

**MEETING OF THE  
WOOD VILLAGE CITY COUNCIL  
June 27, 2017  
MINUTES**

**PRESENT:** Mayor Timothy Clark, Council President Scott Harden, Councilors Patricia Smith, Bruce Nissen, and Mark Clark. City Attorney Jeff Condit, City Manager Bill Peterson, Finance Director Peggy Minter, Public Works Director Scott Sloan, and interested parties.

**ABSENT:** None.

**MAYOR TIMOTHY CLARK CALLED THE MEETING TO ORDER AT 6:00 PM.  
CITIZEN COMMENTS (NON-AGENDA ITEMS)**

Maurice of 23952 NE Poplar Cir. asked about a potential roadway that may have been proposed connecting the backside of Treehill to the original village. Tim Clark stated that has been discussed, but nothing is moving forward at this time. Maurice asked what that means, and if the City would have to get permission from Treehill to construct that project. Peterson stated that the roads in Treehill have a public access easement, but he would have to do more research to answer if Treehill could block off access to a public road.

Maurice stated that some people in Treehill are building a playground on the City's property just to the east of Treehill in a field. Maurice asked if they received permission for that project. Tim Clark stated that we have not granted permission for that project.

**PUBLIC HEARING - ORDINANCE 5-2017: TOWN CENTER MASTER PLAN UPDATE**

HR/Records Manager Greg Dirks read the hearings disclosure statement. Tim Clark asked if there were any conflicts of interest or personal bias. There were none.

Peterson presented the ordinance stated that this is the culmination of two years' worth of work and effort. Peterson explained that this effort involved a number of staff members and consultants. Peterson introduced Marcy McInelly of URBSWorks who was the primary author of the code revisions. Peterson stated that Tera Langley from ODOT was the overall project manager and helped the City receive the TGM grant for the project. Bridget Wiegart of Parsons Brinckerhoff was the primary consultant behind the Transportation System Plan updates. Peterson stated that Marie Kizzar and Beck Gallien from the City's staff were also key in keeping the project moving forward.

Peterson stated that the Council will consider adopting amendments to the Town Center code, as well as other section of the zoning code. Peterson explained that additional actions will update the 2030 vision, and repeal the current Town Center Master Plan of 1996. Peterson stated that the Town Center has sat essentially dormant with little new development over the past ten years. Peterson explained that the initial develop had Fred Meyers and Lowes, followed by a second phase that included Kohl's and some smaller restaurants and uses. Peterson stated that there have been several developers interested in the Town Center, but they found the current code and master plan process to complex and cumbersome. Peterson stated that we decided to move forward with a review of the zone, and received a grant for about \$170,000 to take on this project.

Peterson stated that this effort encompassed the single largest public outreach and engagement process in the City's history. Peterson stated that we heard from over 500 unique and discrete voices as part of this process. Peterson explained that there was an amazing response by the community in this process. Peterson stated that a lot of work was done to get at that level of outreach and engagement. Peterson explained that the property

owners were also engaged, and have been partners with us in this project.

Peterson stated that this is not about a specific site or development plan, but rather crafting a new zone for any user to perform. Peterson explained that this not a development proposal from any one developer or property owner, and we will not be talking about what a specific property owner may develop sometime in the future. Peterson stated that will come at another time when a specific proposal comes in.

Peterson stated that the Planning Commission met twice on this item, and they recommended the adoption of the code, amendments, the updated 2030 vision, and the repeal of the Town Center Master Plan.

McInelly stated that a series of goals were developed around this process, and a lot of visual aids were used to elicit a new vision for the zone. McInelly stated that we focused a lot on what we heard from the public, and tried to incorporate as much of that as possible in the code. McInelly explained that this code is unique in that it deemphasizes uses, but has clear and objective standards for features such as public plazas, streets, and open spaces. McInelly explained that the goals of the project included economic development, accessibility, healthy communities, equity, and the natural environment. McInelly stated that the community indicated that they wanted safe and beautiful streets, access for families, entertainment options, and housing for all types of incomes and ages.

