

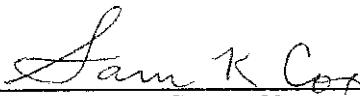
# CITY OF TROUTDALE

AGENDA  
TROUTDALE CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
TROUTDALE CITY HALL  
104 SE KIBLING AVENUE  
TROUTDALE, OR 97060

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7:00 P.M. -- SEPTEMBER 12, 1989

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept: Minutes of 8/22/89 - Regular Mtg.
  - 2.2 Accept: Business License Report - AUGUST, 1989
  - 2.3 Accept: Bills for month of AUGUST, 1989
- (A) 3. PUBLIC COMMENT:  
Please restrict comments to non-agenda items at this time.
- (A) 4. PRESENTATION: Oregon Department of Transportation
- (A) 5. RESOLUTION: Supporting Mount Hood Parkway
- (A) 6. REQUEST: Appeal of Planning Commission Decision and Setting Hearing Date (McKnight, Et al)
- (A) 7. COUNCIL CONCERNS AND INITIATIVES
- (A) 8. ADJOURNMENT.

  
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Sam K. Cox, Mayor  
Dated: 8/28/89

WORK SESSION IMMEDIATELY FOLLOWING REGULAR CITY COUNCIL MEETING

LEGAL2[7]

MINUTES  
REGULAR CITY COUNCIL MEETING  
TROUTDALE CITY HALL  
COUNCIL CHAMBERS  
104 SE KIBLING AVENUE  
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7:00 P.M. --- SEPTEMBER 12, 1989

ITEM 1 - PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE:

Mayor Cox called the meeting to order at 7:00 p.m. Mayor Cox called on Councilor Schmunk to lead the pledge of allegiance.

Deputy City Recorder, Christina Thomas called the roll.

PRESENT: Bui, Burgin, Cox, Fowler, Jacobs, Schmunk, Thalhofer

STAFF: Christian, Chief Collier, Gazewood, Wilder, Thomas, Jennings, Prickett

PRESS: Dave Pinson, Gresham Outlook

GUESTS: Larry Nicholas, Dave Simpson, Jim McClure

AGENDA UPDATE: There were none.

ITEM 2 - CONSENT AGENDA:

Mayor Cox read the Consent Agenda items.

MOTION: Councilor Bui moved to approve the Consent Agenda (2.1 Minutes of 8/22/89 regular meeting; 2.2 August, 1989 Business License Report; August, 1989 Bills). Councilor Burgin seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

ITEM 3 - PUBLIC COMMENT:

Mayor Cox called for public comment on non-agenda items. There was none.

ITEM 4 - PRESENTATION BY OREGON DEPARTMENT OF TRANSPORTATION (Regarding Mt. Hood Parkway):

Wilder introduced Dave Simpson and Jim McClure of the Oregon Department of Transportation (ODOT).

Jim McClure stated that the purpose of ODOT's presentation tonight was to briefly describe the Mt. Hood Parkway project and the recommendations developed by ODOT's Citizen's Advisory Committee, Environmental and Traffic Staffs. Their recommendations were to drop the Eastern Corridor, which was routed on Stark, 282nd, and Troutdale Road. Mr. McClure called on Dave Simpson to discuss the corridor currently under evaluation. ODOT is now going into a preliminary design phase which will include a detailed design of the alternatives (two alignments), then a draft environmental document regarding the two alignment options will be prepared, then a public hearings will be held. The anticipated time frame for this process, from design phase to public hearings, will be approximately fourteen to sixteen months.

Dave Simpson reviewed the alignment options under consideration. 1) 242nd Avenue (or Hogan Drive) up to Burnside. From Burnside, south of the intersection, one alignment would go roughly down Burnside out to Highway 26; 2) stay on Hogan until south of Powell (around Palmquist Road) then swing roughly southeast into Highway 26. These two options are being considered the preferred corridors at this time. ODOT's Citizens Advisory Committee had concerns with the possibility of neither of the options working out. So far the current options are proving to be the most viable. The corridor options have been approved by the East Multnomah County Transportation Committee, and east county jurisdictions.

Mr. McClure stated that from a regional standpoint, ODOT is going to request funding for unit one of the Mt. Hood Parkway from I-84 up to Stark Street. They feel that it is the logical first unit and will try to obtain funds for 1996 so that the design and environmental impact document can be begun and construction for unit one be under construction in six years. Funding should become available from the Access Oregon Highways program.

Councilor Thalhoffer stated that he still isn't convinced that 257th is a more reasonable route to accommodate Gresham commuter traffic as well as Highway 26 traffic.

Mr. McClure asked Thalhoffer if he meant utilizing the existing 257th roadway?

Councilor Thalhoffer stated yes, and asked if it couldn't be brought up to standard? He stated that 257th is four lanes all the way up to Division, and the northern access could accommodate a westerly leg of it coming up the hill to meet 257th, and doesn't understand why it isn't being considered.

