



# CITY OF TROUTDALE

## AGENDA

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

7:00 P.M. - JUNE 14, 1994

**PLEASE NOTE: COUNCIL WILL ADJOURN AT 9:00 P.M. FOR THE STREET LIGHTING CEREMONY AT CITY HALL.**

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept Minutes - Regular Session - MAY 24, 1994
  - 2.2 Business Licenses - Month of MAY, 1994
  - 2.3 Cooperative Purchasing Agreement Renewal
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (I) 4. CITIZENS ADVISORY COMMITTEE REPORT: Speed Humps O'Grady
- (A) 5. COMMENDATIONS, AWARDS, AND PROCLAMATIONS:
  - Brian O'Grady - Chair, Citizens Advisory Committee
  - Brent Collier - Commendation
- (A) 6. APPROVAL: Cooperation Agreement - Community Development Block Grant [CDBG] Program & Process Cecile Pitts
- (I) 7. RECOMMENDATION: FY 1994-95 Recommended Budget Document Jensen
- (A) 8. ACCEPTANCE: Presentation and Acceptance of Property/Liability Insurance Bids Don Stamm/Gazewood
- (A) 9. REQUEST: Special Event/Sign Permit Burger-Kimber
- (A) 10. PUBLIC HEARING/ORDINANCE:  
AMENDING ORDINANCE NO. 491-0 INCLUDING: SECTION 4.300 RELATING TO HILLSIDE AND EROSION CONTROL OVERLAY DISTRICT, TO MAINTAIN LAND AND WATER QUALITY BY MINIMIZING EROSION AND SEDIMENTATION; SECTION 4.600, RELATING TO FLOOD HAZARD AND WATER QUALITY OVERLAY DISTRICT, TO MINIMIZE EROSION AND LOSS OF NATIVE VEGETATIVE COVER, TO MAINTAIN WETLAND WITHIN FLOODPLAINS, MAINTAIN FLOOD STORAGE CAPACITIES AND MAINTAIN AND IMPROVE WATER

QUALITY; SECTION 5.600, RELATING TO EROSION CONTROL AND WATER QUALITY STANDARDS, TO REDUCE SEDIMENT AND POLLUTION'S REACHING THE PUBLIC STORM AND SURFACE WATER SYSTEMS AND ADOPTION OF ADDITIONAL DEFINITIONS, SECTION 1.040, AND SECTION 1.080 RELATING TO FLOODPLAIN, HILLSIDES, EROSION CONTROL AND WATER QUALITY. First Reading

10.1: Open Public Hearing

Declaration of Conflicts of Interest  
Staff Report  
Questions of Staff by Council and Mayor  
Public Testimony  
Rebuttal  
Close Public Hearing Process.

10.2: Council Discussion

10.3 Motion for First Reading and Immediate Enactment

10.4 First Reading

10.5: Roll Call on Immediate Enactment Motion [If the motion passes unanimously, Council may proceed to adopt the ordinance. If motion passes with less than unanimous consent, the ordinance adoption will be scheduled for the next Council meeting.]

10.6: Motion for Second Reading and Adoption

10.7 Second Reading


10.8 Roll Call on Adoption Motion

(A) 11. DEPARTMENT REPORTS:

11.1	Finance	Gazewood
11.2	Public Safety	Collier
11.3	Community Development	Barker/Sheirbon
11.4	Public Works	Galloway
11.5	City Attorney	Sercombe
11.6	Executive	Christian

(A) 12. COUNCIL CONCERNS AND INITIATIVES

(A) 13. ADJOURNMENT.

  
Paul Halhofer, Mayor  
Dated: June 8, 1994

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

7:00 P.M. -- JUNE 14, 1994

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofer called the meeting to order at 7:00 P.M. and asked Councilor Lloyd to lead the Pledge of Allegiance.

Deputy City Recorder Martinez called the roll.

PRESENT: Burger-Kimber, Kight, Lloyd, Ripma, Schmunk, Thalhofer

ABSENT: Thompson (Excused)

STAFF: Barker, Berrest, Christian, Collier, Galloway, Gazewood, Lantz, Martinez, Sercombe, Worthington

PRESS:

GUESTS: Paul Rabe, Elizabeth Dutton, Lloyd Culbertson, Ken Prickett, Spiro Sassalos, Bill Herbert, Louann Thompson, Jeff Arnold, Tamie Arnold, Dave Galloway, Jim Blubaugh, Janet Renfro, Heidi Wilson, Deb Cook, Bill Knudsen, Shirley K. Prickett, Hattie Goldie, Wendy Prickett, Melissa Wilson, James Cook, Kayla Schubbe, Kristi McKinney, Linda McKinney, Brad Mckinney, Frank Grande, Don Mcginnis

Christian stated that items #7 & #8 have been rescheduled to the June 28th meeting.

3. PUBLIC COMMENT:

Mayor Thalhoffer called this item and asked that comments be limited to 3 minutes.

Shirly Prickett 2617 SW Indian John Place, stated that last Thursday about 9:15 P.M. the music from the McMenamins Pub was extremely loud, at first thought it was the neighbors and then realized it was McMenamins, they said it would not interfere with anyone, but could hear the words of the song not just the music. Not against live music or McMenamins having their concerts, but at night when you are trying to get kids to bed it is hard to get them to bed when it is hot out and the windows are open and they can hear the music.

Mayor Thalhoffer stated that the issue is being addressed and we hope that it will not occur again. We did not count on anything like that happening.

Christian stated that staff met with McMenamins and are working to amend their contract with some of the artists that allows them to set the level of concerts, which they did not have before. Will be working with them before the next concert so that it does not happen again. McMenamins was very concerned that this happened and are willing to do all they can to make sure it doesn't happen again in the future.

