

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

7:00 P.M. ~ AUGUST 11, 1992

ITEM1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Cox called the meeting to order at 7: 03 p.m.

Mayor Cox called on Councilor Thalhoffer to lead the pledge of allegiance.

City Recorder, Raglione called the roll.

PRESENT: Cox, Fowler, Schmunk, Thalhoffer, Thompson, Wakeman

ABSENT: Bui

STAFF: Christian, Collier, Cline, Galloway, Gazewood, Raglione  
Jennings

PRESS: Dave Anderson, Outlook

GUESTS: Klaus Heyne, Sally Wakeman, Kris DeSylvia, Karen Burger-Kimber, George Zupko,  
David Ripma, Fred Rathbone, Jeff Kleinman

ITEM 2. CONSENT AGENDA:

Mayor Cox called this agenda item. [2.1 Accept Minutes - Regular Session July 28, 1992; 2.2 Business Licenses - Month of July, 1992].

City Recorder, Raglione stated that the Minutes of the 7/28/92 meeting weren't available but would be provided at the next scheduled meeting. Also missing from the packet materials was item 2.2

MOTION: Councilor Schmunk moved to table to the next meeting. Councilor Fowler seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

ITEM 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

Mayor Cox called for public comment to non agenda items.

Klaus Heyne, 41101 SE Loudon Road. wished to invite any interested persons to an August 25 meeting at 7:00 p.m. in the Council Chambers at Camas City Hall in Washington. He stated that this meeting would be dealing with restrictions from emissions from the pulp mill located in Camas. The meeting topics would be covering the economic impact on the local community, historical accounts of past and present air emissions and description of the rule-making process; how people can get involved; and likely environmental impacts which were expected from the amended rule. [**Written material presented available at office of City Recorder.**]

David Ripma, 4220 S Troutdale Rd., discussed the passage of Ordinance 583 at the July 28th Council meeting. There were two ordinances scheduled for second reading before Council and prior to action on items #5 and #6 he wished to make comment to two errors which were found to be in the language of the MPMU ordinance as it was passed.

Ripma stated that the intent of the Planning Commission was to include R10 in the MPMU designation. The second item was a wording change '**or density**' which was language used but not the intent of the Planning Commission to have that wording. The provision to allow an increase/decrease of 20% in zoning districts within the MPMU comp plan area without going back for a zoning change. He stated he had discussed this with other Planning Commission members also and they were concerned that a developer could request a density increase of 20% without giving up amenities which were normally required for additional densities. He stated a developer to turn the language to eliminate amenities to the City in exchange for the increase in density.

Ripma stated that the Planning Department might have to grant a developer additional density without any flexibility. The City should be able to negotiate with developers with a strong position. It was normal to be in a give and take position and he was uncomfortable with the wording. He stated it appeared flawed and was not the intention of the Commission to allow the density.

Ripma requested Council not to act on the two ordinances listed as item #5 and #6 on the agenda and asked City Attorney Jennings for advice on procedure should Council consider this request.

Jennings stated that a public hearing with the appropriate notices and public testimony could be done by amending the ordinance rather than rescinding it.

Ripma asked if an amendment or rescinding would have to go back to the Planning Commission?

Jennings stated no.

Ripma requested Council direct staff to agenda an amendment to Ordinance #583 with the to include R10; to delete words "or density" in third paragraph; and table second reading of Items #5 and #6 from the current agenda.

Councilor Thalhoffer asked if the R10 meant adding/subtracting by 20% in an area?

Ripma stated a substantial chunk could be zoned R10. MPMU [any zone could be increased/decreased by not more than 20%. The way it would read. If the developer had 10 acres of R10 he would be able to reduce the acreage by 10% or 10 acres to 8 acres. A stated goal is to accommodate innovative planning [neo traditional type town plans].

Cline stated that the inclusion of the R10 was on the official copy which is in the file and is referenced. In terms of restriction of 20% how the Commission interpreted staff comments he couldn't respond to. He stated both zonings would be allowed. The language had been added after discussions with DeSylvia and Intent of 20% [written in restrictive not permissive]. The issue with 20% is you won't be heard until go through public process. Ripma was correct in statement that developer would perceive 20% amount. CAC PC, CC is where actual density would be determined. That had been the driving force behind the entire issue.

