



# CITY OF TROUTDALE

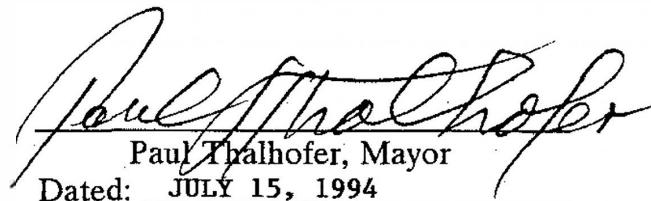
AGENDA  
TROUTDALE CITY COUNCIL - REGULAR MEETING  
COUNCIL CHAMBERS  
TROUTDALE CITY HALL  
104 SE KIBLING AVENUE  
TROUTDALE, OR 97060-2099

7:00 P.M. -- JULY 26, 1994

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept Minutes - Regular Sessions 6/14, 6/28, & 7/12, 1994
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (I) 4. COMMENDATIONS, AWARDS, AND PROCLAMATIONS:
  - 4.1 Employees years of service.
- (I) 5. PRESENTATION: Charter Review Committee - David Schmidt
- (A) 6. PUBLIC HEARING/ORDINANCE: Imposing a Privilege Tax Upon Electric Utilities. First Reading - Continued
- (A) 7. PUBLIC HEARING/ORDINANCE: Adopting Manufactured Home Infill Regulations and Amending Ordinance No. 491-0, Chapter 3, Sections 3.012, 3.022, 3.025, 3.032, 3.042, 3.045 and Chapter 9, Section 9.010 as Required by HB 2835. First Reading
- (A) 8. PUBLIC HEARING/ORDINANCE: Repealing Chapter 2.20 of the Troutdale Municipal Code; and Adopting a New Chapter 2.20 of the Troutdale Municipal Code, Relating to City Committees and Commissions. First Reading
- (A) 9. PUBLIC HEARING/RESOLUTION: Establishing the Methodology and Rates for Transportation System Development Charges and Repealing Resolutions 949, 1016, and 1085.
- (A) 10. PUBLIC HEARING/RESOLUTION: Plan Amendment/Zone Change CC to R-4

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- (A) 11. RESOLUTION: Authorizing the Award of a Contract for Bank Protection on Beaver Creek.
- (I) 12. COUNCIL CONCERNS AND INITIATIVES:
- (A) 13. ADJOURNMENT:

  
Paul Thalhofer, Mayor  
Dated: JULY 15, 1994

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

JULY 26, 1994 - 7:00 P.M.

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**

Mayor Thalhoffer called the meeting to order at 7:00 p.m. and asked Councilor Schmunk to lead the Pledge of Allegiance.

City Recorder Martinez called the roll.

**PRESENT:** Schmunk, Ripma, Thompson, Kight, Lloyd, Burger-Kimber, Thalhoffer

**STAFF:** Barker, Berg, Berrest, Christian, Faith, Galloway, Gazewood, Martinez

**PRESS:** Web Ruble, Oregonian

**GUESTS:** Gordon Matthews, Don McGinnis, Troy Jenkins, Dave Schmidt, R.L. Gove, Lou Nederhiser

Christian stated that the minutes of the July 12th meeting are not ready to be approved.

**2. CONSENT AGENDA: Accept Minutes - Regular Sessions 6/14, 6/28, & 7/12, 1994.**

Mayor Thalhoffer called this item.

**MOTION:** Councilor Thompson moved to accept the consent agenda. Councilor Ripma seconded the motion.

**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

3. PUBLIC COMMENT.

Mayor Thalhofler called this item.

There was no public comment.

4. COMMENDATIONS, AWARDS, AND PROCLAMATIONS: Employees years of service.

Mayor Thalhofler called this item and stated that Greg Farr and David Boyce are not present to receive their commendations.

Mayor Thalhofler presented Leon Berg with his commendation for 15 years of service with the City of Troutdale Police Department.

Berg stated that he is getting tired.

5. PRESENTATION: Charter Review Committee.

Mayor Thalhofler called this item and stated that the committee started their work in December and they have been meeting at least twice a month since then. Through the process they have come up with a very good finished product.

David Schmidt stated that it has been a long journey, near the end we met almost every week in order to meet the deadline of June. Would like to thank the council for all of their testimony and input, the information packet was very helpful, the members of this committee worked a lot of long hard hours, we did not always agree but we always left as friends, Tim Sercombe helped with a lot of good information, last but not least George, he was the recorder for our meetings, he did an excellent job, he is a great asset to the city and to our committee. We feel that this is a pretty good charter. Tim sent some final house cleaning changes to the document and the committee feels that the council can take care of them.

Walt Postlewait stated that he has served on a lot of committees and this was the best, it was fun. We did not always agree but we always left as friends. Compliments have to go to council for selecting this committee.

Don McGinnis stated that he agreed with Postlewait it was fun. We took our work seriously and feel that we have a good product.