Councilor Burger-Kimber stated that she got several phone calls complaining. Was under the impression that the parking was going to be on the North side and the stage would be on the South side facing the freeway, but the stage is facing uphill and creating a megaphone effect, if they are willing to help then they should pick that stage up and move it so that it is facing the freeway.

Mayor Thalhoffer stated he and Chief Collier were down there looking at it they determined that the stage is not one that could be just picked up and move, but there are alot of other things they can do. They spent alot of money building that stage and unfortunetly they built it facing up the hill. We are monitering it very closly and are going to make sure our citizens are not disturbed again like they were last time.

Lloyd Culbertson Chairman of the Transportation CAC in Gresham, 336 NE Main in Gresham, extended an invitation to the council to attend the Transportation Summit & Fair Saturday July 9, 1994 at West Gresham Grade School and Gresham Main City Park. Gresham has had a Transportation Committee for a little over a year and it has been studying Goal 12, one of the charges of the committee is public information and education. Would like to have Troutdales' input in the summit. The summit will have at least 9 speaker sessions, and all of the information will be published and distributed. The Fair will have over 45 booths with fun things relating to transportation to draw in citizens.

Councilor Ripma stated that he has signed up and is looking forward to it.

Patti Polly 410 Penguin Place stated that she sat in on the CAC Applicant interviews and wanted to share how exciting it was to see the 10 applicants who came down on their

Saturday off and expressed their interest in serving their community, all most every single one of them expressed their desire to preserve the livability of this community and it was interesting that from such a diverse group of people that the same thoughts came from all of them. Thanked Councilor Burger-Kimber for the idea of having the CAC study more than just land use issues, was one of the people who was against it but now believes she was wrong.

Mayor Thalhofer stated that the appointments would be made at the next council meeting.

4. CITIZENS ADVISORY COMMITTEE REPORT: Speed Humps

Mayor Thalhofer called this item and stated that the CAC deals with more than just land use items, there are other items that the council refers to them from time to time, the speed hump issue was one of the first.

Brian O'Grady, Chairman of the CAC, stated that the foundation that they proceeded to do this work stands on two pieces. First, the #4 Goal of the Troutdale Comprehensive Plan "To provide a safe and coordinated transportation circulation system that will bring about the best relationships between places where people live, work and play". Second a survey that was done by the Troutdale Police on traffic and speeding in which the identified significant speeding problems in residential areas of the city where the speed should not exceed 25 mph. The results of our recommendation are as follows, we advise the City Council to take measures toward erecting speed humps, not bumps, they are the ones that you glide over going at the proper speed, bumps are jarring we are not referring to those. Erect them in the specific areas the Police Department has identified as problem areas. We advise the city to include in its' 94-95 budget funding in the amount of \$9,930. plus or minus, to erect one pilot speed hump project in one to those areas, so we can get some experience to see how this will work with Troutdale. We view speeding as a social problem systemic to are community, it is not just a concern of one neighborhood, because of this we feel that the cost should fall on the whole tax base of Troutdale not like a L.I.D. We advise the City Council to amend the Development Code to include a provision for new neighborhood developments to fund speed humps along with the normal street construction, development charges. This is the first time the CAC has received from you a referral to study and report on an issue so we hope this is helpful. Various citizens not connected with the CAC have contacted us with concerns over this issue on has given us a petition which will be passed on to you tonight.

Mayor Thalhofer stated that the CAC did an excellent job. The funding request did not get to us in time for the budget process, we will have to consider how we are going to achieve what you have recommended, we will discuss this on the 21st at our last budget meeting.

Councilor Kight asked if the CAC looked at any other devices to slow traffic such as the landscaped traffic circles?

O'Grady stated that they were not considered because it was their understanding that they don't slow speeding on the streets but just in the intersections. Personally has seen many near accidents from people not knowing how to enter and exit the circle.

Councilor Burger-Kimber understood that there is a lot of controversy regarding the safety of the traffic circles, they are doing studies on them and it doesn't look good. There doesn't appear to be that sort of controversy with speed humps.

Councilor Kight stated that looking back he thought that Gresham looked at them and ended up with speed humps.

Councilor Ripma stated that we did consider in the budget process was to hire a Police Officer for traffic issues only, did your committee consider this?

O'Grady stated that it did come up and our understanding from Chief Collier was that the presence of a Police Officer was the most powerful way to get people to slow down, but when the Officer is not present the speed will go back up. The combination of both would be the best.

Councilor Lloyd asked if the committee was unanimous on the report?

O'Grady stated that the number of members that were present for these meetings was relatively small, of those who did participate they were unanimous.

Councilor Lloyd asked if in the future the report could include the results of the vote, 60 - 40 ect., it could be of help to the council.

O'Grady stated that could be done.

The council discussed funding options given by the CAC.

Elizabeth Dutton 1925 SE Evans, stated that she has spoke to a few neighbors in her area and most of them agree that there is a problem with speeding in the area. Most of them were not really in favor of speed bumps but if they were the only alternative then they would be good. If the city did hire another officer it would be a good idea to have them in an unmarked car. Just want to express the need for something in the Sandee Palisades area.

Mayor Thalhofer stated that there has been several people from that area call and express their concern.

Collier stated that he would like to clear up any misconception that the police department is light on traffic enforcement. On the surface it appears that traffic citations are on the decline, however, there is a new procedure in place that allows us to write multiple violations on one citation. Would also like to state that we are an officer short and are in the process of hiring another, we also have a new officer who is just out of the academy and is very excited about writing tickets.

John Mitchell 2714 SW Laura Court and Wayne Sanders 736 SW 27th Way. Mitchell stated that they have put together a petition for SW 27th way and we contacted in excess of 70 residents along 27th and the adjacent streets, which we will give to you. (MITCHELL GAVE THE PETITION TO MAYOR THALHOFER) The petition addresses the needs specifically along 27th way but also the adjacent streets that feed into 27th. In the petition we ask to participate in the placement of any speed humps that may be put into the neighborhood. Felt that the CAC recommendations were appropriate. We have alot of traffic that uses 27th to cut from 257th to Troutdale Road.

