

TROUTDALE CITY COUNCIL AGENDA  
NOVEMBER 8, 1977

1. Call-To-Order and Roll Call, Mayor and Recorder
2. Approval of Bills: Motion
3. Approval of Minutes: Motion
4. Community Development Reports, Planner and Attorney:
  - ⊙ Planning Commission
  - ⊙ Commissioner Muyskens' Resignation
  - ⊙ Policy on 50 x 100 Lots in R-7?
  - ⊙ East County TTAC and LCDC Grant
  - ⊙ Housing Conference
  - ⊙ Design Review
  - ⊙ Staten Property and BOR
  - ⊙ Building Conference
  - ⊙ Cerruti Building Report
5. Engineer's Report, Engineer and Administrator:
  - ⊙ November Report
  - ⊙ Sweetbriar Drainage
  - ⊙ Well #2 Pump House: Resolution 163
  - ⊙ Halsey Washout and Clean-Up-Costs
6. Crime Prevention Program, Officer Raglioni...
7. Tad's Non-Conforming Use, Planner and Attorney: Hearing
8. Sweetbriar Commercial Corner Appeal, Planner: Hearing
9. Fang Zone Change, 257th and Stark, Planner: Motion
10. Sewer Pre-Payment, Allocation of Defaults, Administrator: Motion
11. Sewer Consortium Agreement, Administrator: Resolution
12. Acceptance of Sandy-Troutdale Road, Administrator: Resolution 164
13. Department Reports: Tax Rates, Street Light Bills and Task force, CRAG Rules, Audit, Appraisals and Surveys, City Hall and CETA...
14. Commissioner Reports and Oral Communications: Parks Task Force Date?
15. Adjourn

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Mayor Robert M. Sturges called the meeting to order at 8:15 p.m.

ROLL CALL:

Mayor Robert Sturges, Commissioners Althaus, Kaiser, Weissenfluh, Edwards, Cox -- absent C. E. Finegan.

Staff: B. Jean, B. Freeman, B. Bergstrom, Duane Lee, L. Conrad, E. Murphy, Officer Raglione.

Press: Sharon Nesbit - Outlook

Guests: 20

APPROVAL OF BILLS:

Commissioner Kaiser moved to approve September bills paid in October. Seconded by Commissioner Edwards.

YEAS: 5  
NAYS: 0 Motion Carried

APPROVAL OF MINUTES

Commissioner Althaus noted correction in October minutes to include Commissioner Althaus present and not absent.

Commissioner Althaus moved to approve minutes. Seconded by Commissioner Cox.

YEAS: 5  
NAYS: 0 Motion Carried

BUSINESS LICENSES

Mr. Jean (City Administrator) reviewed Brass Rail Liquor application and Council concerns with establishment compliance to City Ordinances and Codes. Mayor Sturges preferred report on action expected by applicant before signing State liquor license application. Mr. Jean reported performance up to par so far.

Commissioner Kaiser moved to approve signature of State liquor license. Seconded by Commissioner Weissenfluh.

YEAS: 5  
NAYS: 0 Motion Carried

COMMUNITY DEVELOPMENT

Report on Planning Commission meeting (October 19, 1977) by Mr. Murphy. Side yard variance for Brandon approved, Colt dropped from agenda, Leavitt general development plan on Sweetbriar II approved with conditions, Fang application approved with conditions and Dan Seeman reported on street tree plans.

Commissioner Muyskens resignation opening discussed. Replacement candidates urged, however appointment delayed until December Council meeting to allow more candidates to be submitted. List of suggested candidates so far include Alex Hoover, Dr. F. Karr, Kent Brandon.

Mr. Murphy urged council to decide policy on 50 x 100 lots downtown commercial areas owned by separate owners where conformance with downtown Troutdale growth policies seen conflicting and staff uncertain as to Council directive where application for building permits are on parcel 5000 lots but meet zoning and building codes. Discussion of difficulties by staff and Council. Commissioner Kaiser moved to direct staff to maintain code regulations as written. Seconded by Commissioner Cox.

