looked at the site from many different perspectives. I want to point out that one of emails suggested that there was personal favoritism to the Sheldon Development company. I have never met Mr. Sheldon and I wouldn't recognize him. There is no connection. This is us trying to take everybody's interest into consideration. We have a lot of people here tonight against this plan because of very specific locations for them near and around this development. But it's incorrect to say that nobody wants these apartments or that nobody moves to Troutdale for these apartments. We have written testimony from people who say they're lining up for these apartments and so are some friends I know. We need this kind of housing in this location. The people who would live in these apartments are part of Troutdale too. And a part of our City and that's also what we're considering. There's a lot of silent evidence and a lot of testimony that isn't given. Some things that I think we might keep in mind is that some issues are bigger than this little corner. I think schools are one of those and I think traffic is another one. I don't think schools will be affected by this little particular development. I happen to work at Reynolds High School. Our enrollment goes up and down by 100's each year. That causes grief for us sometimes because it changes our enrollment as far as state funding goes. But an increase in enrollment only means more money to pay for another teacher or something like that. Through the bond development we've increased the size of the school by 50%. We're ready for more kids. There's not going to be overcrowding. This particular rezoning isn't going to affect our schools in a detrimental way. There's a lot of concern about traffic but this is a huge, regional issue and it's a County issue. We're putting this in a little corner of Troutdale but Gresham is across the street and Wood Village is kitty corner to the development. This is a much bigger confluence of everything that's happening in a very big area. This one development is a small piece of a much larger and more long-term thing that's going on that we need to address. I think this corner could be a great place for development. Maybe it wasn't in 1990 but now this could be a great zoning choice for this corner because of the location that it has. A couple things stand out to me. We have the Troutdale Comprehensive Use Plan goal 10 and it states that the City should recognize multi-family dwelling as legitimate and needed housing types in Troutdale. We built into our plans that we want this type of housing to be one of the things we have in Troutdale. I think where this really hinges is the zoning map and the criterion D that this change, if we make the change, should not interfere with the livability or the value of the land nearby. Interfere is a really strong word. It doesn't say affect, it says interfere with livability. Choosing what counts as interfering is a lot more than just whether the view changes. What I'm going to be looking at mostly is criterion D and the effects on livability when weighed against public interest.

Councilor Lauer stated I think regardless of the way this vote goes, yes or no, one thing that's been brought to light is that we have big problem on this specific corner with the

traffic. Regardless of what is developed here on this corner right now even with a fruit stand that we have a traffic problem on this corner. I think at the very least we've shed light on something that we need to get fixed right away. We need a lot more discussions with our regional partners both city and county level and figure out what's going to be best for Troutdale regardless of what gets developed there moving forward. It's not necessarily the development. It's more of the infrastructure that we have already.

Councilor Ripma stated the issue before us is the zone change. That's what it is. It isn't all these other things. It's the zone change, whether we approve it or not. It might be ideal to have some other zoning there. That isn't the issue tonight. It's whether we should make this change, change the entire parcel to A-2. I can't support this. I think Troutdale does our share for multi-family. We meet all the regional goals. We have to. We're required to. If the argument starts being that we should do more than our share, that's not what I was elected to do. I think we should do our share. My main concern is Troutdale's livability and the long term livability of our town. If apartments are needed and there are places and cities that want them to be located there, fine. We have land zoned for apartments that's available. The question before us is, should we change the zoning on this piece of land? Which will increase its value to the owner, no question about it, or we wouldn't be here. We can't hold that against the owner. As far as findings, we did this just a couple years ago on the same parcel and I'm disappointed. It seems like we are falling all over ourselves to try to make it work again when we went through a fairly agonizing process, having a lot of people come and we turned down this change. I guess an applicant is allowed to keep asking. There should be, in my opinion, some warning that it's been turned down and nothing changed very much. It's still more or less the same proposal. I believe I can justify turning this down because I think it will adversely affect existing or planned uses on adjacent lands. I think that's a justifiable criterion. It will be detrimental to the general interest of the community. Those are findings that I think we, as a Council, are permitted to make. If not, we'll have our legal counsel review. In general, that's my feeling. Just because the land happened to be zoned in 1990 doesn't make it wrong. That doesn't make it the wrong zoning. And the argument that we won't service that land because we need to put in a pump station, that's part of the city's obligation. We would service it. We have the correct zoning there now, in my opinion. I'm against changing it.

Councilor Allen stated this is a tough one. It's a gamble. It's less about the type of development rather than the quality of the development. If we keep it R-5, could we actually get quality homes in this area? Will it be better or will it be worse? That's the challenge. Another thing is, I've been fighting improvements on 238<sup>th</sup> for years now. Not with much success. We have rules that we have to follow. I really do not believe 238<sup>th</sup> is a good place for truck drivers. I have my CDL. I've driven a truck up that hill. I would rather do 223<sup>rd</sup> or 257<sup>th</sup>.

Councilor White stated this is definitely a no win situation here. I voted no 3 years ago on the first go around. To me, that corner has become commercial just by what's been built around it. I think LUBA is probably going to see it that way too. There's a lot of pressure to increase density and not expand the urban growth boundary. I don't think the type of housing that would be allowed with R-5 is going to be the same building height that Chris

alluded to. With this plan we have some concessions. We're getting additional parking, they're not maximizing what's going to be built there and there's a greater setback. If we vote no and this gets appealed, what happens to all those concessions?

Tim Ramis replied they're deferred to another day, essentially. If you deny the case and the case is appealed into LUBA we would defend your decision. LUBA is an entity that doesn't make a new decision. It's extremely unlikely that after a denial here that LUBA would then approve something. If they find a problem they would send it back to you to look at it again.

Councilor White stated, Chris, I have one question for you. With the periodic review, is this something that a citywide zone change might be coming in our future for any available property?

Chris Damgen replied I'm going to defer to our city attorney. My understanding is that the state currently is not engaging in periodic review. Our most recent one was really completed in 2014 so we would be far down the list as far as if the program is in fact engaged for us to reconsider that.

Councilor Ripma stated don't look at this as something that will be appealed and we will lose or something, please. This is a decision on rezoning the land. What might be required later of the city has nothing to do with this. It won't have helped us at all to have agreed to this if we do harm to Troutdale. We've got to look at what's best for our city and the individual case and its merits. What we decide will be defensible at LUBA. Don't vote to rezone the land because you think we might lose. Most of the criteria in this application as analyzed by the staff is met. But that doesn't mean we have to agree to the zone change if they're not all met. Some of them are somewhat subjective. If there is something that we conclude wasn't met then we can decide to turn this down.

Councilor Morgan stated the issue that I have and still hold at this moment is not around zoning. I don't want to get into the weeds yet around how many toilets or doors or windows but I do have issues about all those things. With the zoning we haven't done anything in 28 years. I think we should change that. That being said, again, I have grave concerns over the project itself. So I intend to vote yes for zoning change.

Mayor Ryan stated my main concern is traffic. I'm not under the impression that we build and then it comes. It will be years down the road. If we just take the Portland Metro area, it's horribly bad traffic and I sit at these transportation meetings. Even these minor fixes that we're going to do, we're so far behind in our infrastructure and where we should be. What concerns me is that that land is going to get developed. It will. We can't fight it every single time. We need it to get developed because at some point the City of Troutdale needs more property taxes. We can't be sustainable with bare land. At some point we have to develop. The thing is, should it be apartments? I don't know at this point. But I do know that the traffic and livability would be greatly affected because I have zero faith right now that it's going to get done in a timely manner. I don't think it's going to affect the schools. I will say, if you want your property values to go up, Reynolds High School needs

to graduate more kids. That will help you more than anything out there. Another thing is, the neighbors that don't mow their yards or don't take care of their stuff. This has been one of the toughest issues. Those road changes have to happen no matter what. They need to happen because we have all that empty warehouse space and we have no idea what's going to go in there and when people get desperate you start trying to fill your buildings. I propose that we decide to table agenda item #8. It's late. It's going to take more time than what we're going to allow for that. If there is no further discussion I would entertain a motion.

Councilor Ripma stated I move that we turn down the ordinance. Is that a permissible motion?

Tim Ramis replied yes it is. I would suggest that the motion be that you deny the application, tentatively, subject to reviewing findings prepared by staff. Then subsequent to this decision, if the motion were to pass, continue the hearing to a date certain to give staff enough time to bring back a final order for your review.

Councilor Ripma stated that's my motion.

**MOTION: Councilor Ripma moved to deny the zone change, tentatively, to be finalized at a future meeting subject to staff preparing suitable findings.**

**Councilor Morgan stated point of order. Council can submit findings or recommendations or thoughts in regards to changes, right? Or is it going to staff only recommendations?**

**Tim Ramis replied if there's things that you specifically want included you should mention them in your deliberation.**

**Councilor Morgan stated the issue that Councilor Lauer and I have is the traffic congestion regardless of what zoning is.**

**Councilor Morgan seconded the motion.**

**Sarah Skroch, City Recorder, asked, did it need to be date specific mentioned in this motion?**

**Tim Ramis replied what I would suggest is that you vote on this motion and then depending on its outcome, determine a date for the continuance.**

**VOTE: Councilor Morgan – Yes; Mayor Ryan – Yes; Councilor White – Yes; Councilor Allen – No; Councilor Hudson – No; Councilor Ripma – Yes and Councilor Lauer – Yes.**

**Motion Passed 5-2.**

**8. PUBLIC HEARING:** Hearing on adoption of Planning Commission's approval with conditions of application for Site Development Review and Variances for a proposed development on two parcels with an approximate total area of 8.82 acres located at the intersection of NE 242<sup>nd</sup> Drive and SW Cherry Park Road. File #18-017.

Tim Ramis stated the next order of business would be to determine a date specific for us to bring back what the findings of staff would be.

Chris Damgen stated I know we have a relatively large docket for June 28<sup>th</sup> and July 10<sup>th</sup> is filling up. Is there preference? We owe the applicant a decision by August 23<sup>rd</sup> at the very latest. July 10<sup>th</sup> is your last meeting before that application deadline.

Councilor Morgan stated July 10<sup>th</sup> sounds great.

Councilor Ripma asked, do we need to pass a motion about the date?

Tim Ramis stated if you passed a motion to continue to that date that would make sure the record was clear.

**MOTION:** Councilor Morgan moved that our next hearing of this piece is held on July 10, 2018 to continue the findings that staff has. Seconded by Councilor Lauer.

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

**Motion Passed 7 – 0.**

Chris Damgen stated staff will have the revised draft findings for you in your staff report. If there are any additional changes you wish to make you can be prepared to make them at the July 10<sup>th</sup> hearing.

