

- felt agenda

TROUTDALE CITY COUNCIL AGENDA

AUGUST 9, 1977

1. Call to Order and Roll Call: Mayor and Recorder
2. Approval of Bills: Motion
 - Discussion: Councilor Finegan
3. Approval of Minutes: Motion
4. Business Licenses
 - Report: Administrator
 - Business Regulatory License: Attorney, Ordinance
 - Business License Repeal: Attorney, Ordinance
5. Planning Commission Report: Planner
6. Request for Zone Change and Preliminary Development for R7PD, Cook Property: Planner, Motion
7. Neighborhood Street Lighting
 - Discussion: Attorney and Administrator
 - Emergency Ordinance: Attorney, Ordinance
8. Sewage Treatment Plant, Interim Phase Project Report: City Engineer, Motion
9. Comprehensive Plan Public Hearing: Planner, Ordinance
10. Street Names: Planner, Ordinance
11. Department Reports: Administrator
 - Arndt
 - Obrist- Suggest Review 9-13-77
 - Staten Property
 - Petition for STOP at 262nd & Halsey
 - Fairview Celebration
 - Legislative Report
 - Chanticleer Inn and OLCC
12. Oral Communications and Adjournment: Mayor

City Council Meeting
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Meeting called to order at 7:37 by Mayor Robert Sturges.

AGENDA ITEM #1 - ROLL CALL

Councilmen Present: Sam Cox, Frank Kaiser, C. E. Finegan, Fred Weissenfluh,
Helen Althaus (absent - Blandine Edwards)

Staff Present: Bergstrom, Murphy, Jean, Freeman, Cauley, Conrad, Liston

Press: Sharon Nesbit of Outlook

Guests: 33, including, Glenn Otto, Rod Andersen, Bob Johnson, Marge Schmunk, Dr.
Packard, Carl Anderson, John Mackey, D. Williams.

AGENDA ITEM #2 - APPROVAL OF BILLS

Commissioner Kaiser moved to approve July bills for June. Commissioner
Weissenfluh seconded.

YEAS: 5
NAYS: 0 Motion Carried

Mr. Jean reviewed bill payment authorization procedure and requested Council
approve recap sheet with his signature auditing bills. Discussion followed.
Mr. Finegan requested 2 members review bills before presenting recap to Council

Commissioner Kaiser moved to allow 2 staff members to review bills prepared by
recorder and present recap to council for approval. Commissioner Finegan
seconded.

YEAS: 5
NAYS: 0 Motion Carried.

AGENDA ITEM #3 - APPROVAL OF MINUTES

Commissioner Weissenfluh moved to approve July 28 Comprehensive Plan minutes.
Seconded by Commissioner Kaiser.

YEAS: 5
NAYS: 0 Motion Carried.

Commissioner Weissenfluh moved to approve July 28 Council minutes. Seconded
by Commissioner Kaiser.

YEAS: 5
NAYS: 0 Motion Carried.

Commissioner Weissenfluh moved to approve June 14 and June 20 minutes of Council.
Seconded by Commissioner Kaiser.

YEAS: 5
NAYS: 0 Motion Carried.

Commissioner Weissenfluh moved to approve corrected July 12 minutes, page 5.
Seconded by Commissioner Finegan.

YEAS: 5
NAYS: 0 Motion Carried.

AGENDA ITEM #4 - BUSINESS LICENSES

A. Mr. Jean reviewed Mr. Johnston's compliance to City codes and ordinances and
recommended license now be issued. Council concurred.

B. Mr. Freeman reviewed Ordinance No. 249, which has been posted, and
suggested amendments to last page. Mayor Sturges read by title the second
time.

Commissioner Finegan moved to adopt Ordinance No. 249. Seconded by Commissioner
Kaiser.

YEAS: 5
NAYS: 0 Motion Carried.

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Mr. Jean reviewed process of effective date and administrative policies we shall use. All new applicants fall under the new ordinance immediately, and old licenses, by their renewal, fall under the new ordinance on January 1, 1978. All businesses shall require a license with no income limits in this ordinance. Mayor Sturges read repeal Ordinance No. 250 in full. Mr. Glenn Otto asked where he would get his license - reply Troutdale. Mr. Jean explained new ordinance application. Mr. Otto questioned \$25 fee as additional tax to him. Mr. Jean stated low fee to cover regulatory expenses and administration of ordinance only.