YEAS: 5  
NAYS: 0 Motion Carried

Mr. Murphy reported on TTAC activities and resolutions from last meeting. In Troutdale policies encouraged were: Improve Cherry Park from 242nd to Troutdale and 1.3 million dollars proposed for this area see attached chart and map. Also they suggested State prioritize projects for 190th and Powell, 181st and I-80N freeway interchange (see attached).

Mr. Jean reported on proposed Resal 166 to support efforts of TTAC meeting and possible funding through Mt. Hood freeway reserve of 5 million, and F.A.P. (federal aid primary).

Commissioner Edwards stated meeting confusion during meetings was accurately reported by Mr. Murphy. I support the City resolution this evening of priority areas for Troutdale, Mayor Sturges read Resal 166 by title twice in full.

Commissioner Cox moved to pass Resal 166. Seconded by Commissioner Kaiser.

YEAS: 5

NAYS: 0 Motion Carried

East County LCDC grant proposed by Troutdale stated Mr. Jean to Gresham and other cities of East County where Mr. Murphy would donate 4 hours a week our share to do detailed study of East County needs. Gresham and other communities agreeable to spending money on survey materials in this manner. Dr. Packard asked if this is a joint grant? Mr. Murphy said yes but this is given over to 4 cities to utilize funding.

Mr. Sharpe, City Building Inspector gave his report on housing conference. Policy adopted by our State one of first. Governor Straub's number one goal is home rehabilitation, number two - property tax relief, number three - low income housing, number four - fair housing. State outlook and national very good for this year on housing starts. Several good speakers at conference such as Mr. Katz, and V.A. Rep. Mr. Harris, Dale Johnson and others. Mr. Sharpe's report on San Diego conference in Council packets. (see attached).

#### DESIGN REVIEW BOARD

Mr. Murphy reported their recommendations and studies of Sweetbriar comm. site plans and Tad's Chicken "n" Dumplin's design. Duplex design reviews - example shown Boyer Park meets Board's standards. Staten report delayed until December. Cerruti report - Inspector reported building changes and plumbing corrections under review to conform to code. However, if Mr. Cerruti falters in compliance as scheduled, he will be subject to court citations. Council concurred with staff.

#### ENGINEERING REPORT

Mr. Lee noted bids for Well #2 control house were rejected and new bid procedure would be required.

Commissioner Kaiser moved to reject all bids on Well #2 pumphouse. Seconded by Commissioner Cox.

YEAS: 5

NAYS: 0 Motion Carried

Response to bid advertisement is very light, staff encouraged others to bid to no avail. Larry Sharpe negotiating with potential bidders on this small contract for next bid date. Mr. Lee read Resol. 163 calling for new bids.

Commissioner Kaiser moved to pass Resol. 163. Seconded by Commissioner Althaus.

Motion not carried - no vote

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City Attorney, Brian Freeman, amended Resol. 163 to include Maximum amount of bid acceptable at \$21,500.

Commissioner Kaiser moved to pass amended Resol. 163 limiting bids to maximum of \$21,500. Seconded by Commissioner Althaus.

YEAS: 5  
NAYS: 0 Motion Carried

Mr. Jean interjected with a report on Jackson Park problem of off site sewer line lying on Dr. Kline's property by error of NuPacific. Easement question on this portion of sewer line. Mr. Jean suggests you direct staff to act as host arbitrator between Dr. Kline and Leavitt-NuPacific in legal settlement of this issue and whether City should not or should allow connections to line until problem settled. Commissioner Althaus and City Attorney, Brian Freeman, discussed legal ramifications of line location, private road and possible solutions. Mr. Jean outlined possible solutions. Council concluded and directed the staff to allow no connections until Kline - NuPacific issue is settled as well as no issuance of new building permits until matter is resolved. Builder support concurs permit be on non-occupancy basis until the matter is resolved. Staff to report to Council at December meeting on problem's solution.