Troy Jenkins stated that he appreciated the opportunity to get involved and very much enjoyed the people that he worked with.

Jim Kight stated that he concurred with what everyone has said, there were some difficult times but ultimately we came to a decision, we may not have all agreed but that was kind of the make up of the group to begin with. I still feel that there may be some changes by the council but the body of the work is very good.

Mayor Thalhoffer stated that the committee has done an excellent job.

Councilor Thompson stated that the committee has upheld his faith in the principle in that if you appoint a group with diverse, strong points of view, you will come up with a strong document like the one you have presented.

Mayor Thalhoffer stated that he would like to set this charter for a public hearing on August 9th.

Mayor Thalhoffer asked if they could just include the editing changes into the document.

Sercombe stated that the council could hold the hearing on the document with the proposed editing changes.

The Charter Review Committee moved and agreed unanimously to accept the editing changes from the City Attorney.

Mayor Thalhoffer stated that there would be a public hearing on the document August 9, 1994.

Councilor Burger-Kimber stated that the council should reach a consensus on the public hearing, it is her understanding that the normal process is for the council to review this and possibly have a work session and she would prefer this rather than trying to rush it through.

Mayor Thalhoffer stated that they are not trying to rush this through, we would have to weeks to review it.

Councilor Schmunk stated that the committee did an excellent job and asked what is the deadline for submission to the county so that it could be placed on the ballot in November?

Councilor Ripma stated that he talked with the county and believes that the deadline is around the 10th. He is very satisfied with what the committee has done, he personally doesn't want a work session unless the rest of the council feels that it is necessary. The committee already had several public hearings.

Councilor Burger-Kimber stated that her education in government told her that there is a Legislative, Judicial and Executive Branch in government and from the old charter her sense was that the mayor position was an executive position because the mayor oversaw the functioning

of the city, that was the reason that the mayor did not have a vote, if he had a vote then he would be legislative. Under this new charter the mayor will have a vote but will still continue to oversee the functioning of the city and oversee the city administrator which puts him in both branches of government, legislative and executive. Is that appropriate?

Sercombe stated that there is no Federal or State limitation on how a city can empower city officers. There is a lot of variation on how cities' empower their officers in a charter, there is no limitation, it is a political choice.

Christian stated that September 8th is the filing deadline for the November 8th Election.

Burger-Kimber stated that it is 60 or 90 days before the election.

Christian stated that it has to be filed the 61st day before the election.

Schmidt asked if the council may make changes other than the editing changes.

Mayor Thalhoffer stated that it was possible.

Councilor Burger-Kimber stated that they had just went through this with the Planning Commission. Just because they went through a lot of work on an ordinance they felt that we should approve it. It is our responsibility as public officials that we should review things that are going to be critical to the city.

Councilor Ripma stated that they are going to be very reluctant to change anything. It would be helpful if any or all of the committee were present at the public hearing.

Mayor Thalhoffer thanked the committee for a job well done.

6. PUBLIC HEARING/ORDINANCE: Imposing a Privilege Tax Upon Electric Utilities. First Reading - Continued
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Mayor Thalhoffer recessed the Council Meeting and opened the Public Hearing at 7:30 p.m.

Galloway stated that earlier in the year the council considered this item as a funding mechanism for undergrounding utilities as our policy requires. Staff came to the council about a month and a half ago with a proposal to establish a 1 1/2% privilege tax on electric utilities in the city. At that time staff was asked to do a survey of the current areas of the city that are not undergrounded and come up with some type of a cost estimate as to what the total picture may be, we have done that and it is included in your packet. We used a rough estimate of \$50.00 per liner foot for the estimated cost for undergrounding, PGE agreed with this rough estimate. The

bottom line came out to be approximately \$3 1/2 million for total undergrounding in the public right-of-way.

Councilor Kight asked what percentage is in the industrial area?

Galloway stated that he did not have that figure but it could be pulled out of the information in the packet.

The council reviewed the packet information.

Councilor Ripma stated that it was never his feeling that we were going to target every overhead pole in the city but to underground as there is reconstruction. Have you identified likely candidates for over the next few years?

Galloway stated that the intent is not to start a massive project, we are looking for a funding mechanism so that when opportunities come up we will have the funds available. I have identified projects for the next ten years which would cost a little over \$500,000.00. The revenue from this fee would be about \$55,000.00 per year which would cover the estimate of the next ten years.

The council reviewed the packet information.

Councilor Lloyd stated that in section 5 of the ordinance the last five words are "and for other general purposes", I don't think that should be included, it has not been presented to the public that way.

Galloway stated that the city attorney has slightly revised language for section 3.

Sercombe stated that it is in regards to the time line of the payments from PGE.

Councilor Kight asked how is the undergrounding being done at this time?

Galloway stated that most of the money is coming from the street fund, but that money is needed for streets, due to the age of most of the city streets there will be some major reconstruction needed.

