



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

MINUTES

TROUTDALE PLANNING COMMISSION

104 SE Kibling Avenue

Troutdale, OR 97060

Wednesday July 15, 2009

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COMMUNITY DEVELOPMENT DEPARTMENT

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I. ROLL CALL

Commissioners Present: Tanney Staffenson, Sandy Glantz, Frank Grande, Dan Haskins, Dave Rasmussen, Marv Woidyla and Shirley Prickett,

Commissioners Absent: None

Staff: Rich Faith, Elizabeth McCallum and Pepper Ann McAllister

Guests: Dalton Williams, 648 E. Historic Columbia River Hwy., Troutdale, OR. 97060

II. PLEDGE OF ALLEGIANCE

III. AGENDA UPDATE – None.

IV. APPROVAL OF MINUTES

* July 15, 2009 regular meeting

Commissioner Woidyla moved, with a second by Commissioner Rasmussen to approve the minutes of the June 17, 2009, meeting as written; the motion passed 6-0 with Commissioner Grande abstaining.

V. CITIZEN COMMUNICATION – NON-AGENDA ITEMS – None.


VI. CASE FILE NO. 09-021 TYPE IV HEARING (con't. from June 17, 2009) Troutdale Development Code Text Amendment #42

Proposed amendments to the Troutdale Development Code and the Troutdale Municipal Code pertaining to Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation and Title 13, Nature in Neighborhoods, of the Metro Urban Growth Management Functional Plan

(The hearing on this matter has been closed to further public testimony. The Planning Commission will deliberate and make their findings and final order.)

Chair Prickett opened the public hearing on Case File No. 09-021. This is a continuation from June 17th

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STAFF'S PRESENTATION – Elizabeth McCallum presented changes to Text Amendment #42 as well as a revised draft of findings of fact and final order to cover the info period. The changes to Text Amendment #42 since the June 17th meeting pertain to the following.

Chapter 4.300 Vegetation Corridor and Slope District

Applicability

Uses within the Vegetation Corridor and Slope District

Approval Procedures

Development Standards

Chapter 5.800 Storm Water management

Chapter 7.000 Land Division

Chapter 11.000 Landscaping and Screening

Ms. McCallum elaborated on these changes during her presentation and responded to questions from the planning commission.

DISCUSSION– pg 20 - **Commissioner Grande:** Do we have a lot of privately owned outdoor recreation facilities that is not in people's back yards.

Ms. McCallum: There is nothing in the standard that says who will buy them; it is just land that is being used for those types of things. It does not mean that they are necessary owned by the City. It is possible that this might apply to somebody, for example Port of Portland for all that land that goes to the Columbia River. It's possible that somebody further down the Sandy River zoned Neighborhood Commercial could have some sort of private park that they operate.

Mr. Faith: An example would be the pond on Jackson Park Road that we have looked at a private development where they want to develop the front part and have the pond in the back. They may want to put a trail around that at some point and this would allow this to occur.

pg34 - Off site mitigation area: Mr. Faith: The Port of Portland has some concerns here particularly because they felt much of the mitigation that they have done in the past, and will continue to do, has been done on the Sandy Delta which is on the East side of the river and they would like to be able to continue to do that. It is still a big issue with them in terms of the limitations.

He added that the Port will need to remove trees as they continue to develop north of the airport. They will be required to mitigate for tree removal and they would prefer to be able to do that if the opportunity presents itself over on the Sandy River Delta and the way it is now proposed it would not be allowed.

Commissioner Glantz: Does the Port like the option about helping out with some of our parks.

Mr. Faith: They don't feel there is going to be adequate areas in our parks for that.

Pg 49 Ms. McCallum: Stated that the work "buffer" should be removed in 5.840A(2) because the term is not used anywhere else in the code and is not defined.

Pg 50 This amendment to the Land Division chapter was proposed because there are separate tree removal standards now proposed that apply to tree removal from the vegetation corridor that are distinct from tree removal standards that are in Troutdale Municipal Code, Chapter 13.