McInelly stated that those ideas and concepts were translated into the zoning code, with a specific focus on those elements. McInelly presented the preferred use plan which has a strong focus on entertainment uses. The main street designation was also located in the northern portion of the Town Center. McInelly explained that some new features of the code include a general listing of land uses, which enables flexibility, but with a strong emphasis on streets, open spaces and plazas. McInelly stated that is all prescribed in the regulatory diagram, which can be thought of like a master plan. There is now also a single application process to encourage new development.

McInelly presented the updated 2030 plan which includes the preferred land uses for the Town Center, as well as the concept regulatory diagram which is the basis of the zoning code. McInelly explained that the document includes detailed standards for each road type, but there is some flexibility in the design. McInelly stated that the street types include main street, local street, universal street, a service street, and multi-use paths or trails. McInelly stated that the general locations and alignments are set, but there is some movement capacity of the intersections to allow of flexibility and interesting designs. McInelly stated that this forms the bones of the town center zone.

McInelly explained that additional requirements include specific for public plazas, gateway elements, building frontages, and landscape standards. McInelly stated that there is a lot of flexibility for gateway designs, and presented concept photos of different potential options. McInelly explained that the exact location is also a bit flexible.

Peterson stated that the Planning Commission recognized this different approach, and they had a few areas that they had a second meeting to discuss. Peterson stated that one issue was the definition of lodging and if it should be a conditional use instead of an outright use. There was also a discussion on restricted access commercial entertainment, and if that should be prohibited instead of a conditional use. Peterson read the definition of restricted access commercial entertainment, and explained that it is like Great Wolf Lodge where you have to purchase something else like a hotel room to get access to the recreational facilities.

Peterson explained that that Planning Commission struggled with having lodging as an outright use. Peterson stated that a conditional use designation would enable the Planning Commission to review the overall impacts of a project, but that action also undermines the regulatory certainty that we have tried to get into the new code. Peterson explained that trying to find a compromise was difficult, but we came up with any lodging under 10

acres would be an outright land use, and any lodging over 10 acres would be a conditional use.

Peterson stated that while there was a lot of discussions around the restricted access commercial entertainment category, no changes were made and it remains as a conditional use. Peterson explained that the definition of lodging was also revised to remove some outdated language. Peterson stated that some clarification was done around the net land area. Peterson explained that we are trying to get some level of density into this area of the community. Peterson stated that there was also some discussions around the open space requirements, but that also was resolved. Peterson explained that any landscaping to the streets or paths in excess of the minimum standards will be counted as open space. Peterson stated that the last issue was around the traffic impact analysis, but nothing was changed as the county is the road authority and they did not any revisions to the language.

Peterson stated that he has included a lot of detail on each section and change, and he can go into those specifics if there are any questions or concerns from the Council. Peterson stated that the 2030 plan is essential, and color codes preferred land uses. Peterson explained that they are not mandated uses, but preferred to allow for flexibility within the zone.

Peterson stated that in accordance with state law there has to be specific findings to address each statewide planning goal that is impacted. Peterson presented the impacted goals, and stated that there are detailed findings for each goal in the packet. Peterson stated that this has been a great opportunity to work on a project with quality professionals, and to engage many community members. Peterson stated that he feels that this is an adoptable an usable code.

Mark Clark stated that it looks like the code has been substantially reduced in terms of text. Peterson explained that while the actual code may have been reduced, there are four binders of background information and materials for this item. Mark Clark stated that he likes the new code, and feels that it will allow Wood Village to be Wood Village while still offering a good amount of flexibility.