**9. STAFF COMMUNICATIONS**

Ray Young stated Imagination Station will be torn down this Saturday. If anybody here would love to help out we would love to have you over there at Imagination Station. You can call the City and talk to the volunteer coordinator. We have a whole bunch of businesses and people coming on Saturday. The more the merrier. Next week we do have a URA and Community Enhancement grant next Tuesday night. The Planning Commission is having their Accessory Dwelling Unit next Wednesday evening if you would like to come and participate in that.

**10. COUNCIL COMMUNICATIONS**




Councilor Allen stated I'm just hoping that the Councilors and Mayor remember this night for when the State and Metro put pressure on us to densify. Also remember when Metro comes to us and asks us that fewer parking spaces per residence that we remember this and these are real issues that affect our people.

**11. ADJOURNMENT**

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

Meeting adjourned at 9:55pm.

  
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Casey Ryan, Mayor  
Dated: 8/30/2018

**ATTEST:**  
  
\_\_\_\_\_  
Kenda Schlaht, Deputy City Recorder

# CITY OF TROUTDALE

City Council – Regular Meeting  
7:00PM

Tuesday, June 12, 2018

## PLEASE SIGN IN

Name – Please Print	Address	Phone #
Rich Shepard	2404 SW 22 St.	503-667-4517
Maria Isomac	2211 SW LARSSON	503-661-4626
Rune Thorsen	2240 SW 18th Way	503-666-4536
Dave + Cindy Saunders	2225 S.W. Larsson Ave	503-665-5684
ED MEGAW	1821 SW MONTMARE Wy	503 512-6221
PAULA A. CARPENTIER	2120 SW STURGE LN T.	503 253 5946
Wayne Schutte	20035 SW Sturgeon Ln	503-666-5759
Ann Lambert	2138 SW Townsend Ct	503 830 3267
Heather Lambert	2138 SW Townsend Ct	503-964-9861
Virginia Wells	2133 SW Larsson Ave	503 669-7264
Joyce + Bob Lavie	2124 SW CEDARSEWING	503-730-2307
Shirley Prickett	2617 SW Indian Falls Pl.	503-667-5412
KEITH BLUECK	1773 SW DAYBROOK WAY	503 667 9179
Robert + Marilyn Green	2240 SW 18th Way	503 665 0056
Mike + Julie Cropley	2325 SW Dunbar PL	503-887-1816
Norma Thomas	2751 SW Cloug CT	503 667-4320
Sandy Glantz	4450 SE Sweetbriar Ln	971-341-4240
DONALD KENYON	2114 SW 22nd CT	503-781-8164
Jerry LaCeste	2014 SW 22 ST.	503 667 8042
Brett LaCeste	ll	ll
GARY + KAREN DUNN	1527 SW BERRYESSA PL	503-618-7088
Becky Smith	2535 SW 23rd Circle	503-349-0795
Carol Hoeth	2523 SW 23rd Cir Troutdale	503-667-2163

Name – Please Print	Address	Phone #
Brent & Rosemary Kusisto	1863 SW Daybreak Way	503-267-6835
PAUL W/UCBZ	7220 SW 15th	
Mike Scott/Frentz	1302 SW Napoleon	503-502-4985
JAY MARQUESS	1036 SW 17 <sup>th</sup> Way	971 716 7150
Michelle Card	1055E 4th St	<del>503-604-0740</del>
Randy Manning	2122 SW 22nd Ct	
Gertrude Mata	2125 SW 22nd Ct	
Carolyn Flaherty	2035 SW Montmore Way	
S. Dean	2135 SW Townsend Ct	971-712-6784
S. Phillip	2135 SW Townsend Ct	971 930 6135
WIL VIDES	2428 SW 2nd St	—
Rynna Maxine	2214 SW Larsson	503-964-3473
Dane Lowell	2245 SW Brink Ave	503-329-0341
Shirley & Tom Angell	2339 SW 23rd St, Troutdale	503-703-3582
JEFF & DENISE HAY	2221 SW DAYBREAK WAY	503-674-9025
DENNIS KEHR	2210 SW 18th Way	503-705-6179
Susan Johansen	2025 SW Daybreak Wy	503-667-5922
Cynthia Jackson	1422 SW 23rd St	503-780-9564
Joanna Valencia	1600 SE 19th Ave	503-988-0219
Tammy STABTONSON	1820 NW 1st Ave NW	503-319-7732

Meeting Date: \_\_\_\_\_

Page #: \_\_\_\_\_

## Talking Points

I'm Norm Thomas *And*

Marty Jones, CEO, MetroEast Community Media

I am here to highlight a couple of the many MHCRC activities over this past year; AND to seek your approval of the MHCRC Fiscal Year 2018-19 Fund Budget.

I believe you have both the MHCRC's annual activity report and the proposed budget in front of you.

As a reminder, the Mt. Hood Cable Regulatory Commission is an intergovernmental partnership among Gresham, Fairview, Portland, Troutdale, Wood Village and Multnomah County.

Each of these jurisdictions appoints citizen representatives to the Commission.

The MHCRC has oversight, enforcement and public benefit responsibilities for the cable services franchises with the cities and the County.

Troutdale has two cable service franchises: Comcast and Frontier.

As it points out in the Annual Report, the MHCRC deals with ever changing technology to support community needs for:

- local authority over public right of way and compensation;
- a consumer watchdog platform for community voices;
- affordable broadband networks for schools, libraries and local governments;
- and local solutions for addressing digital equity issues.

Over this past year, the MHCRC has provided many services to our communities and residents.

- The MHCRC continued its work with public school districts under the TechSmart Initiative for Student Success. All school districts in Multnomah County have active grants, including Reynolds' grant focused on 6<sup>th</sup>-9<sup>th</sup> grade math. Thus far, the MHCRC is over \$11.5 million into the longer-term investment goal of \$19 million.

About 210 classroom teachers in six school districts are now supported by resources provided under the TechSmart Initiative.

- The Community Technology competitive grant round funded 8 new grants with community organizations. These grants leveraged over \$2.9 million in matching resources.

These grants are responsive to needs identified by the community and support organizations to use technology in addressing their issues. For example, MHCRC grants are supporting Mt. Hood Community College and the Boys & Girls Club in Rockwood to address the needs of their low-income students. Multnomah County Library is using its grant to develop an online database of digital inclusion resources so that community organizations can connect their clients to free and low-cost computer training and devices.

- Affordable broadband has become more and more critical to our local public institutions. The MHCRC is leading a long-term network planning effort in partnership with 18 public agencies within Multnomah County. This partnership for the current Institutional Network provides high speed, affordable broadband connectivity to 316 schools, libraries, and public agencies throughout the County.
- The MHCRC provided funding and franchise enforcement support to MetroEast Community Media. This past year, MetroEast produced over 2,400 hours of original local programming. They also trained over 480 residents in digital media and literacy skills.
- The MHCRC addressed consumer protection issues both broadly and with individual subscribers. For example, the MHCRC worked with the cable companies on issues related to clear information on subscribers' bills, on-time appointments, phone-answering timeframes and service fees.

The MHCRC assisted in the resolution of 134 complaints from local cable TV subscribers.

- Coming up in FY18-19, the MHCRC is engaged in "future focus" planning. Considering rapidly evolving technology and public policy - and our community's increasing reliance on availability of broadband - the MHCRC is turning its sights on the future.

We intend to work with you and your city staff and our communities to identify needs and opportunities for our broadband future. The budget includes funds to assist the MHCRC in this endeavor.

This community needs assessment will also prepare the MHCRC and its jurisdictions for the renewal discussions with Comcast for its franchise, which expires in 2021.

- Now onto the money...
- I'm happy to report that, once again, the MHCRC received a clean audit for FY 2016-17. The full audit document is available on the MHCRC's website.

I also wanted to note a couple trends we are seeing in cable revenues. On page 9 of the Annual Report, you will see two graphs that show these trends. The number of cable TV subscribers grew consistently through 2012. Since then, subscriber numbers have been

declining. Despite this decline in subscribers, cable companies' revenues from cable services had steadily increased through 2015, showing a flattening only in the past two years in the East Multnomah county areas. However, actual revenues for 1<sup>st</sup>-3rd quarters of 2017-18 have shown a sharper decrease over the previous year's quarters.

The MHCRC has been closely watched these trends and anticipated implications for franchise fee revenues for local governments and for revenues that support MHCRC community grants and other programs. The FY18-19 budget reflects the projected decrease in franchise fee and PEG/I-Net fee revenues.

- More specifically, the MHCRC proposed FY18-19 Fund Budget is on page 5 of the budget document. The annual budget allocation from all the jurisdictions collectively funds about half the MHCRC total operating budget.

Troutdale's allocation for FY18-19 is \$17,934 - Or - another way to view it is that the City of Troutdale spends about 10% of its cable franchise fees on regulation and program related administration. More detail is contained on page 7 of the budget document.

The remaining portion of the MHCRC budget is funded by other resources mostly to administer the dedicated capital fee revenues and related programs, such as the MHCRC Community grants, the I-Net and MetroEast Community Media.

- Before closing, I want to thank the Mayor and Council for supporting this county-wide partnership among the jurisdictions since 1993.

With that support, the MHCRC has been successful at convening community members and public agencies to steward and creatively leverage resources and regulatory authority to amplify the benefit for all.

Over the coming year, we are excited to work with you to explore and discover how to leverage our success as we adapt to the evolving needs of our city and communities.

- I thank you for your time today. As always, please contact me or the MHCRC staff with any questions, ideas or concerns.

And to conclude:

I respectfully request that the Troutdale Council approve the Fiscal Year 2018-19 MHCRC Fund Budget.

