



Mayor
Patricia Smith

Council President
Mark Clark

Councilors
Stanley Dirks

Timothy Clark

Scott Harden

**REGULAR MEETING OF THE
WOOD VILLAGE CITY COUNCIL**

August 21, 2012

MINUTES

PRESENT: Mayor Smith, Council President Mark Clark, Councilors Tim Clark and Scott Harden, City Administrator Peterson, City Attorney Condit, Finance Director Minter, and interested parties.

ABSENT: Councilor Stanley Dirks.

MAYOR SMITH CALLED THE MEETING TO ORDER AT 6:00 PM.

PLEDGE OF ALLEGIANCE

CITIZEN COMMENTS

There were none.

PUBLIC SAFETY REPORT

Chief Deputy Gates of the Multnomah County Sheriff's Office presented the report. Gates stated that for the month of July there was 240 hours of service which resulted in 394 calls and 58 written reports. Gates explained that there have been a lot of car prowls in the City, and the MCSO is investigating several people in connection with the prowls. Gates stated that there have been several car prowls where the doors were left unlocked and expensive items left in plain sight. Gates asked if he could write an article for the next newsletter to help educate citizens on how to avoid car break-ins. Peterson stated that can be done.

Smith asked if there were any specific areas that are being targeted. Gates stated that it is not occurring in the major parking lots, but smaller side streets such as Holladay and Oregon streets. There has also been several off of Halsey Street as well. Gates stated that the MCSO believes that it is a small group of people committing the crime, and it is just a matter of locating and arresting them. Gates explained that jail does not typically hold that type of suspect, so an education effort is needed as well. The criminals will go where there are easy targets. The goal is to reduce the amount of targets.

Gates stated that he really enjoyed the Nite Out, and stated that he felt it went really well. The Council thanked Gates and the MCSO for their partnership at the Nite Out, and their work in the City.

CONSENT CALENDAR

- a. Review of bills paid in July, 2012
- b. Contracts \$2,500 - \$50,000
 - Portland Water Works – Fire Hydrants: \$7,040.46
 - SpringBrook – Annual Maintenance: \$7,311.17
 - League of Oregon Cities – Annual Membership: \$2,935.88
- c. Council Minutes:
 - July 10, 2012
 - July 24, 2012

Upon motion by Tim Clark, seconded by Harden and passing 4-0, the Consent Calendar was approved.

FRED MEYER FUELING STATION TEXT AMENDMENT

Smith read the hearings disclosure statement. Smith called for the staff report. Carole Connell the City's contract planner presented the staff report. Connell stated that the Council packet includes a Planning Commission record, and a section that is the final analysis and traffic impact study. Connell stated that there are two additional documents which came in today. The first document is from Multnomah County stating that they are satisfied with the traffic reports with no oppositions or conditions. The second item is a memo from her to correct a finding related to the employment targets established for the Town Center zone. Connell explained that Metro and Wood Village divides the City into five zones and projects the number of households and jobs in each zone. Connell explained that the staff report was incorrect, and there is a new report from Metro with the correct boundary for the Town Center. Connell stated that instead of currently exceeding the minimum job creation projection as stated in the report, that area needs about 700 additional jobs to meet the employment targets. Connell stated that there are 12 vacant pads left to reach that goal, and this project would total about 20 additional jobs.

Connell stated that this is a legislative text amendment to allow quick vehicle servicing and retail sales and service as an accessory use in the Town Center. Connell explained that this would allow Fred Meyer to locate a fueling station in the western portion of the Lowe's parking lot. Connell stated that the application from Fred Meyer and the traffic impact analysis is also included in the packet. Connell explained that in 1999 when the Town Center Master Plan was approved, there were stipulations on development to ensure the mix of development. The City has had to monitor new development to ensure the mix stays within the limits established by the Master Plan. Connell stated that the majority of the development in the Town Center has been retail, which is nearing the size limits according to the Master Plan.