Gordon Mathews, PGE, stated that they are not in favor of this being put on their bills. The utility industry is launching into a very competitive mode and rates are going to be a major factor and this will make our rates appear higher than they actually are. This does cost us money we have to collect your tax, account for it, and then pay it back to you.

Councilor Kight stated that there has been some problems with power outages and that undergrounding might help with the problem.

Mathews stated that it may help, but undergrounding makes it more difficult to find the problem area.

Walt Postlewait, 1624 SE 24th Court, Stated that he is 100% behind undergrounding utilities within the city. My interpretation of Measure 5 was to reduce spending not increase revenue. This is not the correct procedure to use to fund undergrounding. Why just electric users, telephone and cable are also on the poles you are trying to eliminate. Galloway stated that the revenue would be \$55,000.00 and the cost of the projects would be \$3,655,850.00, based on the this the completion would be in more than 66 years. Your budget contains the following items, PGE Franchise Fee \$130,000.00, GTE Franchise Fee \$65,000.00, NWNNG Franchise Fee \$41,000.00, Cable Franchise Fee \$7,129.00, Total Franchise Fees of \$243,149.00. Your Budget also includes \$540,000.00 in unappropriated funds. I strongly suggest that you appropriate funds equal to the total franchise to the general fund. Your budget also includes \$40,000. for a park, a park for which the city has no formal plans, is there to be a user fee on this structure. You have unappropriated funds in the budget but are asking for additional revenues. After you have exhausted your available funds you could ask for a bond measure to complete the project.

Councilor Lloyd asked if we were to have such a bond do you have any idea what we would ask for?

Postlewait stated that he would assume that you would ask for \$3,655,000.00.

Councilor Lloyd stated that would be a whole lot more tax than a 1 1/2% privilege tax.

Postlewait stated that he agreed, but the bond measure is a more appropriate way to fund undergrounding. What do you do about people who own property but don't have meters? The bond measure taxes everyone in the city an equal amount.

Councilor Lloyd stated that you feel it would go out and raise the whole amount needed to fund all of the undergrounding rather than to take them on as targets of opportunity.

Postlewait stated that is correct.

Councilor Thompson stated that it seems to me that a bond measure has to be paid off, where would those funds come from.

Postlewait stated that it would tax everyone equally.

Councilor Thompson stated that you are assuming that it would be a property tax.

Postlewait stated that he is.



Councilor Burger-Kimber stated that with the fee it would be a pay as we go type of thing, but with the bond measure we would have to pay interest on it from the inception. In the long run it would cost a lot more.

Postlwait stated that in 66 years \$55,000.00 isn't going to do a lot, taking into account inflation.

Don McGinnis, 151 SW 257th, stated that he is opposed to the tax because it is an unfair tax, it is not a user fee. Most of the people who live in this city live in developments and they have already paid a user fee and now they will have to pay twice. Everybody who has property in the city benefits, but only the people who have meters have to pay. I do support undergrounding and I would support a bond to pay for this.

Robert Gove, 1370 SW 12th, asked what is planned for the other utilities that are on the poles?

Mayor Thalhoffer stated that there is already a 1 1/2% tax on the phone service for 911 enhancements.

Councilor Ripma stated that PGE owns the poles and the other utilities rent from PGE.

Gove stated that he agreed with the two previous speakers, this is an unfair tax, everyone should have to pay.

Councilor Burger-Kimber stated that all of the franchise fees that we receive now go into the general fund for operating expenses.

Gove asked if the general public is aware that they will have to pay to have their own utilities undergrounded?

Councilor Burger-Kimber stated that they do not know. There are so many variables, it will be very expensive for the home owners and there are a lot of home owners that are not aware of that and I am very concerned about that.

Mayor Thalhoffer stated that we will get as much information out to the home owner as we possibly can, pertaining to the expenses.

Councilor Ripma stated that the number of houses in the city that are connected directly to overhead lines is relatively few, but for those who have to underground there will be some expense. My understanding is that they would have to connect into the underground line but they would not have to underground their lines until they decided to remodel or something like that. There are not that many homes.

**MOTION:** Councilor Thompson moved to close the public hearing. Councilor Ripma seconded the motion.

YEAS: 5  
NAYS: 1 (Burger-Kimber)  
ABSTAINED: 0

Mayor Thalhoffer closed the public hearing and reconvened the council meeting at 8:12 p.m.

**MOTION:** Councilor Ripma moved to give first reading of the ordinance to imposing a privilege tax upon electric utilities with the following amendments, Section Three be replaced with the hand out that is before the council and that the last five words in Section Five be deleted. Councilor Schmunk seconded the motion.

Councilor Kight stated that he circulated a questionnaire at Aero Fair and at the Ice Cream Social that had a yes or no box that said do you favor a program of undergrounding utilities and the second question was would you be willing to pay a 1 1/2% tax added to your PGE bill, about 95% of the people that responded to it were in favor of it.

