

CITY OF TROUTDALE



AGENDA
TROUTDALE CITY COUNCIL MEETING
COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

7:00 P.M. -- JUNE 26, 1990

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
2.1 Accept: Minutes of June 12, 1990 Regular Meeting
- (A) 3. PUBLIC COMMENT:
Please restrict comments to non-agenda items at this time.
- (A) 4. ORDINANCE: Amending Ordinance 478-0 adopting a revised Comprehensive Land Use Plan as a part of the Periodic Review Process Second Reading
- (A) 5. PUBLIC HEARING: ORDINANCE: Amending Ordinance 478-0 by Amending the City's Land Use Plan Map.

Open Public Hearing
Declarations or Challenges
Summation by Staff
Public Testimony: Proponents
City Council Questions
Public Testimony: Opponents
City Council Questions
Rebuttal
City Council Questions
Recommendation by Staff
Council Questions or Comments
Close Public Hearing

- (A) 6. ORDINANCE: Amending Ordinance 478-0 by Amending the City's Land Use Plan Map.
- (A) 7. PUBLIC HEARING: ORDINANCE: Amending Ordinance 491-0 by Amending the City's Zoning District Map.

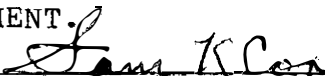
Open Public Hearing
Declarations or Challenges
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Public Testimony: Proponents
City Council Questions

Public Testimony: Opponents
City Council Questions
Rebuttal
City Council Questions
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Council Questions or Comments
Close Public Hearing

- (A) 8. ORDINANCE: Amending Ordinance 491-0 by Amending the City's Zoning District Map.
- (A) 9. RESOLUTION: Certifying the City of Troutdale Eligibility to Receive State Shared Revenue Gazewood
- (A) 10. RESOLUTION: Declaring the City of Troutdale's Election to Receive State Shared Revenues Gazewood
- (A) 11. PUBLIC HEARING: Proposed Use of Oregon Revenue Sharing Funds
Open Public Hearing
Declarations or Challenges
Summation by Staff
Public Testimony: Proponents
City Council Questions
Public Testimony: Opponents
City Council Questions
Rebuttal
City Council Questions
Recommendation by Staff
Council Questions or Comments
Close Public Hearing
- (A) 12. PUBLIC HEARING: FY 1990-91 Budget
Open Public Hearing
Declarations or Challenges
Summation by Staff
Public Testimony: Proponents
City Council Questions
Public Testimony: Opponents
City Council Questions
Rebuttal
City Council Questions
Recommendation by Staff
Council Questions or Comments
Close Public Hearing
- (A) 13. RESOLUTION: Adopting FY 1990-91 Budget and Making Appropriation Gazewood
- (A) 14. RESOLUTION: Levying Ad Valorem Taxes for FY 1990-91

Gazewood

- (A) 15. RESOLUTION: Providing for Budget Transfers and Making Appropriation Changes for FY 1989-90 Gazewood
- (A) 16. RESOLUTION: Providing for Budget Authority for Local Improvement Districts and Making Appropriations for FY 1989-90 Gazewood
- (A) 17. RESOLUTION: Accepting an Easement for a Sewer "Step System" Easement for the East Troutdale Sanitary Sewer (LID 90-001) Wilder
- (A) 18. RESOLUTION: Accepting the East Troutdale Sanitary Sewer Project (Prime Contract) and Authorizing the Release of Retainage Wilder
- (A) 19. RESOLUTION: Regarding Facts and Public Hearings Information, and Declaring the City Council's Approval of Pass Through Garbage Rate Increases Pursuant to Ordinance 309-0. Christian
- (A) 20. RESOLUTION: Authorizing the Mayor to Execute an Agreement with "Meterreaders" for Water Meter Reading Contract Wilder
- (A) 21. RESOLUTION: Award Construction Contract/Kristin Subdivision (LID 90-006) Wilder
- (A) 22. ORDINANCE: GTE "Privilege Tax" Christian
- (A) 23. CONSIDER: Allard/Police Facility Issue Christian/Collier
- (A) 24. RESOLUTION: Accepting Engineer's/Public Works Department Report and Setting a Date for a Public Hearing "South Troutdale Storm Drain Interceptor, A Council Initiated Project. Wilder
- (A) 25. RESOLUTION: Regarding The Election of the Mayor and the City Council - Expiring Terms First of the Year 1991. Raglione
- (I) 26. DISCUSSION: Interim Hearings Officer Jennings/Christian
- (A) 27. CONSIDER: Approval of a Permit for Community Event/Scenic View Baptist Church Cline
- (A) 28. COUNCIL CONCERNS AND INITIATIVES
- (A) 29. ADJOURNMENT.



Sam K. Cox, Mayor

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

7:00 P.M. --- JUNE 26, 1990

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.

Mayor Cox called on City Recorder, Valerie Raglione to call the roll.

PRESENT: Bui, Burgin, Cox, Fowler, Schmunk, Thalsofer
Jacobs - Excused

STAFF: Christian, Cline, Chief Collier, Gazewood, Raglione, Wilder

PRESS: Dave Pinson, Gresham Outlook
Web Ruble, Oregonian

GUESTS: Robert Johnson, Marion Ronald, Rhonda Neville, Terry Neville, Louise Anderson, Dick Anderson, Stephanie Payne, Elliott Derryberry, Kay Derryberry, Bill Register, Connie Register, Cheryl Mansfield, Barbara Morita, Cheryl Davis, Peggy Carr, Darrell Polzel, Karen Burger-Kimber, Kris DeSylvia, Tim Kary

AGENDA UPDATE: Mayor Cox asked City Administrator, Christian if there were any agenda updates. There were none.

ITEM #2 - CONSENT AGENDA: [Tape 1, Side 1 01:16]

Mayor Cox read the Consent Agenda items -- 2.1 Accept: Minutes of June 12, 1990 - Regular Meeting.

MOTION: Councilor Bui moved to accept the Minutes of June 12, 1990; Councilor Burgin seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM #3 - PUBLIC COMMENT:

Mayor Cox called for public comment on non-agenda items. There were

no comments.

ITEM #4 - PUBLIC HEARING CONTINUED: ORDINANCE/AMENDING ORDINANCE
478-0 ADOPTING A REVISED COMPREHENSIVE LAND USE PLAN AS A
PART OF THE PERIODIC REVIEW PROCESS (547-0) (Tape 1, Side
1 1.57)

Mayor Cox called this agenda item and asked if all members had the opportunity to read testimony materials. Responses were affirmative.

Christian stated that this was in a public hearing when Council requested continuing deliberation. All testimony had been taken and City Council questions were when a motion to continue the hearing was made and passed.

Christian asked Cline to summarize his presentation from the previous meeting and suggested Council then continue with questions. However, the public hearing must be reconvened first.

Mayor Cox reconvened the public hearing at 7:04:02.

Cline stated that this ordinance dealt with the Comprehensive Land Use Plan Text which had been under review during the periodic review process for the past three years. There were four factors to be addressed were 1) changes in circumstances or unanticipated events; 2) new or amended goals/rules; 3) changes in other state agencies or programs; 4) factors which were required at the time of original acknowledgment by LCDC.

Cline stated that during the public hearing there had been testimony concerning this document. In particular, the designation 'RMU' regional mixed use. Concern was expressed about 'a blank check to developers' - Cline stressed that this document didn't apply specifically to any land area. It was only creating that particular designation - the idea was to increase flexibility for the City in the application of different developments. It did not create any new zoning district designations which are actual land use regulations placed upon the land. RMU adds an additional layer of control requiring a Type 3 procedure for approval after development of a master plan which is submitted to the City, approved by the Planning Commission. It is similar to the way the current PD planned development ordinance, to encourage the flexibility.

Cline stated that one concern was that it dealt specifically with a regional mall on the site. Cline pointed out that there was no mention of the words regional mall anywhere in the text. There was nothing that mandated that the regional mixed use site be developed as a regional mall. An argument was presented that without these changes to the Comp Plan that there couldn't be a regional mall in Troutdale. That was also a false statement - if there is an area designated as commercial on the plan, a regional mall could be accommodated within the C area.

Cline stated that finally there was concern expressed regarding

public notice on changes that were brought before Council after going through the Planning Commission. He pointed out that there were CAC meetings specifically on the RMU changes. In addition to the CAC meeting that were conducted over the past three years - 1987 and 1988 which dealt specifically with changes of which there was no comment either in opposition or support...the CAC met specifically on the RMU proposal, two hearings before the Planning Commission, and one meeting before the City Council [June 12], two newsletters sent to all residents of the City; published notices of hearings on at least six occasions and mailed notices to affected property owners in which this proposed change was noted.

Cline stood ready to respond to Council questions.

Councilor Burgin - pg. 7, last paragraph 'accessory residential land uses' asked what was meant by that?