Connell stated that there is a letter of support from MJ Wilkow which is the main owner of the Town Center development. Connell explained that there are several documents related to the traffic analysis including letters from the County, and an independent review from Kittelson and Associates. Connell stated that there is also an attorney review of when fueling stations can be

limited. Connell explained that according to Condit's opinion, fueling stations can be limited as long as there is significant weight addressing public health and safety. Connell stated that the applicant also provided a customer analysis to help define why a fueling station would be a good idea in the Town Center.

Connell stated that in reviewing the proposed amendment there are certain requirements that have to be analyzed. The criteria includes the purpose of the Town Center Zone, and all the other zones to determine what the impacts if any will be. Connell explained that there is also the legislative amendment policy which identifies that the amendment has to follow the comprehensive plan, which also mirrors the statewide planning goals. Connell stated that the traffic and economic policies of the comprehensive plan are the main portions to focus on. Connell explained that there are a set of findings from both the staff and the Planning Commission. The Planning Commission unanimously recommended that the amendment be approved with the strengthening of three areas in the findings.

Connell stated that the applicant has spent nearly two years on this process, and their approach was to look at the code and make fueling stations an accessory use to a primary use. Currently fueling stations are classified as quick vehicle servicing which is prohibited in the Town Center. Connell explained that the new language also includes that the accessory use can be in the same commercially zoned site or center. Connell stated that other conditions included adding electric vehicle charging stations, and the fueling station must be branded as the primary user and cannot exceed 30% of the primary building floor area. The fueling station must also be located at least 150 feet from main arterials and residential areas. Connell explained that these provisions would make it possible for more than one fueling station to be located in the Town Center.

Connell stated that this text amendment would not affect the residential or industrial zones. The commercial/industrial zone already has quick vehicle servicing as a permitted use, and the neighborhood commercial zone prohibits drive through and retail establishments larger than 10,000 square feet. Connell explained that the Town Center zone is intended to promote several uses and pedestrian access and movement. The large scale retail use has nearly reached the master plan limit of 362,000 square feet. The proposed site is 34,000 square feet, but only 500 square feet of that would be considered retail use. Connell stated that the Town Center has strict design criteria for architectural features and pedestrian use. Connell explained that the Planning Commission expressed concerns about a fueling station meeting those standards. Connell explained that if the project got as far as the Design Review Board, it would be difficult to meet the design standards.

Connell stated that the transportation analysis found that a fueling station would not impact traffic. Connell explained that the goal of the Town Center is to have a large amount of high density jobs, and that type of development would impact traffic. Connell stated that this

development also meets the goal of encouraging the development or redevelopment of underutilized or undeveloped parcels. Connell explained that 700 additional jobs are needed in the Town Center area to meet Metro's goals. This development would add about 20 full and part time jobs which is not the full utilization of the site. The development also does not encourage the mixed use development such as office and industrial spaces.

Connell stated that zoning restrictions cannot be used for the restriction of free trade, but uses can be limited for health and safety concerns. Connell explained that the Planning Commission reviewed a survey of Wood Village Fred Meyer shoppers and found that they have to drive nine miles round trip to purchase their fuel with their reward points which creates additional traffic impacts. The addition of a fueling station at the Town Center may increase safety and energy conservation because people would not have to drive to Gresham to get their fuel reward points. Connell explained that the Planning Commission found that the amendment was not in conflict with the intent and vision of the Town Center, and may be used as an interim use that can attract more businesses and customers. The Planning Commission found that the use would also be compatible with adjacent businesses.

Connell stated that the Planning Commission did not approve the findings, and left that for the Council to approve. The Planning Commission also added the section on having at least four alternative fueling stations added as part of the development.

Harden asked about the use allocations, and if the Town Center would reach a point where the remaining parcels would be undesirable for office or residential use. Connell stated that is a possibility. Connell explained that there are five vacant parcels along Glisan, and a large parcel north of Lowes. Eventually the retail target will be reached, and unless a master plan amendment is done, the remaining parcels will have to be used for office, medical or residential uses.

Peterson stated that all of the business allocations in the original master plan were done in 1999 with the prediction of mixed use developments that were reasonably anticipated at that time. Peterson explained that there has been a substantial shift in development since that time. Reviewing the master plan for potential revisions may be necessary in the near future.