Commissioner Finegan moved to adopt Ordinance No. 250. Seconded by Commissioner Kaiser.

YEAS: 5

NAYS: 0 Motion Carried.

AGENDA ITEM #5 - PLANNING COMMISSION REPORT

Mr. Murphy reported on July 20, 1977, meeting, as follows: Presbyterian Church variance approved; Grace Brethern extension approved; F. Windust subdivision Westside preliminary plat approved; E. Anderson zone change and preliminary denied on 262nd Hensley; D. Scott zone change and preliminary (Cook property) approved.

AGENDA ITEM #6 - SECTION 35, TAX LOT 28 (COOK PROPERTY) D. SCOTT

Larry Conrad distributed maps. Mr. Murphy presented staff report on R-7PD-84 lots, 8 of which are duplex. A development of 19.21 acres, with 2.6 acre park also included, off of 242nd behind Pepperidge Farms (Gresham development). Slides presented viewing property. Questions by Council concerned roads, access, easements, and adequate dedication provisions suggested by Commissioner Weissenfluh and Commissioner Kaiser.

Proponents - Dick Close of 555 N.W. Riverside Pl., Gresham, representative of D. Scott in this proposal. Plan conforms with old comprehensive plan as well as provisions of new plan. The proposal is for a mature adult development, which Commissioner Althaus objected to as a dismal plan for our community. Mr. Chase gave several examples such as King City, West of Portland. Commissioner Althaus felt an infringement of individual rights by this restrictive development could cause difficulties to the City. Mr. Chase continued, stating that double wall construction and added insulation would be used in these well built homes for mature adults. Decorative brick along 242nd Avenue would be used. Mr. Bolt, Mr. Scott, and Mr. Marshall are principals in this development. Of Audience - Mr. Johnson questioned use of solar panel heating as ugly to our community. Mr. Close replied panels on roof are barely visible from ground level and not so unsightly. Mr. Johnson also questioned such small lots. Mr. Close replied less upkeep to individuals and the 2.6 acre park area would be available for adult recreation. Mr. Weissenfluh questioned park being so near to young adult areas of Fujiiama, Berry Lane, and others, as creating trespass situations. Mr. Close stated signs posted and park ringed by homes. Commissioner Weissenfluh urged that a homeowners association be established and fair warnings to purchasers be instituted. Mr. Freeman, City Attorney, stated these will have to be deed restrictions and have the developers research the legality of restricting by age any purchaser. Mr. Close feels the City provides many lots already for other ages and this is a small percentage for over 40 group. Council questioned adequate parking for recreation vehicles. Duplex on small lots are of concern to Commissioner Kaiser. Density correct for requested zone stated Mr. Close. No driveway access off 242nd in our plan. Commissioner Althaus noted walkways and questioned size of house one could build on 4,500' lot. Mr. Close replied 2 bedroom house. Mr. Jean asked if market analysis had been done. Mr. Close stated no but no other area such as this is available in East County other than condominiums. Mr. Johnson questioned street sizes. Mr. Close stated 36' access street connecting to Fujiiama and other streets 32' with sidewalks.

Opponents - none present.

Commissioner Weissenfluh moved to approve Preliminary plat and rezone with the following conditions:

1. that dedications and improvements along 242nd Drive be made according to

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- the specifications of Multnomah County;
2. that the zone change be subject to final approval of the General Development Plan by the Planning Commission;
 3. that a sign be placed at the entrance informing people that the development is a planned development with a private park;
 4. that the City Attorney review the deed restrictions with regards to the age restrictions;
 5. that room for recreational vehicle parking be made on at least one side of the house;
 6. that the general development plan and program include:
 - A. proposed restrictive covenants;
 - B. specifications on all park improvements, including facilities, landscaping, and parking;
 - C. more pedestrian access points to the park;
 - D. a 36-foot wide paved section for the through street;
 - E. a noise/visual buffer along 242nd Drive;
 7. We will also expect you to address all the elements of Section 8.2202 of the Zoning Ordinance.

Seconded by Commissioner Kaiser.

YEAS: 4

NAYS: 1 (Althaus) Motion Carried.