Mayor Thalhofer stated that we have got the message that the citizens are very concerned in maintaining the quality of life in the City of Troutdale and speeding is a very important issue.

Councilor Burger-Kimber stated that during the CAC interviews someone mentioned portable speed humps and wanted to mention this to staff and they could possibly look into them.

Mitchell stated that it would be difficult for residents who own motorhomes to maneuver around the landscaped traffic circles.

Councilor Kight asked how many sets of speed humps would be needed?

Mitchell stated that where was feeling that there should be a minimum of three sets. One right after the bend on Hewitt and 27th way, one close to the top of the hill where it goes down to Corbeth and one on the long stretch in the center.

Mayor Thalhofer stated that speeding is one of the major concerns in the city.

5. COMMENDATIONS, AWARDS, AND PROCLAMATIONS: Brian O'Grady - Chair - Citizens Advisory Committee; Brent Collier - Commendation

Mayor Thalhofer presented Brian O'Grady with a Certificate of Appreciation and stated that Brian has been the Chair of the CAC and has served as Chaplin for the Troutdale Police Department as well as serving the City many other ways.

O'Grady stated that it has been a pleasure to live in and serve the City of Troutdale.

Mayor Thalhofer presented Brent Collier with a Certificate of Appreciation and his Badge and stated that Collier has been hired as the Chief of Police with the City of Milwaukee. The City of Troutdale has not had a better Chief.

Collier stated he had mixed emotions about leaving the city, the council, staff and community have been very supportive. The department and the city have come along way in the past six years.

Collier introduced Sergeant Berrest and stated that he would be acting Chief of Police.

6. APPROVAL: Cooperation Agreement - Community Development Block Grant [CDBG] Program Agreement.

Mayor Thalhofer called this item.

Galloway introduced Karen Whittle of Multnomah County and stated this is a fairly routine action to renew an ongoing agreement.

Whittle stated that the City of Troutdale has taken part in the CDBG program in the past along with various other cities to use funds from the federal government in local communities. Multnomah County is asking that the city again join the program with the other cities to make the program move forward and have the county act on the city's behalf. In the past the city has received over \$400,000., since 1988.

Mayor Thalhofer stated that the program has done alot of good for the city and would recommend the city continue on with the program.

Galloway stated that the program has helped with many projects in the downtown area.

Whittle stated that Troutdale is what she likes to call a star city, in that the city and staff have carried out the projects in a very timely and efficient way.

Councilor Schmunk stated we have really gained from this program in the downtown area, we can be very proud of it.

**MOTION:** Councilor Schmunk moved to approve the Community Development Block Grant Program Agreement for the years 1995 - 1997. Councilor Kight seconded the motion.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0



10. PUBLIC HEARING/ORDINANCE: AMENDING ORDINANCE NO. 491-O INCLUDING: SECTION 4.300 RELATING TO HILLSIDE AND EROSION CONTROL OVERLAY DISTRICT, TO MAINTAIN LAND AND WATER QUALITY BY MINIMIZING EROSION AND SEDIMENTATION; SECTION 4.600, RELATION TO FLOOD HAZARD AND WATER QUALITY OVERLAY DISTRICT, TO MINIMIZE EROSION AND LOSS OF NATIVE VEGETATIVE COVER, TO MAINTAIN WETLAND WITHIN FLOODPLAIN, MAINTAIN FLOOD STORAGE CAPACITIES AND MAINTAIN AND IMPROVE WATER QUALITY; SECTION 5.600 RELATION TO EROSION CONTROL AND WATER QUALITY STANDARDS, TO REDUCE SEDIMENT AND POLLUTION'S REACHING THE PUBLIC STORM AND SURFACE WATER SYSTEMS AND ADOPTION OF ADDITIONAL DEFINITION, SECTION 1.040, AND SECTION 1.080 RELATING TO FLOODPLAIN, HILLSIDES, EROSION CONTROL AND WATER QUALITY. First Reading

Mayor Thalhofer recessed the City Council Meeting and opened the Public Hearing at 8:40 P.M.

#### Declaration of Conflicts of Interest

Councilor Kight stated that he owns property adjacent to Beaver Creek and wanted to make it known.

Sercombe asked if Kight had property that could be developed, and if not there shouldn't be a problem.

Councilor Kight stated that the property is already developed.

#### Staff Report

Barker stated that this ordinance is the culmination of about six months of work based on council direction that was given in September, to amend our development code to address some of the issues that have arisen over the past three to four years. We hired Greg Winterowd as the consultant to staff. We had six staff members serving on the committee, Pam Christian, Jim Galloway, Darryl Worthington, Tom Sheirbon, Valerie Lantz and myself, we had many different backgrounds so that we could develop a balanced, enforceable ordinance. This has gone before the Planning Commission, and they have forwarded this to you and recommend approval. The CAC also felt that this ordinance should go forward.

Winterowd stated that Darryl has done an excellent job as project manager. The draft before you has been through many revisions, the Planning Commission has been through it with a fine tooth comb, it is a tough ordinance because that is my and staffs

understanding of your direction to have something that dealt with water quality and maintained native vegetation and preserved it along the water ways and also it needed to be clear and objective, not left up to staff interpretation. We believe that we have delivered that product to you. This is probably the most stringent model that you will find in the metro area. Would like to explain some of the more important features so that you will understand our intent.

Mayor Thalhofer asked how long it would take, some children are here that would like to testify and they are getting restless.

Winterwod recommended to have the children go first.