Smith agreed, and stated that there is a good mix of flexibility in the code. Smith asked how is equity as one of the goals measured, and how can it be achieved. Peterson stated that equity in this case is about opportunities for small businesses to locate in the Town Center, and to be representative of the community. Peterson explained that specific items were mentioned in the community workshops such as food carts that would enable small business opportunities as well as cultural food representation. Peterson stated that there were many comments about getting cultural representation in the Town Center. McInelly stated that was also expressed in terms of the open spaces and public plaza areas.

Tim Clark stated that he is slightly confused about the restricted commercial access issue, and the conditional use for lodging. Peterson stated that any lodging development over ten acres would be a conditional use. Any lodging development under ten acres is an outright use. Mark Clark asked if there would be enough parking, as it looks like a lot of parking will be taken up by buildings. Peterson stated that the Fred Meyer representatives had that same question, and some of the new street types include on-street parking which will make the overall parking loss minimal. Mark Clark thought that there may be some kind of parking structure. Peterson explained that there could be some time in the future, but the market analysis did not have that occurring for about 20 years.

Tim Clark opened the floor to public comment.

Lee Leighton from Mackenzie located at 1515 SE Water Avenue, Suite 100, Portland, OR stated that he is here representing the Confederated Tribes of the Grand Ronde which now owns the former greyhound park site. Leighton stated that he and members of the Grand Ronde staff have been part of the this process since it started, and thought that it was very beneficial all around. Leighton explained that he feels there was a very successful engagement process, and is pleased with the community's response to an entertainment focus. Leighton stated

that they have done some further work on the economics of an entertainment use, and a large hotel by itself will not work. There needs to be a mix of uses, and the Tribes are working on refining what the mix could be. Leighton explained that as that effort moves forward, they will be back with a specific proposal.

Leighton stated that Peterson has been a great facilitator in this process, and the new code enables flexibility for developers while ensuring key aspects that the community wanted. Leighton stated that as a result of this process, they are fully supportive of the revisions as presented. Leighton explained that is a rare occurrence for him, and it is testament to the process and involvement in this effort.

Mark Clark asked about the main street area, and if they would be considering a curved roadway. Leighton stated that is an area with built in flexibility, and that is all the flexibility they need to both accommodate future uses while creating an interesting roadway.

Harden stated that a conditional use can undermine certainty for developers. Harden explained that a hotel and entertainment center was discussed a lot at the public workshops, but there was also the concerns around an exclusive use. Harden stated that it would add a level of certainty for residents if restricted access commercial entertainment was prohibited instead of a conditional use. Harden explained that he is fine with people having to pay to go to a water park or other entertainment use, but he is not okay with residents having to stay the night at a hotel to go to a water park.

Smith stated that she is not in favor of having exclusions in the zoning. Mark Clark asked if that is why restricted access commercial entertainment was a conditional use. Harden stated that the Planning Commission could still approve a use, and it would be developed. Harden stated that the Planning Commission seems to approve a lot of uses as presented to them. Tim Clark asked Leighton what he thought of restricted access commercial entertainment as a prohibited use.

Leighton stated that specific issue would not impact anything that the Tribes are considering. Leighton explained that they are looking at options that would serve the local community and market. Leighton stated that economic analysis have indicated that a restricted access venue would not be successful in this market. Leighton stated that if a person really wanted to have a restricted access use, then they could go to the Planning Commission and City Council for a zone change request. It would be a much tougher process, but one that they could go through. Leighton stated that having the use as prohibited would send a strong message to the development community about that use.

Harden stated that it is important to remember that these regulations are for the entire Town Center, and not just for one parcel or property owner. Tim Clark stated that we want this effort to be successful, and does not necessarily think changing the use from conditional to prohibited will be beneficial. Smith agreed.

Peterson stated that as written, a conditional use would go before the Planning Commission, and would only go to the City Council if appealed. Peterson stated that changing the use to prohibited would not allow the use at all. The zoning code would have to be amended for that to occur, which is a lengthy process. Nissen stated that he does not want to exclude citizens from activities that are located in the City, and is more inclined to change the use to prohibited. Nissen stated that if someone really wanted to propose a restricted access use, there is still an avenue for them to go down to change the code.