Pg 60 Section 11.010 letter J. An additional phrase is needed in this standard that explains there are two sets of tree removal standards: those for trees being removed from the VECO and those being removed outside of the VECO. This was not identified by staff during the review of changes about tree removal standards following the May 27 work session and June 17 hearing. The recommended language is *...for trees outside of the Vegetation Corridor and Slope District and/or the Flood Management Area or if the trees are within the Vegetation Corridor and Slope District and/or the Flood Management Area, the removal and mitigation is in accordance with Troutdale Development Code 4.315B(3) and 4.315B(5).*

Pg 64 Ms. McCallum stated that we have added letters A, B & C whereas in the prior version of the text amendment, the amendment's only started with section D. Since we now have the distinction between whether you are going to remove a tree in the VECO and slope district or the flood management area versus removing a tree elsewhere within the City, amendments were necessary to part A and that language is shaded and part C has a small deletion. Letter D has been amended to spell out the permit procedure as discussed at the June 17, 2009 hearing.

Pg 65 The wording of No. 3 comes from some of the comments about how we measure a significant tree, what should be preserved and how much. We had a discussion at your work session on May 27, 2009; that is where the language comes from. Existing letter E is struck because that section is replaced by new letters D2 and D3.

Pg 66 Letter E is the new language that came out of the May 27, 2009 work session and as proposed in the June 17, 2009 staff report.

Pg 67 The standard for emergency tree removal in letter F has been moved into the introductory section instead of standing all by itself.

Ms. McCallum: Those are the essence of the changes that we've been talking about since your May 20, 2009 meeting and the comments in my supplemental staff reports also based upon the comments that we discussed from Port of Portland, Audubon Society Elaine Albrich, and then the other citizens that came to the other two hearings.

Commissioner Glantz: Is the Sandy River Delta an area that could be for future development?

Mr. Faith: No it is in the Columbia Gorge Scenic area since it is east of the Sandy River.

Ms. McCallum: added one more comment is that in the draft findings, finding No. 15 on page 8, the name is June Mohler not June Miller.

Commissioner Wydiola: commented that he was bothered that it is oppressive to say the least; that it is an erosion of property owners rights that is ever increasing. I know there is a need for regulation but, I think if Metro, the Audubon Society and all these other organizations are really interested in preserving wildlife habitat, they ought to purchase those properties. The property owner is deprived of the use of their land that they are still paying taxes on. The State, Metro, the County, the City or whomever should purchase that

property and. And because of my feelings on this, I appreciate all the work that went in, but I have to take a stand and I'm going to vote NO on this.

Commissioner Grande: said he would second that vote

Chair Prickett: So what happens if we forward this to the City Council with the majority opposed. What happens then?

Mr. Faith: If the recommendation is for denial or rejection, I believe that the City Council has the option of not considering it. It could simply die right there. That is an option or they could take it up and conduct their own hearing.

Commissioner Rasmussen: What are the ramifications to the City from Metro if the City does not comply?

Mr. Faith: It is pretty much the standard line that we hear from Metro and that is if you fail to comply with the requirements of the Regional Framework Plan or the Functional Plan that Metro can withhold funds that might be available to the City and that could be anything from Solid Waste funds, to Transportation funds which are a big part of what Metro allocates as the Regional clearing house of Federal monies. But that is the most extreme thing that they could do.

Commissioner Grande: But ultimately that's not our decision we are just making a recommendation.

Mr. Faith: That is correct

Commissioner Grande: It's up to City Council

Mr. Faith: That is correct, however you are an influencing body towards that decision.

Commissioner Woidyla: It's rather chilling that we have those ramifications; that you either will follow our ordinance or we will withhold funds. That doesn't give us much of an option does it?

Mr. Faith: I don't think that this is the first course of action. Ultimately they could but I'm sure before they would even go there they would try to mediate or negotiate something, and I believe that the steps outlined in the Functional Plan, in terms of compliance, is trying to sort it out before Metro would resort to that.

Commissioner Glantz: It was my understanding that this was a far more moderate course than Metro wanted in their model ordinance, is that true?

Mr. Faith: Yes, if any of you attempted to read the model ordinance that was attached to Elaine Albrich's letter, I think you can appreciate how we attempted to simplify what could have been the direction of these amendments. Some of the model ordinance was beyond our comprehension. This is obviously very difficult stuff, it's very complicated. I think we would be the last to say that this is crystal clear in our minds, it's the best that we could come up with. I think it would have been a failure on our part to try to apply the Metro model ordinance to our situation.