Councilor Kight stated that the subdivisions that are undergrounded still use the main lines that have not been undergrounded.

Councilor Ripma stated that his own research among his neighbors and friends revealed overwhelming support for this.

Councilor Burger-Kimber stated that she is in strict opposition to the action that is being proposed. I am pleased with the appearance of the areas that have been undergrounded. We need to promote beautification of our areas of commerce like the downtown area. It makes an impact on how the people perceive the city. I see an undergrounding utility fee to be a frivolous tax. Taxes are not evil, taxes are important to promote and sustain our livability but we have to look at the types of taxes that we impose on our citizens and see what kind of value we are going to gain by imposing those taxes. This type of tax that is simply going to address beautifying the city it becomes a frivolous tax, it is not a livability issue. We should go before the voters and ask them if they want to approve this. The G.O. Bonds could affect the credit latter on in case of an emergency. We should ask the citizens of this city if they really want to pay for this undergrounding.

Councilor Thompson stated that esthetics are not the only factors for undergrounding, there is also a safety factor, ice storms, less chance of electrocution. Everyone uses the main feeders so everyone benefits by this.

Councilor Schmunk stated this is a policy that the council has already set and this is a way for us to pay for that policy. It is a user fee. The the tax must be used for undergrounding only, nothing else.

Councilor Burger-Kimber stated that because of the number of people who have come and testified if the council would be interested in the next election asking the people if they do support the this, or do you feel it is safe to do that.

Councilor Ripma stated that we have put this off and delayed and studied it. I think this has extremely broad support. This is the kind of thing the council is elected to decide and I don't favor going to the voters on something I consider relatively modest. The new charter is something like we need to go to the voters on.

Councilor Burger-Kimber stated that if you feel that there is strong voter support for this action and we go ahead and propose this than it is not going to cost us anything to put this on the ballot because we already have things on it, and if you truly, truly believe that there is support for this you should not be afraid to go to the voters.

Councilor Ripma stated that he resented the implication that he is afraid to go to the voters with this, that is ridiculous, we should make a decision.

Mayor Thalhofer stated that the allegation by Councilor Burger-Kimber was unfair.

YEAS: 5  
NAYS: 1 (Burger-Kimber)  
ABSTAINED: 0

Mayor Thalhofer called for a ten minute break at 8:30.

7. PUBLIC HEARING/ORDINANCE: Adopting Manufactured Home Infill Regulations and Amending Ordinance No. 491-0, Chapter 3, Sections 3.012, 3.022, 3.025, 3.042, 3.045, and Chapter 9, Section 9.010 as Required by HB2835. FIRST READING
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Mayor Thalhofer called this item.

Barker stated that this was before the council in December, the legislature has passed a bill allowing MFG. dwellings as infill in zoning districts which allow single family dwellings. The C.A.C has reviewed the amendments and have recommended approval to the Planning Commission. The Planning Commission held public hearings and are forwarding their recommendations that you approve the amendments to the development code as included in your packet. We have noticed all affected agencies but have not received any comments back. This will not amend any deed restrictions. We recommend that this be approved.

Mayor Thalhofer recessed the council meeting and opened the public hearing at 8:47 P.M.

There was no testimony given.

**MOTION:** Councilor Ripma moved to close the Public Hearing. Councilor Kight seconded the motion.

**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

Mayor Thalhoffer closed the public hearing and reconvened the council meeting at 8:48 P.M.

Councilor Ripma stated that this is another piece of special interest legislation that has been forced upon us and that needs to be made clear to the citizens, we have to adopt this ordinance. What is the penalty if we don't pass this?

Sercombe stated that the state statutes say that if it is not adopted by the city than they will automatically apply and it opens the city up for a fine.

**MOTION:** Councilor Ripma moved to give first reading and then consider enactment. Councilor Lloyd seconded the motion.

Councilor Kight asked how would they make sure that the MFG. Home is going to be compatible with the other homes and not impair all of the property values?

Barker stated that the hope is that the owner will want to make it as compatible as possible.

Councilor Kight asked if you could withhold permits from this individual if the home is not compatible as far as arcitechtual design?

Barker stated that as long as it met all of the standards we could not refuse permits. Most of our subdivisions about 90% have deed restrictions that do not allow MFG. Homes.

Councilor Burger-Kimber stated that in the development code we have specific criteria that allows us to notice people if there is going to be some change in the zoning area, is it appropriate, or can we put in this ordinance the ability to notify people within the affected area that in fact that an application has been made for this kind of dwelling.

Barker stated that it was her understanding that if we noticed MFG. Dwellings than we would have to notice when any single family dwelling was built, we could not impose an additional restriction.

Councilor Burger-Kimber asked if it could just be a good neighbor policy, not a restriction?

Sercombe stated that he would have to look, but he is not aware of anything that would prevent the city from notifying prescribed people that a permit has been issued.