Cline stated that one concern for an RMU designation was to allow flexibility in several areas, not just one area. Staff reviewed and discussed properties owned by Mt. Hood Community College, areas on the north side of town currently designated Industrial [some owned by the Port and some by private individuals and corporations]. The concern is that property be developed with more intense uses because of concerns expressed - say for transportation and transportation facilities. Accessory residential in any of these areas is not discouraged, simply from the fact of making a true mixed development some residential uses may make perfect sense to happen in that area but, the entire development is not intended to be developed for residential purposes.

Councilor Burgin - pg. 8 (1.) overall contiguous area in excess of eighty (80) acres - stated that seemed a little high for Troutdale and asked if it wouldn't be better to be lower than that?

Cline stated it could work that way however, the reason for the 80 was in looking at large mixed use type development that had been successful throughout the country, most had been from 80 to 120 acres. In applicability to Troutdale, it was Cline's opinion that the 80 wasn't inappropriate but, even 60 would be the minimum that we should go with.

Councilor Thalsofer asked what commercial areas in Troutdale could be sited with a shopping mall of this kind - did we have commercial areas that would be feasible for a shopping mall at this time?

Cline stated that without looking at specific sites, there was a large area of general commercial zoning. The concern was raised that we couldn't have a mall in Troutdale unless we had this RMU, we don't want a mall so we don't want an RMU. The point Cline tried to make was it would be allowed under the commercial designation, we didn't have to have an RMU designation to have a regional mall. He stated that there were maybe two sites designated commercial which could develop a regional retail type facility 1) along Stark St., 2) currently occupied by Flying J and Burns Bros.

Councilor Thalsofer wanted to clarify that while there were no plans for a regional mall, it had certainly been discussed in the newspapers at least.

Cline stated no submittals nor applications had been received for a regional mall.

Councilor Thalsofer stated that there had been a lot of speculation by the media, at least.

Mayor Cox called for further questions. There were none. Mayor closed the public hearing at 7:12 p.m. [Tape 1, Side 1 14:01]

ITEM #4 - ORDINANCE/AMENDING ORDINANCE 478-0 ADOPTING A REVISED COMPREHENSIVE LAND USE PLAN AS A PART OF THE PERIODIC REVIEW PROCESS (547-0) (Tape 1, Side 1 14:47)

Mayor Cox called this agenda item and read the ordinance by title.

MOTION: Councilor Burgin moved to adopt the ordinance amending 478-0 adopting a revised comprehensive land use plan as a part of the periodic review process. Councilor Thalsofer seconded the motion.

DISCUSSION: Councilor Burgin asked for comments from Council regarding the 80 acres size for an RMU. He asked if it should be lowered to accommodate other properties at a future time?

Councilor Thalsofer asked if testimony would be heard?

Mayor Cox stated that testimony had already been heard on this item but would be taken on the next agenda items. Review of written material was considered and the reason for the continuation of the public hearing process.

Councilor Fowler stated that he had no problem with 80 acres. There was only one parcel of land, geographically, that could accommodate a mall.

Councilor Burgin stated that the RMU didn't refer to a shopping mall.

Councilor Fowler stated that the balance of the City, including the County Farm piece of property, would go residential. There is no shopping area for _____, there is no shopping mall on it. He then referred to a map - stating the number of customers..

Councilor Burgin stated that the designation was for a combination of uses including light manufacturing, commercial/retail, restaurant. In looking for development where the city would have control over a continuous development so it would be an enhancement to the City. He thought it might be to the City's advantage to have the designation as low as 60 acres so it could potentially be applied to some other contiguous development so there would be a large vacant area

developed altogether as a master plan rather than piecemeal it.

Councilor Fowler stated, in his personal opinion this ordinance would basically make a difference one way or the other in the development of Troutdale when it comes to the point of the County Farm actually developing - somebody will come in with a totally different idea anyway. Turning around and telling the County that we are zoning the property and not them. It didn't both him whether it was 80 acres or not.

Councilor Burgin stated that an RMU designation, whoever develops whatever on the County Farm [to be discussed later this evening] would have to present a comprehensive plan for that property.

[Tape 1, Side 1 19:56]

Councilor Schmunk stated she didn't have a problem with the 80 acres. She stated that it didn't have to be a mall, it could be several things but there weren't many 60 acres properties that would be contiguous. The 60 acres could be applied, if approval of more than one parcel together was requested. She stated that as a general rule, the 80 acres seemed to be a good number and she was comfortable with it.

Councilor Thalhofer asked Cline how would 60 acres change anything here for the RMU?

Cline stated that one area in particular which involved Mt. Hood Community College which was adjacent to Troutdale Road and South of Stark, there was nothing in the plan or under the proposed RMU designation which would require that be under one ownership. The 80 acre parcel was currently zoned industrial park and is planned for industrial land uses and has been discussed. The RMU would make a logical land use designation for that area and would accommodate what the City is looking for and encourages by the way of development on that property. The site is less than 80 acres. As far as development of a parcel under the RMU, whether 60 or 80 acres, in Troutdale - there aren't many parcels of 60 acres let along 80 acres. The 80 figures was a recommendation that went before CAC and the Planning Commission and hadn't been altered, that was originally Cline's recommendation to those committees.

Mayor Cox asked about the Port properties that would be of that size.

Cline stated there were several Port properties, Reynolds Aluminum which were within the City's planning areas.

Christian stated consideration of what was within the urban planning area but not, at this time, in the City limits. The property directly north of the City now was a prime example of a mix between industrial/commercial and houseboats? Would that be a mix?

Cline stated that would be a mix. He stated that on the south side although it is designated industrial, the parcel owned by Mt. Hood Community College - currently the city limits - within the urban

planning area it did extend southward and there was a potential that a piece could be formed of 80 acres that would apply to that property. That would also mean a mixture of ownerships in that case.

Councilor Thalhofer asked if there were 80 acres how many sites were there available that would be in an RMU designation?

Cline stated looking at actual sites, it was difficult to say because boundaries could be moved to accommodate. [He referred to the area on a map]. It is somewhat flexible in that regard and in addition, there may also be parcels on the north side of town - not site specific to the individual owner. Boundaries may be crossed, including ownerships and include part of what is owned by the Port and part of what may be owned by Reynolds - it could be flexible in its application, so there isn't a definite number of how many sites that could apply. There would be a number of areas that could be accommodated.

Cline stated that another regional transportation facility, other than the proposed Mt. Hood Parkway, this would lend itself to be applicable in another area. The City wasn't locked in to specifically what there is existing. The concern for the acres was primarily to eliminate concerns that residents may have for an area next door to them, behind them, across the street or their neighborhood being designated RMU.

Mayor Cox called for further questions.

Councilor Thalhofer asked if this would be the time to amend the motion to provide for more review than is normally called for?

City Attorney Jennings stated no, there was a motion which required a vote unless Councilor Burgin withdrew his motion prior to a vote. There was a question on the floor that had to be dealt with or the proponent had to remove it from the floor.

Mayor Cox re read the title and called for the vote.

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

YEAS: 4 NAYS: 0 ABSTAINED: 1

Councilor Thalhofer asked if this was the appropriate time to make another motion?

City Attorney Jennings stated that the appropriate time would have been to have the motion defeated and put a new motion on the floor. If there was an amendment, it wouldn't be inappropriate to discuss it now and raise the issue to Council now.

Councilor Thalhofer stated it was what he had asked at the last Council meeting in that the Planning Commission reviews the master plan and where there is this much citizen involvement or concern about the master plan or RMU designation that there be a good deal of

citizen involvement in the master plan. He believed it should go through the entire citizen involvement process. He stated that it wasn't that he didn't trust the Planning Commission - that wasn't the point. Just review it, be careful and make sure that the people impacted is not too adversely impacted. He stated that this proceeding was complicated and didn't know when to say what. [Tape 1, Side 2 00:00] He had been involved since 1978 and was an advocate of citizen involvement and he wanted as much opportunity for that involvement as possible. He didn't see the RMU designation as threatening but would like to see the master plan go through the CAC, Planning Commission and then City Council.

City Attorney Jennings stated that the form of review Councilor Thalhofer was suggesting could be addressed in the Development Code which was coming before Council for a vote. That would be the place to talk about that type of review.

Christian stated that it would be treated the same as an adjoining property owner receive a specific letter with notice.

Councilor Burgin asked if Councilor Thalhofer wanted to make sure that it came before Council as a matter of course without necessitation of appeal for RMU designations?

Councilor Thalhofer agreed.

Councilor Fowler asked if that wasn't taking the power away from the CAC and Planning Commission and stating that Council was always going to look at it and they didn't really need to bother with it? He stated that it should be ending with Planning Commission review for RMU designations.

Councilor Thalhofer stated that they disagreed then.

Councilor Fowler stated that Council was only to review the decision - if the two parties didn't agree at the Planning Commission level.

Councilor Burgin stated that it would be rare that this would come up and would only be a few RMU designations and he didn't believe that it would take away any of Planning Commission authority or responsibility to allow one final hearing before Council.