Condit stated that an outright use is allowed as long as it meets all the criteria. A conditional use is a discretionary process with the Planning Commission. If a use is prohibited, someone has to come before the City Council and Planning Commission to request an amendment to the code. That is a much tougher process.

Mark Clark asked what the general feel was from the Planning Commission on the issue. Harden stated that there

was only one Commissioner who wanted the use to be prohibited. Peterson stated that the Planning Commission made a recommendation about a body of code, and he is obligated to bring that recommendation forward. Tim Clark stated that he was concerned about the feasibility of new development, but after hearing the comments he is okay with the amendment.

Condit stated that if the Council would like to make that amendment, there would need to be a motion to approve, followed by a motion to amend the text, then the final vote as amended.

Upon motion by Harden, seconded by Mark Clark to adopting zoning code amendments to section 235 of the Wood Village Zoning and Development Code, adopting zoning code amendments to Section 700 of the Code, modify the use charts in Chapters 230, Neighborhood Commercial, and Chapter 250 Commercial/Industrial, and make modification and Adoption of the Vision 2030 Plan as proposed.

Harden moved to amend the motion to revise section 235-1 of section 235 to make restricted access commercial entertainment a prohibited use, seconded by Mark Clark and passing 4-1 with Tim Clark, Harden, Nissen, and Mark Clark yea, and Smith Nay the motion was approved.

Upon motion by Harden seconded by Mark Clark and passing 5-0, Ordinance 5-2017 adopting zoning code amendments to section 235 of the Wood Village Zoning and Development Code as amended, adopting zoning code amendments to Section 700 of the Code, modify the use charts in Chapters 230, Neighborhood Commercial, and Chapter 250 Commercial/Industrial, and make modification and Adoption of the Vision 2030 Plan as proposed was adopted.

#### **RESOLUTION 22-2017: REPEALING THE TOWN CENTER MASTER PLAN**

Upon motion by Harden, seconded by Mark Clark and passing 5-0, Resolution 22-2017 repealing the Town Center Master Plan was approved.

#### **PUBLIC HEARING - ORDINANCE 6-2017: TRANSPORTATION SYSTEM PLAN UPDATE**

Peterson stated that this is a legislative hearing dealing with the Transportation System plan. Peterson stated that this process is heavily regulated with statutory and other regulatory processes to follow. Peterson explained that there are hundreds of hours spent going over the details of the plan, and identifying the facts and findings needed to comply with the law.

Peterson stated that the City was out of compliance with Metro because the East Metro Connections Plan was occurring and we were not able to update our street element portion while that effort was underway. Peterson explained that we had to wait for that process to be completed before we could update our plan. Peterson stated that this update includes the street elements, and includes the street scape standards and plans for Halsey, Arata, and Sandy into one document. This document will create a single plan for the City.

Peterson explained that we used a lot of work from the East Metro Connections plan in this update. Peterson stated that the number one priority from that plan, and now our TSP is the reconstruction of 238<sup>th</sup>. Peterson explained that is a designated freight route on the regional and national plan, and it is one of four north/south connections points in the region. Peterson stated that we are also adopting the regional planning rule from Metro which is a hierarchy of improvements to relieve congestion with adding capacity as the last option. Peterson explained that is a mandatory provision that must be included to be in compliance.

Peterson stated that ODOT has indicated that something will need to change around the interchange at I-84. Harden asked if that includes physical changes to the interchange, and who would pay for those improvements. Langley stated that the TSP requires a study of that area, and the actual product could be several smaller projects. Langley explained that ODOT would be responsible for those projects unless a new development comes in that

has a substantial impact on the interchange.

