

City Council Continuation Meeting
June 22, 1976

Council Vice president C.E. Finegan called the meeting to order at 7:45 PM.

Roll Call - Commissioners present - Althaus, Mahoney, Cox, Dix

Staff Present - George Phoenix, Robert W. Jean, Brian Freeman, Duane Lee,
Betty Bergstrom

Press - Sharon Nesbit of the Gresham Outlook

Guests: Rod Andersen, Mr. and Mrs. Burlingame, Erling Jones, Mr. and Mrs.
Ken Smith, Mrs. James Marshall, Stuart Johns, Gene Kempson,
Kaj Fujii, Dick Close, Carl Anderson, Don Leavitt, Jim Close
and 10 other guests.

AGENDA ITEM #5 - CITY LICENSES

Auto Parts - Stuart Johns. Commissioner Mahoney questioned type of operation. Mr. Johns replied it is a retail auto parts and supplies business with accessories. We have stores in Damascus and Gresham. No heavy repair to be done, however, a brake drum addition may be anticipated in the future. Commissioner Cox questioned if Building Inspection and police reviews performed? Mr. Jean stated they had completed and approved their respective functions.

Commissioner Mahoney moved to approve the application for a city licenses.

YEAS: 4
NAYS: 0 Motion carried.

Seconded by Commissioner Cox.

Chanticleer Inn - Mr. and Mrs. Kenneth Smith/Mr. and Mrs. James Marshall. Commissioner Mahoney questioned police and building approvals completed - staff stated they had been approved by those departments.

Commissioner Mahoney moved to approve City License application of Chanticleer Inn.

YEAS: 4
NAYS: 0 Motion carried.

Seconded by Commissioner Dix.

Commissioner Mahoney questioned type of O.L.C.C. license's applied for. Mr. Smith replied they hope to obtain a license to serve beer, wine and liquor.

Motion moved by Commissioner Mahoney to approve Liquor License application by Council.

YEAS: 4
NAYS: 0 Motion carried.

Seconded by Commissioner Cox.

AGENDA ITEM #7 - STREET LIGHTING PETITION

Mr. Gene Kempson spoke on street lighting petition for removal of district's 3 poles and billings. He submitted a letter at 5:00 PM tonight. (see attached.)

Mr. Jean spoke in rebuttal that he nor the Mayor cannot promise Council action and did not lie to Mr. Kempson but informed him action would require

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a petition be presented to the Council for their decision. The city owns the utilities and the utilities are the question tonight, not the streets. The City stated they would pay as all other street lights are paid and we note that now street lights are being billed within boundaries of each district. Mrs. Althaus wondered why it is not feasible to remove the lights.

Mr. Jean explained PGE would charge the city \$1,800 to remove these 10 poles.

Mrs. Althaus questioned how the utility commissioner would feel concerning this rather staggering charge.

Commissioner Cox asked what percent have signed the petition? Mrs. Althaus moved to delay action until Public Utility Commissioner reviews PGE charge.

Mr. Kempson stated homeowner's want the lights but don't wish to pay for them.

Mrs. Stewart spoke asking who makes policy-you or Mr. Kempson.

Mr. Anderson thought a precedent had been set through 3 year non-charge administration.

Mr. Halverson asked for District determination policy and charge. Commissioner Althaus moved to have Mr. Kempson obtain the opinion of every homeowner in Village Green District and require staff submit to the P.U.C. the PGE estimate \$1800. to the City for removal and table issue until later date when information is obtained.

YEAS: 4

Seconded by Commissioner Cox.
NAYS: 0 Motion carried.

AGENDA ITEM #12 - ERLING JONES

George gave staff recommendations as favorable on 2.578 acres for 9 duplexes. Mr. Jones gave no additional information.

Opponents - Robert Johnson thinks single family residence better than duplex units for this area. Commissioner Althaus asked for zoning history. Mr. Phoenix stated the property is property zoned for this use - lower density use than allowed.

Mr. Carl Anderson spoke combining all land use issues before Council this evening. He told Planning Commission that he would consult with initiative petition sponsors to see if they wished to withdraw or proceed with petition action on growth boundaries. He was miffed that the citizens questionnaire was termed an unprofessional effort. Recent Supreme Court decision states that citizens have the right to initiate a referendum to zone changes. As yet we are undecided on petition stand. Questions of Council-NONE. Questions of Staff-NONE.