Smith opened the Public Hearing

Jim Coombes and Pam Child from Fred Meyer stated that they are very grateful for the opportunity to discuss their plans. Coombes stated that in 1999 when Fred Meyer was planning the Wood Village store, they were not in the business of selling fuel. Now they operate 90 fuel stations, and it has become a national trend for grocers to offer fuel at their locations. Coombes stated that their number one question for the Wood Village location is why it does not have a

fueling station. Child presented a map of the Gresham fuel facility and where their customers were coming from. Child stated that several of the Gresham fuel station customers use the Wood Village store for their primary shopping, but have to drive nine miles round trip to the Gresham location to get their fuel.

Coombes stated that every fuel station that Fred Meyer operates is very successful. This location would have seven fueling stations and employ up to 20 union jobs with good wages and benefits. Coombes explained that they view it as not just selling fueling, but adding value and convenience for their customers. The fueling stations have not only helped their sales, but the sales of the surrounding stores in the development.

Harden asked what percentage of the Wood Village customers who had to use the Gresham location for fuel were one time users, and what percentage were regular users. Child explained that their study was a four week snapshot of customers, and did not get into that level of detail. Coombes stated that it has been a pleasure working with the staff at the City, and thanked the Council for the opportunity to present.

Lee Leighton from Westlake Consultants stated that Coombes had contacted him to help Fred Meyer develop their fueling station in the Town Center. Leighton explained that their approach was to find a middle ground to allow limited vehicle related development without opening the door for endless vehicle related development. The option they decided to pursue was the accessory use to a larger primary retail development with certain limitations. Leighton stated that allowing a fueling station in the Town Center will capture the current consumer leakage that is occurring when customers have to travel to Gresham.

Leighton explained that this proposal will take traffic off the roadway, and increase the amount of people at the Town Center without having any impacts on the surrounding roadways. There are also several limitations on location and design that would benefit the Town Center. Leighton explained that this would not be a large roadside fueling station, but an accessory use that is branded as Fred Meyer that is also set back at least 150 feet from main roads and neighborhoods. Leighton stated that they are responding to the behavioral aspect of their consumers to help keep them in the City. The fueling station contributes to the long term growth and vitality having a mix of development, and retaining shoppers. Leighton stated that the Town Center is currently vehicle dependent and will remain that way for some time. A fueling station serves the need of the consumers at the Town Center while still promoting growth.

Brent Aaron from Group McKenzie explained that he conducted the traffic studies, and reviewed three different styles of fueling stations. Aaron explained that the styles he reviewed included stand alone stations, fueling stations within shopping centers, and accessory use stations. Aaron stated that about 70% of the Fred Meyer fueling customers use their reward card, so that

information was also used in the analysis. The results indicated that the Town Center can support more than one fueling station as far as traffic is concerned.

Tim Clark asked about the traffic flow for the fueling station and if there would be controls in place to control their internal traffic. Child explained that Fred Meyer is moving towards the one-way traffic flow for their stations.

Harden asked about the study which indicated that the east driveway in the Town Center would fail in the future, and what the difference is between a rating of an A and an F. Aaron explained that the failing rating was given because it would be difficult for people to turn left out of the driveway during the 2035 analysis. Aaron explained that an F rating is usually given if it takes longer than 50 seconds to make the movement. There are alternative locations such as the signal at Wood Village Blvd. Aaron stated that traffic is expected to increase by 2035 anyway, and there may be issues regardless of this development.

Harden asked about the D rating at 223rd and Glisan. Aaron stated that intersection currently operates at a D+, and then is downgraded by 2035. Aaron explained that even at that point, it is only consuming 80% of its expected capacity. Smith asked about the intersection of Park Lane and Wood Village Blvd. Aaron stated that section would be further reviewed for safety and operation if the amendment were to go through.

Leighton stated that there are plans for a plaza in the Town Center Master Plan. The original location for the plaza was near parcel p-11. Leighton explained that plaza probably will not get developed, but there is a current plaza adjacent to the Fred Meyer building. Upgrades to that plaza could be made to make it more of a central gathering place. Tim Clark asked what kind of upgrades could be made. Coombes stated that he does not have the specifics, but it would be reviewed along with the addition of the fueling station, and alternative fueling stations.

