



CITY OF TROUTDALE

Planning Commission

MEETING AGENDA

Tuesday, August 11, 2020 | 7:00 p.m.

Troutdale Police Community Center – Kellogg Room

234 SW Kendall Ct – Troutdale, OR 97060

1. Call to Order, Roll Call, & Pledge of Allegiance
2. Public Comment on Non-Agenda Items
3. Review & Approval of Minutes
 - a. July 15, 2020 Meeting Minutes
4. Public Hearing
 - a. Hearing Procedure
 - b. Hearing Continuance of Case File 75-04 Text Amendment – Storage Facilities
Development Code Text Amendment – Type IV Hearing
5. Discussion Items
6. Department Report
7. Commissioner Comments
8. Adjourn

Next Regular Meeting: Wednesday, August 19, 2020 | 7:00 p.m.

Due to COVID-19 health requirements, there will be a limit on public attendance in the Kellogg Room. Please contact Staff for alternate methods of participation.

This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting to the Planning Division (planning@troutdaleoregon.gov or 503-665-5175)



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MEETING MINUTES

Wednesday, July 15, 2020 | 7:00 p.m.

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

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

The meeting was called to order by Chair Staffenson at 7 p.m. and the Pledge of Allegiance was said.

- Commissioners Present: Staffenson, Woidyla, Prickett, Wilcox, Glantz, and Mammone.
- Commissioners Excused: Wittren
- City Staff:
Chris Damgen, Community Development Director
Arini Farrell, Associate Planner
- Members of the Public: Melissa Sillitoe, transcriptionist
Rich Allen
Mara Loy
Alex Mauck
Tracy Brown
Scott Byrd

2. Public Comment on Non-Agenda Items

Chair Staffenson asked if there was any public comment, and there was none.

3. Approval of Minutes

The June 17, 2020 minutes were reviewed. Mr. Wilcox said that on page 6, he was quoting from the Public Works report and to add the phrase "defects on the public sidewalk on the street frontage." There were no other corrections.

Ms. Prickett moved to accept the minutes as amended and Ms. Glantz seconded the motion. The minutes were approved unanimously.

4. Public Hearing

a. Hearing Procedure

Chair Staffenson read the Planning Commission Procedure rules that will be followed this evening. This is a legislative hearing and the Commissioners will decide whether the application moves forward. He asked if anyone had any conflicts of interest to declare and no one did. He then opened the public hearing.

b. Case File # 75-04 Text Amendment – Storage Facilities Development Code Text Amendment – Type IV Hearing

Staff Presentation

Mr. Damgen opened the presentation by showing a PDF of Staff's proposed definition: to establish "storage facility" and "storage, accessory" as a conditional use in the LI zoning district; to modify the definition of a "warehouse"; and to provide clarity and context for those definitions throughout the code. The group will be reviewing Section 2.065 from the Development Code. Mr. Damgen said that Staff is recommending approval. He explained that there are currently three mini-storage facilities; one is in a general commercial district on Stark Street; one is in the Town Center area next to Harbor Christian Church; and the third one is in the Light Industrial district off Harlow Road. LI is a very small zoning district and there are only 30 properties that would be affected by this decision.

Over the past few years, there has been concern about the proliferation of storage facilities while also prioritizing land use that generates jobs. Metro has designated Troutdale's industrial areas to be an economic and job center as part of the regional framework plan. It has been this way for 25 years, and the last time the Planning Commission reviewed self-storage facilities, Amazon wasn't a player that generated 2500 jobs or C&S Grocery Warehouse adding 400-500 jobs. FedEx has expanded and now employs 900 people year-round and 1200 during holidays. All of these changes occurred in General Industrial. Tonight's hearing is about the Light Industrial (LI) zone near the freeway. These types of industries rely on transportation and logistical support and also need storage nearby for them and their contractors.

The definitions being proposed are:

- Storage Accessory: The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.
- Storage Facility: An establishment of which the principal use is providing leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses.
- Warehouse (amended): A building used primarily for the storage of materials or goods for use on the site or later distribution that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).