Lot designated on map for clarification. Commissioner Mahoney noted that property is properly zoned and subject to availability of water and sewer. I move to approve the Erling Jones preliminary plat, PC 76-2-3.

YEAS: 4

Seconded by Commission Althaus.
NAYS: 0 Motion carried.

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AGENDA ITEM #13 - BURLINGAME REZONE PC 76-2-6

Staff report by Mr. Phoenix. Section 35, Tax Lot 49, 21 acres rezone from SR to R-4 to develop 26 duplex lots and 45 single family.

Mr. Lambert of Carter, Bringle & Associates represented the Burlingames. Lots do not front arterial street but rather back on arterial street. College and high school creates need for multi family as well as residential development. Buffer zone created by duplexes to future arterial Glisan Street noise and high school activities. Drainage and percolation of land good in this area per Paul Hughes geologist letter. There is existing sewers and water service lines. In this plat design, all lots reverse to major streets and do not create traffic hazards. Plat map submitted to city engineer.

Questions by the Council - NONE. Audience questions - what are sewer capacity limits? Mr. Lee gave research of storm and sewer in the area. Peak load can be carried from duplex and residential area. Sewer LID will carry high school but even if it is not formed, their use of the line on temporary basis will not overflow the line. Concerning the storm drainage, city studies are continuing but sump drainage would work effectively here. Further answers will be developed by studies.

Robert Johnson spoke against SR zone change to R-4 and he favors adequate sidewalks. A buffer is not a necessity, nor is density.

Mr. Jean expounded on planning theory that building form physical barrier and buffer noise for the surrounded residential lots.

Mr. Carl Anderson is against the rezone. Mr. Jean reviewed tax historical facts and the impact of new developments decreasing and spreading the tax burden.

Mr. Johnson readdressed water and sewer shortages versus availability. Mr. Jean explained SR allows A2, R4, R7 and R10 zone changes. Mr. Mahoney noted owners have been farming area for 33 years and his water and sewer assessments have exceeded \$30,000 and a reasonable solution to a financial burden is to develop.

Motion moved by Commissioner Althaus to approve rezone to R-4 of Tax lot 49, Section 35.

YEAS: 4

Seconded by Commissioner Mahoney.
NAYS: 0 Motion carried.

AGENDA ITEM #15 - FUJII PLAT. / REZONE

Staff report by Mr. Phoenix of Tax lot 21 and 48, Section 26, PC 75-12-1 north side of Cherry Park rezone from F2 to R-4 intersection and R-10 between R-4 sections. Mr. Close represented Mr. Fujii. This portion on the north side, was tabled pending a proper realignment of 257th Street with Halsey Street.

Fasano statement follows comprehensive plan although plan is silent on duplex density, attached dwellings around fire station and intersection corners. Overall density of entire project to be 10.7 per gross acre, slightly less than 12 per gross mentioned on page 6 of Troutdale's

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Comprehensive Plan. Logical sewer route from high school through this property necessitating some development to offset burdensome assessments and a possible new sewer LID. Quoted from Home Industry Magazine of the May issue, Fred Webber Jr, economist and Fred VonNetta, of Daily Journal June 18th issue, states Gresham and East Multnomah County has 2.6% single-family house vacancy and 3.4% apartment vacancy. It is the lowest rate we have ever seen in any area surrounding Portland including units under construction. The number of Building Permits issued in 1975 indicate a 20% short fall statewide and locally. Building lots are in a short supply. This area shown on comprehensive plan since 1970 for higher intensity use.

Questions from audience - Mr. Johnson asked where R-10 lots were and any sidewalks in this plat.

Mr. Duncan asked who pays for widening of Cherry Park Road with all developing along here? Mr. Jean retorted city has been trying to get the county's commitments on street program expansion for 6 years and has obtained the county's support that Cherry Park would have to be widened very soon.

Mr. Handy asked about storm drainage on this parcel. Mr. Lee confirms sumps acceptable until storm drainage program of city wide system implemented. West half of the this plat will have to wait for a sewer line and meet staff conditions of required services. Sumps not preferred as permanent installation on these slopes.

Mr. Wingart is concerned over storm run off. Mr. Lee replied staff studying issues and we are considering requesting pipe be laid under streets for eventual connection to master storm drainage system for these 6 duplexes, 8 single-family residences on North side Cherry Park Road. Mr. Jean addressed growth financing, services and expansion if such growth occurs - versus no growth views. New sewer plant financing figures are rough at this time until studies finalized.