# 18-017

## Eagle Ridge Apartment Homes

Application for Map Amendments | Type IV Legislative Procedure

Public Hearing: Tuesday, June 5, 2018

Troutdale City Council Special Meeting | Troutdale Police Community Center

# Staff Presentation



# 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.

# Application & Applicable Criteria

## What is being considered first...

- **Comprehensive Land Use Plan Map Amendment** to re-designate both properties to High-Density Residential (HDR)
- **Zoning Map Amendment** to rezone both properties to A-2 apartment residential
- These actions to be approved by **ordinance** on June 12th

## If the above is approved, what will be considered immediately after...

- **Site Development Plan approval** for a 216 unit apartment complex
- **Variance** for front setback line (20 feet to 10 feet)
- **Variance** for landscaping requirement (25% required, 24.7% proposed)
- These actions can be approved by **order** – only if amendments are approved

# Tonight's First Hearing

## MAP AMENDMENT

- **Decision can be made tonight** – second reading of ordinance
  - Planning Commission's recommendation for approval from the May 30<sup>th</sup> hearing is *non-binding*
  - City Council could vote to continue the hearing to a future meeting date
- Receive testimony
  - Applicant's presentation – applicant also has "last word" (right of rebuttal)
  - Public testimony
  - Testimony must relate to the decision criteria for the map amendments
- Review the decision criteria for the map amendments
- Offer amendments
- Vote on Ordinance or to extend hearing

# Tonight's Second Hearing

## SITE DEVELOPMENT REVIEW AND RELATED VARIANCES

- This will occur only if the map amendments ordinance is approved
- Decision can be made tonight by order – no second reading required
- Public Hearing – only one required
  - Staff Presentation & Decision Criteria presented
  - Applicant's presentation – applicant also has "last word" (right of rebuttal)
  - Public testimony
  - Testimony must relate to the decision criteria for the map amendments
- Review decision criteria for the site development and variances
- Offer amendments
- Vote for to approve/deny Order or to extend hearing to future date

# Map Amendments

Comprehensive Land Use Plan Map Amendment

Zoning District Map Amendment

# Recap of Last Week's Staff Report

- Staff recommends approval of the application with conditions.
- Staff presented draft findings that can be adopted by ordinance
  - Planning Commission recommended approval of this application and the findings as drafted
- Applicant presented their testimony
- Citizens provided testimony at hearing and in writing
  - Issues raised / clarifications
- Council provided initial thoughts and questions for applicant follow-up

# Issues raised most often last week

- Traffic impact and mitigation strategies
- Visual impact / privacy considerations
- Decision criteria language:
  - “... significantly adversely affect existing or planned uses on adjacent lands.” (Comp Plan E)
  - The amendment will not be detrimental to the general interest of the community. (Zoning E)
- School capacity
- Property value impact
- Availability of sewer service via Gresham
- Applicant has provided letter to discuss these issues in particular

# Decision Criteria

- Reasons to vote for/against an application **must be tied to decision criteria** for each component of the application.
- A Finding of Fact must be produced for **each criterion item**, with a written determination that the criterion is met (or not met) based on evidence and testimony.
  - If all the criteria is met, the application is to be approved.
  - If one criterion (or more) is not met, the application should be denied.
- Findings are drafted by Staff prior to the hearings and **may be edited** by the decision-making body
  - Planning Commission recommended approval of this application and the findings as drafted
- If a decision-making body intends to make a decision different from the staff recommendation, the findings for the decision criteria that are related to the particular issue **must be re-written** prior to the vote.



# Decision Criteria for the Application

For the ordinance (this hearing and next week's hearing):

- Comprehensive Land Use Plan Map Amendment – 6 criteria
- Zoning Map Amendment – 5 criteria

For the order (later):

- Site Development Review – 4 criteria
- Variance – front setback – 4 criteria
- Variance – landscape requirement – 4 criteria

# Decision Criteria – Comp Plan Map [TDC 6.120]

## **A. Compliance with the Statewide Land Use Goals and related administrative rules has been met.**

FINDING: A thorough analysis was performed by the Applicant in the narrative on compliance with each of the statewide planning goals. The criterion is met.

## **B. Consistency with the applicable goals and policies of the Comprehensive Land Use Plan.**

FINDING: The Comprehensive Land Use Plan (“the Plan”) designation for the properties sought by this application is for High-Density Residential (HDR). According to the Plan, the designation “is intended primarily for high-density, multiple-family residential dwellings, (...) and vacant land suitable for development at higher densities.” Furthermore, HDR-designated areas may be designated HDR when “adjacent, or in close proximity, to existing or planned shopping centers, employment centers, transit routes, or minor arterials.” The properties in question adequately satisfy this description for an appropriate area to be designated HDR.

With regard to consistency with goals and policies in the Plan, the application is consistent. In particular, Goal 10 (Housing) policies call for residential developments to “be located in close proximity to employment and shopping facilities to allow Troutdale residents easy, convenient access to job sites and shopping needs.” The policies also states that the City should “recognize multiple-family dwellings as a legitimate and needed housing type in Troutdale and allow multiple-family developments in areas designated for such in the Comprehensive Plan. As such, the criterion is met.

# Decision Criteria – Comp Plan Map [TDC 6.120]

**C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation, and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands.**

FINDING: The majority of HDR-designated properties in the City are already developed. HDR-designated properties that are not presently developed have all recently seen an uptick in development interest. Several of these properties however have site constraints that make desired densities difficult to overcome. The addition of these properties to this designation provides properties that are more ably suited to carry the density capacity that is proscribed by the Plan and the Troutdale Development Code. **The criterion is met.**

**D. The Plan provides more than the projected need for lands in the existing land use designation.**

FINDING: The existing land use designations for the properties in question are medium-density residential (MDR) and low-density residential (LDR). Both land use designations will continue to have sufficient areas in the city to support future development. Staff trends indicate the higher need for residential land uses are with denser housing configurations, driven by larger trends of housing affordability and flexibility observed across the metro region and state. **The criterion is met.**

# Decision Criteria – Comp Plan Map [TDC 6.120]

**E. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.**

FINDING: Surrounding land uses in the area are effectively built out. To the north are commercial land uses in the form of a shopping center. To the east and south are single-family residential areas, with the subdivision to the south being self-contained and independently accessible to 242nd Avenue. To the west, the Gresham Vista Business Park is becoming a major job center in the area with limited industrial uses that are largely self-contained and mitigated through master plan requirements.

The addition of multi-family residential can be seen as complementary to the commercial and industrial uses and improve upon the aesthetics for the single-family uses by developing an overgrown field. Furthermore, alternative land uses that may be allowed under the current zoning designation may not be in the best interests of the surrounding areas, as they do not afford the density that benefits the commercial land uses, nor the critical mass of people to encourage service or public improvements. As such, **the criterion is met.**

## Decision Criteria – Comp Plan Map [TDC 6.120]

**F. Public facilities and services necessary to support uses allowed in the proposed designation are available, or are likely to be available in the near future. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060.**

FINDING: With the intended public improvements as proscribed by agencies that offered conditions of approval to the correlated site development review application, the intended development of the properties in question can be adequately supported. The development as proposed has a significant effect on the transportation system, therefore conditions of approval as proscribed by Multnomah County and the City of Troutdale Public Works Department shall be satisfied by the developer in order to mitigate the effects of the proposed map amendment and correlated site development intended. As such, **the criterion is conditionally met.**

# Decision Criteria – Zoning Map [TDC 6.1400]

**A. The proposed zone is appropriate for the Comprehensive Land Use Plan land use designation on the property, and is consistent with the description and policies for the applicable Comprehensive Land Use Plan land use classification.**

FINDING: The applicant is proposing the properties be rezoned to A-2 Apartment Residential. The corresponding site development application would satisfy the intent of the district if the properties are rezoned. The land use designation that is proposed concurrent with the zoning district proposed is for High-Density Residential, which is intended for land uses that include apartments. Provided that the comprehensive land use plan map amendment application is approved, **the criterion is conditionally met.**

**B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.**

FINDING: The Application demonstrates that a potential layout with variances granted for building setbacks along the street frontages and for a minor reduction in landscaped areas can adequately accommodate the permitted use. As such, **the criterion is met.**

# Decision Criteria – Zoning Map [TDC 6.1400]

**C. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment has a significant effect on the transportation system pursuant to OAR 660-012-0060.**

FINDING: This finding is concurrent with the proposed findings in Criterion F of the Comprehensive Land Use Plan Map Amendment decision criteria. As such, the **criteria is conditionally met.**

**D. The amendment will not interfere with the livability, development, or value of other land in the vicinity of site-specific proposals when weighed against the public interest in granting the proposed amendment.**

FINDING: The Staff analysis introduced quantitative data and research as part of the evaluation of this application. Although public testimony suggests concerns about livability and potential negative impacts, livability is a qualitative factor that is difficult to measure. Furthermore, the public interest of seeing additional housing opportunities in Troutdale and the region in order to address the high demand for this type of housing arrangement are demonstrable and considerable. Other potential land uses for this site suggest that multi-family residential development is likely the highest and best use of the property that would also have the most positive impact on improving public facilities and services. As such, **the criteria is met.**

## Decision Criteria – Zoning Map [TDC 6.1400]

### **E. The amendment will not be detrimental to the general interest of the community.**

FINDING: The general interest of the community relies on balancing concerns of the immediate surrounding area with the larger issues facing the community at large. Traffic and housing are issues that affect many residents and potential residents of the community. Providing opportunities for development to address housing affordability and availability while simultaneously encouraging improvements to the worsening traffic situation at the adjacent intersection can be accomplished in approving this map amendment and concurrent site development application. As such, **the criterion is met.**



# Recommendations

Staff recommends **approval with conditions** for both map amendments as outlined in the proposed Findings of Fact.

## Conditions from

- Planning Division
- Public Works
- Gresham Fire & Emergency Services
- Multnomah County Transportation Planning

Planning Commission voted 4-3 to recommend **approval with conditions** of the full application, which also includes the site development plan & associated variances.

# Public Testimony

Comments should be directed towards the City Council

Please have comments relate to the decision criteria  
for the map amendments

# Public Testimony

## **Order of Testimony**

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

## **Reminder:**

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

# Site Development

and Related Variances

# Staff Presentation

# 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.

# Application & Applicable Criteria

## What is now under consideration...

- **Site Development Plan approval** for a 216 unit apartment complex
- **Variance** for front setback line (20 feet to 10 feet)
- **Variance** for landscaping requirement (25% required, 24.7% proposed)
- These actions can be approved by **order** – only one hearing required

# Tonight's Second Hearing

## SITE DEVELOPMENT REVIEW AND RELATED VARIANCES

- Decision can be made tonight by order – no second reading required
- Public Hearing – only one required
  - Staff Presentation & Decision Criteria presented
  - Applicant's presentation – applicant also has "last word" (right of rebuttal)
  - Public testimony
  - Testimony must relate to the decision criteria for the map amendments
- Review decision criteria for the site development and variances
- Offer amendments
- Vote for to approve/deny Order or to extend hearing to future date



# The Properties – Map View

- Two properties in question
- Total area: 8.82 acres
- Location: southeast corner of 242<sup>nd</sup> Drive and SW Cherry Park Rd
- Larger property
  - Zoning: R-5 Single-Family
  - Land Use: MDR  
Medium Density Residential
- Smaller property
  - Zoning: R-7 Single-Family
  - Land Use: LDR  
Low Density Residential



# The Properties – Street View



# Application & Applicable Criteria

## Applicable Criteria

- Comprehensive Land Use Plan
- Troudale Development Code (TDC)
  - Ch. 1 Introductory Provisions
  - Ch. 2 Procedures for Decision Making
  - Sec. 3.060 Apartment Residential (A-2)
  - Sec. 5.600 Erosion Control & Water Quality
  - Sec. 5.700 Stormwater Management
  - Sec. 5.1000 Public Improvements
  - Ch. 6 Applications
  - Ch. 8 Site Orientation and Design Standards
  - Ch. 9 Off-Street Parking & Loading
  - Ch. 11 Landscaping & Screening
  - Ch. 15 Amendments
  - Ch. 17 General Provisions
- Troutdale Municipal Code
  - Outdoor Lighting
  - Tree Removal
- Troutdale Admin Rule 003 – Traffic Impact
- Appropriate Building & Fire Codes
- Construction Standards for Public Works Facilities
- Multnomah County Road Rules
- Relevant standards in Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)

