



Meeting Minutes

April 10, 2024 | Regular Meeting

Troutdale Police Community Center – Kellogg Room
234 SE Kendall Ct, Troutdale, OR 97060
and Held Virtually via Zoom

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

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

Commissioners Present: Chair Tanney Staffenson; Vice Chair Shirley Prickett; Rich Allen; Zach Andrews; John Leamy; Paul Wilcox

Commissioners Absent: Kevin Minkoff

Staff Present: Erika Palmer, Community Development Director; Dakota Meyer, Associate Planner; KrisAnn Washington, Planning Administrative Assistant

2. Public Comment on Non-Agenda Items

None

3. Review and Approval of Minutes

Tabled until next month's meeting

4. a. Public Hearing: Case File LU-0003-2024 – 1635 SW Hewitt Avenue

Opening of Hearing

Chair Staffenson opened the hearing for Planning Case File LU-0003-2024 – 1635 SW Hewitt Avenue, a Type III Special Variance land use application. Staffenson asked if anyone had a conflict of interest, ex parte contact, or bias that they would like to declare. Commissioner Wilcox recused himself from the hearing as his wife reported the unpermitted structure to the city's code enforcement official. Commissioner Allen recused himself from the hearing as he was biased toward the entire subdivision development. Chair Staffenson, Vice Chair Prickett, Commissioners Andrew, and Leamy stated they had no ex parte contact, bias, or conflict of interest.

Staff Report

Associate Planner Meyer presented the staff report, which included the site plan details, including elevations, setbacks, and timelines. The applicant is seeking a Type III Special Variance approval to allow an addition located partially within their property's 15-foot rear yard setback. The applicant intends to use the space as a study room/ bedroom. A Type III Special Variance was requested by the applicant to waive the rear yard setback standard to allow the building footprint to extend approximately six feet into the rear yard setback, and no other site improvements are requested with this application. The lot is located in the Morgan Meadows subdivision, and at the time of the subdivision approval, the application, which was for a Planned Unit Development (PUD), was approved for reduced lot dimensions. To allow for reduced setbacks and as part of the PUD process, the developer constructed the passive park located in the central portion of the subdivision adjacent to SW Hensley Rd. Lot 132 is typical of other lots in the subdivision with a 15-foot rear yard setback. Mr. Meyer explained that granting a variance to the entirety of the rear setback provision of the Morgan Meadows plat directly contradicts and violates the purpose of the setback itself, which was already reduced as part of the PUD approval. Mr. Meyer stated that granting the variance may lead to overcrowding, reduced privacy between neighbors, compromised safety standards, increased noise complaints, and impacted property values, which are inconsistent with the effects of development otherwise permitted and, as such, did not meet the variance criteria. Mr. Meyer also stated that the requests to reduce the rear yard setback in this subdivision could erode the integrity of the original land use approval and lead to a cascade of similar requests, resulting in cumulative harm to the surrounding community. Therefore, the Staff recommends denying the application based on the Development Code criteria. Mr. Meyer asked if the Planning Commission questions.

There were no questions from the Planning Commission.

Applicant Testimony

The applicant was not present. Chair Staffenson allowed time for the commissioners to read the applicant's narrative as written testimony from page 4 of the Staff Report.

Public Testimony

Proponents

There were no proponents who testified.

Opponents

Paul Wilcox stated the applicant did not receive building permits, and he is concerned about the building and fire codes not being met, which are significant safety concerns. There was also no Homeowner Association (HOA) review and/or approval. Mr. Wilcox supports the findings in the staff report.

Neutral Parties

There were no neutral parties who testified.

Applicant Clarification / Rebuttal

Applicant was not present.

Closure of Hearing

Vice Chair Pricket moved to close the hearing, and Commissioner Leamy seconded. The motion passed unanimously, and the hearing was closed.

Commission Deliberation: Chair Staffenson pointed out that the applicant referenced the lot size, and lot size is not considered. The setback is what is under consideration and if a variance should be granted for reduction. When you've got a master plan development, typically, the lots are smaller, the setbacks are smaller, and the density is higher.

Commissioner Leamy stated that if the applicant had asked the Homeowner Association first, this request may not have come to the commission.

Vote

The Vice Chair motioned to deny the application, Findings of Fact, and Final Order for LU-0003-2024, and Commissioner Leamy seconded. The motion passed 4:0.

After the vote to deny the motion, Vice Chair Prickett asked what would happen next. Mr. Meyer stated that staff would create the Notice of Decision (for denial), including the Final Order and Findings of Fact, and send it to the applicant. The applicant will be required to remove the structure. The applicant will have 10 days from the date of the Notice of Decision to appeal to the City Council.

Mrs. Prickett asked what would happen if the applicant sold the house. Staff responded that since the application initially came to Planning through code enforcement and had gone to court over it, the judge may require the applicant to demo the structure and/or issue a fine now that there is a decision from the Planning Commission.

b. Public Hearing: Planning Case File No. 75-15 – Main Streets on HalseyOpening of Hearing

Mr. Staffenson opened the hearing for Planning Case File 75-15 - Main Streets on Halsey, a Type IV Public Hearing. This is a legislative amendment. The Planning Commission will make a recommendation on the proposed amendments to the City Council.

Staff Report

Associate Planner Meyer presented the staff report. The proposed amendments include text changes to Troutdale Development Code Chapter 3.2 Mixed use Zoning Districts and Appendix A.

Mr. Meyer presented the history of the Main Streets on Halsey grant and that the Planning Commission is reviewing proposed amendments that were reviewed previously in 2021. In 2017, Metro awarded a Planning and Development Grant to the three cities of Fairview, Wood Village, and Troutdale to review

and remove barriers to create context-sensitive design standards for new development along the Halsey Corridor. Each city must consider the proposed amendments as part of the grant award.