Christian clarified the role of Planning Commission to Council and the request of Councilor Thalhofer was legitimate in the rights of the Council to establish one more step in the open public airing of an issue, if deemed to be in the best interest of the City.

Councilor Schmunk stated that the potential of taking a large amount of land affecting several citizens with a need for citizen input and participation, Councilor Thalhofer didn't want to remove that opportunity. She agreed that it wouldn't come up that often to spend that much time on it. There wasn't anything wrong with providing the opportunity for more citizen participation.

Councilor Thalhofer wanted the Citizens Advisory Committee, Planning Commission and City Council to review RMU designations and review of master plans.

Mayor Cox stated that some CAC meetings had 60 people during the Comprehensive Plans, however, they just 'fall off' and you can't keep them interested all the time in all of the things that the CAC does. He called for further questions.

Christian stated that the second meeting in July was the tentative schedule date for the Development Code for Council review.

Councilor Bui stated that in the meantime staff could draft language, based on Councilor Thalhofer's request.

Christian stated that the Planning Commission may be able to incorporate the Planning Commission's recommendation to include the language, prior to Council review. - She asked that Cline have that prepared.

ITEM #5 - PUBLIC HEARING: Ordinance/Amending Ordinance 478-0 by Amending the City's Land Use Plan Map. [Tape 1, Side 2 11:11]

Mayor Cox called this agenda item. The public hearing was convened at 7:40 p.m.

Christian stated that there had been a motion passed to accept testimony from the original hearing at the last Council meeting as evidence in the following two public hearings. She stated that it didn't mean additional testimony couldn't be heard, only not to hear the same testimony again.

Open Public Hearing: 7:40 p.m.

Declarations or Challenges: Councilor Bui stated he hadn't heard the testimony, which is being considered for the next two items, therefore he would be abstaining.

City Attorney Jennings stated that he could participate in discussion but not vote.

Councilor Thalhofer stated he was President of the Troutdale Area Business Association and the Board had passed a motion to submit testimony supported the RMU designation. He had yielded the gavel and did not participate in the vote or the discussion.

Councilor Thalhofer stated that he had also discussed the matter several times with Multnomah County Commissioner Sharron Kelley. He did want it noted for the record.

Councilor Schmunk stated that she had discussions with several County Commissioners regarding the County Farm property.

Councilor Fowler asked if his understanding was correct that an

ordinance had passed for RMU where there is enough land to do it?

Christian correct.

Councilor Fowler stated and now we are specifically discussing one piece of land in the next ordinance.

Christian stated that the map applies that use but the map is for the entire City of Troutdale.

Summation by Staff: [Tape 1, Side 2 17:58]: Cline stated that this dealt with certain map designations for the Plan Map. The Text, which was just voted on, created a new designation [RMU]. This item applies that land designation to the land use map and involved changes to several acres.

Cline stated that for the submission to the State when the Comprehensive Plan is discussed it is all encompassing - a Map with a set of policies. For Troutdale's specific application there is a Plan Text [document just heard], a Plan Map [designating land uses], a Development Ordinance [establishing land use regulations], and the Zoning Map [implementation tool of the Development ordinance/actually having the zoning classifications (R4, R5)].

Cline stated that this would add designations City-wide. In this instance it was reviewing changes applying to County Farm or portions of it, owned by Multnomah County. In mid-March the Planning Commission inquired about the sale of the property and development potential. At the March 24, Planning Commission meeting inquired as to development potential of that property. The week following, at the Council meeting, gave staff direction to investigate possible alternative land uses for the County Farm.

Cline stated that a requirement from LCDC from the 1980 Comprehensive Plan involved the establishment of permanent land uses for the County Farm property. At that time all the County Farm property was designated as SR [Suburban Residential] which was a County designation, not a City designation. In 1986 a study performed by ECO Northwest, the City re-zoned or established a zoning which is currently on the property which included the current plan designations. During periodic review, factor 1: unanticipated change in circumstances/change in developments - several were identified in the periodic review process which would warrant review changes in this particular area. Most noteworthy was the Mt. Hood Parkway.

Cline stated that concerns included the recent sale of Edgefield Manor; Multnomah County Correctional Facility; residential areas south of the property - developing a plan to buffer those areas which would maintain the integrity of the area. This totaled of 248 acres for the non residential portion of the proposed plan. [Maps and graphics were used.]

Christian stated that a designation was being discussed but Council, in past meetings, had been through the entire process with the rest

of the City in terms of land use plan map designations. A full chronology of the Comp Plan review was available for Council review also.

Councilor Schmunk stated that when the map plan procedure began, the residential was reviewed, the industrial [excluding this piece]. The Plan Text was adopted that would include regional mixed use. That wasn't a part of the plan in the past. Now, there was one piece of property in the City that the Planning Commission and CAC reviewed and their recommendation was to change that piece to RMU [regional mixed use]. To include that in the Plan it was to be reviewed as a part of the overall plan. [Tape 2, Side 3 00:00] Low density residential and industrial and we are looking to change that as part of the map plan -- this was part of the entire procedure. It just happens that it involves only one piece of property at this time.

Cline stated that three property owners were involved - Multnomah County [County Farm property]; 12.8 acres in Edgefield Manor -Mike McMinneman; property owner of Tax Lot 95.

Councilor Fowler stated that the tax lots were not marked and he couldn't identify them.

Cline stated that the designations to the changes on the plan map were proposed to help the City to have more flexibility in the development of that property in a more realistic approach to development around what may be a regional facility/transportation facility around the Mt. Hood Parkway. It isn't intended to be a blank check to developers. There is no new zoning district classifications being created.

City Council Questions:

Councilor Thalhofer stated his appreciation for the graphics available. He asked about MCCF - medium density residential wouldn't it be more high density residential?

Cline stated if looking at the jail itself, it would be but spreading the density throughout the entire site it was 28.6 acres with 188 occupants which would actually be low density.

Councilor Bui stated that Council wasn't actually bound or committed without considerably more discussion and more input before anything would be decided. That included if there was to be a regional mall, them coming forward and stating so -- that hadn't been done.

Public Testimony: Proponents [Tape 2, Side 3 10:30]

Bob Johnson, 1933 SW Laura Ct. stated that the concept of review is a pretty good one and gives the City more chance to have a little more say. He objected to card signing though in case someone didn't wish to put in a card. If someone had something come up throughout the meeting, it wouldn't give them the opportunity to just come up to

say something. Johnson was listed for both proponent and opponent.

Johnson stated that the concept was a good idea and adding it the map was a good idea too.

Public Testimony: Opponents [Tape 2, Side 3 12:15]

Bob Johnson, 1933 SW Laura Ct. didn't know how to object other than the signing of cards to testify.

Tim Cary, 1448 SW 13th Place [Tape 2, Side 3 13:35] discussing the designation of the piece of land as RMU. RMU is acceptable if there are certain controls. He agreed with Councilor Thalsofer - RMU acceptable if: 1) written statutory criteria for evaluating any development proposals; 2) because of the community-wide impact, any development proposals must require full public review and full City Council approval; 3) since it is a community-wide impact, notice of public hearings on proposals should be city-wide. Additionally, the process discussed would really encourage greater citizen involvement. People would be better informed and have more control over the future of their city, he hoped that would bring the public in to the meetings.

Cary stated in terms of designation in the fact of people choosing its own future, not just to consider this an an isolated community but, as members of East Multnomah County. Any development put on an RMU site would impact the entire region and the economy. Cary had a letter to submit for the record. Briefly, the 1) investment required by City - immediate and future financial support to meet the needs of a development; 2) employment impact; 3) economic impact; 4) environmental impact [air/water quality]; 5) demographic impact; 6) transportation; 7) quality of life, in general and specifically looking at future of the community; 8) opportunity costs [is the proposed development the best possible use in the above terms of resources to be allocated - alternatively are we justified in pre-empting other future opportunities which could provide better return.

Councilor Schmunk asked if he read the newsletter when received? Cary responded, yes.

Mayor Cox asked if he read the advertisements in the local newspapers? Cary responded, no. He was aware of the meetings at Council level, however. He didn't feel that everyone read the newsletter or was aware of meeting dates/times.

Eric Tschy, 1675 SW Cherry Park Road [Tape 2, Side 3 19:20] was very encouraged by Councilors Thalsofer and Schmunk comments in terms of citizen participation. Whatever development went on the property it would affect the entire region and he felt all citizens should be informed and participate. He spoke about a petition for Columbia Park that a lot of persons had signed - this site development would affect that also as well as future generations.

DeSylvia, Kris, 1371 SW McGinnis [Tape 2, Side 3 21:35] presented written materials for review

Councilor Burgin objected. He stated that at the previous meeting Council asked specifically for written information to be submitted. That was why he moved to delay the procedure.