David Harvey who represents the ownership group of the Town Center stated that they strongly support the use. Harvey explained that shopping centers are synergistic, and this development would capture more trips which would help the overall center. Harvey stated that they have seen this type of development in their other locations, and it does improve the vitality of the center.

Smith called for any opposition to the amendment.
There was none.

Smith called for any other statements.

Joanna Valencia from Multnomah County Transportation asked if there were any questions for her, and wanted to thank the City for the cooperation with the County on this and several other

projects. Valencia stated that the traffic impacts of this development were negligible, and the issues of sight distances and intersection safety would be addressed at the time of development. Smith asked what Valencia's thoughts are on traffic impacts for fueling stations. Valencia stated that the County worked on two similar fueling stations for a grocer, and the County is mainly concerned with how the studies are prepared, and the worst case scenarios. Valencia explained that the applicant can better address site traffic flow, and the County would work with them to address any trouble spots on Wood Village Blvd. Smith asked how the traffic would be impacted if there was a big development boom at the Town Center. Valencia stated that she cannot predict that, but the current traffic volumes are low, and this study did account for future development.

Smith closed the public hearing.

Connell stated that the Council can take several options. They can continue the hearing to gather additional information, they can direct staff to write an ordinance, or they can deny the amendment.

Mark Clark stated that he has concerns regarding the underground storage tanks and the logistics of the fueling trucks and fuel vapors.

Smith opened the Public Hearing

Coombes stated that they utilize a 95% vapor recovery system which would minimize the amount of vapors and fumes that would go into the air. Mark Clark asked about the risks associated with having underground storage tanks, and the long term impacts that can have on the water supply and environment. Mark Clark stated that there is an old fueling station down the street that probably still has the tanks in the ground, and the City's water supply is just down the street. Connell stated that those items would be addressed during the design review portion if it goes that far. Mark Clark stated that he feels it does not fit the Town Center feel, and he could not find a Town Center that had a fueling station onsite.

Harden asked about the traffic analysis, and the trip end generations. Aaron stated that three styles were analyzed and the stand alone gas station had 50% bypass rate, 30% diverted linked and 20% for the primary trip. Aaron explained that this station would be closer to a 3% primary trip, and most of the traffic would come from vehicles already at the center.

Smith closed the Public Hearing.

Tim Clark stated that he wants the City to be business friendly, and there is a lot of support for the fueling station and he does not see any issue with it. Tim Clark stated that what the idea of

the Town Center was in 1999, and the reality of today are two different things. The one stop shopping is very popular, and we should be current with the trends. Tim Clark stated that he feels this amendment would increase business, and it should not be viewed as negative just because of what it may look like.

Tim Clark asked if this amendment were approved, could another developer find another way to get a fueling station in the Town Center. Condit stated that under this amendment, more than one fueling station could locate in the Town Center, but there are also other avenues to get at approving a fueling station in the Town Center. Mark Clark stated that the tire center was allowed into the Town Center, but there were strict design limits placed on the structure. Mark Clark explained that he feels the proposed site is too small, and there are traffic and flow issues. Tim Clark stated that he feels it would have a positive impact on the Town Center. Harden stated that it looks like the shoppers at the Town Center want a fueling station, but have to drive out of their way to find a Fred Meyer station.

Mark Clark explained that he looks at Gresham Station and how it is primarily retail use with no vehicle related development or fueling stations. Mark Clark stated that he feels the 1999 plan is eroding. Tim Clark stated that things have changed since 1999, and maybe more retail allocation is needed in the Town Center. Harden stated that if other uses get added or expanded, the office and residential spaces may never develop. Connell explained that the term Town Center is a Metro designation, and includes areas of Fairview. Peterson explained that Gresham also had a hand in the development allocations. Gresham wanted to ensure that their town center developed first with the highest and best uses, and they filed a land use appeal to add less desirable allocations to the Wood Village Town Center. Smith asked if those allocations have led to the City turning potential developers away.

Smith opened the Public Hearing.