Mr. Meyer stated that the sections affected by the proposed amendments include Troutdale Development Code (TDC) Chapter 3.200, which amends height limitations and dimensional and design standards in the MU-1 and MU-2 zones. In addition, Appendix A, Design Standards for Central Business District, would be consolidated into Chapter 3.20 Mixed Use Zoning Districts.

Mr. Meyer reviewed the code criteria for requesting a change in TDC 6.1120.A-E. The proposed development code amendments met the criteria A, B, D, and E but did not satisfy the criteria in TDC section 6.1120.D. Mr. Meyer stated that after work sessions with the Planning Commission, commissioners expressed that an increase in maximum height would take away from Troutdale's small-town feel and be inconsistent with the feel and scale of development east of the Halsey/257th intersection in the downtown area. Approving the amendments as written would not best satisfy a public need as it would change the nature of the code that provides Troutdale its small town characteristics.

Mr. Meyer recommended the denial of Case File No. 75-15 and the adoption of findings on non-compliance for TDC 6.1120.D. for City Council consideration. Mr. Meyer stated that if directed, planning staff will continue to work with the Commission at future work sessions to develop an alternative approach to implementing similar code amendments while preserving Troutdale's existing development scale and characteristics. The staff proceeded to take questions from the Planning Commission.

Mr. Staffenson asked if the Planning Commission had two work sessions or two meetings on the case. Mr. Meyer responded that after reviewing the project's history gathered through notes and files, the Planning Commission reviewed the proposed amendments during two work sessions; however, the Commission never formally considered adopting the amendments.

Director Palmer confirmed that there was no recommendation from the Planning Commission in 2020 or 2021 on this code amendment package. The council may have received a presentation on the project, but an official recommendation from the Planning Commission was not given to them.

Commissioner Andrews remembered previous discussions about the Town Center plan and everything that was laid out and stated that the biggest concern was the visibility of the bluff. It goes against what we're trying to develop as an aesthetic for the downtown environment.

Mr. Staffenson commented for the record. Figure 1, pages 1-61, The green is 55'. How do we know if someone needs 800' of space? Why go to that degree of detail and demand that? For affordable housing, "the city must have an agreement or covenant for 30 years." That is a long time, and a lot can happen in that time. I would have expected a better of Cascadia. We don't have a Chapter 11 for parking standards. The proposed code language must be cleaned before it goes to Council. Our concerns have not been addressed. The city isn't getting a good 'bonus' in exchange for other perks. Exterior light criteria cannot be tall and not be visible from the property line.

The work that has been done contains really good ideas that the city can implement—for example, building orientation, design standards, and facades—but some standards need to be worked on a bit more.

Commissioner Andrews stated that members of TCAB are discussing design standards.

Mr. Staffenson stated that the three cities could have been more collaborative in the approach of the proposed standards.

Director Palmer recommends that Staff work with the Planning Commission and Town Center Advisory Board in future work sessions to meet the community's vision for the Halsey corridor.

Mr. Wilcox stated that Planning Case File No. 75-15 Main Streets on Halsey is an all-or-nothing approval.

The staff response was “yes”. That is why the recommendation is the denial. A denial will close out the grant and allow staff to work with the Planning Commission and Town Center Advisory Board to find the items we do like and change the code amendments that need additional work.

Closure of Hearing

Vice Chair Pricket moved to close the hearing, and Commissioner Leamy seconded. The motion passed unanimously, and the hearing was closed.

Vote

The Vice Chair motioned to recommend denial of the application to the City Council, and Commissioner Leamy seconded. The motion passed 6:0.

5. Discussion Climate Friendly Equitable Communities (CFEC)

Director Palmer presented the 3 CFEC options and asked PC what additional information they need from planning staff to help inform a decision. The City has a year (June 30, 2025) to make code updates, so there is time for staff to gather data.

Chair Staffenson suggested the best path forward is to engage the community as much as possible. We need TriMet data, among other things. This amendment will be a Type IV application that entails a recommendation from the Planning Commission to the City Council.

Commissioner Andrews stated that we can do more tangible things in Option 2 (pick 2 out of 5) from the list.

Commissioner Allen noted that while on vacation, they saw some of these options, and they seemed “unfriendly.”

Vice Chair Pricket wants to make it as easy as possible.

There was consensus from the Planning Commission that more information would be needed.

Director Palmer indicated that she could return in June with feedback from the business community and a map of all vacant parcels within the community.

6. Staff Comments

There are no public hearings scheduled for May. Director Palmer will check in with the Chair in two weeks to determine whether there will be a meeting. Associate Planner Meyer will not be at the June meeting.

Troutdale has received a 60K grant from the Oregon State Fire Marshal to reduce wildfire risk. The city will be hosting a free yard debris event. The three-day yard waste collecting event will be held in June, starting in the Palisades neighborhood. The next neighborhood will be Strawberry Meadows, then on to Beaver Creek neighborhoods—more information in the Champion and online.

Code amendments will go to the Council next month. This week, Verizon brought a Type II application for an upgrade into the office.

Commissioner Wilcox asked what the lease agreement is with the city. Staff will find out.

Commissioner Andrews asked what is the objective of the use table discussion and review? Chair Staffenson responded that it is a tune-up of uses and definitions in the different zones. The tables will be more user-friendly.

7. Commissioner Comments

Commissioner Allen noted that the bike lane on Stark Street and the Troutdale Rd bridge need improvement.

8. Adjournment

Mrs. Pricket moved to adjourn, and Mr. Andrews seconded the motion. The vote was unanimous, and the meeting was adjourned at 9:15 p.m.