DeSylvia stated she had just received the material but would briefly review for Council. Letter to Wayne George, Division of Facilities and Property Mgmt, Multnomah County - originated with Price Development dated 2/15/90. 'Price Development Company is very interested in acquiring the above referenced property for the purpose of creating a mixed use development which may include retail/commercial/residential/industrial and other development considerations. We understand that there is approximately 230 acres available which would be included in the ultimate development. We have evaluated such property and believe that an acquisition cost which has been represented to be in the \$8 million dollar range, appears to be reasonable and will fit within a work proforma. We would appreciate the County's consideration of our interest in the property and enter into negotiations with Price Development Company for either an option to purchase or a purchase and sale agreement to be perfected in the near future. Obviously there are numerous considerations that need to be addressed such arguments access, zoning, environmental, future of County Jail. These and other issues would be discussed in our negotiation process should you agree to work with us.'

DeSylvia also had a letter submitted to the Planning Commission directed from Dave Simpson - Highway Division she wanted to state that in her discussions with the Department of Transportation the Mt. Hood Highway, as it entered the site was different in what she first conceptualized. It would enter a groove as it reached the top of the hill, it would be below ground at that portion of the site. She believed it was above ground and was also a consideration when looking at the Mt. Hood Parkway - it would be below ground with sound and site barriers. She hadn't made these considerations. It would be 20' below ground so it could pass under the site.

DeSylvia stated that the sites for consideration by Gresham - McGill site was discounted because it was too close to a highway/freeway and that any development within a 1/2 mile wasn't desirable.

DeSylvia stated that information out from Troutdale - the Mayor stated 'this proposal for a shopping center was more than a rumor and he would like to see it developed. As Mayor he wanted to reduce property taxes for citizens through a higher tax base". DeSylvia stated that first of all, they weren't anti-development. They were interested in paying lower taxes but questioned whether or not they were simply paying lower taxes or giving up livability of their community. Mayor Cox, again she read a quote, "I am for this change to RMU. Price Development offered to relocate the jail and build a new facility. They also offered to relocate the Children's facility

and pay all the costs. I want this zoning approved. The buffering is adequate to protect existing uses."

DeSylvia stated that they were told there were no proposals, obviously someone had been speaking to the City. She felt this should be taken into consideration involving the land use. The RMU designation could certainly not allow a regional development for a 1 million sq. ft. mall or a 500,000 sq. ft. mall there is nothing wrong with putting a limitation on the size. The RMU designation is a very positive thing, if used properly. She stated 'we want to see it used properly and utilized to its best benefit and capacity. We want development and tax reduction but didn't want to make the ultimate sacrifice - their homes and environment.

Mayor Cox stated, regarding the quotes of things he had said, he only knew what he read in the paper. Price never came to the City with any plans and the only plans they went to the County with were his answer to it.

Councilor Thalhofer stated he read the Tri Met report, as well as the other materials. He stated most centers were not less than half mile from a freeway [i.e., Clackamas Town Center, Lloyd Center].

DeSylvia stated it had other uses besides car traffic to accommodate the facility. Regarding the Clackamas site, the highway had been planned prior to the zoning to accommodate the mall. Had the process occurred prior to development of the plans for the highway she felt there would have been alternatives. The Highway Department was less than happy with the facility.

Councilor Thalhofer stated that he read the Tri Met report to be as fair as possible with his decision because he wasn't happy at all with Tri Met for the role they played in this. They have their plans for a shopping center and he didn't know how they planned to serve it by arterials - if they thought Light Rail would bring people to the shopping center he thought they were in for a rude awakening. [Tape 2, Side 4 00:00] Even if the shopping center were built tomorrow it wouldn't be before the year 2000 before the 85% of Break Even would take place. That is a giant subsidy of federal dollars and if it was such a great site [Winmar] why did they have to have federal money to build it? He didn't understand that. A site for a shopping center should be market driven. He read the material and knew the stakes they had in the property but didn't feel they were really a player.

Councilor Thalhofer stated that with the RMU process the City certainly would adhere to the transportation goal and will encourage mass transportation at every point. The City had a problem with the fact that Tri Met didn't give the City very good transportation. If they would afford better transportation it would certainly be utilized in the City.

DeSylvia stated that in talking with Gresham it was her understanding there expect to have 10% of the volume come in on light rail. She stated that the issue was a matter of what happens to

Troutdale.

Councilor Schmunk stated that the Mayor had made the comments to the press because the press got hold of him before....DeSylvia stated this was at a public hearing where the Mayor spoke as a proponent.

Councilor Schmunk stated that nearly all the Councilors had gone to the County Commissioner meetings and heard representatives from Price Development speak to the Commissioners. That was where the information came from.

DeSylvia stated she wasn't suggesting that it was written proposals but she felt there was interest generated. If verbally, it still existed and felt that there was a need to recognize that Price was very interested in the development of this property for a regional development. They specifically work with regional developments.

Councilor Thalsofer stated that in either case, Gresham site or Troutdale - they would be had put to get tenants of the type that are generally in a regional mall [i.e., Winmar site - trouble attracting Meier & Frank's and Nordstrom's].

DeSylvia stated that they couldn't speculate on what would be built, but they did want to set guidelines that says 'we want this type of limitation on this site'. She stated that in itself would stop a regional development of that magnitude.

Mayor Cox called for further questions.

Councilor Fowler [Tape 3, Side 4 4:42] stated that he understood that RMU is a regional mixed use which could mean all to one direction or all to another direction or a mixture of many different kinds... geographically he had a hard time seeing Clackamas Town Center without customers north or east or south - it being a regional mall for Tigard, Beaverton, Forest Grove to drive over here to a great big mall in the middle of Troutdale being the Taj Mahal of all malls.

DeSylvia stated that a reason [McGill site] wasn't chosen was that it wasn't centrally located.

Mayor Cox stated that no matter what goes on in an RMU there would be citizen participation fully on anything.

DeSylvia began to pass out the written documents she read from.

Jennings stated that it was read into the record but couldn't be considered as evidence. No written evidence was to be taken, per the Council at the last meeting.

DeSylvia asked if that wasn't for the first hearing?

Jennings stated that the specific request of the Council was that

documents for this hearing be submitted at a certain time prior to this hearing.

Burger-Kimber, Karen 1675 SW Cherry Park Rd. stated that it appeared that everyone was losing sight of the fact that the City was trying to fast track a plan process which should be taken more slowly with more thought. She presented a timeline [Feb. 15, 1990; Minutes from Planning Commission agenda March 21, 1990 specifically outlining initiatives and concerns pg. 10 - Nicholas brought up the regional shopping issue and asked how it would be addressed. Cline stated he would not address it at this time and it did not seem a possibility because of a plan amendment, zone change and creation of a new zoning district that would be required. Cline further stated that the community support would be a key factor. Nicholas asked if changes could be looked at during periodic review. He asked how the City was to respond if there wasn't a method to deal with proposals. Cline was asked to look further into this. The RMU designation was to help the City out. But, in fact, it appeared to Burger-Kimber that it was generated through rumors or presentations to Multnomah County from Price Development. April 17 there was a CAC meeting to review that process and April 18 was the first hearing before the Planning Commission.

Burger-Kimber stated that this timeline implies that the tail is wagging the dog. They had already designated commercial and industrial zoning in other portions of the plan map. She felt rezoning the property was premature. The door was opened to developers with the RMU designation, let any potential developer make the proposed zone change request and review possible changes at that time.

Councilor Burgin clarified the discussion as plan maps now. So you're in favor of the RMU and in favor of the plan map changes?

Burger-Kimber stated that she thought that the plan map change should wait until there is a proposal made by a potential developer for an RMU designation and a zone change. She was concerned about the tail wagging the dog issue and didn't want to see that continue to happen.

Councilor Thalhofer stated one way to stop that from happening was to follow the process for a master plan and go through the entire Citizen Advisory Committee/Planning Commission/City Council automatically. He asked if that was put in place [Development Code] would that alleviate her fears?

Burger-Kimber stated she understood the extra layers of review in the process but she didn't feel that there was adequate financial and personnel resources to adequately review without outside consultation. Because of the nature that the community was small and hadn't had a lot of experience with large developments. She was concerned about resources available for that. She discussed a task force that could provide some type of consultation and pursue options that wouldn't hinder City finances but, would provide input from

several sources. [Tape 2, Side 4 14:59]

Councilor Burgin asked where in the process should that fall?

Burger-Kimber stated that a task force should be appointed now to weigh options and make contacts to find out what resources are available in case a developer came in.

Councilor Burgin asked what kind of resources?

Burger-Kimber stated she didn't know the specifics. That's why she wanted a task force. She stated the 1000 Friends of Oregon has consultants available.

Councilor Schmunk stated that there had been large developments in the City. She stated that Burger-Kimber sounded very happy with the way the City was now, had she been here 16 or 17 years ago to see how much empty land there was and how much land was developed with the staff there is she wouldn't question the job they did.