AGENDA ITEM #7 - NEIGHBORHOOD STREET LIGHTING

Mr. Jean reviewed attorney conference on issues and noted one solution given in our letter of July 25, 1977 (see attached) which states that a district be formed. Mr. Freeman stated property owner can contract with City for energy services and cannot impose on their neighbor or new neighbor a district they do not wish to support. Mr. Freeman reviewed Ordinance No. 251 conditions and procedures. To disconnect lights costs \$2,000, which equals one month plus energy costs for City. Mr. Jean diagramed subdivision wanting lights and possible problems and procedure necessary to form district. Commissioner Althaus supports ordinance provisions. Commissioner Weissenfluh concerned over no lights in winter. Further discussion continued. Mayor Sturges read Ordinance No. 251 (St. Lights forming districts) by title twice.

Commissioner Althaus moved to adopt Ordinance 251. Seconded by Commissioner Finegan. Vote delayed. Mr. Otto requested floor. He stated he felt it was a waste of money to turn off lights at \$2,000 cost. Gas tax money should be used to maintain lights. Mr. Jean responded that his support on revenue sharing was most appreciated but budget limitations severe in Street Fund and maintenance programs have been stripped too long in order to maintain lighting. We intend to use gas tax funds in that area. Revenue sharing through liquor tax only affects downturns in revenue estimates in other state shared revenues decreased percentage wise by past and present legislative bodies leaving a decreased revenue source each year for the cities. Added legislative regulatory conditions imposed on cities, which are unfunded but expected to be complied with in the new laws, are expensive regulations to implement, such as collection of 3% building tax, fine assessments, bikeway decree from gas tax revenues, and other laws. There are not adequate funds to support bikeways, streets, and lighting, as the pot grows smaller each year. Commissioner Althaus questioned costs of turnoff and budget resources. This ordinance does not turn off lights but provides a method to establish a district and turn on lights.

Carl Anderson spoke on revenue sharing as \$13,000 now but how much will it be later. Dependency on federal or state funding is hazardous to any community. We must pay for what we want in services.

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Bob Johnson stated they shut off his electricity if he doesn't pay; why does the City have to pay to turn off lights? Mr. Jean stated good question which he had asked too, we are under contract and subject to law suit which would be exceedingly more expensive.

Vote called for on motion.

YEAS: 4

NAYS: 0

ABSTAIN: (1) Weissenfluh Motion Carried.

Break at 9:10 Resume at 9:31

AGENDA ITEM #8 - SEWAGE TREATMENT REPORT

Duane Lee spoke on housekeeping issues to handle first. He submitted a change order on Cherry Park Sewer LID where sewer crosses Halsey because Multnomah County has added conditions but reduced cost by \$615.00.

Commissioner Cox moved to approve change order Cherry Park Sewer LID. Seconded by Commissioner Kaiser.

YEAS: 5

NAYS: 0 Motion Carried.

Mr. Lee requests bill payment for Stadel Construction Co. through July 31, 1977, totaling \$38,492.03 and William Crane Construction totaling over \$6,051.50. Storm sewer should be completed this week. Sanitary work completed August 8, 1977.

Commissioner Kaiser moved to pay contractors on Sewer LID through July 31, 1977. Seconded by Commissioner Cox.

YEAS: 5

NAYS: 0 Motion Carried.

Troutdale Plant Expansion Report

See report of August 9, 1977, page 4, on cost estimates, schedules, and provisions. We would have run out of available connections by early summer of 1978. Prepay projections indicate 1.3 million gallon flow in 4 years or needed plant expansion to 1.8 million by that time. We hope to obtain federal assistance on Phase II portion of plant. Senate has passed provisions but not law as yet. Mr. Jean noted in Washington D.C. special funding may be available but not this fall. We propose City undertake 1.8 capacity by modifying existing plant with aeration system and build second system to simplify operation procedure and labor costs of operation. This involves study of sewage improvement removal capacity and decrease pump wear, aeration basins, second clarifier, chlorine chamber and modify existing plant at cost of \$1,023,000.00 or at cost of \$575 per each registered connection. New construction on prepay program of May 2, 1977, raising \$1,110,000 to accomplish this without grants, LID's, or taxes.

Mr. Johnson asked if these would involve odor. Mr. Lee stated definitely no - only accidental dumping and killing bacteria would create a noticeable odor problem temporarily. Leo Cauley stated new modifications would safeguard such an incident better than our present plant does.

Mr. Lee requests acceptance of report and authorizes financial administrative requests to begin construction.