# Review Procedure

## Quasi-Judicial Procedure

- One hearing
- Planning Commission submits a recommendation to City Council
- City Council is the decision-making entity via an order tied to the map amendments
  - Map Amendments ordinance just approved

*If there is an appeal...*

- State Land Use Board of Appeals

## Timeline

- Summer 2017: Applicant-neighbor meetings
- Oct. 17, 2017: Pre-Application Meeting #1
- Nov. 2, 2017: Pre-Application Meeting #2
- April 16, 2018: Applicant submits materials
- April 25: Application is deemed complete
- April 25: Notice of Application sent
- May 29: Initial Public Hearing
- June 5: City Council - introduction
- **June 12: City Council - action**

# Notification & Summary of Comments

## **Agency Comments**

- City of Troutdale Planning Division
- City of Troutdale Building Division
- City of Troutdale Public Works
- City of Gresham
- City of Wood Village
- Department of Land Conservation & Development
- Gresham Fire & Emergency Services
- Metro
- Multnomah Co. Transportation Planning
- Mid-County Lighting District
- Reynolds School District
- TriMet

## **Public Testimony Received**

- Anonymous (1)
- Richard Shepard
- Sally Wright
- Rene and Scott Thorsell
- Additional written testimony received since Staff Report, to be distributed at hearing

# Site Development as Proposed

- 216 market-rate residential apartments
- 512 parking spaces
- Right-on, right-off access off 242<sup>nd</sup> Drive (west of property)
- Full turn access off Cherry Park Rd, directly across from shopping center
- Public improvements to be made
  - Proportionate share of traffic impact
  - Dedication of right-of-way along west and north frontage
- Landscaping requirements along periphery of property



**FIGURE 1**

**EAGLE RIDGE APARTMENT HOMES**  
CIVIL SITE PLAN

2820 SW 8TH WAY, TROUTDALE, OR 97060

PROJECT: EAGLE RIDGE APARTMENT HOMES  
LOCATION: 2820 SW 8TH WAY, TROUTDALE, OR 97060

OWNER: Suncoast & Partners, Inc.  
ARCHITECT: Suncoast & Partners, Inc.  
DATE: 08/11/11  
SCALE: 1/8" = 1'-0"

DATE NO. REVISION

1  
2  
3

DESIGNER: CTR  
CHECKER: RHT  
APPROVER: RHT

DATE: 08/11/11

SCALE: 1/8" = 1'-0"

FIGURE 1

**NOTES**

1. TOTAL AREA: 100,000 SQ FT

2. TOTAL GROUND COVER: 100,000 SQ FT

3. TOTAL IMPAVED AREA: 100,000 SQ FT

4. TOTAL OPEN SPACE: 100,000 SQ FT

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77. TOTAL LOT AREA: 100,000 SQ FT