Ms. Glantz stated that she is a little concerned about what is meant by portable. Originally, the idea was to have some way for people who sold things on Amazon to store their materials. She asked if "portable" could including

storing her trailer RV. She said she thought this would be more like the Troutdale Airport Hangers used to be—enclosed. She also asked what was meant by “limited” within the definition. Mr. Damgen answered that he had changed “little” to “limited” to suggest it can be tolerable but there will be restrictions as to what is allowed by the Planning Commission on a case by case basis. Also, regarding a storage facility definition, he is mindful that when this subject has been raised previously, it has been about mini storage. Staff is finding that people need a place to securely store their tools and materials rather than scattering these at job sites or in rural areas. Similarly, “portable” could potentially apply to vehicles. In the past, there has been vehicle overflow from Amazon. Whether that’s appropriate for Troutdale is for the Planning Commission and the City Council to decide.

Ms. Farrell asked Ms. Glantz what her definition would be of “limited.” Ms. Glantz answered that she doesn’t know, but she wants to know if they mean “non-primary” or “incidental.” To her, non-primary is less than 50% and incidental is less than 10%. She said she is also uncomfortable with portable storage because she doesn’t want it to be unattractive and a mix of trailers next to RVs and modular packages unlike storage in a larger warehouse where the contents can’t be seen. Adding fencing wouldn’t help the aesthetics.

Ms. Prickett said she was concerned that the contents inside the portable storage units could leak into the groundwater if they aren’t stored on top of concrete and there isn’t drainage. There would be no way to know what is being stored, and if there isn’t a water barrier under the storage units, they tend to hold moisture and degrade. She also agrees with Ms. Glantz that having a hodgepodge of portable storage would not be attractive.

Returning to the presentation, Mr. Damgen reviewed the Decision Criteria. Mr. Damgen listed the 5 decision criteria that Staff feels have been met. These are:

- A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.
- B. The proposed change is consistent with the applicable Statewide Planning Goals.
- C. The proposed change is consistent with the applicable provisions of Metro Code.
- D. Public need is best satisfied by this particular change.
- E. The change will not adversely affect the health, safety, and welfare of the community.

As a result, Staff have made the following recommendations:

- A. Conduct a public hearing and receive all public testimony related to the application.
- B. Consider the public testimony and the facts and findings presented in the staff report, and
- C. recommend approval of the proposed text amendments to the City Council for its meeting and subsequent public hearing.

Other Testimony

Mr. Allen said that he has a potential conflict of interest since he is a principal interest in a trucking company that does business in the area. Chair Staffenson said that this was allowed since he is an alternate and not voting.

Ms. Glantz asked if many of the new apartment buildings will need storage. She also asked how this permit would meet the employment criteria required by Metro. Mr. Damgen answered this was mainly intended as storage allowing contractors to conveniently access their materials, but it could contribute indirectly to employment. There is still property in the Troutdale Industrial Park that has development potential for hundreds of jobs. And frankly, these LI tracts that are 5 acres or less wouldn't have much of a job impact, however they were developed. Ms. Glantz asked if they were setting up a WeWork of storage or a place where apartment owners can park their boats. Mr. Damgen replied that vehicle storage and repair is already allowed in LI zoning.

Mr. Wilcox asked if "portable storage" means shipping containers or semi-trailers with staircases? He also has the same concern about leaking containers that Ms. Prickett voiced. Also, in Chapter 3.161, outdoor accessory storage is mentioned as a nuisance factor, and he questioned why lumber would be considered a nuisance. Mr. Damgen said that perhaps Staff was wrong and it would not be a big deal. Chair Staffenson asked if Mr. Wilcox's questions had been answered, and he replied they had.

Chair Staffenson recognized proponents to speak in favor beginning with Mara Lay, 16837 SE Chula Vista Avenue in Sandy, OR 97055. She is a commercial real estate business owner in Troutdale and represents Alex Mauck who has retained her to run a few of his local entities including ASM, and he has Conex storage containers. This is a time of incremental growth in surrounding areas, and they recently sold 4.5 acres in Portland to a company from Oklahoma during a time when businesses are struggling to make ends meet because of the pandemic. Portable storage allows business owners to affordably house equipment and merchandise that isn't available elsewhere. Traditional storage lots are 10 x 25 feet. Their company is able to offer portable solutions that are 8x9.40 feet which is double the length of a regular storage lot and is big enough to house work trucks, trailers and lawn mowers in the Conexes. She also has letters of support to show how important this use is to current business owners.