Ripma agreed with Cline in that the intent is that it be used as a guidance to exchange higher densities. He did reiterate that the wording would give developers the opportunity to cease to the figure 20% - and be successful in the argument to do it without adding any of the usual amenities. He felt strongly that the City's best position would be to start bargaining at the table with the strongest points clear.

Ripma commented that he was confused about how the R10 was included when it wasn't in the packet materials presented to Council that he had reviewed.

Mayor Cox made a statement that a considerable amount of the parks in the City were achieved by the negotiating with the developer to get the amenities.

Ripma supported that process and didn't want the opportunity for a developer to come in with the 20% reduction in density.

Cox stated this would need to go to PC and CAC again in any case.

Ripma commented that he didn't know where the word density even came from. The entire paragraph discussed area.

Councilor Wakeman agreed and stated he remembered nothing about density.

Councilor Fowler could understand R10 and keeping it R10 was a logical decision. He stated that including the density in the paragraph didn't appear to be the intent of the Planning Commission.

Jennings stated an ordinance amending Ordinance 583 passed with language included [as Ripma had suggested] subject to a public hearing as was the ordinance - Type 4 hearing subject to public testimony, staff report, testimony, final decision. The Council had the authority and power to act on this and didn't have to require re-submitting to the Planning Commission or the CAC. Council could direct staff to amend Ord. 583 to delete words **or density**. If anything was out of context with the intent of the entire MPMU it could have a substantial effect. Staff could, with Jennings, incorporate the necessary language to cover everything that could be implied as a change because of language changes.

Councilor Wakeman asked about tabling items #5, and 6, was it necessary?

Cline stated there would be no Plan in place to allow passage of the other two ordinances.

Cline asked with the 20% limitation on density increase/decrease. If specified when it is in there - could remove words or density and the developer could come in and request a 100% increase in density. Won't consider more than 20% and is that a type of limitation that could be addressed in the ordinance?

Ripma suggested 4.5 of Planning unit code - provision allowing developer up to 25% if specific criteria was met [benefits to the City]. He proposed that be addressed at a later date and something could be added to give clarity and direction to the developer. He didn't believe it should be something to add now.

Councilor Thompson stated that he didn't see the same concern that Ripma had voiced.

Ripma stated density wasn't discussed and area was only point of discussion. He had referred to the Planning Commission minutes and stated they were very specific. He had also consulted with other Commission members for clarification and they had agreed with Ripma on this issue.

Councilor Thompson asked what Ripma envisioned happening because of the wording?

Ripma stated there could be no amenities but that it met the letter of the Development Code and he was concerned that a developer could challenge it if the developer met the 20% or less then the requirement was met.

Councilor Thompson asked Cline to comment.

Cline stated that a Type 4 process would be required. If it exceeded anything within the 20% - it is a restriction

Councilor Thompson asked if the current language would allow an 8,000 sq. ft. lots in an R10 zone?

Cline stated it could be considered but bound to incorporate neo traditional planning. All tied by the description of the Plan by what is approved by the community.

Councilor Thompson agreed with Cline but stated if it was the Commission's recommendation he had no objection to the amendments either. He stated that he didn't see the need, however.

Ripma could be read to permit 8,000 sq. ft. lots. Cline correct - they would have to go through the Type 4 process but, if the Plan was within the 20% they couldn't be denied either. He was concerned that an R10 be the start at the bargaining table, not an R8.

**MOTION: Councilor Thompson moved to amend the language to the Ordinance passed at the previous Council meeting, and reschedule it for first reading at the next scheduled Council meeting. Councilor Fowler seconded the motion.**

DISCUSSION:

Councilor Thalhofer asked why would it go back before the Planning Commission and CAC if it can't be denied?

Ripma forced MPMU - developer must follow concept development plan procedure. Includes CAC and PC. Part of the city meeting requests of LCDC for full citizens participation in County Farm property. Developer could challenge a denial of the basis.

Councilor Thalhofer called for the question.

