



# PLANNING COMMISSION

## Meeting Minutes

July 10, 2024 | Regular Meeting

Troutdale Police Community Center – Kellogg Room  
234 SW Kendall Ct, Troutdale, OR 97060

### 1. Call to Order, Roll Call, & Pledge of Allegiance

Chair Staffenson called the meeting to order at 7:00 p.m.

**Commissioners Present:** Chair Staffenson, Allen, Andrews, Leamy, Minkoff, Wilcox.

**Commissioners Absent:** Vice Chair Prickett

**City Staff Present:** Erika Palmer, Community Development Director; Dakota Meyer, Associate Planner; Nik Ramstad, Assistant Planner.

### 2. Public Comment on Non-Agenda Items

City Councilor White – Acknowledged the work that Planning Commission has done. White said that the Commission is doing the heavy lifting, which frees up the Councilors to do what they must do. Councilor White stated that the Commission is professional, ethical, and a strong team. The Commission has also written our own master plan and development code, regulated marijuana, voted down the Halsey Corridor Plan, but will plan a better-suited plan for Troutdale, and is implementing required state rules. The Commission has a perfect record with LUBA and is doing excellent work.

### 3. Review and Approval of June Minutes

#### a. June 12, 2024, Regular Meeting

Wilcox pg 4 bottom, para 3<sup>rd</sup> line down transit bus route

Wicox pg 5 third line, employers not employees. “They had 1” employee

Wilcox pg 6 third line, Ms. Palmer provided survey, Home Forward topic “86 residential units.”

Staffenson pg 2, second para from the bottom. Comment regarding bike parking must be for employees and reviewed decisions from 1996 and 2018.

*Motion: Commissioner Andrews moved to adopt the June 12, 2024, meeting minutes as amended. Commissioner Allen seconded. Motion Passed 6:0*

#### 4. Chair/Vice Chair Elections

*Motion: Allen moved to open nominations and elect Chair Staffenson to continue as Chair. Andrews seconded the motion. Motion passed 5:1 with Chair Staffenson abstaining.*

*Motion: Chair Staffenson moved to open nominations for Vice Chair. Allen nominated Prickett and Leamy seconded the motion. Allen moved to close the nominations and Andrews seconded it. Motion passed 6:0 to keep Prickett as Vice Chair.*

#### Appoint Town Center Advisory Board Representative

*Motion: Allen nominated Wilcox, and Minkoff seconded it, but Wilcox withdrew his nomination. Allen nominated Prickett, and Minkoff seconded the motion. Andrews motioned to close TCAB nominations, and Leamy seconded. PC voted 6:0 for Prickett to remain as the TCAB rep for the Planning Commission.*

#### 5. Public Hearing - LU-0012-2024 (VAR – 1557 SW Wright Pl)

Chair Staffenson read a description of the public hearing process. This is a Type III Quasi-Judicial procedure for the variance. Commissioner Allen declared no conflict of interest or financial relationship in the case; however, his wife has worked most of her adult career in the care and behavioral industry.

Nik Ramstad, Assistant Planner, presented the staff report.

The applicants' proposal is seeking retroactive variance approval to deviate 50% over the maximum allowed fence height within the front setback (TDC 5.050(A)(2)) at the subject property. The fence has been placed along the entirety of the applicant's front property line. It extends along a brief segment of the side property lines before connecting with the previously existing fence. There is a gate where the property line intersects the driveway to allow for access to the property. The fence is composed of a black chain link fence with black slats and is approximately 6 feet tall. The permitted height per TDC is 4 ft. The required setback in this zone is 20ft. Mr. Ramstad reviewed the Development Code section 5.050 on Fences, Walls, and Windscreens and the Clear Vision Code section 5.040.

Staff recommends retroactive approval with the condition that the 6' fence be relocated 15' from the street curb line to meet the city's required vision clearance criteria.

The staff proceeded to take questions from the Planning Commission. Commissioner Wilcox asked when and how Staff first became aware of this issue, and the Staff response was that a neighbor complained, which the Compliance Officer verified and confirmed. Minkoff asked about the type of property this is zoned for. The response is that the permitted care home is allowed by state law, and we are only talking about the 'fence' and not the home. Chair Staffenson confirmed that if the application is approved, the fence will stay up with conditions of approval. The fence will be removed/taken down if the application is denied. Staff said that

since this is a retroactive approval – the decision is valid for two years, and if the fence is taken down and not placed in a location approved by the Commission within two years, the fence at that point in time is not approved. Commissioner Allen inquired why the Fire Department didn't respond to this application. Staff indicated that not providing a comment is not unusual. Andrews asked if the house number was visible from the street, and after reviewing a picture of the property, the address was not visible when the fence was closed.