### Public Testimony

Bill Knutson, Councilor, Troutdale Elementary, Introduced students, James Cook, Wendy Prickett, Hattie Goldie, Kayla Schubbe and Melissa Wilson, part of what is done at Troutdale Elementary is to operate a service learning program, in which the students go out and provide community service at the same time they are learning. One of the projects we worked on was the Sandee Palisades Detention Basin Naturalization.

Schubbe stated that they put rocks and plants where the creek was.

Knutson stated there we about 60 to 70 kids there.

Schubbe stated that she was happy when the project was over and that it looked really good.

Knutson asked what the kids found when they went back to the site?

Wilson stated that there was alot of mud and rocks in the creek.

Goldie stated that she would like see it cleaned up and have less mud flow into it.

Schubbe stated that the council should put on some old cloths and have them clean it up.

Knutson stated the purpose of bringing the kids in was to give the council a message about the detention basin and the kids experience helping with the project putting in a stream bed and then come back a few months later and have erosion making it virtually useless.

Councilor Burger-Kimber thanked all of the kids for the work that they did.

Mayor Thalhofer asked Winterrowd to continue his presentation.

## Staff Report

Winterowd stated that the goal of this is to keep the water clean in Beaver Creek and to prevent things like landslides from erosion. The diagram in front of you shows three basic things, hillside development, flood plain/way development and erosion control and water quality, the three are very closely related. The diagram shows a hypothetical 20 acre parcel, at the top and bottom of the diagram are two streets and 10 acres, 5 acres each chunk of land that is called unconstrained buildable, it is land that is relatively flat, less than 15% out side of flood plains. The next category of land is what we call constrained buildable, two basic categories, land that is in the flood plain but out side of the flood way, and beyond the 50 feet of the top of the bank and land that is between 15% and 24% slope. Those two areas are buildable but on a limited basis. What the regulations say about constrained areas is that you can build but at 70% of the density that would otherwise be allowed by the underlying zone and provided that half of the land in the constrained areas is being retained in or planted in native vegetation, that half would be the area closest to the creek to act as a buffer. The third category is what we call unbuildable, in these regulations it means unbuildable. Those areas would be 25% and greater slopes and areas that are in the flood way or areas that are within 50 feet of the top of the bank. In those areas the Planning Commission recommended that there be a density transfer of one unit per acre. The Planning Commission approved me to ask you for two units per acre, the reason being that if you allow two units per acre out of unbuildable in hypothetical cases you could achieve the same number of housing units that you could achieve under straight base zone without any of these provisions. These regulations mean that we want you to stay away from the stream, we want you to provide a good buffer from the stream, we want you to stay off of steep slopes and if you do those things you could get a density bonus on the more buildable portion of the site. You reduce units but the density on the buildable portion is higher.

## Questions of Staff by Council and Mayor

Councilor Kight asked how the 50 foot measure from the top of the bank was arrived at is it just an arbitrary number?

Winterowd stated that there is an arbitrary component to it like there is in every zoning standard. What you will see in looking at for example wetland regulations that we went through in preparing this, or stream set backs, is any where from a minimum of 25 feet to 100 feet, 50 feet seemed like a reasonable measure.

Councilor Kight asked native vegetation and if hydroseeding would be allowed along the top of a bank?

Winterowd stated that one thing that we didn't say is that you have to plant native vegetation, what is typical of native vegetation is that it doesn't need fertilizer on an ongoing basis and it doesn't need to be watered to survive once it gets established.

There is a difference between native and naturalized vegetation. You want to avoid continually watering and fertilizing. You could hydroseed, if possible using a native species.

Mayor Thalhofer recessed the public hearing to have the street lighting ceremony at 8:55 P.M.

Mayor Thalhofer reconvened the public hearing at 9:15 P.M.

Councilor Kight asked how this ordinance address concerns relating to farming?

Winterowd stated that we did not want to get into at this point, the business of regulating existing farming activities, it does limit new farming activities in terms of setback and other things.

Councilor Kight asked how the ordinance would be policed?

Winterowd stated that is probably the toughest issue that we wrestled with, what we tried to do in terms of the initial phases is to make it objective enough so that it will actually decrease the amount of staff time devoted to reviewing and trying to make judgements. In terms of the actual policing, the biggest part comes with the water quality part, the building inspectors are going to have a role in that and toward that end what we have prepared is your handy simple less than 10,000 square foot lot, less than 5% slope, heres is how you do it, it is designed to save both the staff in terms of policing and the builder headaches in terms of trying to imagine what these fairly stringent standards might mean to an individual lot. We need to make the regulations part of the culture of the building community so that violations will not be that common.

Councilor Kight asked if the penalties were strong enough to prevent someone from just having a violation and just paying the fine rather than doing it right?

Winterowd stated that the fines are \$500.00 per day per violation.

Councilor Kight asked what the initial costs to the developer would be to be in compliance to this?

Winterowd stated that there will be costs, there is no doubt about that. Right now the code requires that you hire specialists when you develop on steep slopes, that part is not new. The biggest cost that will be involved would be when you go into the constrained areas you would be hit with the costs of the experts.

Councilor Lloyd asked if there are any more stringent ordinances in the area?

Winterowd stated that there are several cities that are very similar, Lake Oswego, Ashland and the City of Portland has something that is called the environmental zone which they are in the process of amending because no one understands it. What is different is the cook book approach to the density transfer, where you can and can not build, that is what distinguishes this ordinance from others.

Councilor Lloyd asked if the Portland Homebuilders Association was asked to review these?

Winterowd stated not to his knowledge. There were home builders at the Planning Commission hearings with concerns.

Barker stated that under state law we sent notice to LCDC and identified a list of affected agencies or regulatory authorities that we thought might be interested. They sent notices out to all those agencies plus other agencies notices of this ordinance and to contact us if they wanted copies. We did not send anything to the Homebuilders Association, they did not request anything. Some agencies did request copies of the ordinance, FEMA, Oregon Fish and Wildlife, ODOT and others.