Burger-Kimber stated she wasn't questioning the job the staff was doing, she was saying that it is a small community and the resources aren't available on a large enough scale...she wanted to cover the bases, she wasn't trying to insult anyone. She wasn't trying to imply that people weren't doing their job. Under the circumstances, she stated there were some very good, viable employees with the City. She stated they were extremely conscientious and wouldn't deny that. She had been in and even through all of this issue, staff was very friendly and helpful in providing her with information. There was no resistance or malice. She has no intention of implying that the City is incompetent or not conscientious. She just wanted to pursue different avenues. Maybe the task force could be assigned to be aware and educate themselves about the issues and see what the potentials are and communicate it to the citizens.

Councilor Schmunk asked if that was for this specific property?

Burger-Kimber stated it didn't have to necessarily be this specific property but that was the issue that brought this up.

Councilor Schmunk stated that there were some long term facilities plan for sewer/water/roads - and as far as that goes, the City has the planning facilities to do those things. She didn't understand what Burger-Kimber wanted to use the resources for.

Burger-Kimber stated she wasn't worried about facilities resources. She had been involved and lived in the City for 14 years. She had seen the development of the sewer system. She thought overall the livability in the City was very high. She stated there was good access to freeways, good facilities provided, clean water, sewer system, adequate sewer system, transportation advantages that no other area in the metropolitan area had. She stated that the City was a 'sleeper' and there were a lot of advantages that people didn't have. A lot of development was being done in Tigard and outlying

areas but there wasn't anywhere near the facilities nor capabilities that were in Troutdale. Multnomah County had made exceptional planning in providing transportation in the area - we were ahead of the game as far as transportation concerns for the area. The traffic in Lake Oswego/Beaverton, et cetera was a bottleneck and created a zoo in those areas. She stated that Council and the employees had been doing an exceptional job with lots of citizen participation and great voter turnout. She wanted to continue the process, educate the citizens more and be a little more ahead of the game as far as understanding issues regarding planning the property. She stated she wanted to see a good Comprehensive Plan that will provide the quality that the citizenry has come to know.

Councilor Fowler stated that the three minutes was probably up.

Councilor Thalsofer stated that the 1000 Friends of Oregon didn't make a case. He stated that the group did a lot of good but they had hurt some things in Troutdale. He asked if all of the things Burger-Kimber spoke about would come about if all the citizen involvement that had been discussed came about? The City belonged to the League of Oregon Cities and some expertise could be gotten from there as well as other agencies, if needed.

Burger-Kimber stated exactly. It could be through a task force or assigning it to the Citizens Advisory Committee.

Councilor Thalsofer stated that was exactly what would be included as a layer in the process to be in accordance with the Master Plan which would go to the Citizens Advisory Committee.

Councilor Fowler stated that the road system was built in 1937 and was existing here for a number of years, when Beaverton was only a cow pasture.

City Council Questions:

Councilor Thalsofer asked Cline what his feeling was regarding the City's ability to do this through the citizens involvement process outlined already? CAC/Planning Commission/City Council/ as part of the Development Code the second meeting in July? What did Cline think about the City's ability through any Master Plans presented - the expertise to handle it?

Cline stated that in making a point of clarification on a Type 3 procedure it involved - it didn't just involve providing public notice having a public hearing before the Planning Commission and then the Planning Commission arbitrarily deciding whether or not to approve it. There were 13 goals and objectives in the 40 page document which are specific criteria to be addressed in addition to the applicable state-wide goals which are also included. There are 25 different elements which have to be addressed. It begins with a staff report. This was a land use decision, it would be a quasi-judicial land use decision in this instance - Type 3 procedure. That was the authority granted to the City by the State. The City Council has

deemed the body of the Planning Commission to make those types of decisions. Cline stated that he believed the staff expertise as well as the Planning Commission would be able to make a logical decision. If the CAC was included in that process that would help include the citizens and help make them more comfortable with these types of decisions.

Councilor Schmunk thought it was a great idea and would work. Regarding the RTP [Regional Transportation Plan], the 84-26 was barely in the reconnaissance stage. If someone came to East County and wanted to buy the McGill property for a shopping mall - the City of Gresham would approve it. They have other sites for regional malls in their planning. [McGill and one was on Sandy] It would also fit in with the RTP and they would make it work. That was one of the things that the State does, they make those things fit in with what goes on in the future. Comments that it doesn't fit in with the region - it does, it can be made to fit in as far as regional transportation issues. She stated if Gresham got an offer for the Sandy or McGill sites, Winmar would be probably be gone - of the three pieces the Winmar piece is the smallest.

Councilor Schmunk had no problem with the RMU on the property there was nothing in the plan map that allowed for any type of regional development at all. She stated it was something that Council needed to look at. The Council had to schedule several meetings to meet with other larger developers to accommodate the problems that couldn't be foreseen in the plan map and in the development code. She stated that Council was always willing to work with people to make them happy. There were several things that could fit into an RMU designation.

Councilor Fowler clarified the meaning of RMU. He stated it was specifically for a regional mall use.

Rebuttal: Johnson had nothing further.

[Tape 3, Side 5 00:00]

Recommendation by Staff: Cline reminded Council that there were adopted goals and objectives of the Comprehensive Plan that included statewide goals that were mandated. Any proposal that would be under the RMU designation would be a Type 3 - quasi judicial land use decision as it had been proposed. That required evaluation based on the specific goals and objectives stated. The criteria has been set forth. He added that establishment of a task force, or adding a study, would affect the periodic review process. Cline stated concerns over limiting the use of property and marketability if too many restrictions were placed on it. He stated that a Council concern had been getting the property back on the tax rolls and by putting too many restrictions on it, the marketability would be limited also.

Cline stated that the proposed changes were viewed as helping the City establish the marketability and improve the marketability and yet retain enough control to have quality development occur on the

property. Staff recommended approval to the Planning Commission and the Planning Commission recommendation to Council was to approve.

Council Questions or Comments: [Tape 3, Side 5 4:00] Councilor Fowler stated that a special set of rules and regulations on this piece of property only confused the issue. He stated that the RMU designation should be placed without additional restrictions specific to this piece of property. Councilor Fowler stated his support of the RMU designation.

Close Public Hearing: [Tape 3, Side 5 4:45] 9:04 p.m.

ITEM #6 - ORDINANCE: AMENDING ORDINANCE 478-0 BY AMENDING THE CITY'S LAND USE PLAN MAP (548-0) (Tape 3, Side 5 4:45)

Mayor Cox read the ordinance by title.

MOTION: Councilor Fowler moved to amend ordinance 478-0, the City's Land Use Plan Map. Councilor Thalsofer seconded the motion.

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

YEAS: 4 NAYS: 0 ABSTAINED: 1

ITEM #7 - PUBLIC HEARING: ORDINANCE/AMENDING ORDINANCE 491-0 BY AMENDING THE CITY'S ZONING DISTRICT MAP

Mayor Cox read the ordinance by title.

Open Public Hearing: 9:10 p.m.

Declarations or Challenges: As stated prior.

Summation by Staff: [Tape 3, Side 5 7:35]

Cline referred to two maps to indicate the current zoning and proposed zoning. He stated that the existing zoning district map designations were to the left and the proposed to the right.

Proposed changes were: portions of Tax Lot 9, Section 26, T1N, R3E, WM from IP [industrial park] to GC [general commercial]; includes Edgefield Manor site and area west of MCCF to the area of steep slope zoned O [open space]; souther portion of Tax Lot 9 from R7 [single family residential] to GC [general commercial]. The area north of Cherry Park Road to the rear in the area of steep slope zoned O [open space]. Tax Lot 95, Section 26, T1N, R3E, WM from R7 [single family residential] to GC [general commercial]; located at the northeast corner of intersection of Cherry Park Road at 242nd Avenue. Northern portion of Tax Lot 8, Section 26, T1N, R3E, WM R5 [single family] to GC [general commercial]; located south of Cherry Park Road and north of Preas Addition and the proposed Columbia Park. Eastern portion of Tax Lot 9, Section 26, T1N, R3E, WM from O [open space] and R7 [single family] to R5 [single family]; located west of Anton Ridge Additional extending north to MCCF. Southeastern corner of Tax Lot 9,

Section 26, T1N , R3E, WM from A2 [apartment residential] to GC [general commercial; located north of Cherry Park Road west of Reynolds High School.

Cline stated that the proposed changes would increase the amount of general commercial and single family zoning while decreasing the amount of apartment residential, single family and industrial park zoning. Areas zoned open space were relatively unchanged.

Cline stated that the changes to the map were originally presented to the CAC on April 17 for discussion then placed before the Planning Commission for two hearings. One change from the original recommendation went back before the CAC. That was to retain a small area of open space zoning on Tax Lot 35, Section 26, T1N, R3E, WM which had been proposed for general commercial zoning. The change would retain the current open space zoning on the entire area designated as Columbia Park. The zoning was in compliance with the RMU designation of the Plan.

Staff concurred with the Planning Commission recommendation to approve the changes as presented to Council.

Councilor Fowler asked if the R5 remained the same - general commercial? Cline, yes and indicated on the map the area.

Councilor Schmunk asked about the northern portion [above MCCF] was left blank. Cline stated it was left the same IP [industrial park].