78. TOTAL LOT AREA: 100,000 SQ FT

79. TOTAL LOT AREA: 100,000 SQ FT

80. TOTAL LOT AREA: 100,000 SQ FT

81. TOTAL LOT AREA: 100,000 SQ FT

82. TOTAL LOT AREA: 100,000 SQ FT

83. TOTAL LOT AREA: 100,000 SQ FT

84. TOTAL LOT AREA: 100,000 SQ FT

85. TOTAL LOT AREA: 100,000 SQ FT

86. TOTAL LOT AREA: 100,000 SQ FT

87. TOTAL LOT AREA: 100,000 SQ FT

88. TOTAL LOT AREA: 100,000 SQ FT

89. TOTAL LOT AREA: 100,000 SQ FT

90. TOTAL LOT AREA: 100,000 SQ FT

91. TOTAL LOT AREA: 100,000 SQ FT

92. TOTAL LOT AREA: 100,000 SQ FT

93. TOTAL LOT AREA: 100,000 SQ FT

94. TOTAL LOT AREA: 100,000 SQ FT

95. TOTAL LOT AREA: 100,000 SQ FT

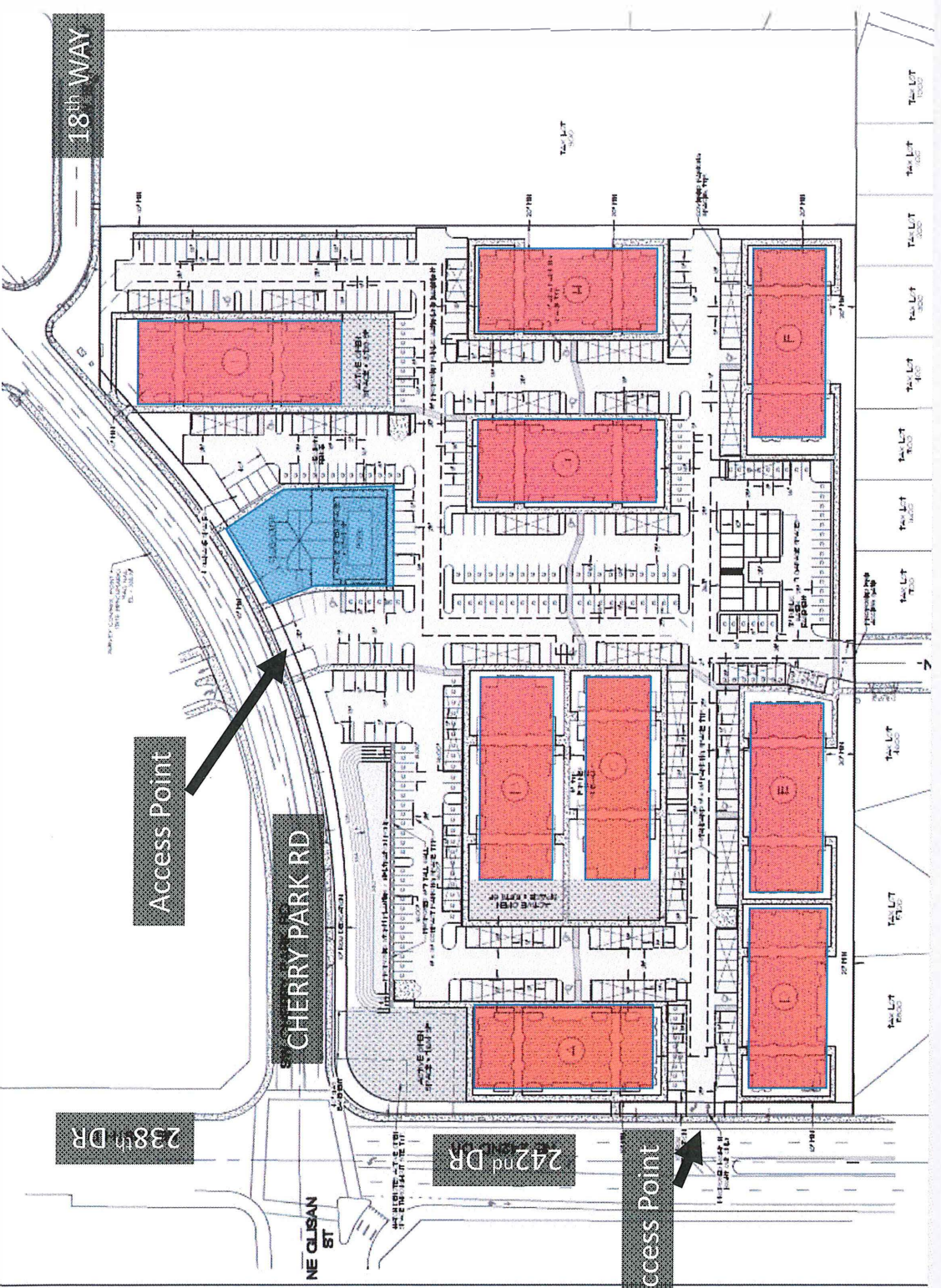
96. TOTAL LOT AREA: 100,000 SQ FT

97. TOTAL LOT AREA: 100,000 SQ FT

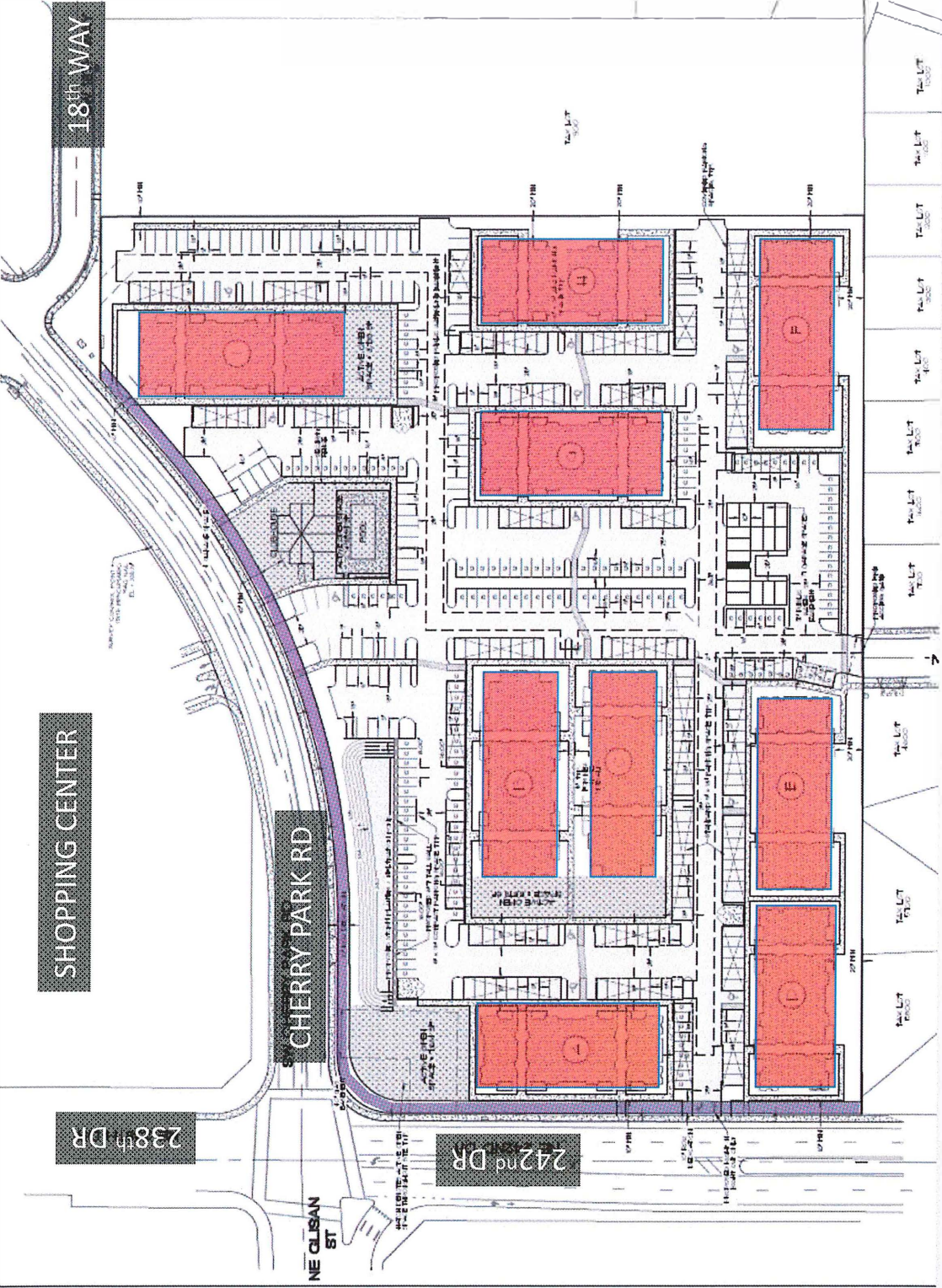
98. TOTAL LOT AREA: 100,000 SQ FT

99. TOTAL LOT AREA: 100,000 SQ FT

100. TOTAL LOT AREA: 100,000 SQ FT







<b>EAGLE RIDGE APARTMENT HOMES</b> CIVIL SITE PLAN LOCATION: 2820 SW 87TH WAY, TROUDALE OR 97206 PROJECT NO.: 0661			
DATE: 01/27/09 SCALE: AS SHOWN DESIGNED BY: [Blank] DRAWN BY: [Blank]	FILE NO: 19-01-01-100-0000 PLAN NO: [Blank] SHEET NO: [Blank]	SECTION: [Blank] TRAP NAME: [Blank] LEGAL: [Blank]	PLAN NO: 0661 SHEET NO: 1 TOTAL SHEETS: 3

- BUILDING LEGEND**
- (A) BUILDING FOOTPRINT - 14 UNITS
  - (B) BUILDING FOOTPRINT - 14 UNITS
  - (C) BUILDING FOOTPRINT - 14 UNITS
  - (D) BUILDING FOOTPRINT - 14 UNITS
  - (E) BUILDING FOOTPRINT - 14 UNITS
  - (F) BUILDING FOOTPRINT - 14 UNITS
  - (G) BUILDING FOOTPRINT - 14 UNITS
  - (H) BUILDING FOOTPRINT - 14 UNITS

**NOTES**

1. TOTAL AREA APPROX. 100,000 SQ. FT.

2. THIS SITE PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY REAL ESTATE.

3. ALL DIMENSIONS ARE IN FEET AND INCHES.

4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT.

5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.

6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT.

7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.

8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT.

9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.

10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT.



# Trees to be used along periphery



Katsura

## Hogan's Western Red Cedar

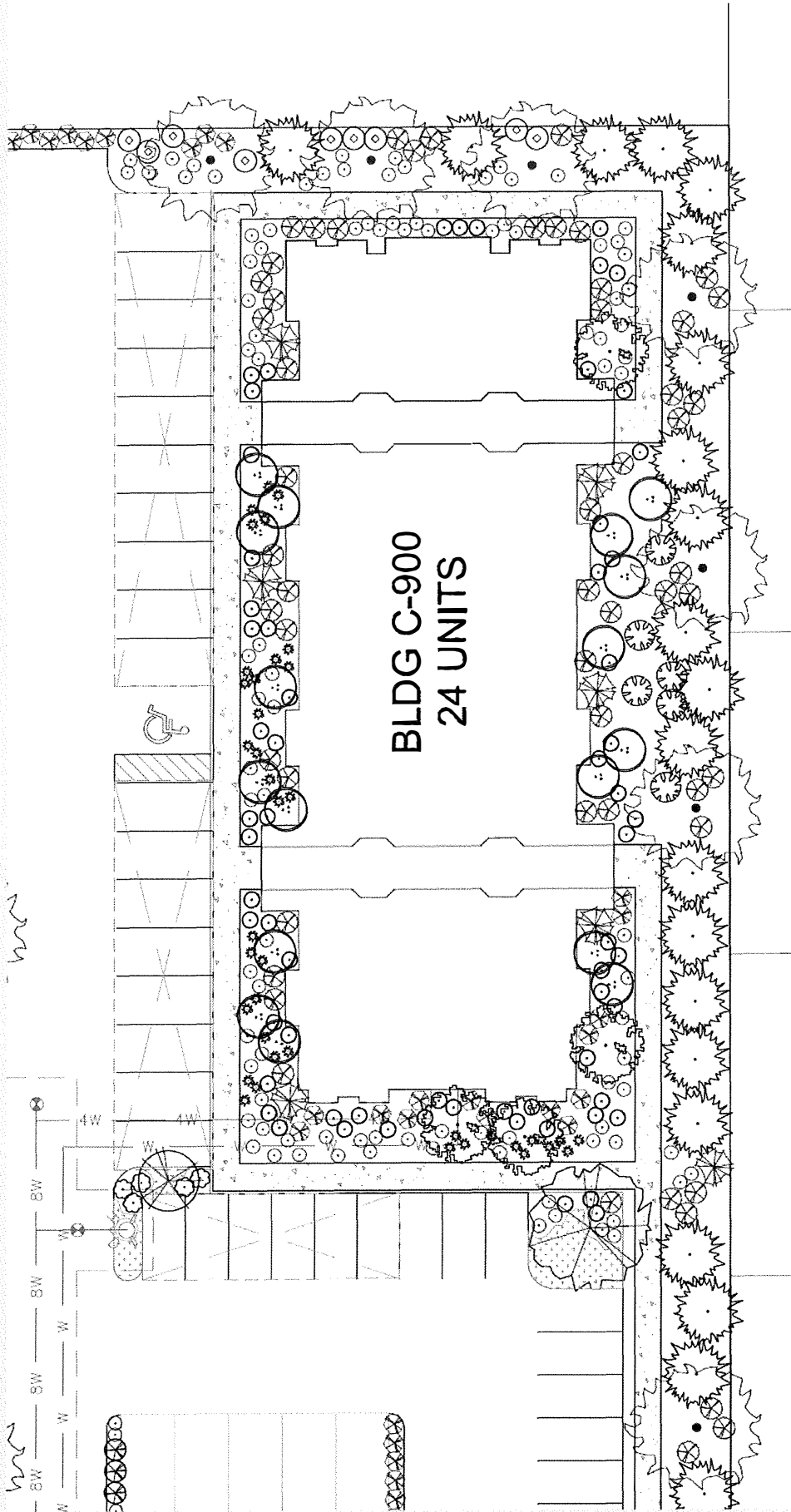


*Thuja plicata*  
'Hogani'

A narrow, dense form of the native Western Red Cedar, 'Hogani' was named for the original stand of trees growing along Hogan Road in Gresham, Oregon. With ample space, this fast growing form is excellent where a large screen is desired. Dark green sprays of sweetly scented foliage are a favorite with local wreath crafters.

Garden Size - 25'H x 12'W  
Large - 15+ inches / year  
Narrow Upright - Zone 5 - Green  
Full Sun





# Analysis

## **Issues Raised**

- Proper location
- Alternative development (single family, other use)
- Property value impact
- School capacity
- Traffic impact
- Crime / societal ills
- Visual impact
- Sewer connection with Gresham?

# Analysis

## Benefits

- Adds additional housing options to the community
- Improves a property that has been mostly vacant and difficult to develop
- Improves vitality of surrounding commercial properties
- Increases the likelihood of transit service to 242<sup>nd</sup> and/or Cherry Park Rd
- Property tax collections and SDC contributions
- Proximity to job centers, commercial centers, school, and park – could lessen auto usage
- Traffic improvements partially paid by development and may be accelerated
- Setback variances affect street frontages

## Drawbacks

- Public testimony from surrounding area has largely been against this proposal
- Traffic impact identified – though can be mitigated

# Decision Criteria to be Utilized

- Site Development Review
- Variances
  - front setback
  - landscape requirement

## Decision Criteria – Site Development

- **The proposal complies with all of the applicable site design and development standards of this Code, such as landscaping and parking.**
- FINDING: The Applicant has met the multi-family design standards and the minimum vehicular and bicycle parking standards are exceeded. The Applicant is required to retain 25% of the property as landscaping, however they have proposed retaining 24.7% and have applied for a variance to address this. The landscaping provided does include screening from the neighboring single-family residential units. As such, **the criterion is conditionally met.**

# Decision Criteria – Site Development

- **If applicable design standards are proposed to be adjusted, the proposed adjustment:**
  - Is justified due to unique site conditions.
  - Conforms to the extent practicable with these design standards.
  - Mitigates potential impacts from the adjustments to the extent practical.
- FINDING: The Application has requested variance relief with regards to front yard setbacks and landscaping. No design standards are proposed to be adjusted in accordance with provisions in Section 8.240. The variance to the front yard setback allows the site to meet the side yard setbacks, which are located next to single-family homes. Provided the criteria for each of these three respective items are met through the variances, **the criterion is conditionally met.**



## Decision Criteria – Setback Variance

- **Special circumstances or conditions including, but not limited to, lot size, lot shape, topography, or size or shape of building, apply to the property, development, or to the intended use and are not typical of the general conditions in the surrounding area.**

FINDING: The lot is a unique corner lot given the continuously curved nature of the property line. In this instance, a continuously curved property line adjacent to two or more streets of a corner lot shall be considered the front lot line. Such a corner lot has no rear property line, only front and side property lines. The Applicant has proposed a variance to the front yard setback requirement from 20 feet to 10 feet. This variance enables the proposed buildings to be located closer to 242nd Ave (arterial) and Cherry Park Road (collector) and retains the side yard setbacks on the east and south property lines which abut single-family residential homes. It also allows for circulation throughout the site.

The site was designed in a fashion to mitigate any negative impacts of development on surrounding properties in the most practicable fashion possible while complying with the spirit and intent of the zoning district and its prevailing standards. As such, the criterion is met.

## Decision Criteria – Setback Variance

- **The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare.**

FINDING: The variance requested is in relationship to the west and north sides of the property, which are along two major streets and not adjacent to residential developments. The 22.5 foot setbacks shall be retained along the southern and eastern property lines.