Councilor Burger-Kimber stated that she would like to encourage the council to look at that as a provision of this ordinance.

Barker stated that even if they gave notice there is no right to appeal the permit.

Councilor Burger-Kimber stated that it is strictly a curtiy notification, and if they call, you could tell them to look at their covenants.

Faith stated that he is quite concerned about that action, it establishes a president, if you are asking us to notify property owners of some action occurring next to them that is permitted under the code, there is no legal requirement that we are facing to notify anyone, than you are opening the door to notifications for a whole range of activities that the neighbors might feel objectionable but are totally legal under the law. Where do we draw the line, what if there is a black person that wishes to locate next to them and the neighborhood doesn't want a black in the neighbor hood, is it our obligation to notify them that a black may be moving next door.

Councilor Burger-Kimber stated I don't feel that you need to make it a raciast issue.

Faith stated that the MFG. Home is an affordable housing issue and you are putting a label on a MFG. Home saying that it is second rate and there for we will notify you as a curtiy. I think you can carry that argument to many, many other areas. So I as quite concerned about your request.

Councilor Lloyd stated that he agreed with Councilor Ripma that this is an obscene statute and requirement on the city, but I think we are wasting our breath sitting here talking about it. Let the people who get the permits deal with the deed restrictions. I don't like this ordinance but we should adopt it so that we have what little control we can.

Councilor Thompson stated that he agreed with Councilor Lloyd. The idea of even thinking about notifying people is a matter of severe discrimination and the city could be subject to a law suit on that.

Mayor Thalsofer stated that this is another example of a mandate coming from the state which tells us how we are supposed to govern our city, it is an encroachment on local control. We need to lobby our legislatures to reduce these unfunded mandates.

YEAS: 5  
NAYS: 1 (RIPMA)  
ABSTAINED: 0

Councilor Ripma originally vote yea but stated that he would like to change his vote so that there would have to be a second reading at the next meeting.

8. PUBLIC HEARING/ORDINANCE: Repealing Chapter 2.20 of the Troutdale Municipal Code; and Adopting a New Chapter 2.20 of the Troutdale Municipal Code, Relating to City Committees and Commissions. FIRST READING

Mayor Thalhofer recessed the council meeting and opened the Public Hearing at 9:10 P.M.

Sercombe stated that this would be the uniform procedures for city commissions and committees set up by the council as well as the ad hoc committees and groups that the council appoints. It establishes a process for appointments. It has particular provisions that relate to the four committees that the council has established in the past. This is the culmination of work sessions that began last fall.

Councilor Lloyd asked if this is consistent with the proposed charter?

Sercombe stated that he believes that it is.

Mayor Thalhofer stated that all of the committees and commissions are full at this time.

Mayor Thalhofer closed the public hearing and reconvened the council meeting at 9:13 P.M.

**MOTION:** Councilor Thompson moved to give the ordinance first reading and enactment. Councilor Burger-Kimber seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

**MOTION:** Councilor Thompson moved for second reading and adoption. Councilor Kight seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

9. PUBLIC HEARING/RESOLUTION: Establishing the Methodology and Rates for Transportation System Development Charges and Repealing Resolutions 949, 1016, and 1085.

Mayor Thalhoffer recessed the council meeting and opened the Public Hearing at 9:15 P.M.

Councilor Burger-Kimber stated that she is not sure if this would be a conflict of interest but Scott Barrie of the HBA contacted her about this issue.

Councilor Lloyd and Councilor Ripma stated that they had been contacted by him also.

Galloway stated that the city has had a street SDC in effect for several years and we have based that on the concept that new development should pay for those street improvements that their development generates. That has been determined by calculating the number of pm peak hour trips that the new development is expected to create based upon a land use type that we are talking about. The proposed resolution does three things. First it updates the list of local street improvements that upon the city portion of the SDC is based, which would change our city SDC to \$581. from \$582. The second thing it does is a minor change in the methodology to calculate the SDC, we would strictly use the trip manual. The third and most significant thing it does is to establish the City of Troutdale contributing to a regional SDC fund for regional streets. M/C and Gresham hired a consultant to study the needs of the streets and came up with estimates of the improvements that would be needed as generated by the new development. The list of projects is included. Using this methodology it comes out to a SDC of \$1,090.00 per pm peak hour trip. If this were enacted it would be in addition to the city SDC.

Councilor Lloyd stated that he understood that Gresham has not acted on this and in fact they are against this ordinance, do you have an update on that?

Galloway stated that it has been scheduled for a council meeting in early August. I believe it was a consciences of their council that it should be a regional effort and they did not want to go it alone.

Councilor Lloyd asked that M/C has participated in the study but they are not enacting it for their unicorporated areas?

Galloway stated that is correct.

Councilor Ripma asked if we were to put this issue off to the next council meeting would that work procedurally?