Commissioner Kaiser moved to direct the staff that no sewer connections be allowed until the matter is resolved, no new building permits be issued and staff facilitate a meeting between parties for settlement of issue and that staff report back to Council at the next meeting. Seconded by Commissioner Cox.

YEAS: 5  
NAYS: 0 Motion Carried

ENGINEERING REPORT (cont.)

Mr. Lee conversed on Sweetbriar drainage project solutions (see attached). He reported washout below Cerruti property due to restrictions by County and concerns varied by Cerruti when sewer line was constructed. Damage has been patched and Mr. Jean request half cost of the road damage be born by City.

Commissioner Kaiser moved to pay \$529 of cost. Commissioner Edwards recorded and billed it to Sewer LID.

YEAS: 5  
NAYS: 0 Motion Carried

Mr. Lee's report was concluded. (see attached)

CRIME PREVENTION PROGRAM

Officer Larry Raglione reported City crime prevention efforts through LEAA grant. Our program of awareness, knowledge by citizen, citizen action are basic steps to this program.

AWARENESS adult, youth, design for future explained as follows;

Adult - surveys, property ID, bazaars or fairs, block meetings.

Youth - Education ride a long, contact and image. Commissioner Weissenfluh noted good response in these areas voiced by Sweetbriar residents.

Design for Future - design review board, planning, security codes.

Officer Raglione stated he learned in Texas conference that through tracking reports of certain neighborhoods following above steps, crime decreased and moved to neighborhoods not using program. Mr. Jean noted he wished Council to be informed of our program and efforts. Multnomah County supplies displays for block meetings by contact through our Police Dept.

Break at 9:25 p.m.

Resume at 9:35 p.m.

ITEM 7 - TAD'S NON-CONFORMING USE.

Mr. Murphy gave staff report (see P/C folder) Building permit for expansion denied and non-conforming use filed with City. However, a permit for remodeling was issued: Mr. Murphy showed slides of the location and progress as well as work stoppage area. Conclusion was that non-conforming use violated very evident. Environmental quality dept. letter states expansion should be denied unless sewage corrections by permit are enforced.

Proponent - Representative for Tad's - Jim Jones stated restaurant is in existence for over 40 years. Contacts with City when forming our plans did not lead us to believe there were any problems. Now I find plans do not conform to City regulations and ordinances. Kitchen improvements mainly for employee working conditions betterment and waiting room changes for comfort of the customers as well as their safety. Our intent is to keep the same seating capacity but only improve our service and customer comfort. We were unaware of D.E.Q. letter until today and staff report. I asked for an ordinance change to allow Council to approve our building plans.

Mr. Jean stated that we must reject expansion of the building by permit. Our intent is to allow Council and applicant to resolve this zoning and ordinance problem.

Mr. Jones stated he was unaware of zoning status change of our restaurant through your new Comprehensive Plan.

Mr. Fowler - representative of the Businessmens Association of Troutdale spoke supporting Tad's expansion plans noting no seating capacity changes and urges Council to delay action to allow amending the ordinance if necessary.

Mayor asked for additional speeches - none.

Mayor opened hearing segment of opponents' views.

Opponents - Dr. Packard spoke underlining his concern for traffic hazard already existing at that location and noted tradition of this restaurant to Troutdale history. He also angerly emphasised the widely published Comprehensive Plan hearings held for over a year as no excuse for ignorance of the zoning classification of the establishment.

Attorney, Sid Bartels (2040 S. E. Stark) representing nearby neighbors to the establishment, Mrs. Blandine Edwards, spoke stating issue is non-conforming use which is destined to die a natural death. Non-conforming use section of City plan stated as alteration. Council has no power to grant an expansion permit (see page 83, zoning ordinance) and page 3 defining alteration as any change and repair prolonging life of a structure. If you grant additional permits or allow existing permit work to continue, you are in violation of your own ordinance.

City Attorney, Brian Freeman, interjected stating page 83 means maintenance alterations which are permissible but expansion is not. Alternatives are to amend ordinance in order to issue said permit or deny it completely.