In addition to this, the clear vision standards are still met for the corner of 242nd and Cherry Park Road, as no buildings are proposed along that corner. As such, **the criterion is met.**

## Decision Criteria – Setback Variance

- **The variance authorized will be consistent with the general purpose and intent of the provision from which a variance is sought.**
- FINDING: The setback variance only impacts three buildings, two on the west and one on the north; clear vision standards are still met given their placement on the site. The impact this variance has is relatively insignificant to the north, because the corner of one building and potentially the club house are the only structures proposed within the original 20 foot setback. On the west only two buildings are impacted, however their location does not negatively impact clear vision standards and the adjacent use to the west on the other side of 242nd is industrial. As such, **the criterion is met.**

## Decision Criteria – Setback Variance

- **The variance is the minimum necessary to relieve a practical difficulty with full compliance and to avoid or minimize the resulting hardship.**
- FINDING: The design of the proposed development was submitted with the intent to minimize hardships on the neighboring residential properties and to mitigate effects on surrounding property. Certain design considerations, including parking space lengths and driveway aisles are truly not variable due to safety considerations, which leaves limited room for the proposed buildings. Furthermore, required 10-foot right-of-way dedications from the existing property frontages along 242nd Ave and Cherry Park Road have effectively reduced the buildable area of the property. Without the dedication requirement, the placement of the structures would be in full conformity with the setbacks. As such, **the criterion is met.**

## Decision Criteria – Landscaping Variance

- **Special circumstances or conditions including, but not limited to, lot size, lot shape, topography, or size or shape of building, apply to the property, development, or to the intended use and are not typical of the general conditions in the surrounding area.**

FINDING: The Applicant is aware that surrounding property owners have concerns regarding parking associated with apartments. In order to mitigate this as much as possible, they have proposed 512 parking spaces, 8 spaces above the requirement. In order to accommodate these extra spaces, the landscaping requirement was just barely not met. Parking availability and impacts from not having sufficient spaces are historically more concerning to surrounding land uses than landscaping area requirements. As such, **the criterion is met.**

# Decision Criteria – Landscaping Variance

- **The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare.**

FINDING: A variance of this size will likely not be noticed by adjacent properties or the surrounding neighborhood. The applicant has also proposed a landscaping buffer between the proposed development and surrounding residential properties. As such, **the criterion is met.**

- **The variance authorized will be consistent with the general purpose and intent of the provision from which a variance is sought.**

FINDING: It is clear by how small this request is that the applicant has attempted to the best of their ability to meet this standard. Therefore, **the criterion is met.**

- **The variance is the minimum necessary to relieve a practical difficulty with full compliance and to avoid or minimize the resulting hardship.**

FINDING: The landscaping requirement for A-2 zoning districts is 25 percent (25%) and the applicant has proposed 24.7%. This variance is only about 1 percent (1%) of 25 percent (25%). The Applicant could have easily requested a larger variance in order to create room for more units, which the density allows, however it is clear that this is the minimum necessary to relieve a practical difficulty. In f As such, **the criterion is met.**

# Staff Recommendation

Staff recommends **approval with conditions** as outlined in the proposed Findings of Fact

Conditions from

- Planning division
- Public Works
- Gresham Fire & Emergency Services
- Multnomah County Transportation Planning

# Public Testimony



# Public Testimony

## Order of Testimony

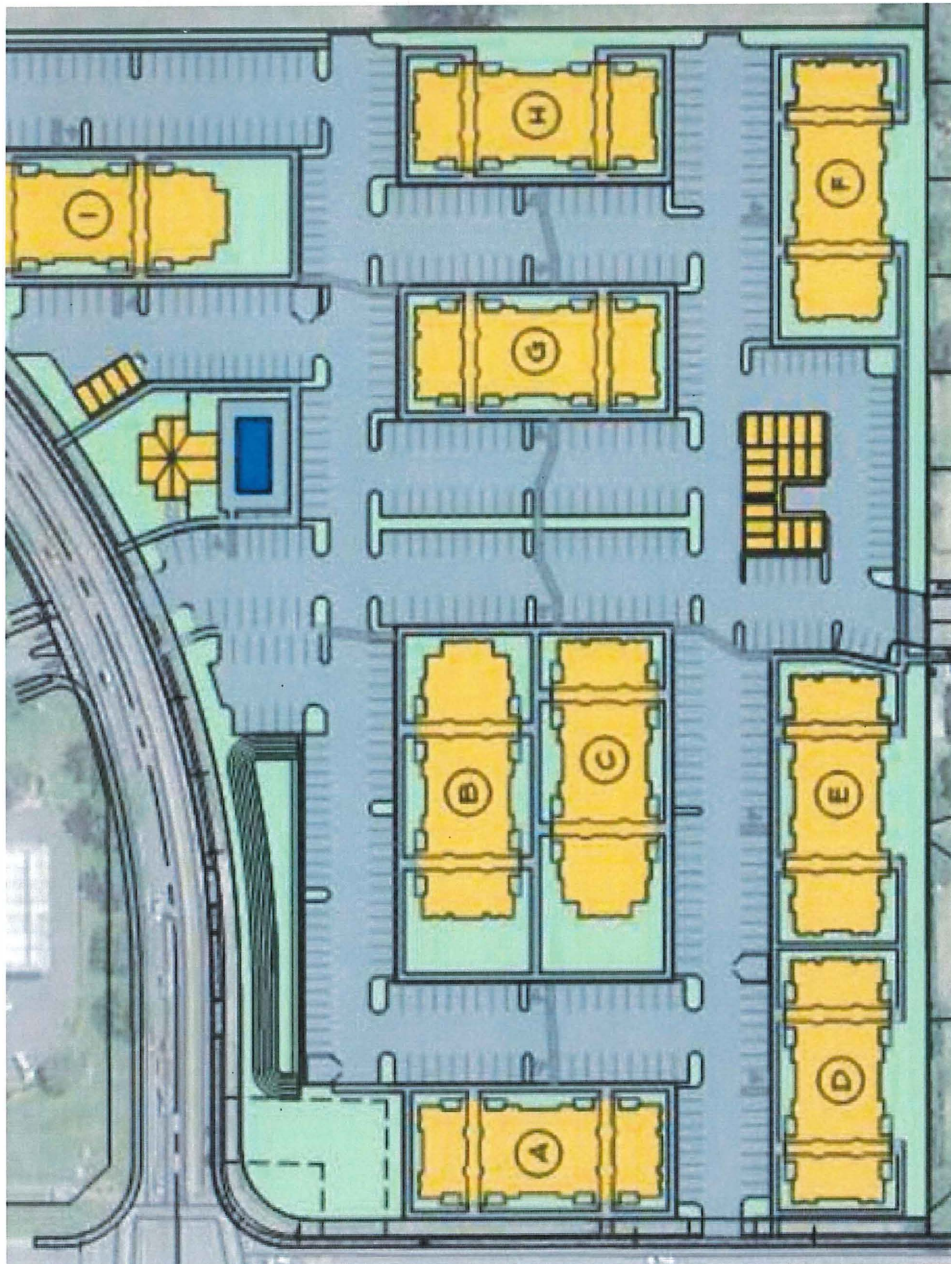
1. Applicant
2. Proponents
3. Opponents
4. Neutral Parties / Clarifications
5. Applicant Rebuttal
6. Requests for Additional Time

## 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.

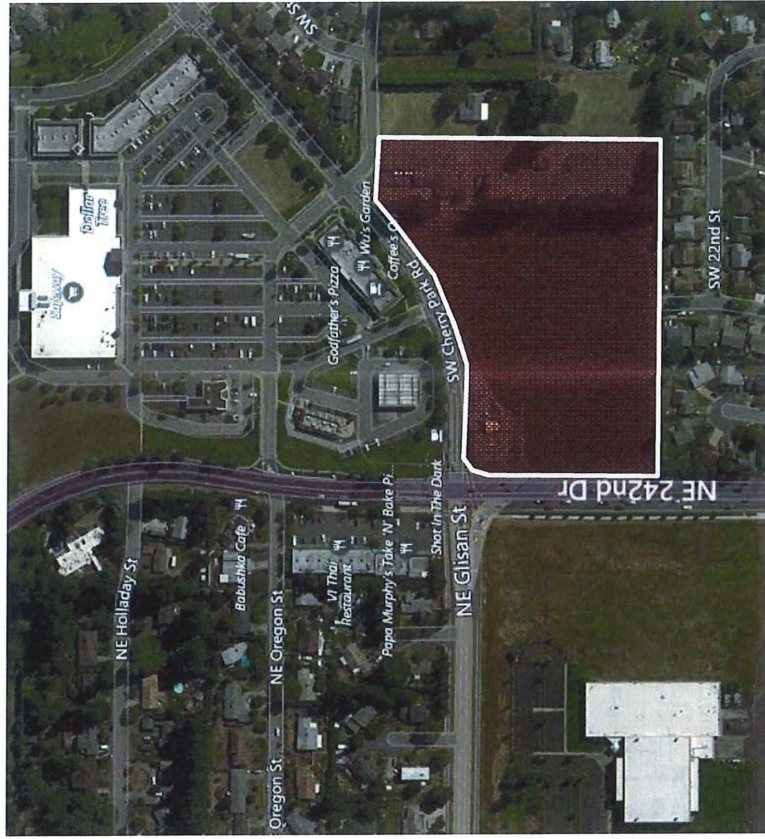
# EAGLE RIDGE APARTMENTS

DESIGN REVIEW AND  
COMPREHENSIVE PLAN  
AMENDMENTS



## EAGLE RIDGE APARTMENTS

- 216 Unit Multi-Family Homes
- Applications have been submitted for Site Development Review, a Comprehensive Plan Map and Zone Change, and two Variances.
- The proposed Applications meet all of the approval criteria and the Applicant accepts all proposed conditions of approval.



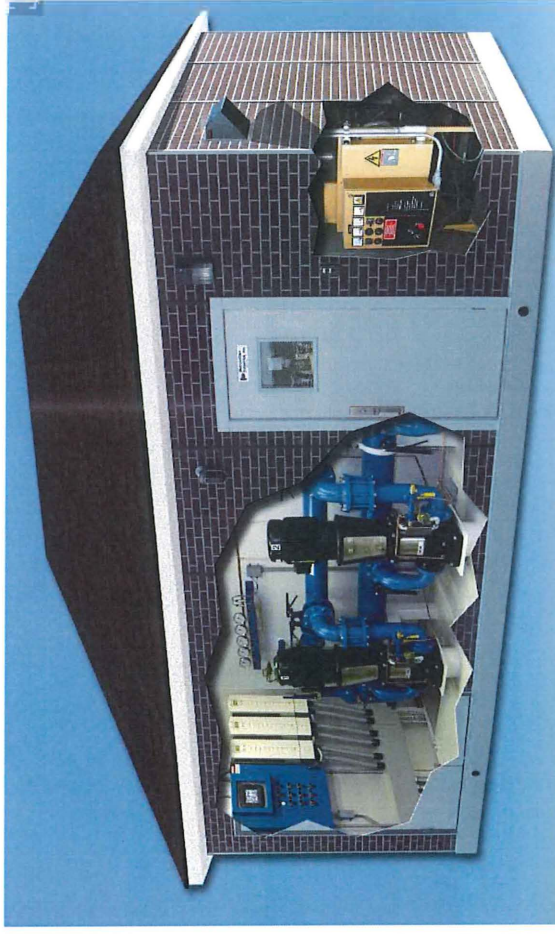
## EAGLE RIDGE APARTMENTS

- The land is zoned R-5 for single family homes.
- Single family homes do not work on the site because this project does not provide sufficient opportunity for a gravity sewer connection.
- The land was on the market for more than 5 years and no one was able to complete a deal for single family.