DeSylvia asked about what was above Anton Ridge? Cline stated it remained under the current designation R7. No changes in that area were recommended.

Councilor Thalsofer asked about the R5 to general commercial across from Cherry Park Road and if it was necessary for the success of the RMU?

Cline stated that it made sense if there was general commercial on one side to have it on the other side, rather than have an abrupt change between the two. There was a separation between it and the high school. The ballfields strip was zoned R5 and was separated from the high school by that.

Councilor Thalsofer asked if it was necessary to make the RMU work?

Cline stated not necessary for it to work but desirable for development of the property. It would allow for more configurations within the area. A zone change could be requested without a change to the Plan Map. A public hearing process would be required but several uses could be incorporated to accommodate the plan.

Councilor Fowler [Tape 3, Side 5 15:35] stated that it would make an undesirable R5 neighborhood.

Councilor Schmunk asked about the philosophy of leaving the

industrial park on the south side of Halsey?

Cline stated that a concern of having too much general commercial zoning. Industrial park allowed for several uses but a limited amount of commercial. With the combination shown the piece was large enough to be marketable, large enough to develop and yet not so

City Attorney Jennings: Mr. Mayor, of course as you did in the other two public hearings, the testimony given before can be considered in this and City Council can limit testimony to the specific issues here - appropriate zoning for which piece of property. He stated it was his assumption that the other public testimony would be considered by Council as having been given at this hearing also.

Public Testimony: Proponents
Johnson had no comments to make.

Public Testimony: Opponents
Johnson asked to speak last.

Tim Kary - Tape 3, Side 5 [19:41] Discussed open space on the sloped area and adjusting zoning so that commercial or industrial uses would be allowed at the lower end and up above have a combination of residential and open space. The proximity of the high school to the proposed general commercial on the upper end could be a problem.

Councilor Burgin asked if Reynolds was open or closed campus?

It was closed campus.

Councilor Burgin stated if the school district stated that students weren't to leave during school hours.

Kary stated his kids had permission to leave and go home for lunch. He stated that it was his feeling that a lot of kids did have permission that lived in the area.

Councilor Burgin stated that was a responsibility of the parents - it being closed campus. He stated that it was a weak argument.

Kary was concerned about the affect on the view and the traffic.

DeSylvia [Tape 3, Side 5 24:52] Other than traffic considerations discussed she added that Multnomah Kennel Club was a good example of a high concentrate of cars trying to exit. That presented another set of problems for use of a mall as well as regional development. She added, please be careful in the judgments.

Karen Burger-Kimber [Tape 3, Side 5 25:54] Questioned why this had to be done. She didn't know why the second and third steps had to be taken and change the zoning on the property at this time. She felt it was premature. The doors were opened for a developer to come in with a plan for the property [depending on how to lay the property out]. The two previous processes did what was needed. This wasn't

necessary. She wanted to stop now and the current zoning complies with RMU didn't it?

Cline stated that there would have to be some modifications. There was more residential than non residential zoning. The RMU required that the developed be primarily non-residential development - it did permit it - but in this case there is a greater percentage by the boundaries the way the RMU is designated.

Karen Burger-Kimber thought there must be alternatives and this was too drastic.

Johnson [Tape 3, Side 6 2:16] He stated that the high school shouldn't have commercial near it.

City Council Questions:

Councilor Schmunk stated that the City did the planning for the property and Council should get busy and plan it.

Councilor Burgin stated that general commercial shouldn't be a surprise - maybe to was his fault to delay the last meeting to consider written testimony but what is seen on the map is exactly what had gone through the CAC and Planning Commission.

Johnson asked when the CAC met on it? Staff responded April 17 and Johnson was present and spoke with the Mayor at the end of that meeting.

Councilor Thalsofer asked Cline if the property wasn't zoned at this time what kind of impediments would be caused?

Cline addressed it in two parts: in order to meet criteria of the RMU designation - the boundaries would need to move or be moved or some reconfiguration of the zoning as it exists would need to be done in order to conform to the RMU requirements. Secondly, if there is a developer, he/she would have to come in with a master plan - if it conforms to the zoning as it is then it would be processed as proposed as a Type 3 quasi-judicial land use decision going with a public hearing to the Planning Commission. If any changes are to be made through adjustments to the zoning...if the developer was proposing to re-zone portions of the property. But, under the RMU designation then it would be a Type 4 quasi-judicial land use decision which would go before the CAC, Planning Commission and City Council because it would require an ordinance to change the zoning of the map. Then, he would also be bound by the Type 3 procedure which would be the master plan so there would actually be two decisions which would have to be made.

Councilor Fowler stated that the way it was now, all three things fit together as a glove, correct?

Cline, yes as recommended by the Planning Commission.

Councilor Fowler [Tape 3, Side 6 6:58] you would have to go back

through this whole mess again and accomplish zero.

Christian clarified that the assumption was being made that everything was being approved this evening because Council had intent of addressing that required Council review within the Development Code. This was the base assumption in talking about those procedures. Before the periodic review is passed in the final documents when all pieces are together Council intent is to amend the Development Code to require a Type 4 hearing as part of the RMU review process.

Mayor Cox stated yes that was the intent.

Recommendation by Staff: Cline stated he had no additional information to add. Planning Commission recommended approval as amended from the original proposal. The area involved the Columbia Park extension north to Cherry Park Road adjacent to the property owned by Reynolds School District. The recommendation was to approve that.

Councilor Thalsofer asked about the R5 strip, was the recommendation to make it open space. He asked if that strip was something someone would want to build on.

Cline stated that a general commercial area was buffering the R5. In addition, it was drawn large enough to accommodate the width of the street and two developable lots of either side. Cline pointed out that there was already nearly 50 acres of open space out of a total of 330 and you reach a point in being realistic and at some point it may be an issue.

Council Questions or Comments:
Close Public Hearing: 9:40 p.m.

ITEM #8 - ORDINANCE: AMENDING ORDINANCE 491-0 BY AMENDING THE CITY'S ZONING DISTRICT MAP (549-0)

Mayor Cox read the ordinance by title.

MOTION: Councilor Fowler moved to pass the ordinance, as written.
Councilor Burgin seconded the motion.

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

YEAS: 4 NAYS: 0 ABSTAINED: 1

MOTION: Councilor Burgin stated to go along with Councilor Thalsofer's sentiment to pass a resolution declaring Council intent to amend the Development Code to require a Type 4 process for review of RMU designations. Councilor Fowler seconded the motion.

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

YEAS: 4 NAYS: 0 ABSTAINED: 1

BREAK: Mayor Cox called for a 5 minute break at 9:45 p.m.
City Attorney Jennings left at 9:50 p.m.

ITEM 19 - RESOLUTION: REGARDING FACTS AND PUBLIC HEARINGS
INFORMATION, AND DECLARING THE CITY COUNCIL'S APPROVAL OF
PASS THROUGH GARBAGE RATE INCREASES PURSUANT TO ORDINANCE
309-0 (828-R) [Tape 3, Side 6 16:53]

Christian stated that this was a request for a pass through with no additional increase to the rate except that cost for disposal at the land fill site.

Terry Ege, Ege Sanitary Service 28212 E. Crown Point Hwy., Troutdale, stated the formula used was the same as Metro had used in the past. The increase was to cover dumping fees.

Mayor Cox read the resolution by title.

MOTION: Councilor Bui moved to approve the resolution as written.
Councilor Thalsofer seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 27 - CONSIDER: APPROVAL OF A PERMIT FOR COMMUNITY EVENT/SCENIC
VIEW BAPTIST CHURCH [Tape 3, Side 6 19:50]

Mayor Cox called this agenda up.

Cline gave background information. A request from Glenda Blalock, 3710 SE Strebin Road, Sandy to erect a tent for a vacation bible school with an RV on site for security purposes. Cline stated that portable toilets would be available as well as potable water, garbage cans on site to collect trash.

Cline stated that the fire department had expressed concern with the materials of the tent.

Cline stated that a parade to kick off the services beginning at Sweetbriar Park across Stark Street into Sandee Palisades subdivision before turning back up and returning to the beginning point was also included in the request.

Christian pointed out that under City Code the City Administrator had the authority to approve parade permits as long as certain conditions are met [approval of Police Department/Public Works submitted in writing]. All conditions have been met. The basic issue was approving the community event in terms of the tent, security trailer and time span for the event. There were no codes for this type of event and Council approval was the intent.

Glenda Blalock stated that 40-45 children were expected with workers from Texas to help with the event with no more than 70 persons expected on the property at any one time.

Councilor Thalhofer asked what the appropriate motion would be?

MOTION: Councilor Thalhofer moved approval of a community event, vacation bible school, the erection of a tent and the parade. Councilor Bui seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM #9 - RESOLUTION: CERTIFYING THE CITY OF TROUTDALE ELIGIBILITY TO RECEIVE STATE SHARED REVENUE (820-R) [Tape 3, Side 6 25:38]

Mayor Cox called this agenda item.