Mr. Johnson asked how many sewer hookups left? Mr. Jean gave nearest figure as 500-400 depending on acceptance of interim growth ordinance and procedures which would designate who would be first to develop and who would have to wait.

Mr. Anderson disputed new sewer plant estimates of financing. Population increases demands for services and expansion. Mr. Johnson is against duplex lot designations.

Question from Council - Commissioner Mahoney questioned which Phase is this requesting rezone? Phase I.

Commissioner Mahoney moved to approve PC 75-12-1 Phase I-B rezone subject to conditions of Planning Commission and staff.

YEAS: 4

Seconded by Commissioner Cox.
NAYS: 0 Motion carried.

Break at 9:40 PM.
Reconvened at 9:55 PM.

Motion moved by Commissioner Dix to approve June bills.

YEAS: 4

Seconded by Commissioner Mahoney.
NAYS: 0 Motion carried

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Motion moved by Commissioner Cox to approve minutes of May 18, 1976.

YEAS: 4

Seconded by Commissioner Mahoney.
NAYS: 0 Motion Carried.

AGENDA ITEM #9 - INTERIM GROWTH PROCEDURE AND ORDINANCE

City Administration Robert Jean advised Council notices were sent to affected property owners but not everyone received theirs and under advisement from the City Attorney, we will not hear challenges until next public meeting but only report to Council and citizens our progress thus far and hear discussion of issues. Ranking list passed out to members and audience.

City Attorney Brian Freeman reported he contacted Washington County and unified sewage agencies for precedent procedures for a priority system and standards.

Appeal process provisions and basic procedures and categories in ordinance 226, designed to be non arbitrary to each applicant. Ordinance read in full by Brain Freeman and by title.

Resolution #118 allocating methods - read in full and by title by city attorney. We are seeking most equitable plan.

Mr. Don Leavitt addressed Council stating NuPacific objects to system and inequities of plan. We do not believe an emergency exists as stated in Ordinance 226. Those who have participated in LID's have first call. We have paid cash and are not considered in the first category. Water availability is a valid point and items 3 and 4 relate to comprehensive plan. It is our feeling allocated hookups can be held with no intention to build under your system. I ask that Mr. Asher and Mr. Cox have an opportunity to speak before you. We are unfamiliar with this ordinance.

Mr. Jean interrupted with point of order. Are we discussing the Ordinance or the Resolution? We note Mr. Leavitt class category is not referred to by the Resolution and we ask he address his comments to the Ordinance alone.

Mr. Leavitt interrupted stating his point is not to debate nor ask for any preferential treatment. If an allocation system is fair and equitable work out that our company is entitled to 3 permits then we'll take our 3 permits. We are here to give input to the Council since we have had experience of going through this before.

Mr. Asher reported DEQ shut down USA sewer facilities in Washington County, that we are running inadequately and a moratorium was called for a short time. DEQ then stated you have X number of permits and you will have to come up with a plan approved by us to allow subdivisions to develop a portion of these permits. Washington County plan resulted in legal threats. A percentage was given to each applicant who could effectively use the permit within 2 years. I see in your system the same problems.

Mr. James Cox stated he recognized some of the things in Washington County are not before us tonight. I would concur you are running into a very difficult problem of priority rating by examining this basis of priority. Emergency hookup situation seems to exist and an allocation system is necessary. You may create more inequities than you are solving. Troutdale

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situation not nearly as critical as in Washington County. Why is LID participation critical to priority when sewer treatment plant is involved not sewer lines. We implore a reasonable relationship of priority classification. A magic date of April 13th is not a fair division of adoption of priority classifications. Once a plat is filed that matter are out of applicants control. I suggest you adopt Ordinance site if you must but amend resolution subparagraph on final plats.

Mr. Allegre asked if land owners who annex to the City of Troutdale would have services be available to them. Annexation and taxes should be considered as criteria. I'm nervous about injunctions stopping all building.

Mr. Leavitt reviewed moratorium did occur in Washington County. Major builders formed a land use council to work with agency to resolve situation for benefit of industry as a whole. We agree 800 hook-ups are left and if they are not used, revenue would cease. We do not want a moratorium.

Mr. Dix questioned if Sweetbriar is in the category list. There is not sewer on the Sandy Palisades property at this time. And other properties do have sewer available adjacent to property line.

Mr. Freeman stated we will use this input for any additional resolutions that may follow at later time to fine tune legislative and administrative decisions. This ordinance does not set priorities only standards, appeals, and procedural actions to be followed.