## EAGLE RIDGE APARTMENTS

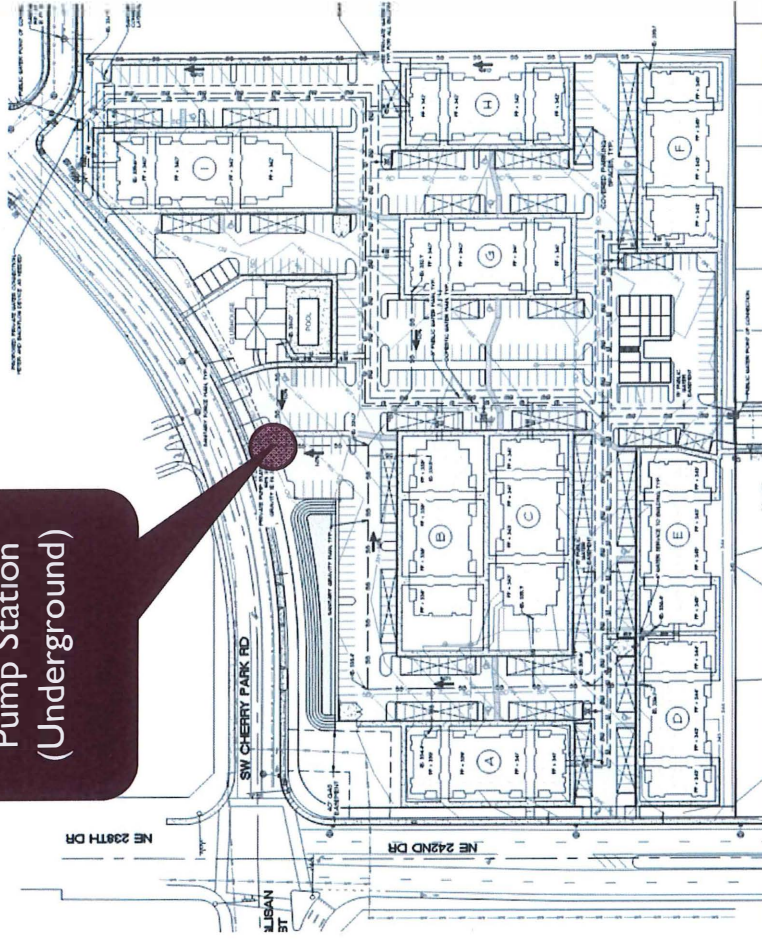
- Public Pump Stations are not desirable by the City's Engineering and Public Works Department.
- They are expensive to construct and expensive to maintain.



## EAGLE RIDGE APARTMENTS

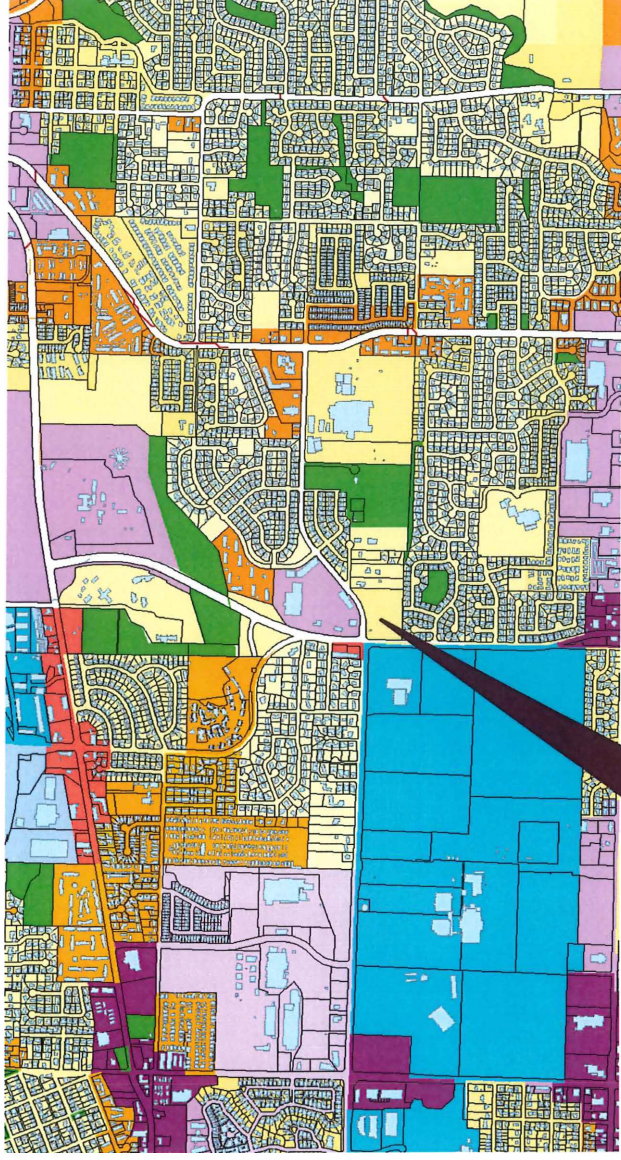
- The development of the site as a private apartment complex removes the need for the installation of a public pump station as a private pump station can be installed and maintained by the developer.
- A much smaller system can be installed and maintained.

Small Private  
Pump Station  
(Underground)



## EAGLE RIDGE APARTMENTS

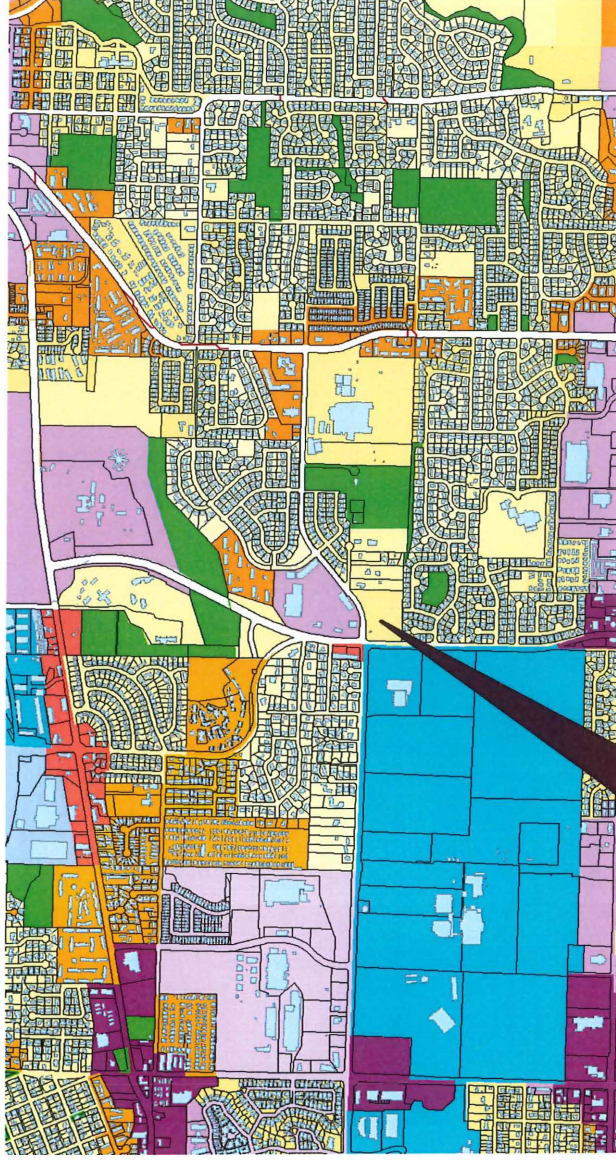
- The site's location makes it ideal for multi-family.
- SW Cherry Park is a Collector; NE 242<sup>nd</sup> is an Arterial
- The site will have Trimet Service next year



Site

## EAGLE RIDGE APARTMENTS

- Apartments are often located on busy corners.
- The site's location provides opportunities to walk to major services, retail, parks, and employment centers.