Mr. McClure stated that there are two primary reasons why ODOT isn't looking at utilizing 257th is: 1) When doing the gravity modeling of traffic flow, the model has indicated that the traffic would stay on 238th rather than going into Troutdale because it's a little out of the way and a little longer trip. 2) The City of Gresham does not want to put the Mt. Hood Parkway south of Division. Gresham feels that's a

residential area and they do not want their City severed in the southern half and residential area.

Wilder stated that there is probably a third reason as well. The modeling points out, in addition to the parkway, the north-south arterials, such as 257th, 238th, 223rd, 207th, and 181st are going to be required anyway as part of an overall system including the parkway. So, if it's on 257th, something else is going to have to be done with the arterial system to accommodate traffic that would be displaced from 257th.

Councilor Fowler asked how well will Hogan Road be built by 1996? Will it need to be improved by widening, moving, et cetera?

Mr. McClure stated that ODOT hoped to be in a position to start acquiring rights-of-way prior to 1996. At this point, until after ODOT completes the preliminary design phase, prepare the environmental impact document, and hold public hearings on the project, ODOT can't start purchasing property for the project.

Councilor Bui stated that there is a proposal by Mt. Hood Meadows to increase its skiing area and expand the associated facilities. He asked if the parkway was planned or prepared well enough to handle all the traffic that would be generated by this resort's proposal?

Mr. McClure stated that ODOT has been working with the Forest Service on that issue, and ODOT has been advising the Forest Service on the potential impacts to the highway system. Mr. McClure stated that he's not sure if the traffic modeling will take the resort traffic into account until after it becomes a fact.

Mr. Simpson stated that there are certain growth projections in the traffic numbers allowing for increased traffic to that area.

Mayor Cox called for further questions or comment from Council.

Councilor Bui asked if there was any chance the old Columbia River Highway would qualify at some point for funding from the Access Oregon Highways program?

Mr. McClure stated that it doesn't qualify for Access Oregon funds and that it only qualifies for Federal Aid Urban System funds, which are allocated through Metro. It probably isn't high on Metro's list of priorities due to the many miles of urban highways in the City. The old Columbia River Highway is a difficult highway for ODOT to fund unless it could be funded with 100% State Operations funds.

Councilor Bui stated that with the City's approval of an additional 700 parking spaces for trucks at Burns Bros., there's been an increase in big eighteen-wheelers using the old Columbia River Highway and Sandy River Bridge.

Mr. McClure stated that ODOT has been working with the Six-Year Program trying to figure out how to fund all the projects under consideration other than just using State Operations funding, but haven't come up

with a good way to do it.

ITEM #5 - RESOLUTION SUPPORTING MT. HOOD PARKWAY:

Mayor Cox read the resolution by title.

Wilder stated that each jurisdiction affected by the proposed Mt. Hood Parkway has been requested by the State to review a resolution supporting the Parkway. He stated that much of the language contained in the resolution is the same from jurisdiction to jurisdiction, but also addresses local needs, issues, and concerns. In the case of Troutdale, the City's concerns/modifications are:

1) The eastern corridor (282nd/Troutdale Road) be dropped from further consideration; 2) ODOT be requested to prepare preliminary design, draft environmental impact statement (DEIS) and final environmental impact statement (FEIS) to be completed on or about the month of December, 1990, and at completion to hold a final public hearing; 3) The City's Public Facilities Plan and Comprehensive Development Plan include language and project descriptions supporting the proposed corridor as depicted in Exhibit "C" of the resolution; 4) The City prepare the necessary ordinances or agreements to protect the property within the corridor from development and/or provide full disclosure to any potential development allowed under current zoning; 5) Full consideration be given to either at-grade or interchange access to Halsey Street, Cherry Park Road, and Stark Street; 6) The East County arterial system, including 257th, 238th/244th, 207th/23rd, and 181st as well as other applicable roads be improved as planned to both supplement and accommodate the transportation/traffic needs as a "system" with the Mt. Hood Parkway.

Wilder stated that the City's request for the FEIS is to be deleted from Item 2 in the resolution because it won't be ready by December, 1990.

Mayor Cox called for questions or comment from Council.

MOTION: Councilor Thalsofer moved to adopt the resolution recommending a connection between I-84 and U.S. Highway 26, and defining preliminary findings and goals, and delete reference to the completion of the FEIS by December, 1990. Councilor Schmunk seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM #6 - REQUEST FOR APPEAL OF PLANNING COMMISSION DECISION AND SETTING HEARING DATE (McKnight, et. al. - File No. 81-90-005 CU):

Barker stated that the Planning Commission held a public hearing on August 16, 1989 to consider approval of a conditional use permit for

construction of a mini-storage facility. This conditional use permit was denied by the Planning Commission. The Findings of Fact are as follows:

a) The use is listed as a conditional use in the zoning district. b) The site characteristics are suitable to accommodate the proposed use. c) The proposed use is timely, considering adequacy of public facilities, transportation, etc. d) The proposed use will not alter the character of the surrounding area so as to preclude or impair the use of surrounding properties for permitted uses. e) The proposed use will provide adequate open space, landscaping, and aesthetic design to mitigate possible adverse impacts. f) The proposed use will not create a public nuisance or be injurious to the public health, safety, and welfare. g) The proposal satisfies the goals and policies of the Comprehensive Plan and requirements of the Development Ordinance. h) Owners of property within 250 feet of the property boundary have been notified of the hearing.