An adoption of the ordinance would permit staff to effectively follow your course of action. Ordinance 226 would set the legislative act.

Mr. Jean recapped the Ordinance for the Council who legislates the administration implements.

Mr. Mahoney asked how would you deny a permit and who would you deny or allow to hookup?

Mr. Brian Freeman said we must continue to refine the Ordinance with more resolutions in order to refine the remaining classifications. Commissioner Mahoney asked what if we did nothing?

Mr. Jean commented we have already done something, but the actual allocation of hookups was an administrative procedure only. If however, we are to make changes we now need a legislative procedure to affirm our actions.

Mr. Cox we do not agree on those of Class "O".

Mr. Althaus - if we just went on as before.

Mr. Anderson asked what if the "O" Class didn't use all their hookups.

Mr. Jean - we would define a reasonable time and then forfeit if they do not hook-up and it is 500 we are discussing, not an inflated 800 as Leavitt stated.

Mr. Leavitt commented that several builders should be polled. Hookups available should be used. There is no necessity for sarcasation on the hookups figure. DEQ would stop builders.

Mr. Burlingame - we plan on challenging several positions listed on the priority list.

Mr. Johnson thinks that you are in for a gold rush.

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Mr. Jean referred back to Ordinance but resolution need not be passed tonight.

Mr. Freeman reviewed Ordinance #226 and read it again.

Commissioner Mahoney commented on Ordinance #226 assumptions.

Mr. Jean explained he and engineer are now pursuing other alternatives to Federal funding.

Mr. Phoenix stated that he administers hookups and chop off at critical point. DEQ comes to me and I remain the responsible party. We are trying to not run out of connections.

Duane Lee stated issue of numbers is difficult. Basic goals to get across is to provide public awareness of public services left and equitable growth services to people of Troutdale. Procedures have to be followed. Controlled orderly growth and the procedures to follow are time consuming. National pollution of discharging in systems can prosecute up to \$5,000 a day fine. We must go from 6-8 hours a day to 16-18 hours a day processing of sewage. (1/2 million gallons per day - pollutants are limited). No urgency today but potential to overload that plant is definite as I see it.

Mrs. Althaus stated notice of situation was well advertised. Mr. Lee stated mortorium would be a grave possibility.

Mr. Jean stated we have been honest in trying to develop a system of fair allocation of the remaining hookups.

Mr. Allegre stated it took 19 months to get approval for Sweetbriar Development.

Mr. Burlingame what goldrush would result! Mr. Burlingame said they should have consideration of their good faith by number of assessments against their properties.

Mr. Asher suggested position number 4 could be a industry do to the allocating.

Mr. Jean advised Council his information is from City Engineer and City Attorney for you "the Council".

Mr. Leavitt spoke of wild dreams and no crisis in Troutdale.

Mr. Cox suggested no prepay be allowed of connections without building permit approved and paid for.

Council polled. Dix - yes; Mahoney - no; Sam Cox - no; Althaus - no.

Brian Freeman stated priority system would be defeated.

Commissioner Althaus made a motion to establish a policy that no hookup fees for water or sewer be granted in advance of building permit approved.

YEAS: 4

Seconded by Commissioner Mahoney.
NAYS: 0 Motion carried.

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Resolution #115 - Depot, read in full by Robert Jean and by title.

Motion by Commissioner Mahoney to adopt Resolution #115.

YEAS: 4

Seconded by Commissioner Cox.
NAYS: 0 Motion carried.

Resolution #116 - 7th Street State funding contract, read in full by Robert Jean and by title.

Motion by Commissioner Cox to adopt Resolution #116 contract.

YEAS: 4

Seconded by Commissioner Mahoney.
NAYS: 0 Motion carried.

Resolution #117 - R.R. Signs Installation, read in full by Robert Jean and by title.

Motion by Commissioner Mahoney to adopt Resolution #117 - Railroad Signs, Installation.


YEAS: 4

Seconded by Commissioner Cox.
NAYS: 0 Motion carried.

Motion to adjourn by Commissioner Cox.

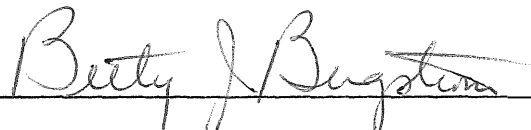
Adjourned at 11:55PM.

Seconded by Commissioner Althaus.



Mayor Robert M. Sturges

ATTEST:



City Recorder, Betty J. Bergstrom