Harvey stated that his group does not own all the land in the Town Center area, but the largest remaining vacant parcel of land cannot be used for retail. That parcel will have to be used for office or residential space. Harvey stated that Costco has been interested in developing in the Town Center, but they cannot. Harvey explained that there are not a lot of opportunities for larger retail development in the Town Center, and an amendment would be needed to allow for that.

Condit stated that the Council has been able to avoid making an amendment to the Town Center master plan because of the shifting parcel designation. Condit explained that the overall retail limit is approaching, and new opportunities may be limited without a master plan amendment. Leighton stated that in terms of the onsite tanks and fuel delivery, Fred Meyer is good at site layouts and design. Leighton explained that they have reviewed the site and are confident they

can accommodate fuel traffic as well as fuel deliveries. The state DEQ heavily regulates underground storage tanks, and this will not be a low budget hazardous site. Mark Clark stated that he is also concerned about other old gas stations that may go out of businesses and what will happen to their storage tanks. Leighton stated that whether or not the Fred Meyer facility goes in, the City will still have older tanks in the ground. The market trend is moving towards one stop shopping, and that trend will not change. The question is will Wood Village shoppers have the convenience of one stop shopping, or will they have to continue driving to Gresham.

Smith closed the Public Hearing.

Condit stated that this process should not include if the proposed site can handle the traffic and design requirements, but rather if the Council wants to allow that type of use in the Town Center. Harden asked if there were any staff recommendations on the matter. Peterson stated that staff did not make a recommendation, but there are a series of findings to help the Council make a decision. Peterson explained that the Planning Commission unanimously voted to recommend the revision, and was supportive of the findings.

Condit stated that the Council can conduct an informal poll to see where they stand on the matter. If there is a split, the Council can continue the discussion until the full Council can be convened. Connell explained that if there was a formal vote and there was a tie, the issue could not move forward. The issue could be brought up again without the needed for additional findings. If the issue was defeated and the Council wanted to bring it up again at a later date, new findings would be needed. Connell stated that even if the Council moved to go forward with the amendment, an ordinance would still have to be drafted and voted on.

Tim Clark stated that he is in favor of the amendment. Harden agreed. Smith stated that she is against the amendment. Mark Clark agreed. Tim Clark asked why they are against the amendment. Smith stated that she has spoken with her neighbors about the issues, and they were not supportive of it. Mark Clark stated that he does not want to leave the original idea of the Town Center behind. Mark Clark explained that he is not against a master plan amendment, but the original idea behind the Town Center was to have a pedestrian friendly development. Mark Clark stated that fueling stations are also ugly and cannot be made to look nice.

Tim Clark stated that the Council has talked about the heart of the City, and the possibility that may be located near the City Hall site instead of the Town Center. Tim Clark explained that it may be possible that the Town Center idea and industry has changed and moved towards the larger one stop shopping developments. If that is the case, the City should look at that. Tim Clark explained that Fred Meyer is also a large anchor tenant in the Town Center, and do we want Wood Village residents leaving the City to go to a different Fred Meyer. Mark Clark stated that those are good points, and he considered them as well.

Smith stated that she agrees with Mark Clark on trying to keep the original intent of the Town Center. Tim Clark asked if that is even possible to achieve. Tim Clark explained that he was watching the shoppers at the Town Center, and they all seemed to drive. There were not people walking around mingling. Harden stated that even the Transportation System Plan identified that there is no easy way for pedestrians to get to the Town Center.

Upon motion by Mark Clark, seconded by Tim Clark and passing 4-0, the Council held over deliberations until the September 11, 2012 Council meeting to allow for full Council deliberation.

RESOLUTION 30-2012 COUNCIL CHAMBER USE

Peterson presented the resolution and stated that the Council received a memo on the subject a few weeks ago. Peterson explained that the issue is to allow the use of the chambers for no fee in exchange for volunteer service. Peterson stated that the current rental fee is \$10 for residents, \$25 for non-residents, and a \$50 deposit for everyone. Peterson explained that this issue was brought forward on behalf of the Fairview Troutdale Eagles group who are looking for a new meeting space until their location on the USS Ranger is complete.