Commissioner Althaus moved to accept Troutdale Plant Expansion report and authorize city staff to obtain financial assurances to complete Phase I. Seconded by Commissioner Kaiser.

YEAS: 5

NAYS: 0 Motion Carried.

AGENDA ITEM #9 - COMPREHENSIVE PLAN FINAL HEARING

Mr. Murphy requested signatures on log to speak or address Council. Mr. Murphy gave steps leading up to this Plan, progress and reviewed plan format, discussions, questionnaires, etc. Plan displayed on board and reviewed for those in attendance (36 present, including Representative Otto). General design standards reviewed, policy areas and uses reviewed as stated in June 28, 1977 meeting minutes.

Question by Dave Loan - In Policy Area No. 1, has use been changed? Mr. Murphy replied yellow area is transitional and has several possible uses but Planning Commission would make use determination in conformance with Plan.

Question by Marge Schmunk - Why is County Farm now a study area; we ironed out that policy area months ago? Mr. Jean read letter from Multnomah County requesting broadening of area designation to include study area definition in view of County studies and 257th alignment questions.

Question by Mr. Otto - is area from City Hall to River transitional use or is it Policy Area 6? Mr. Murphy replied neither; it is a Policy Area 1 but grandfather rights exist. Discussion of grandfather rights ensued.

Mr. Murphy noted special areas of concern are East of Sandy River to top of bluff, as well as Jackson Road area and Sandy Dell Road. He read each change to plan (see draft - city copy on file). Mr. Freeman reviewed "grandfather" rights as stated in his letter of July 25, 1977 (attached to City draft copy). Mayor Sturges read Commissioner Edwards letter in support of adoption of Comprehensive Plan.

Mrs. Burlingame, on behalf of CAC Area 4, regarding Comprehensive Plan is favor except for transitional designation along Stark Street.

Port of Portland finds it generally acceptable to their operation and their continued cooperation with Troutdale.

Economic Development - concerned over expected growth or population and direction of community future growth policies. Mr. Jean took exception to that comment.

Bob Johnson felt policy areas are the correct approach and supports this plan.

Troutdale Planning Commission recommends adoption by Council.

AREA 6 -

Question - Rod Andersen asked about area 6 study area change request by Multnomah County when they did not attend or respond to our early invitations until this late date.

Bob Johnson requests Council leave Area 6 as worked out by CAC, P/C, and all prior meetings. Discussions closed Area 6.

AREA 2-

Bebe Rucker, Multnomah County Transportation Plan, notes 257th concern and request we show two alternatives to Halsey overpass connection street. Heated discussion by audience, staff and Mrs. Rucker on request delay until now. Mr. Murphy read our text on alignment provision. Mr. Steffanoff spoke advising, as disinterested party, that City should pursue alignment to Halsey Street as indicated after our careful, lengthy discussions and studies. Mr. Murphy gave staff views supporting written change without map change. Mr. Jean gave support to showing alternatives with condition. Mr. Otto spoke supporting alignment to Marine Drive and voiced concerns over highway 26 truck traffic use of two routes suggested and supports Marine Drive plan as alternative 4. Bebe Rucker stated through traffic not to be carried on 257th in County's routing plans. Bob Johnson noted 257th to Marine Drive sounds most feasible.

Mr. Murphy stated delay to include 4th alternative would result in adding many months delay to allow for hearings, public meetings, etc.

Bebe Rucker stated Marine Drive does not interconnect to I-205, and it is doubtful that funding would be obtained on that route. Discussion closed Area 2.

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AREA 1-

Question - Dick Close noted traffic hazard caused by road use at Wood Village by such a connecting road as County now suggests. Also, area surrounding high school should not be restricted to residential uses, however, he does not support commercial use adjacent to high school, and suggested transitional use near school.

Comment - Rod Andersen noted Stark Street area to be commercial or transitional, and he supports transitional residential uses.

Comment - Sy Butterfield, principal of new Columbia View High School in Troutdale, commented that studied impact would suggest single family residences in Policy 1 areas.

Question - Dalton Williams stated he opposes anything except R-10 around high school and didn't questionnaire figures indicate a majority of the responses felt the same way.

Comment - Bob Johnson opposes transitional use area ever being changed to denser use.

Comment - Larry Sanker opposes denser use.

Question - Commissioner Weissenfluh inquired about professional buildings around high school and like areas.