Commissioner Althaus supports extension of traditional zone of new Comprehensive Plan to include this area or redefine non-conforming use section of plan and zoning ordinance.

Sid Bartels stated Comprehensive Plan was widely published for many months.

Mr. Jean spoke noting Mr. Bartels' definition rather than City Attorney's definition were heavily discussed during public meetings at that time and they (the citizens committees) did not support expansion of this establishment at that location.

Mr. Bartels protested in that case your written rules mean nothing if patchwork amend them for special interests.

REBUTTALS

Bob Johnson spoke noting Tad's was discussed and they supported this

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land mark business but as it is - not larger.

Mr. Jones noted owner retired during these meetings and we took over during Comprehensive Plan process and we did talk with Mr. Jean then and became partially aware of City plans but not full implication to us.

Mr. McCallister spoke stating as a neighbor, the Tad noise level has been reasonably good except in summer and patio extensions would add greatly to noise potential during the summer months.

(L. Sharpe, City Building Inspector, brought in full plan set for Council review.)

Mrs. Rody Edwards spoke supporting maintenance measures and changes noting it will not increase customer count. Spirit of commerce to be upheld.

Bob Johnson voiced concerns in public hearings Comprehensive Plan process were traffic hazards and parking problems most prevalent concerns.

Mr. Murphy, City staff, noted real conflict with zoning ordinance of 1958 and has been non-conforming use since then.

Dr. Packard asked if zoning ordinance change wouldn't in effect be spot zoning?

City Attorney, Freeman, stated no, but, challenge would be probable in this case.

Mr. Jones asked if ordinance change legal or whether this change is necessary to allow us to improve conditions of building.

Mr. Freeman stated Council cannot grant expansion permit.

Mr. Jones stated he has contacted nearby property owners with the thought of increasing our parking area and improve traffic conditions.

Mayor closed hearing and asked for motion.

Commissioner Althaus moved to direct City Attorney and staff to prepare proper amendments to zoning ordinance or Comprehensive Plan for consideration by Council at next meeting. Seconded by Commissioner Cox.

YEAS: 3  
NAYS: 2            Motion Carried

ITEM 8 - SWEETBRIAR COMMERCIAL

Mr. Murphy reviewed general plan approval by P/C and staff report (see P/C folder). Slides shown of property. Planning Commission approved with conditions. Appeal by citizens and City Administrator to Council (see attached).

Commissioner Weissenfluh questioned vehicle access and pedestrian access since I thought street would join multiplex and comm. areas.

Proponent - Ed Borst spoke noting P/C approved design, police dept. generally liked plan. Ted Chilliss (architect) presented plans and drawing to Council. Tree survey not yet completed but parking could be scaled down to allow 40% trees as noted in development regulations.

Commissioner Althaus commented on Steffanoff criteria being fulfilled Mr. Chilliss noted desiring single building complex in center as they envisioned did not meet major tenant exposure as we envisioned.

Mayor called for other comments - none.

## OPPONENTS

Marge Schmunk spoke stating project auto oriented, not Sweetbriar oriented. Other suggestions seem much better design. I'm concerned about the other 5 acres adjoining and service area proposed as misleading; demand greater. Edge of building placement on parcel not appealing, large parking pad oriented to large center not small center.

Mr. Fowler stated this project auto oriented to be sure. Intended to catch Troutdale Rd. and Stark Street traffic drawing away from core downtown areas and is not family oriented neighborhood center.

City recorder, B. Bergstrom spoke noting Powell Villa versus new Safeway complex on 122nd and Powell as 2 opposite designs of similar parcels. Which does Council prefer? Central location and trees or asphalt, L-shaped barren pad.

Mayor asked other comments - none.

## REBUTTALS:

Borst stated Mr. Chilliss designed Safeway center you like so much.

Mr. Borst stated general plan complies with present Comprehensive Plan as well as old plan. We are here to discuss our general approval of site, building plans to be reviewed later and changes made on those plan designs. We will fully address tree survey, contours, ordinance compliance, landscaping and other objections.