Peterson explained that there are pros and cons if an agreement were made. The use of chambers could take away from other paying groups or the City, and the agreement could have the appearance of an affiliation with the group. Peterson explained that there are also positives which include having a resource of positive volunteers.

Peterson stated that there is a resolution to permit the City Administrator to enter into an agreement, and there are several alternatives such as not taking action, or establishing additional conditions. Mark Clark stated that he likes the idea, Tim Clark agreed. Harden stated that he would like them to pay, and does not like the quid pro quo aspect of the agreement. Harden explained that while he agrees with most of what this group does, he does not want any issues if there are differences in opinions or policies. Harden stated that he also feels this group would continue to volunteer to help the City even if an agreement was not in place.

Carl Wilson the president of the Fairview Troutdale Eagles stated that they are the newest lodge in Oregon, and they would continue to volunteer without an agreement. Wilson stated that they are also interested in helping coordinate and run the City's events such as the Easter Egg Hunt and Nite Out. Wilson explained that they are also talking with the Baptist Church to help coordinate their veteran's breakfast event. Wilson stated that Wood Village is the kind of place that the Eagles would like to be in until their spot on the USS Ranger is complete. Since their group is new and smaller, all their dues go towards projects and they do not have the money for renting a space.

Tim Clark stated that the City has a close working relationship with the Baptist Church and there does not seem to be any issues there. Mark Clark and Smith agreed. Tim Clark stated the chambers do not get used that often, and this group has volunteers that we can use. Mark Clark asked when the group would use the chambers. Wilson stated that it would be after working hours and it would not conflict with City business or meetings.

Upon motion by Mark Clark, seconded by Tim Clark and passing 4-0, Resolution 30-2012 authorizing the City Administrator to enter into an agreement with the Fairview Troutdale Eagles for chamber rental use was approved.

RESOLUTION 31-2012 DELINQUENT UTILITY ACCOUNTS

Peterson stated that he would like to withdraw this item as there is an existing policy in place. The Council agreed.

DISCUSSION: COMMUNITY BANNER PROJECT

Records Manager/HR Specialist Greg Dirks presented the project. Greg Dirks explained that creating and installing community banners is an APP project with the completion deadline at the end of the month. In April Council Harden suggested that the City look at partnering with the high School for printing and bracket fabrication. Greg Dirks stated that staff was not able to connect with the school prior to close of the school year due to a strike and change in upper administration at the school. Greg Dirks explained that contact has been recently made with the interim principal who expressed interest in the partnership.

Greg Dirks stated that staff is proposing a revision to the APP banner project to make it a banner design contest project. The contest would be open to high school graphic design students, and all members of the community. All designs would be brought to a Council meeting at the close of the contest period for the Council to select the winning design or designs. Greg Dirks explained that once the designs are selected, the school would then conduct the printing and bracket fabrication.

Greg Dirks stated that there is \$2,500 budgeted for this project, and the amount of banners that can be created will depend on material cost. Greg Dirks explained that while a new timeline is not yet established, the project will need to be pushed back quite a few months in order to coordinate with the high school. Awards can be provided to the winning designs.

The Council agreed to move the project deadline back in order to hold a community and high school based banner design contest. The Council also requested that monetary awards be reviewed for winner designs.

PUBLIC WORKS DIRECTOR'S REPORT

Peterson stated that the report is in their packet and asked if there were any questions. There were none.

FINANCE DIRECTOR'S REPORT

Minter stated that the City just received the notice that we will be receiving the Comprehensive Annual Financial Reporting award for the ninth year in a row. The Council congratulated Minter and staff. Minter stated that it is the first month of the new fiscal year, and everything is in great shape.

CITY ADMINISTRATOR'S REPORT

Peterson stated that the report is in the packet and asked if there were any questions. There were none.

ADJOURN

With no further business coming before the Council, and upon motion by Tim Clark, seconded by Harden and passing 4-0, the Council adjourned at 8:56pm.



Patricia Smith
Mayor

7-11-2012

Date

ATTEST:



Greg Dirks
City Recorder