Galloway stated that he new of no reason that could not be done, we did meet all of the notices.

Councilor Ripma stated that since there is still construction in the un-incorporated area the county should be involved. Those areas generate traffic through all of the towns. I for one am not in favor of imposing this on our people if the county is not willing to.

Ed Pickering, Multnomah County, stated that when we undertook the study we asked the consultant to include all of the mid-county area that was then not annexed by Portland into the

study because between the four cities and the mid-county area in terms of the amount, density and the trips generated by growth that was the location that where the greatest amount of growth was going to occur, there may be a great deal of traffic combing from East of the Sandy River through your town but in terms of trips that effect the future transportation system and create deficiencies the origins of them seem to be in the urban area and that is why we asked the consultant to look at the four cities and the mid-county area, which has now been annexed by Portland and has been removed. It is a land use action that triggers the fee. The land use action East of the Sandy River tend to be a resource use or, one house on ten acres. That type of development doesn't impact the transportation system in a way that triggers the need for a impact fee.

Councilor Ripma stated that he realized that there is not that much construction outside of the UGB and in unicorparated areas, but each time a house is built out there it generates traffic and it seems to me that those houses need to pay the same SDC that we are imposing on ourselves, this needs to be considered. They don't have any SDC out there, they contribute to the traffic just like everyone else.

Pickering stated that it is his understanding that any SDC that is currently being assessed is only on development within the UGB, if we were to assess outside it would certainly set a president.

Mayor Thalhoffer asked if it could be done, is there anything that prevents it from being done?

Sercombe stated that he is not aware of anything that would prevent it.

Mayor Thalhoffer asked if there is nothing to prevent it than why does the county feel that it is not necessary to do it?

Pickering stated that the amount of traffic generated out of the area doesn't impact the transportation system to create deficiencies. It is the traffic generated by new growth within the UGB that generates the deficiencies that requires mitigation.

Mayor Thalhoffer stated that they mix with other traffic and create deficiencies.

Councilor Thompson stated that if we are going to impose it than the county should impose it also, we are all using the same roads.

Mayor Thalhoffer asked if this is on the agenda for the City of Gresham?

Richard Ross, City of Gresham, stated that it is coming up in August. The council wants to see a regional approach in the East County, they are interested in seeing everyone move in the same direction together.



Councilor Kight stated that he thinks part of the problem is nobody wants to step up to bat, everyone wants to stay competitive in the home market. Do you think that is one of the reasons, particularly in M/C case?

Ross stated that in general if we look at all of M/C that may be the case over a long period of years. If you look at Washington County the urban part including the unincorporated areas and all of the cities have a traffic impact fee and they have had it for a number of years and it seems to be working well.

Randy McCore, DKS & Associates, stated that the fees today in terms of competitiveness for housing costs is a very common point that is brought up and in fact right now the city of Wilsonville is looking a SDC that is a supplemental that address an interchange deficiency near the Incredible Universe Store. The development community just wants the ground rules clear and fair so that they know what there costs are when they come into a town. They don't want the last one in to have to pay for all of the road way improvements.

Councilor Lloyd stated that he has been told that the real objection to this has not been on the residential side but on the commercial side, it creates a very heavy SDC on the commercial side, not necessarily in correlation with the traffic generated.

McCore stated that they have heard that also. The hearings in Gresham had some fast food enterprises that brought the issue that they don't generate any traffic they just take it of the streets. Built into the formula is a substantial reduction to account for this, but they do generate the most trips, they create the biggest need for adjustments to turn lanes.

Councilor Lloyd stated that most of what we have is light industrial of some variety, how does this methodology treat those kind of establishments?

McCore stated that one of the most important aspects of an SDC is that you have to create rational nexus between the impacts and development. One of the things that we did is the fee is based on trips, no matter where the trips come from, they are just trips, so if light industrial generates one trip and retail generates ten, the light industrial will pay 1/10 of the amount of road improvements that the retail would. The fees are related to how much traffic they put on the road.

Galloway stated that the trips calculations are based on studies of land use and we are in the fifth edition of the Trip Generation Manual so it has been refined over the years. It is not perfect for every situation but it has certainly been refined.

Councilor Lloyd asked how do you determine the amount of dollars?

Galloway stated that you look at the improvements that are determined to be needed over a period of time, so that gave us the capitol needs based upon land uses and projected development

and the number of anticipated additional trips that are going to be generated by the development over that same period of time and then it is a calculation of the dollars.

Councilor Lloyd asked if the region adopts this we will all be somewhat close to each other on our fees, is that correct? What about the West Side vs. this side?

Galloway stated that he believes that it is the intent of Gresham, Fairview and Troutdale to all come in with the same fees for the regional portion. Troutdale would probably have a fee that is greater than the other jurisdictions since we already have a fee. Wood Village does not plan to participate in this because they have very little developable land.

McCoy stated that they have done a comparison state wide and it shows that if this is adopted the fees would be within handfuls of dollars of each other.