Councilor Lloyd asked if we provided copies to any of the active builders in the city?

Barker stated that we had not.

Councilor Lloyd stated that he is not a developer but he read through these and found alot of things that seem to be totally unworkable. Things like the 50 foot set back, no problem with those, but when you get into the details of the ordinance there seems to be alot of issues, like on page TDC 4-20, sub D-3, it talks about restoration plans on constrained areas it says for example, the plan shall provide for restoration of 50% of the constrained slope areas and 100% of steeply sloped areas within six months of the date of development approval. Alot of people haven't even started their development within six months and they are already going to be in violation, it should be more reasonable. There are others in here, you talk about being in violation it will cost \$500.00 a day, TDC 5-53, this is more than just a fine on top of that they need to do the remediation, is that correct. It says in D-2 that eroded sediment shall be removed immediately from pavement surfaces, off site areas, including storm drainage ditches and culverts, I take it means that if a developer allows erosion to get into the sub surface drainage system he would have to go down in there and clean that out, and very day that it isn't cleaned out it is another \$500.00.

Winterowd stated that is correct, with the cooperation of the public works department.

Councilor Lloyd stated that sounds unreasonable. There are a whole lot more things in here, but not going to take the time tonight.

Winterowd stated that all of the points are good, but each one has been addressed, if it would help we could go through them and show why we landed where we did, they are all subject to change.

Councilor Lloyd stated that he would feel better if a representative group of developers and builders had input into this and this is the result, then would not have a lot of problem saying alright, but not sure what all of this means, understand all of the government agencies are in favor of this or they don't care, but without the ability to say the people who are affected by it have had some input into the process by design, he will have a problem accepting it. Maybe some of the home builders here tonight will have something to say.

Mayor Thalhofer stated that it is a very lengthy document and not very easy to absorb.

Councilor Ripma stated that he would like to defend the staff, there has been plenty of opportunity for people to know that this is happening, we gave direction to staff months ago, and those who are interested have got to follow these things. The home builders who are affected by this certainly should be aware of this by now, there has been adequate public notice. This ordinance expresses the will of the people of Troutdale, a stringent approach to maintain the quality of life here. We need this to work, if there is something in there that is not workable then we can correct it.

Councilor Lloyd asked what exactly is 25% slope or 50% slope, what slope is the city hall built on?

Lantz stated that it would be close to 15%.

Councilor Lloyd stated that if the building was to burn down then we could not rebuild it?

Winterowd stated that would probably correct. You can recall what Stuart Ridge was like it was terraced, under these regulations they would have to come in and ask for a variance to do that. There is a drawing in the material that shows a 25% slope, don't confuse it with 25 degrees. There are many places in Portland that are built on 50% to 60% slopes. This is essentially a way to say pull this development away from the places that we may get run off.

Councilor Kight asked if the area across the street is buildable under this ordinance?

Barker stated that it is under 14%, not constrained.

Councilor Kight stated that he would like to go on record as a councilor who would like to see this workable, that is why all of the questions.

Barker stated that she would like to clarify on issue that Councilor Lloyd raised which was the fine or penalty, that is administered through the Municipal Code and it would only be assessed if someone is cited and refuses to correct the situation, they would be cited into court. We don't go out the next day and give them a bill for \$500.00 dollars, there is a legal process we use.

Councilor Burger-Kimber stated that she thought Councilor Lloyd was very brave to raise questions on this ordinance, it is very hot politically. This was brought about by some perceived destruction to the creek last year that caused us to look at what we could do protect Beaver Creek and other water ways. Think we are all very supportive of the concept and philosophy behind this but, there has to be a balance. Because it is so politically hot it is very difficult for us to sit up here and say we have problems with it and not be perceived as being negative toward the whole content of the ordinance. We did want to have an ordinance with teeth and wanted it to cover alot of areas but, there are things in this ordinance that need some work and the whole idea of the process that we are going through is to get feed back and if we could make some corrections and develop a more sound ordinance through the process then would encourage us to do that. One of the things she noticed through out the area when it comes to Metro or the county, that quite often the reason that they fail in developing processes or ordinances is because they don't get the participation of everyone. That doesn't mean everyone will get what they want, the more input the less likely you are to have the challenge. Concerned about pushing this through tonight and not allowing the process to be open awhile longer to encourage additional input, we may be setting ourselves up for some legal changes. Have numerous concerns but it in not in our best interest to go through them all tonight. We need to fine tune this ordinance.

Winterowd stated that the council might have benefitted by a work session because it is a very lengthy ordinance.

Mayor Thalhofer stated that the council should have a work session as soon as possible.

### Public Testimony

Patti Polly 410 SE Penguin Place, President of the Troutdale Planning Commission stated that she called the other members of the planning commission to join her tonight and would like to declare that a quorum is present. Have several comments, there is some confusion on what role the planning commission plays in this community. We spent hours going over this ordinance, we picked it apart. The reason we are on the planning commission is because we know the laws. The council is losing sight of who we represent here, we represent the voters not the developers. We do not have to craft this with the developers in mind, they come in and make money off of us and then they move on. Twenty years from now when there are no buildable lots in town do you think they will care if the fish are dead in Beaver Creek. Have here tonight the Portland ordinance is alot thick and tougher than what we are looking at, also have the City of

Gresham code and ours is not near as nasty, it is a five volume set with one volume devoted to natural resources and erosion. The planning commission was concerned with saving this city for future generations. The little kids that were up here tonight is why we worked so hard on this. Back in the forties when you could throw your garbage out your back door, there was probably an up cry when all of the sudden solid waste ordinances went into effect and suddenly you had to use a land fill. Aren't you glad our forefathers did that or we would have poisoned the entire earth.