Gazewood stated that the group of resolutions were basically housekeeping measures to certify eligibility of the City to receive state shared revenues, election to receive revenues. The requirements were set forth by statute where cities in a County of 100,000 habitants must provide 4 or more services as listed in the resolution.

Councilor Bui asked about how much money the City would receive for 1990-91?

Gazewood stated \$405,282 was being budgeted.

Mayor Cox read the resolution by title.

MOTION: Councilor Burgin moved to adopt the resolution as written. Councilor Fowler seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 10 - RESOLUTION: DECLARING THE CITY OF TROUTDALE'S ELECTION TO RECEIVE STATE SHARED REVENUES (821-R)

Mayor Cox read the resolution by title.

MOTION: Councilor Schmunk moved to adopt the resolution as written. Councilor Burgin seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 11 - PUBLIC HEARING: PROPOSED USE OF OREGON REVENUE SHARING FUNDS (Tape 3, Side 6 28:55 Open Public Hearing: [Tape 3,

Side 6 20:19] 9:50 p.m.

Mayor Cox called this agenda item.

Declarations or Challenges:

Summation by Staff: Gazewood stated this was a requirement by state law. This was the second of two required public hearings. The first was before the entire Budget Committee and they designated the monies for general purposes and was consistent with the past budget process. This hearing was required before Council. Designation of comparison of state revenue sharing funds to the total budget document.

Gazewood stated that the total budget document, to be presented at the next public hearing total \$6,929,481 of which state revenue funds total \$405,282. The proposed use for general use of the City. Funds totaling \$95,352 would support general fund expenses; \$306,870 are state gasoline taxes which would be deposited into the street fund for street purposes with 1% of gas monies \$3,060 deposited to park and recreation fund for that specific purpose.

City Council Questions: None

Public Testimony: Proponents

Public Testimony: Opponents

City Council Questions:

Rebuttal:

City Council Questions:

Recommendation by Staff: Gazewood stated that the proposed budget contained state revenue funds for stated purposes which is part of the upcoming budget before Council for adoption next meeting.

Council Questions or Comments:

Close Public Hearing: [Tape 3, Side 6 32:48]

ITEM 12 - PUBLIC HEARING: FY 1990-91 BUDGET (Tape 4, Side 7 00:00)

Open Public Hearing: [Tape 4, Side 7 00:00] 10:01 p.m.

Declarations or Challenges:

Summation by Staff: Gazewood stated that the resolution was for the FY 90-91 budget. The Budget Committee approved the budget on April 11, 1990 and the specific budget was sent to Tax Supervising and Conservation Commission which they certified and proposed certain changes contained in the packet materials. The Budget Committee Chairman had reviewed proposed changes in the budget and that document was included in the packet materials before Council.

Gazewood stated that Jensen had business out of state and couldn't attend the meeting. The total budget requirement was \$6,929,481 - \$40,410 of that was set aside as unappropriated fund balances to be used for cash purposes for bonded indebtedness for the FY 91-92 year. Certain costs have to be set aside to take care of bond payments to 1) general obligation tax monies come in and 2) local improvement districts. Those bonds that the principal and interest paying before

making collections for that period and to ensure the payment is there to cover the early payments. The appropriated sums for all budgets \$6,889,071

Public Testimony: Proponents
City Council Questions:
Public Testimony: Opponents
City Council Questions:
Rebuttal:
City Council Questions:
Recommendation by Staff:
Council Questions or Comments:
Close Public Hearing: [Tape 4, Side 7 3:20] 10:10 p.m.

ITEM 13 - RESOLUTION: ADOPTING FY 1990-91 BUDGET AND MAKING APPROPRIATION (822-R) [Tape 4, Side 7 03:27]

Mayor Cox read the resolution by title.

MOTION: Councilor Bui moved to adopt the resolution as written. Councilor Burgin seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 14 - RESOLUTION: LEVYING AD VALOREM TAXES FOR FY 1990-91 (823-R) [Tape 4, Side 7 03:43]

Mayor Cox read the resolution by title.

Gazewood stated that this resolution set forth the tax levies that Council must adopt to finance the budget for FY 90-91. He gave background information. The general Fund amount for regular tax base \$807,160 and did not require a special levy; the debt service - general obligation bonds \$5,968 and reflected small body capacity that the City currently had. Assessed value of the City and has approximately 99% of its bonding authority available. Gazewood stated that this was for bancroft bonding - strictly a property tax assessment. Total property tax requirements was \$813,128.

MOTION: Councilor Burgin moved to adopt the resolution as written. Councilor Fowler seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 15 - RESOLUTION: PROVIDING FOR BUDGET TRANSFERS AND MAKING APPROPRIATION CHANGES FOR FY 1989-90 (824-R) [Tape 4, Side 7 5:31]

Mayor Cox read the resolution by title.

Christian stated that a fund had been left out and the amended copy was in the packet before Council and gave background information.

MOTION: Councilor Fowler moved to adopt the resolution as written. Councilor Bui seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 16 - RESOLUTION: PROVIDING FOR BUDGET AUTHORITY FOR LOCAL IMPROVEMENT DISTRICTS AND MAKING APPROPRIATIONS FOR FY 1989-90 (825-R) [Tape 4, Side 7 6:28]

Mayor Cox read the resolution by title.

MOTION: Councilor Fowler moved to adopt the resolution as written. Councilor Bui seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 17 - RESOLUTION: ACCEPTING AN EASEMENT FOR A SEWER "STEP SYSTEM" EASEMENT FOR THE EAST TROUTDALE SANITARY SEWER (LID 90-001) (826-R) [Tape 4, Side 7 6:48]

Mayor Cox read the resolution by title.

Wilder stated that the resolution and easement was for a pressure sewer line and step system tank associated with the East Troutdale Sanitary sewer LID. The easement was required by DEQ even though the ownership of the system was private but for DEQ to approve the process the City had to have access to it in case it were to fail.

MOTION: Councilor Bui moved to adopt the resolution as written. Councilor Fowler seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 18 - RESOLUTION: ACCEPTING THE EAST TROUTDALE SANITARY SEWER PROJECT (PRIME CONTRACT) AND AUTHORIZING THE RELEASE OF RETAINAGE (827-R) [Tape 4, Side 7 7:47]

Mayor Cox read the resolution by title.

MOTION: Councilor Fowler moved to adopt the resolution as written. Councilor Bui seconded the motion.

Councilor Burgin asked about the over run was it the City's fault or contractor?

Wilder stated it was Mother Nature's fault - it was solid rock.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 20 - RESOLUTION: AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
WITH "METERREADERS" FOR WATER METER READING CONTRACT (829-R)
[Tape 4, Side 7 9:42]

Mayor Cox read the resolution by title.

Wilder stated everything was the same as the prior year, no changes and it has been working very well.

MOTION: Councilor Fowler moved to adopt the resolution as written.
Councilor Bui seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 21 - RESOLUTION: AWARD CONSTRUCTION CONTRACT/KRISTIN SUBDIVISION
(LID 90-006) (830-R)

Mayor Cox read the resolution by title.

Wilder stated that the project was formed by a non-remonstration LID recently. Bids were opened June 25 with the bids coming in very close. The bid amounts ranged from \$142,055.15 to \$194,554.40. The City's estimate was \$122,400 and the engineer's estimate was \$157,000.

Wilder stated that Parker Northwest Paving Co. was the lowest most responsible proposal with a bid of \$142,055.15 which was approximately 14% above the City's estimate and 10% below the engineer's estimate.

Staff recommendation and the consulting engineer for this project (David J. Newton Associates) recommendation was that the contract be awarded to Parker Northwest Paving Co and that the Mayor be authorized to execute construction contracts accordingly.

MOTION: Councilor Bui moved to adopt the resolution as written.
Councilor Burgin seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 22 - ORDINANCE: GTE "PRIVILEGE TAX" (546-0) [Tape 4, Side 7
11:50]

Mayor Cox called this agenda item.

Christian stated GTE was on strike and no one was present to address this issue. She had spoken with Mr. Bondi several times which was included in the memorandum before Council.

Councilor Burgin stated in GTE's information it was stated that GTE couldn't guarantee a benefit by levying a lower amount because all surrounding areas were going with the 7% so exchanges of 667 and 666 were going to get the same levy charged against them.

Councilor Fowler read from material sent to him with his bill. It stated that the unincorporated areas were having the percentage separated out so why couldn't other areas. This would be a 7% tax on every customer. He had a commercial rate and would pay an additional \$4.20/month.

Councilor Burgin stated that it didn't apply to long distance, call forwarding, call waiting, directory assistance...it was based on the basic phone services.

Overstreet had said he couldn't guarantee the separation of jurisdictions getting charged different rates. GTE would have to send the engineering department into Troutdale and map the areas that would be sorted out by the computer. Therefore, it wouldn't be a guaranteed immediate changeover. There would have to be adjustments after they billed.