**YEAS: 5**

**NAYS: 0**

**ABSTAINED: 0**

**Fowler - Yea; Schmunk - Yea; Thalhofer - Yea; Thompson - Yea; Wakeman - Yea**

**MOTION: Councilor Thompson moved to table items 5 and 6 to the next scheduled meeting date. Councilor Wakeman seconded the motion.**

**YEAS: 5**

**NAYS: 0**

**ABSTAINED: 0**

**Fowler - Yea; Schmunk - Yea; Thalhofer - Yea; Thompson - Yea; Wakeman - Yea**

Karen Burger-Kimber - 1675 SW Cherry Park Rd. - stated she wished to discuss a memorandum she had brought before Council requesting an endorsement from Council increasing the meeting dates of the CAC. The Committee suggestion was to meet the first Tuesday of each month as long as there were pre established programs arranged. Current policy was that the staff call a meeting when required to meet compliance with land use issues. Several members had expressed interest in using the CAC as an educational forum to help them learn more about the City, its representatives, policies, plan, and goals. A secretary had been appointed to take minutes of the meetings - not a City staff person. She stated it was a public forum and encourage citizen participation in their community. She

stated there were 25 members now and regular meetings would encourage participation and keep the momentum of the Committee. Due to normal attrition she stated that keeping the Committee active would continue feeding for resources. A pre-approved program could be submitted at Council request. She stated she believed the CAC was a stepping stone and more an educational format and would like to pursue the request as well as expand the efforts of the Committee, with Council support.

**MOTION:** Councilor Thalhoffer moved to endorse the request to increase meeting dates.

Jennings stated it would need review for legal issues that might be raised. It was a unique request and he wanted to ensure that it is appropriate.

Councilor Thompson commented on his participation in a selection process for a Sergeant position and as part of the process Karen had been recruited as a role player. He stated she did an excellent job.

**ITEM 4. PRESENTATION: Troutdale Chamber of Commerce re: Transportation and Tourism Center**

Mayor Cox called this agenda item.

Christian stated this item should have been scheduled for September. There was no presentation to be made at this meeting and requested that this item be scheduled for the first meeting in September.

**ITEM 5. ORDINANCE: An Ordinance Amending the Comprehensive Land Use Plan Inventory [Adopted by Ord. #492] Updating information Pertaining to Current Development on Portions of the Multnomah County Farm.**  
TABLED  
Second Reading

**ITEM 6. ORDINANCE: An Ordinance Amending the Zoning District Map [Adopted by Ordinance #491] for Portions of Land in the Multnomah County Farm Study Area.**  
TABLED  
Second Reading

**ITEM 7. RESOLUTION: Accepting an Easement Agreement for Installing and Maintaining Roadway and Utilities on a Tract of Land Granted by Benchmark Land Company to the City of Troutdale**  
TABLED  
Galloway

Mayor Cox called this agenda item.

Christian stated that item #7 hadn't been returned signed yet. If received, it would be carried forward at a later date.  
TABLED

Christian stated Vera Strebin would not dedicate the easement since she didn't believe there to be a benefit to her. Therefore, item #8 should be removed from the agenda.

**ITEM 8.**      **RESOLUTION: Accepting an Easement Agreement for Installing and Maintaining Roadway and Utilities on a Tract of Land granted by Vera Strebin to the City of Troutdale.**      **Galloway**

**REMOVED, NO ACTION**

**ITEM 9.**      **RESOLUTION: Directing the Public Works Director to Investigate and Submit a Written Report on the Feasibility of Extending City Water and Sewer Services to the Residents of the Private Portion of Jackson Park Road.**

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

Galloway stated that staff had received inquiries by residents along Jackson Park Road regarding the feasibility of the City providing utility service to the area. Staff was recommending approval of the resolution calling for an engineer's report [TMC 12.04.010]. The report would be before Council no later than October 13, 1992.

Councilor Fowler asked how far down Jackson Park Road was anticipated?

Galloway stated south of the bridge over Beaver Creek. All properties were within the City limits.