Franke Grande 430 Penguin Place, Planning Commission Member, agreed with what Polly said. There were several Public Hearings and the developers could have attended. Should not put the inmates in charge of the asylum, they can talk and give their input but they didn't show up at the hearings so there is nothing we can do. We would rather error on the side of caution. Hope you come to the conclusion that this is good for Troutdale

Ray Regelein 1413 SW 25th, Planning Commission Member, stated that the planning commission is pretty unanimous about this ordinance. We went over it with a fine tooth comb. Concerned about how long the council plans to prolong the process, we had public hearings, this is another public hearing, people have a choice to attend the hearings, you can't take everybody by the hand and make them attend. Troutdale is a terrific place to live in and we need to protect it.

Shirly Prickett 2617 SW Indian John Place, Planning Commission Member, Watched all of those kids that were up here build that creek, they went back there and they could not understand why they had to clean up the mess that they did not make, they worked very hard. Their parents were surprised that we have a reactive government instead of proactive and why there are no ordinances now to protect what the kids are trying to do. We are trying to teach them that the environment is a part of our development and livability of our city and without protection they are going to see that it is inevitable that all of the work they do in the future as well as now is unimportant.

Polly stated that the planning commission is appointed, they are not political, we don't get elected, we don't have to take favors and we certainly don't show favoritism. If you take our non partisan work and tamper it with it politically you are accountable to the voters, not the developers, all of you should remember that.

Councilor Burger-Kimber stated there seems to be perception that because we want some input on this document we are negating your work, and that is not true, we are all working together. How long did the planning commission have this document?

Polly stated two months.

Councilor Burger-Kimber stated that the council has had it for two weeks. We appoint the planning commission as advisory to the city council, but we still have an obligation



to review the document and address our own concerns and questions and possibly have input in addition to your own. I get the impression from all of you that you are taking this personally because we are challenging this document, we are not challenging the work that you have done and that is not true at all. Would like to encourage the council to participate in a work session so that we can have some of these issues addressed and not feel that we are stepping on your toes but that we are supplementing the work that you have done.

Polly stated that the only concern that she has is that when she hears the council talking about getting input from developers is that all of the sudden we have gone from an impartial non-partisan body to a political financially motivated council who is now seeking the guidance and input from the developers who certainly are not going to want to have any controls what so ever on what they do in this town, advise to you is if you are going to seek advise make sure that it is broad based and even handled.

Mayor Thalhofer stated that he did not want to have a debate.

Councilor Burger-Kimber stated that she had one last comment, she feels that in her career in management and her experience on the council and the CAC that she has always valued the input of others, it did not mean that she agreed with them, but likes to know what everybody is thinking, do not want an attitude of us against them and she prides her self on going to people and asking there opinion so that she feels that she has had a broad based look at the whole picture. It does not have anything to do with political pressure or financial anything.

Mayor Thalhofer stated that they are getting input from the public now and will very likely get more input at a second reading and the make a decision. We will probably have a work session on this, although that has not been decided yet. We have a regulation before us that has been before the planning commission who have studied it at length and now it is our turn. We appreciate the work that the planning commission has done.

Regelein stated that he would like to apologize to Burger-Kimber for the perception of the us against them. You probably understand our frustration, we sat in the back row and you probably saw us twisting in our seats during the questioning of Greg, who has done an absolutely excellent job of working with us. We do invite your input, we all accept that it does have to be a tough ordinance and what we want to pass is for the protection of Troutdale.

Councilor Schmunk stated that we need to get back on track and talk about the ordinance.

Mayor Thalhofer disagreed.

Ken Prickett 1802 SW 22nd, stated he is here not opposed to having the city have such an ordinance but more less as a friend to the council. Councilor Lloyd brought up the question that he thought most of the council would not understand, what is the % of slope, came prepared to address all of the things that he found that he thought the council should consider before acting on the ordinance.

Councilor Burger-Kimber stated that she would consider Prickett to be giving expert testimony and asked if he would give the audience his background.

Prickett stated he would like to ask a question first and then he would do that. One of his concerns is in section 1.040.36 Vegetation Native - it says "Vegetation that was found in Troutdale in pre-columbia times" what is pre-columbia, does anyone on the council know?

Councilor Kight stated he had no idea.

Prickett stated that he didn't know either. What is native vegetation? These are parts of the ordinance that you are about to pass but we have no idea what they mean. For the record I was the building official in Troutdale for about twelve years, worked for the City of Portland for nine years and was a builder for 18 years. The things I would like to bring out tonight, especially on the 25% slope, would like to have everyone read section 4.312, remember, when I was on the council we passed chapter 70, we used it all the time I was here and upgraded it every three years and we never had any problems. I am not sure if we have a problem in the building department or what, when I asked Sue Barker why they needed another ordinance when I myself made sure this was all done under chapter 70, she said she couldn't find anybody who could tell her the ordinances I had used, so maybe there is a problem there. Chapter 70 deals with the same things that you are talking about in this ordinance, not the density part, not the flood hazard part, but all of the rest. Chapter 70 covers cuts and fills, and embankments, it is a very good tool, I used it for years and years. Not against the ordinance, just want to point out some things, maybe a combination of the two would be great. I can see that we want to control the waterways. Chapter 70 covers erosion control. Now I would like to go back to section 4.312, I was on the council when we passed the original erosion ordinance and chapter 70, I have no objections to that at this time, however, it is going beyond that now.

Prickett drew on the board the definition of a 25% slope.

Prickett stated that he was opposed to spreading it out through the city, definitely need better control around the water.

Council discussed Prickett's comments.

Janet Renfro, 901 Jackson Park Rd., & Heidi Wilson 1114 SE Beaver Creek Lane, stated that they are members of the CAC and they have reviewed the document and would like to suggest approval, with some exceptions. During the CAC meetings no developers show any interest in coming to the meetings. Felt that their decision was based on serving the community and from feedback other areas that are experiencing problems with erosion. Neither one of their homes would have been built if this ordinance would have been in place and they should not have been. We need to look at Stuart Ridge and the others to see what could happen.