Ross stated that the East County fees would be about in the middle of the group if they are adopted.

Councilor Lloyd asked why Gresham hasn't had a Transportation SDC before?

Ross stated that he doesn't know but they do feel it is time to catch up.

Councilor Burger-Kimber stated that after talking with the HBA she got the impression that the Gresham Council has already voted on this issue.

Ross stated that they had a hearing considering the fee and then decided to defer it until it could be discussed with the other cities, but not recently.

Councilor Burger-Kimber stated that there needs to be a network system to get people out of their cars and through the communities, is there anything that addresses alternatives in this plan?

Ross stated that this is just one thing that will be funding transportation improvements, but every one of these improvements includes bike lanes, sidewalks, and transit stops will be accommodated. Funds have been set aside for capital improvements such as park and rides sites.

Councilor Lloyd stated that he has trouble enacting a fee where we already have a fee and most of the money will be spent in towns that don't have a fee. Now they are going to adopt a fee that would not be equal to ours with no make-up fee.

Councilor Ripma stated that before he is prepared to increase our fee Gresham should take the lead since most of the money is going to be spent there.

Ross stated that they felt that all of the parties need to move forward together.

Councilor Ripma stated that the idea is a good one but would like to know what the impact would be on an a business with this new fee vs. the current fee?

Galloway stated that it would probably be twice as much.

Councilor Ripma stated that he felt that this hearing should be continued and that he is going to contact the HBA and ask that if they have anything for the council to consider that they have it to us in time for inclusion in the next packet and not wait until the last minute.

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

Councilor Burger-Kimber stated that the other councils are going to be addressing this in the first part of August and would like to have it held until the second council meeting.

Councilor Schmunk stated that it would help to know what was going to be on the agenda.

Christian stated that there already had been items set over and the next agenda is getting pretty full.

Councilor Ripma withdrew his motion.

**MOTION:** Councilor Ripma moved to continue the hearing until the second meeting in August. Councilor Thompson seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Galloway stated that for clarification he understood that the two items of additional information that the council wanted were a copy of the comparison chart that was referred to showing fees in various jurisdictions and the other was results from the other councils discussions on this matter. Is there any other information that you would like?

Councilor Lloyd stated that the unincorporated areas are of prime concern to him, and would like to know if M/C is firm on there discission.

Councilor Burger-Kimber asked if Galloway is attending the meetings of the other jurisdictions to see how they position themselves on this issue?

Galloway stated that he was not planning on doing that.

Councilor Burger-Kimber asked the council if it would be a good idea to send a letter to the other jurisdictions letting them know how we feel about the unincorporated area issue, could we give staff that direction?

The council agreed to have staff send a letter stating their concerns.

Mayor Thalhofer stated that from the implications of the Four Cities Meetings it appears that everyone will be acting on this.

Mayor Thalhofer closed the public hearing and reconvened the council meeting at 10:15 P.M.

Councilor Thompson excused himself from the meeting.

10. PUBLIC HEARING/RESOLUTION: Plan Amendment/Zone Change CC to R4.

Mayor Thalhofer recessed the council meeting and opened the public hearing at 10:16 P.M.

Barker stated that this is a request to amend the zoning on a 1.25 acre site, from Community Commercial to R4. The applicant applied in April and it went to the CAC, who has recommended that the request be denied. The applicant did not prove the need for additional multi-family housing in Troutdale and that is one of the requirements for a plan amendment. This was forwarded to the Planning Commission and they have also recommended that the Council deny this request. The Council at this time can either have a public hearing on the record of the public hearing of the Planning Commission, or you can hold a public hearing based on new evidence, if you chose to do that you will need to continue this hearing and direct staff to notice all of the affected property owners again of the hearing. Based on the recommendations of the CAC and PC, and the findings, staff recommends that you affirm the PC recommendation and hold a public hearing on the record to deny this request. The applicant was here earlier and he stated he has no additional evidence and he is not present at this time.

Councilor Ripma stated he favored having the hearing on the record.

**MOTION:** Councilor Lloyd moved to hold the Public Hearing on the record of the Planning Commission. Councilor Ripma seconded the motion.

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

There was no testimony received.

**MOTION:** Councilor Ripma moved to close the Public Hearing. Councilor Kight seconded the motion.

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

Mayor Thalhofer closed the public hearing and reconvened the council meeting at 10:20 P.M.

**MOTION:** Councilor Ripma moved to adopt the final order and findings of facts as contained in the council packet. Council Lloyd seconded the motion.

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

11. **RESOLUTION:** Authorizing the Award of a Contract for Bank Protection on Beaver Creek.

Mayor Thalhofer called this item.