Comment - Rod Andersen stated CAC reviewed that use and found it not adviseable to the committee responses.

Comment - Pam Sanker did not support commercial or denser uses near school buildings.

Comment - Ike Handy opposes changes in plan as prepared by CAC, P/C, and Council meetings and he expressed confidence in the elected council's final decision.

Comment - Dal Williams opposes denser use designation asked for by Multnomah Co.

Comment - Rod Andersen stated he would sell his property tonight in such a case, but you ask property owners to sacrifice all for a few. Bob Johnson commented developers use land to their best and financial advantage but they don't live there and we are stuck with what is left behind.

Commissioner Weissenfluh stated audience is against high density use around school, and asked if he was correct in assuming that professional buildings would be acceptable. He questioned zoning procedure of staff. Mr. Murphy explained it would be a council decision to grant or deny zone changes, as always.

Commissioner Althaus questioned transitional conditions of use. Discussion ensued on R=10, 4, & 7 zone uses allowed.

Comment - Bill Macknelli stated we have had meetings for months and now they (County) wants to change things. Mr. Jean responded that you have not attended meetings regularly and they have been advertised fully but these decisions are difficult to finalize. Public hearings are just for that purpose.

Comment - Dalton Williams retorted CAC was not undecided; CAC decided they did not want denser use and that the Planning Commission should decide on denser or duplex use.

Commissioner Edwards letter to Council did not support apartment use or commercial use around school, only single family uses.

Mr. Freeman, City Attorney, stated a unanimous vote is required for passage of the Plan tonight. No conflict of interest by any Council member was evident in his judgement.

Staff suggests that Council designate area around school be a transitional area along 257th after 257th has been built to its terminous at Halsey or Cherry Park, someday becoming an arterial may give impetus to establishing transitional zone either now in Plan or by statement or admendment later in annual review.

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Comment - Gene Serabass concerned of possibility of MacDonalds, Service station, or the like around school.

Mayor closed hearing and asked for motion as presented or one of 3 following motions: (1) Plan with transitional Area designated in Plan on condition arterial is constructed; (2) Transitional now but limited approvals of duplex and special commercial uses such as professional offices; (3) Plan as proposed with strong statement for transitional use as arterials are constructed.

Commissioner Cox moved to adopt Comprehensive Plan change to place strong statement that Council would support transitional use when arterials are existing. Commissioner Weissenfluh seconded. Representative Otto suggested prior steps yet to be taken before such motion voted on. City Attorney concurred; to change plan requires special motion, then an adopting motion. Commissioner Cox and Commissioner Weissenfluh withdrew the motion.

Commissioner Althaus moved to adopt staff amendments as circulated on zone uses, sign restrictions, and typing errors. Seconded by Commissioner Kaiser.

YEAS: 5
NAYS: 0 Motion Carried.

Commissioner Althaus moved to designated area around high school as transitional area with special provisions to exclude commercial uses. Seconded by Commissioner Cox.

YEAS: 3
NAYS: 1 (Kaiser)
ABSTAIN: 1 (Finegan) Motion Carried.

Commissioner Kaiser moved to amend plan to include all 3 alignments of 257th in map and text. Seconded by Commissioner Althaus.

YEAS: 5
NAYS: 0 Motion Carried.

Commissioner Althaus moved to close public hearing. Seconded by Commissioner Cox.

YEAS: 5
NAYS: 0 Motion Carried.

Commissioner Weissenfluh moved to adopt Ordinance 252, Comprehensive Plan, as amended. Seconded by Commissioner Cox.

YEAS: 5
NAYS: 0 Motion Carried.

Commissioner Kaiser moved to adjourn. Seconded by Commissioner Althaus.

YEAS: 5
NAYS: 0 Motion Carried

Meeting adjourned at 12:50 A.M.

Meeting reopened at 12:53 A.M. by Mayor Sturges to complete agenda.

Mayor Sturges read Resolution 157 (equipment purchase, dump truck) by title twice.

Commissioner Kaiser moved to pass Resolution 157. Seconded by Commissioner Cox.

YEAS: 5
NAYS: 0 Motion Carried.

Mayor Sturges read Resolution 158 twice by title (support of Chanticleer Inn).

Commissioner Weissenfluh moved to pass Resolution 158. Seconded by Commissioner Kaiser.

YEAS: 5
NAYS: 0 Motion Carried.

(over)