The Planning Commission denied the application for conditional use permit with a tie vote with one abstention.

The applicants have requested an evidentiary hearing be scheduled for the September 26, 1989 City Council meeting for the opportunity to offer additional information/testimony on the following:

1) By accepting the "findings of Fact" a through h, and voicing objections to the proposed project, they felt the Planning Commission's basis of denial was the applicant's refusal to provide future street dedication without compensation from the City. 2) The absence of the City's attorney prevented input as to the ability of the City to negotiate a purchase of the street right-of-way. 3) Without a street/transportation plan for the City, they feel the need for, or the property alignment of, a future street is uncertain. 4) The proposed street location is creating an unbalanced hardship on a relatively small parcel (the site is bounded on two sides by an undeveloped 30-acre, one-owner block of land).

Barker stated that Council is being asked to determine the scope of the review and establish a hearing date, and that the Council may:

1) Review the decision based on the record of the Planning Commission proceedings; 2) Hear the entire matter de novo (as a new hearing without consideration of prior decisions); 3) Hear the matter with admittance of additional testimony and other evidence without holding a de novo hearing.

Barker stated that if the September 26, 1989 Council meeting date is satisfactory, a verbatim transcript and minutes of the Planning Commission's hearing on this issue will be ready for inclusion in the Council packet.

Councilor Thalsofer stated that he would prefer to hear the applicant's appeal based on the record of the Planning Commission's proceedings. He asked why the applicants felt they needed to submit additional evidence, and why they weren't able to provide it at the Planning

Commission hearing?

Barker stated that the applicants felt that City staff did not have all the answers to the questions that were raised regarding their request, and felt that an extreme burden was placed on the property owner to dedicate 60' out of the middle of the property for a street. She stated that they want to get the answers to their concerns in a Council "forum" to look at the heart of the issues and the impact on the development.

Jennings stated that legal questions were raised at the Planning Commission hearing that no one could answer. Those legal questions can open up new areas of inquiries, and they have to be explored at the evidenciary hearing.

Councilor Bui stated that there are educational tapes available for Planning Commission members and asked how many of the City's Planning Commission members have used them.

Barker stated that the three new Planning Commission members have had tapes checked out to them and that there was a training session earlier this month and one person attended and will be reporting back to the Commission to brief them on the information conveyed, but most members were unable to attend due to prior commitments.

Councilor Bui suggested that a joint session between the Planning Commission be scheduled to learn and understand the same basic procedural issues.

Jennings stated that more and more jurisdictions are going to a "hearings officer" in the final appeal process, but they still have a Planning Commission that hears the case. Rather than having their city council make the final decision, they have the hearings officer make the final decisions, then it would be the hearings officer's decision which would be appealed to the Land Use Board of Appeals (LUBA). Jennings stated that with two appeals pending and as development increases and the Code becomes more complex, Council may want to, in order to expedite the appeals process for both the Council and the applicant, consider the idea of using a hearings officer to handle the City's land use appeals or other matters that may be subject to appeal to Council.

Councilor Bui asked what the approximate cost would be to hire a hearings officer?

Jennings stated that one could be contracted with on an as needed basis at an hourly rate (\$35.00 - \$40.00/hour) to act as a hearings officer. The officer would both conduct a hearing and file written findings of fact. A hearings officer would also be in a position to help both sides prepare and present their cases. A hearings officer would make it easier for Council not to get into the potential conflicts of interest because, by definition, they can have no interest in the areas of consideration. Jennings stated that if Council would be interested in exploring this matter further, he could prepare a written proposal for consideration.

Councilor Bui stated that he thought that was a good idea and would like to review further information.

MOTION: Councilor Thalsofer moved to hear the applicant's additional testimony/evidence at the September 26, 1989 City Council meeting. Councilor Schmunk seconded the motion.

Jennings stated that the applicant's attorney's presentation may take approximately 1 1/2 to 2 hours, including rebuttal, questions, etc.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalsofer - Yea

Mayor Cox presented a proclamation designating October, 1989 as Disability Employment Awareness Month.

MOTION: Councilor Bui moved to enter the proclamation into record and that the City recognize October as National Disability Employment Awareness Month. Councilor Burgin seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM #7 - COUNCIL CONCERNS AND INITIATIVES:

Mayor Cox called for concerns from Council. None given.

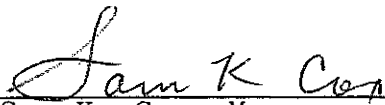
ITEM #8 - ADJOURNMENT:

MOTION: Councilor Burgin moved to adjourn the meeting. Councilor Fowler seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalsofer - Yea

Meeting adjourned at 7:54 p.m.

  
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Sam K. Cox, Mayor



Dated: 10/11/89

ATTEST:

A handwritten signature in cursive script that reads "Christina Thomas". The signature is written over a horizontal line.

Christina Thomas  
/Deputy City Recorder  
CC4[6]