Councilor Lloyd asked what changes that they had in mind?

Renfro stated that there is always room for improvement, it is a lengthy document and we need to keep our minds open.

Paul Rabe, 2011 SE Evans, representing the Friends of Beaver Creek as President, stated that this is a very emotional issue, the city has went through a lot of changes in the past few years, has become particularly attentive to what happens to effect the quality of Beaver Creek like Stuart Ridge & Orchard Grove in Sandee Palisades. This document is very aggressive, referring to the building code amendments, change is very difficult. This should not be adopted as it sits right now, council should have another reading later this month and leave that open for public comment so that everyone can read it more fully and can come a little more informed, this would provide council with more time to address their concerns. It will maintain the quality of our city, the quality of our water shed, which is an icon in this city. Very important to take a more aggressive approach to the way we have development in this region, a more visionary approach, but we do not need a condition that is not favorable to developers. The Friends of Beaver Creek do endorse this document and are very interested in what is going on.

Mayor Thalhofer stated that he would recommend that there should be another public hearing.

Councilor Burger-Kimber stated that they should continue this hearing so that council could adopt potential amendments at the next hearing and then vote on it unanimously and not have to have a second reading.

Mayor Thalhofer stated that there would still have to be two readings.

Sercombe clarified the ordinance adoption process.

Fred Rathobone, 1470 SW Willow Brook Ct. Gresham, handed out a letter to the council and stated that in principle he is not opposed to the ordinance, it goes far beyond the Beaver Creek issue, the wetland issue, it goes through out the town. There certainly needs to be some revisions, there is no doubt that there has been many many hours of work on this. One issue is that it could easily be construed as an effort to scuttle a

project our two that is in process in this community. You will add alot of work on the city staff, you will cause more problems for them. The land owner in this issue is going to be curtailed in the use of his land. We are all interested in clean water, controlling bank erosion, but there needs more work.

Councilor Kight asked if Rathbone had any financial connections to any of these projects?

Rathbone stated he has one that he is attempting to sell, property across the street. We need to be concerned about the people that own the land here. If this ordinance was implemented before than the R.V. park would not be there and nor would the Outlet stores.

Bill Herbert, 3820 SE Stott Circle, stated that he is here to voice his unqualified support for this measure which will protect water quality and provide erosion control. Cares very much for our water ways that are alive and have fish in them and animals living around them, but cares about the developers to. As a citizen of the city you are a my representatives not the developers'. We need an ordinance that is stringent to protect what we have. It is a good idea to wait another two weeks to make a decision.

Jim Blubaugh, Slayton & Blubaugh Construction, stated that when he read the ordinance he could see more government involvement and land control. Probably one of the things that really bothered me was that there is going to be a director that has the right to determine whether or not sights are buildable, one person, this could be a real problem, this needs to be looked at. An example of erosion control that had a negative impact was in Tualitin they were using the building inspectors to do erosion control and if when they came to a site they saw any debris in the street they wouldn't inspect the site, so what was happening is that you would drive into a sub-division and you would see builders doing nothing but washing, sweeping and cleaning streets, and alot of it was going right back into the system.

Councilor Kight asked if any of the builders in Tualitin use hay or any other erosion control measures?

Blubaugh stated that the bails of hay usually end up getting damaged.

Councilor Kight stated that they could be replaced.

Blubaugh stated yes, but who is going to do that.

Councilor Kight asked if there were stricter fines would the bails of hay be replaced?

Blubaugh stated who exactly is responsible for that bail of hay, the builder or the developer?

Councilor Kight stated the builder is responsible for a particular lot.

Blubaugh stated that it should be enforced. Stuart Ridge is a good example of a terrible job of putting in a sub-division. There was no enforcement there. Maybe retroactively someone should be fined. We all need to be accountable for the actions that we take. Sunrise Park is another example and that was done by the city. My personal opinion is that if chapter 70 was enforced properly the Stuart Ridge problem would not have existed. There were no bails of have there, personally did not build in that sub-division, but, it was a mess.

Councilor Kight stated that the hammer was missing, no penalty, that's what is missing in chapter 70.

Councilor Burger-Kimber stated that there is teeth in that ordinance, chapter 70, it just wasn't enforced. You made a good point, it was something I was thinking about when I read through this ordinance, whether it's chapter 70 or this new ordinance, when it is being implemented you have the community development director as the one person with discreinary power, I do have a problem with that, we had some problems for a while, our director was ill or was unclear at times whether he had enforcement power, there was alot of absentisum, there wasn't alot of consistently going on, for what ever reason. Bringing that issue up helps us address that concern, maybe we should have an independent body of people appointed to review plans or there should be more than one person. The council needs to make very clear that there will be enforcement of the ordinance. There are some alternatives that we can look at.

Councilor Lloyd stated that there is alot of community support for this ordinance but, it would help him if there were some sort of feed back from the people who had to live with this ordinance.

**MOTION: Councilor Ripma moved to continue the public hearing until the next council meeting. Councilor Kight seconded the motion.**

**YEAS: 5  
NAYS: 0  
ABSTAINED: 0**

Councilor Burger-Kimber stated that the council should have a work session on this matter before the next council meeting.

Mayor Thalhofer stated that it appears that the council could use one.

The council discussed possible dates and times for a work session and decided to have it at 6:00 P.M. before the next council meeting and invited the Planning Commission to attend.

Mayor Thalhofer asked everyone to submit questions or concerns to the staff in time to be addressed at the work session.

2. CONSENT AGENDA: 2.1 Accept Minutes - May 24 1994 - Regular Session, 2.2 Business Licenses - May 1994, 2.3 Cooperative Purchasing Agreement Renewal.