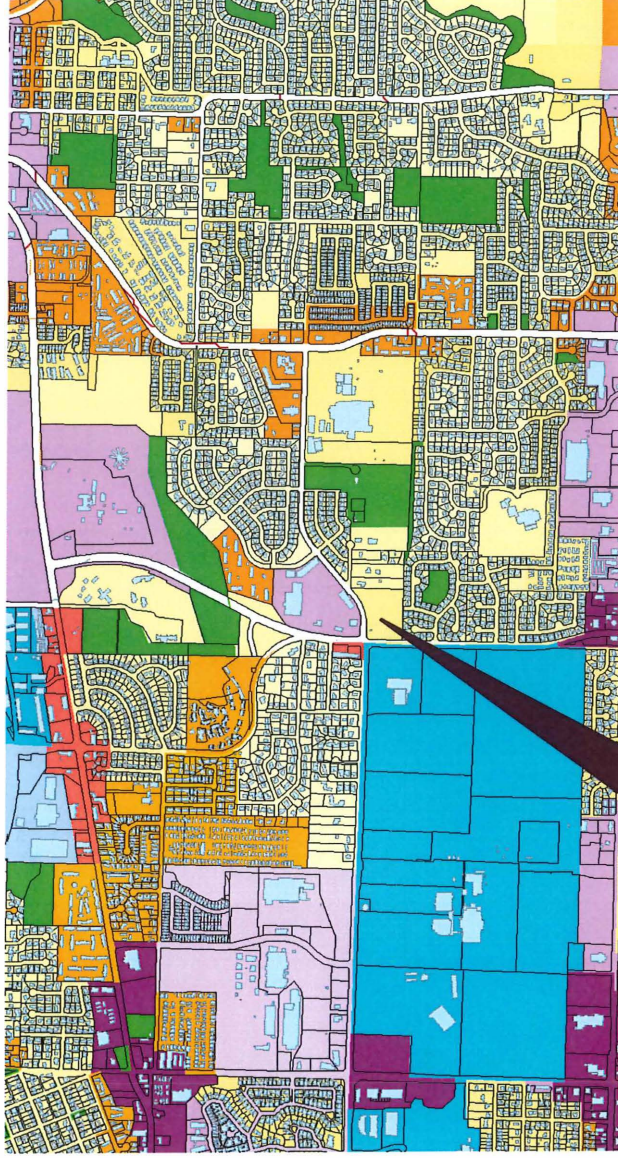


Site



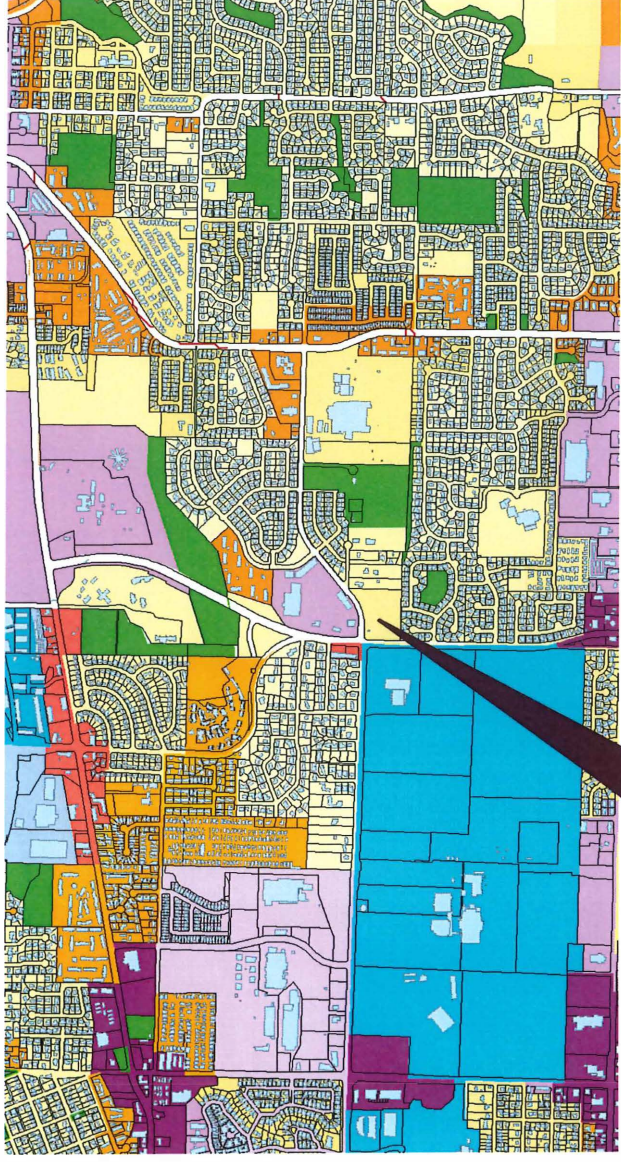
## EAGLE RIDGE APARTMENTS

- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
  - This is a proper location for this density due to proximity to existing shopping and employment areas.
  - The development of multi-family homes is not likely to have a negative impact on property values.



## EAGLE RIDGE APARTMENTS

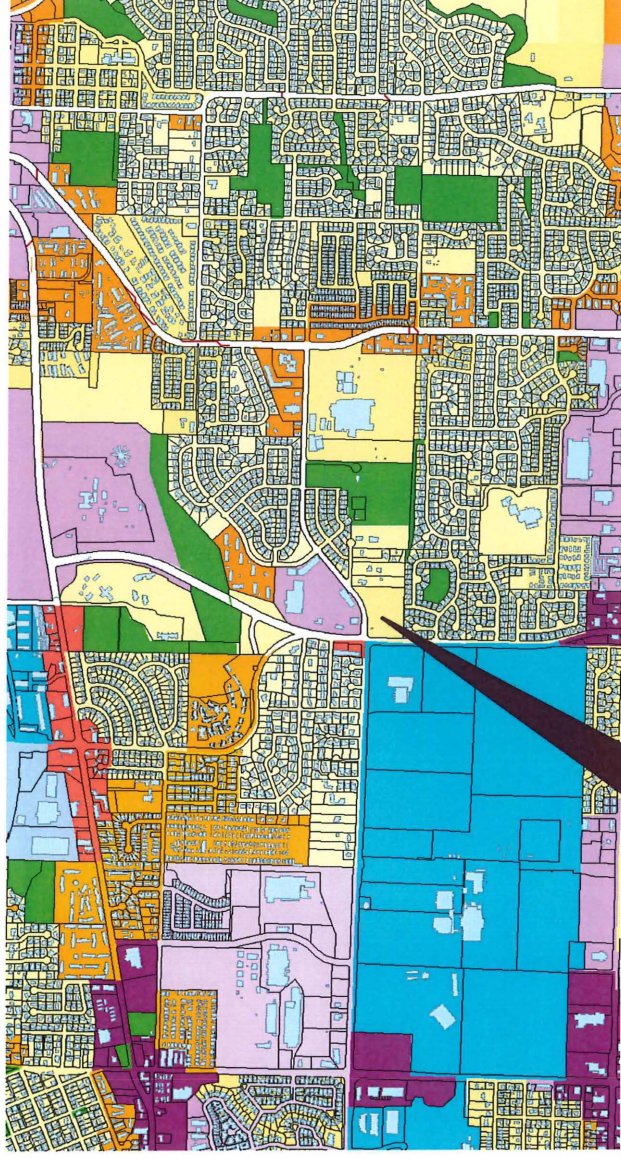
- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
  - School capacity is not likely to be an issue. Enrollment figures have dropped within the District. The impact of multi-family is typically less than single family.



Site

## EAGLE RIDGE APARTMENTS

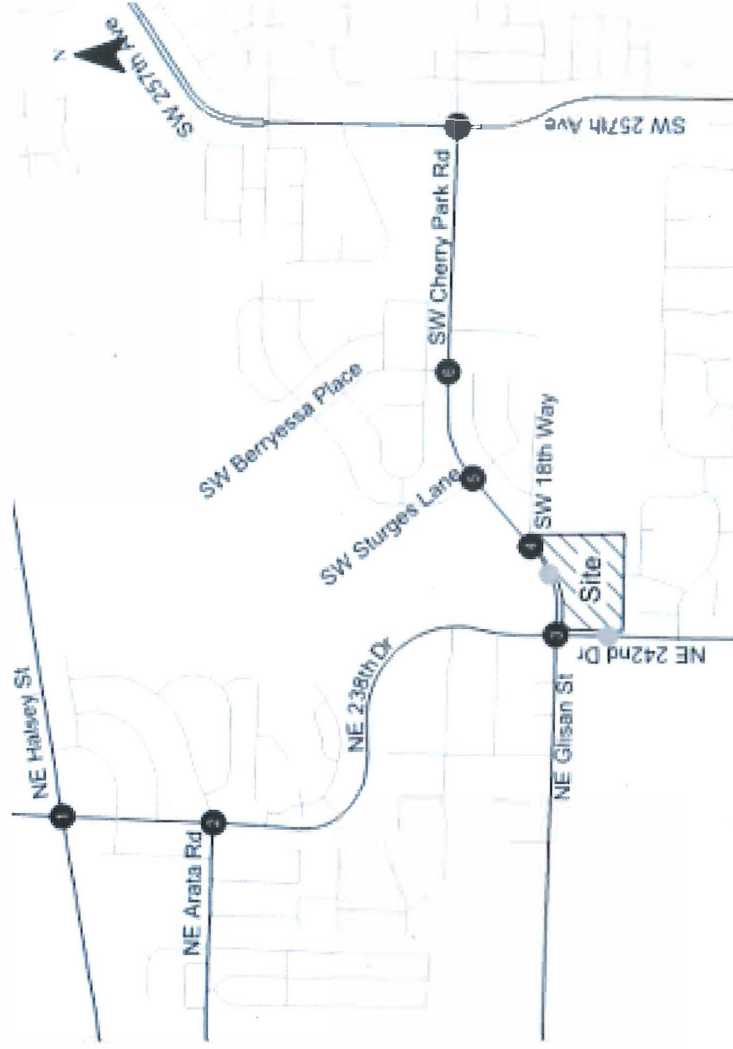
- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
  - Traffic impacts are anticipated to be minimal on the existing neighborhood.
  - The Applicant is proposing signal modifications at NE 242<sup>nd</sup> and SW Cherry Park.
  - The Applicant is willing to install a Rapid Flashing Beacon at 18<sup>th</sup> Avenue to address pedestrian crossing concerns at SW Cherry Park.



Site

## EAGLE RIDGE APARTMENTS

- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
  - Multnomah County, the City of Gresham, and the City of Troutdale have evaluated and agree on intersection mitigations, dedications, and improvements.



# THE CITY'S COMPREHENSIVE PLAN

## High-Density Residential (HDR)

This designation is intended primarily for high-density, multiple-family residential dwellings, including existing developments and vacant land suitable for development at higher densities. Density in this designation is intended to average 21 units per gross acre and 2,000 square feet per dwelling unit. Business and professional offices may be considered appropriate in areas designated HDR given conditional approval. The following areas may be designated HDR:

- **Areas adjacent, or in close proximity, to existing or planned shopping centers, employment centers, transit routes, or minor arterials.**
- **Comprehensive Plans are not static.**
- **Comprehensive Plans are meant to change to reflect changing circumstances. The addition of Trimet, Major Employment, and the Site's walking distance to services makes this proposal ideally suited.**









## SUPPORT FROM LOCAL BUSINESSES

- 17 local businesses within the plaza north of the site have signed a petition in support of this zone change and plan amendment.

### PETITION FOR ZONE CHANGE APPROVAL

If approved, the increase in new residents to the neighborhood will positively impact your business with increased sales and revenue

<b>Petition summary and background</b>	On property located at the Southeast corner of 242 <sup>nd</sup> and Cherry Park Road, Troutdale, Oregon, Sheldon Development Inc requests the City of Troutdale to approve a zone change allowing the use for multi-family construction of 216 apartment homes
<b>Action petitioned for</b>	We, the undersigned, support the approval of the zone change request

Printed Name	Signature	Address	Business Name	Date
Pat Connel		2503 SW Cherry Park Rd	Connel's Pizza	6/1/18
Brandon Johnson		2509 SW Cherry Park Rd	Godfather's Pizza	6-1-18
Kimberly Vanecko		2503 SW Cherry Park Rd	Godfather's Pizza	6-1-18
Rui Kong		2507 SW Cherry Park Rd	Wu's Garden	6-1-18
Holly Mosley		2513 SW Cherry Park Rd	Cherry Park Rental	6/1/18
John Senaru		2521 SW Cherry Park Rd	Cherry Park Subway	6/1/18
John Senaru				
Diana Clark		2555 SW Cherry Park Rd	McDonald's	6-1-18
Edanna Vasquez		2555 SW Cherry Park Rd	McDonald's	6-1-18
Fidel Reyes		2441 SW Cherry Park Rd	Turkey Restaurant	6-1-18
John Breneman		2459 SW Cherry Park Rd	Perfect Look	6/1/18
Virginia Schmitt		2459 SW Cherry Park Rd	Perfect Look	6/1/18