### Applicant Testimony

Asmamaw Misikir SW Wright Pl needs the fence high for safety concerns because a client is distracted by traffic and runs/jumps out into traffic. The fence was built to help with client safety and to control the client's movement.

Staffenson reiterated that the hearing's purpose is to determine whether the fence meets the criteria in the development code and how we address it in the best interest of the community.

### Proponents

There were no proponents who testified.

### Opponents

Jim Jones SW Wright Place: He lives two houses to the north, and he has never seen the fence closed day or night. Livability is important to all citizens, but the fence's aesthetics make it look like a commercial property, which is not appealing. Another concern is that if this case is approved, others will also want tall, unattractive fences.

Kathy Jones SW Wright Place: The main concern is safety. Since the fence has been up, I've only seen it closed twice. It is not the most attractive fence to look at. Other facilities care for dangerous clients. There are other ways to have more control over the tenant since the fence isn't ever closed.

### Neutral

No neutral parties testified.

### Closure of Hearing

Commissioner Allen motioned to close the public hearing. Commissioner Andrews seconded. Motion passed. 5:0

### Deliberation/Motion

Commissioners Andrews and Allan clarified the visibility and safety issues. It was suggested that if the slats were removed, it would increase visibility, and the fence would need to be moved back approximately 15 feet. Commissioner Allen suggested removing the slats for better fire response to ensure firefighters can see the house address. Chair Staffenson stated

that clear vision is a real issue for people traveling on the sidewalk and oncoming vehicle traffic. Moving the fence back out of the vision triangle could alleviate that safety concern. Director Palmer reiterated that the intent is to grant the 6' fence but have it outside the vision clearance area, and the commissioner could consider the aesthetic of the fence and safety and visibility issues and condition the applicant to remove the internal slats. Director Palmer stated that if the Commission creates or modifies a condition for the applicant to remove the slats, a modified finding in the staff report is needed for variance criteria 6.1325.B The Commission discussed modifying condition of approval #3 to remove the fence slats for safety and aesthetics, and to add condition of approval #4 that would require the applicant to make changes to the fence within 90 days of the notice of decision.

**Motion:** Commissioner Andrews motioned to accept the Final Order and Findings of Fact as modified by the Planning Commission discussion for LU-0012-2024, modifying condition of approval #3 to remove the fence slats and adding condition #4 that the applicant must address the non-conforming fence within 90 days of the Notice of Decision notification.

Commissioner Leamy seconded. Motion Passed 5:0

## 6. Discussion Items

### *Development Code Amendments*

Dakota Meyer, Associate Planner, shared that the use table language sections are still being updated/modified. Director Palmer discussed changes to incorporate the intent of adult entertainment uses based on conversations with the City Attorney to minimize risk to the City. Staff proposes adding a nightclub to the list of uses under the Major Entertainment use section. The definition of a nightclub in Webster's dictionary would include a use such as adult entertainment, so there would be no need to define it. Associate Planner Meyer will send PC a copy of the updates for review with time for the commission to marinate on the changes. The future code amendment changes will be updated by a third party and the development code will be searchable online.

## 7. Staff Communications

Director Palmer shared that the Home Forward project has begun. A press release will go out soon. December 2025 is when the project should be completed. Wayfinder Brewing at 2<sup>nd</sup> and Buxton will receive temporary occupancy shortly. Away Days Brewing (the old City Hall Building) is ongoing. The East County Pickleball Courts will open soon. Muv Fitness has secured all permits from the City, and they anticipate opening in about six months. An extension of Aug 18<sup>th</sup> has been extended for bids for the Sandy Riverfront Trail and Parks project. There is a new Troutdale website page that features "Active Projects". Currently listed are CFEC and Wildfire Preparedness. More projects will be added in the next few months.

## 8. Commissioner Comments

Commission Allen – appreciates the work Staff has been doing

Commission Andrews – no comment

Vice Chair Pricket – absent

Commissioner Minkoff – left the meeting early

Commissioner Wilcox- concern that parking allotment at the new dealership may have more customers than the parking lot can hold. Wicox was referring to the City standard not taking issue with Diplomat Motors. A suggestion is that Joe writes an article in the Champion encouraging neighbors to say something if development occurs and things just don't look correct. Director Palmer suggests a write-up about when a permit is needed. On the 4th of July, there were four fires in Troutdale logged into the Gresham Fire Dept. One was half a block from the house.

Chair Staffenson - I noted that PC denied the Home Forward project, but the City Council approved it in a development agreement. He thanked the staff for the presentation and all the work done.

## 9. Adjournment

*Motion: Commissioner Andrews moved to adjourn the meeting, and Commissioner Allen seconded. Motion passed. 5:0*