The next proponent to introduce himself was Alex Mauck, residing at 46700 SE Holman Road in Sandy and he owns a light industrial business at 1009 NE Harlow Place in Troutdale. His family has been in business since 1948. He owns Goodman Sanitation, a human fecal transportation. It's very difficult to locate a human septic business and it's almost not possible to build these properties. He commented that he uses Conex Boxes to house expensive electric control panels that can't be out in the weather. After that, he met other business owners that had the same need and wanted to use Conex boxes because they are leak-proof and don't require concrete beneath them.

Ms. Glantz asked Mr. Mauck if he was opposed to paving or didn't think it was needed. Mr. Mauck answered that when it rains, the water goes through to the groundwater. Recharging groundwater is important. He is not opposed

to pavement but sees no need for it currently. Ms. Glantz asked Ms. Lay if she knows why landscaping equipment isn't accepted in traditional storage facilities. Ms. Lay answered that it's because trailers are very large and the business owner needs to be able to use and return it several times in a week. There are lots of narrow areas in traditional storage facilities. At theirs, they have 20-25 feet between the Conexes instead of 12 feet. Ms. Glantz said, to clarify, it's not that the equipment isn't allowed by regulation but because of sizing and convenience, they usually can't find storage in traditional facilities, and Ms. Lay agreed with this statement.

Ms. Glantz asked why this type of storage needed to be included in Light Industrial when it can occur in General Industrial. Ms. Lay answered that what she meant is that it's a valid need in LI as well as in general. Also, they offer small parcels which helps business owners. Ms. Glantz said that one of her hesitations with LI is that it can be adjacent to residential properties and that homeowners need to protect their own investments which is their homes. Mr. Mauck said that their location on Harlow Road has no chance of residential use around it. He answered that he and the other current business owners such as Apollo Plumbing operate very smoothly together. In fact, sometimes his employees work for the other business owners.

The next proponent to speak was Tracy Brown, 17075 Fir Drive in Sandy, OR, the former Planning Director in Sandy for 15 years who was responsible for reviewing and writing code. He also works for Alex Mauck. In his opinion, Staff did a good job of writing this recommendation. He also wondered about accessory storage being lumped in with bright yard lights and continuous noises but after hearing Mr. Damgen's explanation, he feels comfortable with it being included. In the pedestrian walkway section amendment, 8.030 section, number 6, the proposal is to add the word "outdoor accessory storage areas" in the last sentence. He suggests "storage facilities" be added to that list. His conclusion is this provides additional business opportunities, and all of the facilities are non-conforming, so if something happened to any of them, they couldn't be rebuilt.

The next proponent to speak was Scott Byrd of Apollo Drain and Plumbing, who has operated his business at 853 Harlow in Troutdale for 4 years. His main customer is Amazon and they sometimes have 25-30 trucks parked neatly at the property. There aren't any oil leaks and the storage containers are brand new, and the property is gated and secured. If they were required to add pavement or gravel, that would be a hardship due to a lawsuit that required him to move 2500 yards of soil offsite and doesn't want to pay \$80,000 to later have it removed. His business is going well and he hopes to expand to customers that are very happy that they are located only 5 minutes away.

Ms. Glantz asked how he knew what was contained in storage and that there weren't any chemicals. Ms. Byrd answered that the packages are brand new and essentially a box wrapped in a box. It's stored for a week and then the people who purchased it come and pick it up.

Chair Staffenson asked if any other proponents wished to testify. He then asked for opponents and then for neutral parties. Hearing none, he asked if there was a motion to close the hearing.

Ms. Prickett moved to close the hearing and Ms. Glantz seconded. The motion passed unanimously.

Discussion and Voting

Chair Staffenson asked for discussion. Ms. Glantz said that she was worried that allowing this use would open the gate to things the Commission doesn't want, even though this is technically a conditional use, since these are usually never reversed even though she understands why it's important to the proponent. Chair Staffenson answered that he is a current customer of Troutdale Storage, the adjacent business, and they have 8x30x40 feet spaces that could accommodate trailers. Also, while her personally doesn't mind the way storage looks at the site, he has heard many people complain that seeing a storage facility when they come into town is unsightly.