Peterson presented the near-term project, and explained that Sandy Blvd. is under contract and Arata Road is out to bid. The design work for 238<sup>th</sup> is also underway. Peterson presented the long-term projects. Peterson stated that this update also includes new cost estimates for the projects.

Peterson presented the performance targets, and explained that the targets come from Metro. Since the targets come from Metro, they will monitor and report on them on our behalf. Peterson stated that they are known as the safe harbor measures because they will comply with Metro, and they will do the measuring.

Peterson stated that the Planning Commission expressed a number of concerns around 238<sup>th</sup>. Peterson explained that the Chair wanted any reference to 238<sup>th</sup> as a freight route removed, and to continue the prohibition of trucks over 40 feet. Peterson stated that 238<sup>th</sup> is part of the East Metro Connections Plan that we adopted. As part of that process, the 242<sup>nd</sup> right of way was abandoned and sold off. Peterson stated that the other partners have done what they said they would do, and we have to take our share of the traffic. Peterson stated that if we did not adopt the TSP as proposed, then we would be out of compliance. Peterson explained that Metro does not like to use hard enforcement techniques, but they have the ability to remove grants and state shared revenues.

Peterson presented the findings of fact, and stated that additional details are in the staff report. Peterson stated that the Planning Commission's recommendation was to adopt the full plan as presented. Peterson stated that there are still a few cleanup items to do with some charts, and requested that errors which are not substantive could be corrected administratively after adoption.

Smith stated that this was all part of the East Metro Connections Plan, and we know what occurred during that process to get the 242<sup>nd</sup> right of way abandoned. Peterson stated that it was a tough set of circumstances, and this was probably the best result that could come from that process.

Upon motion by Mark Clark, seconded by Smith and passing 5-0, Ordinance 6-2017 adopting the Transportation System Plan with the ability to correct Scribner errors was adopted.

#### **ORDINANCE 7-2017: SIGN CODE ADMINISTRATIVE UPDATE**

Dirks presented the Ordinance. Dirks stated that the Council adopted the new sign code this past April, and staff noticed potentially confusing language regarding electronic message centers. Dirks explained that the intent was to enable these signs on walls, monuments, or freestanding signs, but the size limits were only provided for wall mounted signs. Staff has added language regarding the size limits for enabled areas, and the Planning Commission recommended the adoption of the revised language.

Upon motion by Harden, seconded by Smith and passing 5-0, Ordinance 7-2017 updating the Sign Code for an administrative clarification was adopted.

#### **RESOLUTION 23-2017: 2016-17 BUDGET ADJUSTMENTS**

Minter presented the resolution and stated that staff goes over the budget at the end of the year to ensure that no item will be over budget. Minter explained that the funds for the Pumpkin Fest were placed in capital, but it should have been a general expenditure. Minter stated that this adjustment moves the funds from capital to community events. It does not change the bottom line of budget.

Upon motion by Harden, seconded by Mark Clark and passing 5-0, Resolution 23-2017 making budget adjustments for FY 2016-17 was approved.

Minter stated that an adjustment is also needed for the recently adopted budget. Minter stated that the \$1.2 million loan to the Urban Renewal Agency was inadvertently placed in the unappropriated ending fund balance instead of expenditures. That means the funds cannot be spent, and this action would move the funds to enable the expenditure as planned.

Upon motion by Harden, seconded by Smith and passing 5-0, Resolution 18-2017 Revised, revising the FY 2017-18 budget was approved.

**COUNCIL UPDATE**

Smith stated that she will not be able to attend the next meeting.

Tim Clark stated that Peterson will be at a conference, and Greg Dirks will take the lead on behalf of the City during the meeting.

Tim Clark asked if the members of the Council could provide him with feedback on his performance either in writing or by email, so he can improve his service to the community.

**ADJOURN**

With no further business coming before the Council, the Council adjourned at 8:00pm.

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Timothy Clark  
Mayor

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Date

ATTEST:

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Greg Dirks: City Recorder