Mayor Thalhofer called this item.

**MOTION:** Councilor Lloyd moved to adopt the consent agenda. Councilor Schmunk seconded the motion.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

9. REQUEST SPECIAL EVENT/SIGN PERMIT

Mayor Thalhofer called this item.

Barker stated that at the last council meeting Councilor Burger-Kimber had referenced the sale of rocks at Columbia Park to benefit the imagination station, she came in and we tried to figure out a permit that we could give her for 120 days for a special fund raising permit and we ran into a few problems so I decided to bring it to council since you would have the authority to approve this.

Mayor Thalhofer asked why it couldn't be for 90 days since the Imagination Station will be built in August, isn't that what the money is for?

Councilor Burger-Kimber stated that she would take it down sooner but the 120 days was already mentioned in the process.

Barker stated that she could only issue the permit for up to 21 days but, Burger-Kimber had mentioned three to four months, so she put the four month time limit in the permit but that could be amended to any time that the council would like to approve the sign for.

Mayor Thalhofer stated that it seemed that 90 days seemed sufficient.

Councilor Schmunk stated that 60 would be sufficient.

Councilor Burger-Kimber stated that there may be an opportunity to sell some rocks after it was built, it is going to absorb alot of money and it wouldn't hurt to have extra.

Councilor Schmunk stated that it was her impression that the sale was to benefit the imagination station only and that it was going to be built and over with on the 21st of August, that is what we have been told all along.

Councilor Burger-Kimber stated that there is going to be alot of maintenance required there is no reason we couldn't extend the fund raising and put it into a fund for plants and maintenance.

**MOTION:** Councilor Ripma moved to grant a sign permit for a sing that is in compliance with the sign code for a period of up to 90 days. Councilor Kight seconded the motion.

**YEAS: 5**  
**NAYS: 0**  
**ABSTAINED: 0**

Councilor Burger-Kimber asked if the permit fee might be waived?

Councilor Kight asked how much it is?

Councilor Burger-Kimber stated \$100.00.

Barker stated that a sign permit would run \$35.50.

Councilor Kight asked if this would be setting a precedence?

Mayor Thalhofer stated that it certainly would be.

**MOTION:** Councilor Ripma moved to waive the fee for the sign permit. Councilor Kight seconded the motion.

**YEAS: 4**  
**NAYS: 0**  
**ABSTAINED: 1 (BURGER-KIMBER)**

Mayor Thalhofer asked to have the department reports at the next meeting.

Christian stated that Councilor Thompson is scheduled to a seminar regarding earthquake information but will not be able to attend if any is interested let her know.

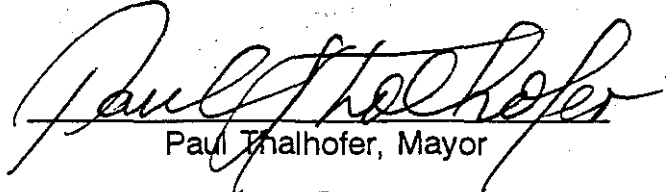
**8. ADJOURNMENT**

Mayor Thalhofer called this item.

**MOTION:** Councilor Schmunk moved to adjourn. Councilor Ripma seconded the motion.

**YEAS: 5  
NAYS: 0  
ABSTAINED: 0**

Mayor Thalhofer adjourned the meeting at 11:40 P.M.

  
Paul Thalhofer, Mayor

Dated: 7-26-94

**ATTEST:**

  
George Martinez  
Deputy City Recorder



# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE 6/14/94 TYPE \_\_\_\_\_

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Brent Collins	Troutdale Police	665-5175
Mark Berrest	Troutdale Police	665-5175
Bob Cozeward	City Hall	665-5175
PAUL RABE	2011 SE EVANS	667 4101
Elizabeth Duthie	1975 SE EVANS	661-6880
WYFF CURBERTSON	97030	661-7777
KEV PRICKETT	1802 SW 72 <sup>nd</sup> ST	661-6720
SPIRO SASSALON	3395 SE PELTON	661-6064
Paul Herbert	3820 SE Staff Cir Tidale	667-3112
Louanne Thompson	1611 S.E. Bannercreek TR	665-3983

# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE 6-14-94 TYPE \_\_\_\_\_

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Jeff and Tammie Arnold	2228 S.W. 23rd St. Troutdale, OR 97060	661-5651
Dave Galloway	331 NE Sullivan Troutdale, OR 97060	383-2256
JIM BLUBAUGH	2843 SE FAITH CT TROUTDALE	669-9833
Janet Ruff	901 Jackson Rd Troutdale	667-2044
Brida Wilson	1114 SE BEAVERCREEK LN. TROUTDALE, OR	667-9900
Deb Cook	1210 SE BEAVERCREEK LN. TROUTDALE, OR	661-7720
Bill Knudsen	19651 NE MULTNOMAH Gresham OR 97235	665-3387
Shirley K. Prickett	2617 SW INDIAN JOHN P TROUTDALE 97060	667-5412
Hattie Goble	2437 SE BEAVERCREEK TROUTDALE	661-0126
Wendy Prickett	2617 SW INDIAN JOHN TROUTDALE	667-5412

# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE \_\_\_\_\_ TYPE \_\_\_\_\_

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Melissa Wilson	1414 S.E. Beaver <sup>L.N.</sup>	
James Cook	1210 S.E. Beaver <sup>L.N.</sup>	661-7720
Hayla Schubb	2226 S.W. Indiana <sup>Mary</sup>	666-8397
Christa McKinnon	449 SW 27th	661-2882
Linda McKinnon	449 SW 27th	661-2882
<del>Frank Grandt</del>	449 SW 27th	661-2882
FRANK GRANDT	430 PENGUIN RD.	661-7137
Don McGinnis	(P.O. Box 444) 151 SW 25th	665-4071