Mr. Damgen said that Staff wanted to do due diligence since they often receive this request and there are 5 different people on the City Council than previously. Ms. Prickett said that her only concern was that in the past, when they've allowed conditional uses, she's found that they need to allow that use in the future. There's almost no recourse to remove the business once it's there. Chair Staffenson said it would be possible to drag the applicants back to them. Ms. Prickett said they don't have control over them and what's stored there or how they're landscaped. Chair Staffenson said he did once have a Conex that leaked. Mr. Damgen said that Staff is continuously doing a site development review and looking at environmental degradation. By doing a conditional use permit, they would need to go above and beyond. Chair Staffenson said he wasn't opposed to a conditional use of a storage facility, but he really was struggling with the Conex Box piece of it. Ms. Prickett said that regular storage facilities need to meet standards like earthquake and flood safety. She asked if Conex boxes are stackable and if so, would there be a height limit so they don't move. Mr. Damgen answered that there are siting and stacking requirements from the fire department. Also, on several of these properties, there are other constraints including natural ones and the airport's landing field, so a number of agencies have their eyes on this. As to Ms. Prickett's question about stacking Conexes, there couldn't be more than 4 stacked since that would equal the building height.

Ms. Glantz asked if allowing this conditional use would undercut current storage businesses that already meet their zoning requirements. Mr. Damgen pointed out that none of them have testified. Chair Staffenson said that this would be more like a business storing its wares and not a shipping and receiving business.

Returning to the "public nuisance" section, Ms. Glantz asked what "excessive" means and Chair Staffenson suggested changing the word to "significant." Mr. Wilcox suggested incorporating accessory storage into the first sentence. Chair Staffenson said that significant inventory is coming online in the next 3 years and some of this will level out. Mr. Woidyla asked if the group needed to make a decision tonight. Mr. Damgen answered that they have a full docket in the next few months. Mr. Mammone stated that he felt their task was simple, to segregate storage uses and for this code, he thinks they have achieved it. Discussion pertaining to the warehouse should not be included under storage. Continuing discussion about everything under the sun would turn this into more of a public meeting than a commissioner meeting and not be legally pertinent to the question that the Planning Commission needs to address.

Chair Staffenson answered that there is a non-conforming property that is involved and the owners testified, so it's relevant to the proceedings. Mr. Mammone said he agreed, but that they should not rewrite code word by word at this meeting.

Mr. Damgen said that Staff couldn't change their recommendation and the decision was in the Planning Commission's court. He asked if they needed more time to think about it. However, Staff will not prepare more documentation. Mr. Mammone and Ms. Glantz stated that they would like extra time to consider the issue.

Mr. Damgen suggested Tuesday, August 11th as the date to continue the hearing at a special meeting. He reminded the Commission they are making a recommendation, not the final decision.

Ms. Glantz moved to continue the hearing of case file 75-04 Storage Facilities until Tuesday, August 11th, and Ms. Prickett seconded it.

Roll call vote:

Ayes: Prickett, Mammone, Glantz, Wilcox, and Staffenson.

Nays: Woidyla

Abstentions: None.

The motion passed.

c. Case File # 75-05 Text Amendment – Sign Permitting Development Code Text Amendment – Type IV Hearing

Mr. Damgen read the updates made to the Sign Permitting code regarding temporary signs. Chair Staffenson asked if the Staff would consider a 0 setback, and Mr. Damgen said that they would for temporary signs but not for permanent signs. The City of Fairview allows signs up to the property line. Ms. Farrell added that this is possible if there are no outstanding easements on that lot. Mr. Woidyla said that the clear vision line already addresses the needs of businesses, and Chair Staffenson agreed. Ms. Farrell said that one of the variances reviewed was for a site that had a property line set back far away from the road. This definition is worded in a way that would still capture it. Mr. Damgen thanked Ms. Farrell and Ms. Shackelford for all the work they did on the text amendment language.

The meeting ended at 9:30 p.m. due to Zoom recording limitations. There was no department report or commissioner comments.

APPROVAL OF MINUTES

Tanney Staffenson, Chair

Date of Approval

Melissa Sillitoe Bocarde, Attest