Galloway stated that this is a resolution to authorize the award of a contract to make repairs of the East bank of Beaver Creek South of Jackson Park Rd. In April you authorized a contract with a consultant to determine the best method of repair and to design that repair, that has occurred. We then went out on July 11th seeking bids, they were opened yesterday the 25th and we do have an apparent low bidder and we have done background checks and find no reason why a contract should not be awarded to that bidder which is R & G Excavating. The amount of the bid was \$50,050.00, the engineers estimate was around \$70,000.00. We recommend approval of the resolution so that we can award the contract.

Councilor Kight raised concerns over the small private bridge that is the only entrance and outlet for the residents that live on Jackson Park Rd., the contractor will have to cross this bridge with very heavy equipment. Has it been addressed with the contractor that if there is any damage he is responsible?

Galloway stated that he has not had a chance to discuss this specifically with the contractor, but in the contract they are required to carry \$1,000,000.00 liability insurance, but there should not be any problem with combing up with an agreement for the contractor to sign to address this.

The Council discussed this issue.

**MOTION:** Councilor Ripma moved to adopt the resolution. Councilor Lloyd seconded the motion.

Councilor Burger-Kimber raised concerns about not having the city attorney review all types of legal documents.

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

Galloway informed the council of information under item 12 in the packet regarding Regional Water Supply.

**12. COUNCIL CONCERNS AND INITIATIVES:**

Mayor Thalhoffer called this item.

Councilor Burger-Kimber stated that she would like to see more due diligence in regard to giving the legal council the opportunity to look at legal documents before we enter into them. Imagination Station is three weeks from construction, still need various items, chainsaw operators, stone masons, a dump truck, cotton gloves, tents or awnings 20 x 30 minimum, refrigerated truck or unit to keep food items in, otherwise everything is looking great.

Councilor Kight stated that since the last meeting there has been another drowning in the Sandy River and a friend of his has come up with the suggestion of putting up a memorial, list the names, ages, of the people who have drown in the river with a brief statement about the dangers of the river. This sign would be in spanish and english.

The Council agreed to have Councilor Kight look into it further and have this on the agenda at the next meeting.

Councilor Ripma stated that he noticed that we received a letter from the Oregon State Auditor stating that Troutdale once again received the Governmental Financial Officers Association Certificate of Achievement for Excellence in Financial Reporting, and the entire city staff deserves a compliment, and imparcularly Bob Gazewood. I noticed that in front of us tonight was a letter from Fairview regarding the Greenspaces issue. Metro at the last minute is including in their bond measure the addition of about 150 acres in the City of Fairview to the list of projects that the City of Fairview is opposed to. They are very concerned about this, it would take away much of their prime industrial land and bottle up their future development plans. Fairview is the only city opposed to the Greenspaces projects for their city, most of the cities want them, like us, but I understand their position. This could jeopardize the entire bond measure. If they can do this to Fairview, why not somewhere else. We should all follow this

closely, we should contact Metro and encourage them to have a hearing on this. I have been trying to contact Ruth McFarland for about a week now and have heard nothing back from her yet.

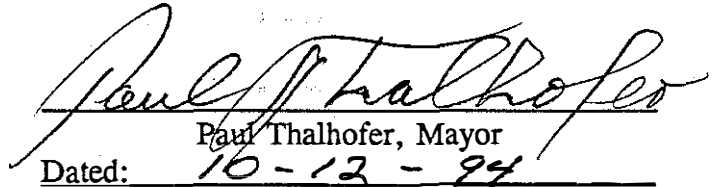
Mayor Thalhofer agreed with Councilor Ripma regarding the Financial Reporting Award and thanked the staff. Speeding is one of the city's main concerns and the issue of speed humps along with other speeding related issues have been forwarded to the CAC. Doug and Lesile Daoust have done a wonderful job on the Imagination Station project, they have done a lot of work on something that they are going to achieve, and not a lot of people thought they could.

12. ADJOURNMENT:

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

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

Mayor Thalhofer adjourned the meeting at 10:59 P.M.

  
Paul Thalhofer, Mayor  
Dated: 10-12-94

ATTEST:

  
George Martinez, City Recorder

# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE 7-26-94 TYPE Council

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Jim Galloway	City Hall	665-5175
GORDON MATTHEWS	121 SW SALMON PORTLAND OR	464-7611
Don McGinnis	157 SW 257 <sup>th</sup> T-DALE	665-4071
M. TROY JENKINS	337 SW CHERRY PARK	665-5773
DAVE Schmitt	2700 SW CORBETH Cue	482-1154
Leon Berg	1126 NE 126 <sup>Port</sup>	254-2803
Mark Berrest	City Hall	665-5175
Bob Crazeuseed	City Hall	665-5175
Rick Farth	City Hall	Ditto
Sue Pohn	City	665-5175



# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

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

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
R. L. Gove	1370 SW 12	665 4592
LARRY SCHEMME	1330 SW 12 <sup>TH</sup>	665-3407
LOU NEDERNISER	P.O. BOX 581 SANDY, OR 97055	665-2566
Web Ruble	The Oregonian	666 5829