**MOTION:**      **Councilor Thalhofer moved adoption of the resolution calling for an engineer's report to consider providing city water and sewer service to residents of Jackson Park Road. Councilor Schmunk seconded the motion.**

**YEAS: 5**

**NAYS: 0**

**ABSTAINED: 0**

**Fowler - Yea; Schmunk - Yea; Thalhofer - Yea; Thompson - Yea; Wakeman - Yea**

**ITEM 10.**      **RESOLUTION: Authorizing Foreclosure of Delinquent Assessment Liens**      **Gazewood**

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

Gazewood stated late in the day he had received letter from a property owner requesting the opportunity to make payments of \$500/month toward the amount owed. There were three properties affected by this resolution which involved two ownerships. He reviewed the owed amounts of the Bennet properties which totaled \$18,025.74 plus costs. The amount due on the Spencer/SRH property was \$41,474.91 plus costs. In order to hold in abeyance the accounts Bennett properties would need to pay \$4,595.73 and the Spencer/SRH property would be \$10,782.45

Gazewood stated that Section 4 of the resolution ordered withhold foreclosure action on properties on which a payment plan had been agreed to between the property owner and the City. However, as of January 23, assuming 5 payments were made, leaving a balance of \$3,600 due.

Jennings asked if the City was mandated to foreclose even though paying on agreed upon debt?

Gazewood stated as long as they were meeting the schedule they committed to, the City wouldn't take foreclosure action.

Jennings recommended the language in Section 4 should have language stating a person that was current wouldn't be subject to foreclosure the next time foreclosure would take place. Jennings stated others might be on foreclosure list the language expressly understood that individuals who maintain payment plans will not be subject to foreclosure at next regular foreclosure, but others not on a regular payment plan would be.

Christian asked what interest the City was paying throughout the length of debt service City was carrying the principal but there was also interest on all of the amount owed. An open ended kind of payment plan was costing the City.

Gazewood stated that the yield the City received on investments was 4.66% in June. Paying the debt service out at 6.96% The City was actually financing any delinquent assessments to that extent.

Christian stated the payments should equal at least the amount City is paying.

Councilor Thompson stated the property owner should keep all other payments current if they were already on a payment plan.

Councilor Wakeman stated section 4 tells what he wants to pay maybe give to the next installment plan to bring current.

Gazewood stated Jennings could draft up a schedule with the appropriate criteria.

Christian stated there could be wording change in Section 4 and also Jennings could be directed to draft a payment agreement.

Jennings stated both.

Christian stated staff would come back to Council with a new resolution and a draft repayment agreement drawn up by Jennings. This item would be scheduled for the September 8, meeting.

Jennings repayment agreement [incl. Section 4] all payments be finished by time next taxes come due?



Councilor Thompson wanted it stated in the repayment agreement that from hereon keep payments current while back monies owed are caught up.

**MOTION:** Councilor Thompson moved to table this agenda item to the next scheduled meeting in order to revise the resolution to include language in Section 4 "all payments be kept current while installment payments are made. Councilor Wakeman seconded the motion.

Councilor Wakeman asked if tabling would move foreclosure action?

Christian responded, yes.

Councilor Thompson amended his motion to include revising the resolution to include language change discussed.

Gazewood do immediately inform property owner that resolution and call for foreclosure title reports to determine lienholder of record to allow giving of their property notice.  
Set off 1 month.

**YEAS: 5**

**NAYS: 0**

**ABSTAINED: 0**

**Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea**

**ITEM 11. DEPARTMENT REPORTS:**

Christian asked that this item be tabled since it was 8:10 and the Executive Session was scheduled for 7:30 p.m.

**\*\*\*\*\*EXECUTIVE SESSION\*\*\*\*\***

**ITEM 12. DECISION: Results [if any] Executive Session: [ORS192.660(1)(h) "legal rights and duties of a public body with regard to current litigation or litigation likely to be filed."**

Not called.

**ITEM 13. COUNCIL CONCERNS AND INITIATIVES**

Not called.

**ITEM 14. ADJOURNMENT.**

Mayor Cox called this agenda item.

**MOTION:** Councilor Schmunk moved to adjourn the meeting at 8:12 p.m. Councilor Fowler seconded the motion.

**YEAS: 5**

**NAYS: 0**

**ABSTAINED: 0**

**Fowler - Yea; Schmunk - Yea; Thalhofer- Yea; Thompson - Yea; Wakeman - Yea**

\_\_\_\_\_  
Sam K. Cox, Mayor

Dated: \_\_\_\_\_

**ATTEST:**

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**Valerie J. Raglione, CMC**  
**City Recorder**

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