Councilor Burgin pointed out to Fowler that the City was a participant in the 911 system but have no say in what we are charged. If there isn't a source of revenue to pay those bills...

Councilor Fowler was not in agreement with the 7%.

Gazewood discussed the budget being at the same revenue level - \$43,000. If the base is reduced, there has to be an increase in the tax in order to make it the same level - Christian stated it was 3.58 privilege tax was estimated for the City to maintain the same level of revenue this year.

Councilor Fowler stated if 3.58 was budgeted, that was what it should stay at and make GTE set the City's out.

Christian stated that this franchise was for ten years - June 30, 2000.

Councilor Thalsofer stated that the City Administrator suggested approving the 7% increase with the understanding that the money be used to finance the City's increased (and increasing) 911 charges and Emergency Communication charges. He was in favor of that and giving the citizens the best 911 service available.

MOTION: Councilor Thalsofer moved to approve the 7% increase.
Councilor Bui seconded the motion.

Councilor Fowler stated that it was still taxing the citizens.

Councilor Burgin asked if there was a way to reserve the funds for the future to cover 911 costs? Christian stated that it could be earmarked for that purpose, yes.

Councilor Fowler stated that his basic point was that the citizens were asked to establish a new tax base for Troutdale a year or so ago. Now the City's is operating pretty smoothly and here comes an opportunity to pick up a lousy \$4/a month off of him and we're going to grab it real quick. That isn't staying within our budget, or our tax base. It's an opportunity to go out and tax businesses or cars that go through the street or something like that - but you're putting that on every citizen.

Councilor Bui asked if there was a timeline to notify GTE? Christian stated yes, by July 1st if there is to be any levy of the privilege tax at all.

Councilor Burgin asked if this was a pass through levy, what is the possibility of amending the franchise agreement?

Christian stated there was a provision in the ordinance that states the grantee may terminate the franchise after 180 days notice in writing the ordinance is applicable to federal and state enactments. It could be ended and started again.

Councilor Burgin stated if it was possible to amend the franchise... Christian stated that it didn't state it was possible to amend it. It would be safer to set it at a specific time. If Council wanted to set it at 3.58 for the next two years it would be safer to do that than at a 10 year period.

Mayor Cox stated Bogle had stated that the cost of the crystals for the radios was nearly double and they were the deciding people.

Councilor Thalsofer stated that the enhanced 911 system was suppose to be excellent. He gave an example of a small child that didn't know the address but it showed up on a small screen where the call was originated.

Councilor Schmunk called for the question.

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

YEAS: 3 NAYS: 2 ABSTAINED: 0

ITEM 23 - CONSIDER: ALLARD/POLICE FACILITY ISSUE [Tape 4 Side 7 28:22]

Mayor Cox called this agenda item.

Christian stated that acquiring the public square that was identified in the downtown plan, as well as extra space until an overall public facilities plan for municipal office space including the police

department can be done.

Christian stated that a rough estimate of \$25,000-\$30,000 to make either the bank building or post office suitable for the police department use. She compared lots that the buildings sat on as well as floor square footage.

[Tape 4, Side 8 00:00]

Christian stated that the building inspectors were with her in viewing both sites being considered. She stated an offer could be made on the public square lot only since it was a separate lot.

Councilor Thalsofer stated that this was a pressing need for the police department to have the space that was needed. He would rather have the entire package rather than just the public square lot. He asked if there was any realty to Troutdale having a bank again? In the factory outlet stores when they are built?

Mayor Cox stated that there was suppose to be a bank facility in the factory outlet.

Councilor Fowler stated a branch bank.

Councilor Thalsofer stated that the old Bank building was a better site and facility than the post office building. He wanted to see staff pursue it with some vigor. It would also provide the public square which is in the downtown concept plan.

Councilor Burgin agreed with Councilor Thalsofer.

Councilor Bui agreed that the bank building would be more centrally located. He asked if there was to be a committee looking into the needs of a facility for the police department.

Christian stated that a 15-20 year space needs for the police department was underway. Based on current activity the need was 3,400 sq. ft. The building was now only 3,000 sq. ft. and some of the rooms could be double usage. The building now had 1,070 sq. ft. with the estimated need of 3,000.

Councilor Thalsofer stated that the report referred to a Police Goals Task Force, was there still one? Christian stated no, a task force is short term. Thalsofer asked if the membership of the task force was available? Christian stated, yes.

ITEM 24 - RESOLUTION: ACCEPTING ENGINEER'S/PUBLIC WORKS DEPARTMENT REPORT AND SETTING A DATE FOR A PUBLIC HEARING "SOUTH TROUTDALE STORM DRAIN INTERCEPTOR, A COUNCIL INITIATED PROJECT (831-R) [Tape 4, Side 8 08:30]

Mayor Cox called this agenda item and read the resolution by title.

Wilder gave background information.

MOTION: Councilor Fowler moved to adopt the resolution setting July

10, 1990 as the hearing date. Councilor Burgin seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 25 - RESOLUTION: REGARDING THE ELECTION OF THE MAYOR AND THE CITY COUNCIL - EXPIRING TERMS FIRST OF THE YEAR 1991 (832-R) [Tape 4, Side 8 10:25]

Mayor Cox called this agenda item and read the resolution by title.

City Recorder Raglione stated that this was the standard process for elections of the Mayor and Council positions. The resolution gave direction to prepare the filing packets for the terms that were expiring January, 1991.

MOTION: Councilor Bui moved to adopt the resolution as written. Councilor Burgin seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM 26 - DISCUSSION: INTERIM HEARINGS OFFICER

Mayor Cox called this agenda item.

Councilor Schmunk stated due to the lateness of the meeting and the absence of the City Attorney, she would like to see this item tabled and rescheduled for a later meeting.

TABLED

ITEM 28 - COUNCIL CONCERNS AND INITIATIVES

Councilor Thalsofer - commercial sign; weed problem on Cherry Park Road.

Christian stated that letters had already gone out on the weed problem.

Councilor Bui - status of Fire Task Force.

Christian stated that her understanding was further investigation into the private fire provider. Arthur was doing that and would be addressing the Task Force. Christian suggesting holding until the Port responds to the evaluation. [Tape 4, Side 8 15:00]

ITEM 29 - ADJOURNMENT

MOTION: Council Bui moved to adjourn at 11:00 p.m. Councilor Fowler seconded the motion.

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

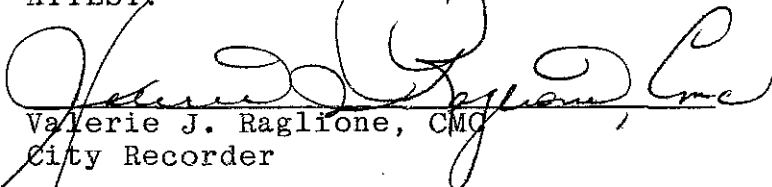
YEAS: 5 NAYS: 0 ABSTAINED: 0



Sam K. Cox, Mayor

DATED: 7/19/90

ATTEST:



Valerie J. Raglione, CMG
City Recorder

CC8[5]

July 14, 1990

THIS IS A PUBLIC ATTENDANCE RECORD. PLEASE LIST THE FOLLOWING INFORMATION:

EASE PRINT NAME	ADDRESS	TELEPHONE
DON OAKLEY	David J. Newton Assoc. Inc. 1201 SW 12 th Suite 620 Portland	228-7718
C. Scott Cline	141 S.E. Rippling 10503 SE	665-5175
Bob Gazewood	City Hall	665-5175
DON STAMM	16455 SE DIVISION PORTLAND 97236	760-1030
Brent Collier	104 SE Rippling Troutdale	665-5175
MR Outlook		665-2181
ROBERT JOHNSON	1933 S.W. LAURA CT	665-4449
William E Farr	596 S.E. Hale Dr.	666-2574
Edward Kubicki		665-5175
Dan Hatch	120 SE 80 th Portland	665-5175
Valerie Lantz	25496 SE Firwood Sandy OR	665-5175
Dan Thomas	20031 NE Halsey #7	665-9703
FRANK + Carmen Dunn	S-2 Contractors 507 NE 178 th Portland	661-5818

June 26 1990

THIS IS A PUBLIC ATTENDANCE RECORD. PLEASE LIST THE FOLLOWING INFORMATION:

EASE PRINT NAME	ADDRESS	TELEPHONE
Yansfield, Cheryl	821 SW 15 th Troutdale	1241-4587
Morita, Barbara	906 SW 15 th Troutdale	1065-4420
CHERYL DAVIS	2203 SW INDIAN JOHN TRAUTDALE	1661-5466
PEGGY P. CARR	2204 SW INDIAN JOHN TROUT	666-7022
DAVE J. Polze	1520 SW 13 th Circle	667-1413
Allen Harger-Kambin	1675 SW Cherry PK Rd	661-6486
Kris DeSylvia	1371 SW McGinnis	
TIM KARY	1448 SW 13TH PL	661 1067
Web Ruble	The Oregonian	666-5829
Bob Greenwood	City of Troutdale	665-5175