Commissioner Woidyla: We have this one person concerned about trees. Several years ago we attempted to remove trees hazardous to aviation. I don't see anybody dancing around worrying about our safety.

Ms. McCallum: The proposed standard allows the Port to remove trees from within the VECO overlay district for the safe operation of the airport. It does require them to mitigate for those trees removed from the VECO buffer. In chapter 13, which is tree removal outside of the VECO district, it also allows for the Port to remove those trees subject to the tree removal criteria.

Commissioner Woidyla: If it's outside of the City limits it's within the aviation corridor. You got the Gorge people who don't want them removed, then we have the opposition from the Audubon Society, the County, that go against people that are operating there now that don't realize the hazards, that's what my problem is.

Commissioner Glantz: But we are saying please remove them to keep people safe, it's what we can do to solve the problem.

Commissioner Haskins: With regard to the mitigation we said that we wanted it within the City of Troutdale, it almost seems like it might be too restrictive. If in fact the Port wants to go to the east side of the Sandy River, it's outside of our City limits and our Urban Planning area, you could say it's close enough. Maybe we should have some kind of allowance or something that would allow you to go east if we could make a specific case, with whoever owns the property. So if they have a specific agreement to mitigate offsite, I don't see why we should stop them. I think we would benefit from that.

Ms. McCallum: Let's look at that standard that Commissioner Haskin's is referring to. Pg. 34 letter C offsite property must lie within the City limits of Troutdale or the Troutdale Urban Planning Area. Our work session we discussed maybe just be within our City limits.

Commissioner Haskins: I personally would be willing to accommodate them on that, I don't see the harm in it. Going that direction is close enough to us that we would benefit even though they are not technically in the City limits of Troutdale, how else would you qualify that.

Mr. Faith: Commissioner Haskins wanted to discuss whether you wanted to make that change, but there was no motion made, there is no change contemplated in the language.

Commissioner Grande: So right now that would be a type III variance hearing?

Mr. Faith: Unless it's changed at the Council level, you are right. If they want to plant those trees in the Sandy River Delta they would have to come through for a special variance.

Public Comment -NONE

DECISION

**Commissioner Glantz made a motion to approve the finding of facts
Commissioner Haskins seconded. Motion passed 6-1 with Commissioners
Haskins, Rassmussen, Glantz, Staffenson, Grande and Chair Prickett
voting in favor and Commissioner Woidyla voting against.**

**Chair Prickett moved to recommend these TDC amendments to the City
Council**

**Commissioner Rassmussen seconded. Motion passed 4-3 with
Commissioners Rassmussen, Haskins, Glantz and Chair Prickett voting in
favor and Commissioner Staffenson, Grande and Woidyla voting against.**

STAFF COMMUNICATIONS

Mr. Faith: Coming up in September there will be more amendments to the flood management chapter. Those amendments are not only being done to parallel what we've done here in the VECO for compliance with Title 13, but

also to meet certain requirements of the National Flood Insurance Program. So we have a couple of things going on that go with the amendments that will be coming to you. We have been working rather diligently on refining those. We have already taken them to the CAC for review and they've blessed them and are passing them on to you. Because we don't have anything on the agenda for August would you like a work session regarding the amendments to the Flood Management Chapter.

The second option for a work session is a tour provided by the Port of Portland of what is going on at the TRIP property and the new Fed Ex site. The Commission agreed to take the tour on August 19th at 3:00pm, Rich will provide all the details later.

Commissioner Glantz: Asked that we have the work session on the amendments of the flood management chapter after the tour of the Port property. Everyone agreed.

The next regular meeting agenda item on September 16, 2009 will be doing the amendments and a variance will be on the agenda that night as well.

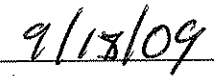
ADJOURNMENT

Chair Prickett: made a motion to adjourn the meeting Commissioner Woidyla seconded. Motion carried unanimously.

Meeting adjourned at 8:04pm



Shirley Prickett, Chair



Date

Attest 
Debra Ann McAllister