Commissioner Kaiser questioned probability of sale to shopping center builder?

Mr. Borst replied I would guess 2 - 5 years, not yet sold.

Commissioner Weissenfluh asked number of business sites approximately.

Mr. Chilliss replied 5 sites for stores.

Mr. Murphy stated conceptional approval only necessary at this point.

Mr. Jean concerned by spot to spot approach to total Sweetbriar development construction although I realize these decisions occurred several years ago.

Commissioner Althaus referred to Steffanoff report again.

Mr. Jean reviewed options open to Council to decide on preferred motion.

Mr. Borst stated they will return with tree survey information.

Commissioner Kaiser moved to deny request and have applicant re-apply. No second.

Commissioner Althaus moved to refer general development plan back to P/C with instructions to developer and staff that all information be presented at time of their review. Seconded by Commissioner Weissenfluh.

YEAS: 3

NAYS: 2

Motion Carried.

## ITEM 9 - FANG RE-ZONEING REQUEST

Mr. Murphy reviewed staff report (see P/C file). Slides presented. Maps reviewed for Council as well as proposed design. Mini Park seems necessary. Public need not proven to staff satisfaction. Commercial area in doubt (R-3) as needful at this time for large 7 acre parcel.

PROPONENT - Mr. Gordon spoke of primarily residential plan in 3 phases. Commercial connected by pedestrian way only. Tot-lot play area incorporated. Duplex used as buffers to commercial and traffic systems. Comprehensive Plan recognizes community needs for services at this location and strategic abuttment to arterials. Major traffic arterials

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used to facilitate this shopping center area as shown in your Comprehensive Plan guidelines, for service area to neighborhoods in immediate area. Commercial envisioned on 3 acre plan across street as small shops for late, quick service shops such as 7-11 whereas our area designed for 9-5 peoples needs such as food stores, beauty shop, dress store, etc. with business hours primarily from 9-9 p.m. Public need not yet evident for some 4-5 years. Report by Mr. Gordon (see attached) for Council review. Development is consistant with Comprehensive Plan on characteristics of this site over next 5 years. Key role of this intersection fulfilled by this plan and compliments already approved plans for lots nearby, across street, creates diverse living environment w/o destroying single family areas nearby. Market study will be presented at later date on commercial are request of C-3.

Bob Johnson - our committees hasseled over community need here as properties to north develop but I favor this plan and zone request.

Mayor asked for other comments - none.

OPPONENTS - Frank Windust stated as businessman of core area I'm concerned over this development as well as previous one and what will happen to downtown core area of our community.

Mr. Fowler stated C zone should be denied until later date when proof of need is established since you have already approved several other shopping areas already.

Mayor asked for other comments - none.

REBUTTAL - Mr. Fang stated reason for C-3 request zone now is due to fact it will improve our financing capabilities resulting in a loan approval of \$200,000 with C-3 zone as versus \$60,000 without C-3 zone approved.

Mr. Jean noted good proposal in other sections but commercial open ended and not satisfactory in long run planning as we have seen in previous agenda item.

Commissioner Althaus does not feel C-3 zone here inappropriate at this time, but Mr. Fang correct when he states zone has heavy impact on financing.

Brian Freeman noted zone change important not financing considerations. Good planning, Comprehensive Plan compliance and public need are your criteria for decision.

Commissioner Kaiser asked why R-7 west side? Mr. Murphy said R-7 rather than R-10 due to reduction in available space for lots after park area incorporated.

Commissioner Althaus moved to approve zone changes requested with C-3 area plans to be returned to show public need to Planning Commission. No second - motion failed.

Commissioner Kaiser moved to approve R-7, R-10, R-4, A-2 portions but deny C-3 rezone approval in concept of C-3 area as proposed. Seconded by Commissioner Edwards.

YEAS: 4

NAYS: 1 (Althaus)

Motion Carried, however, C-3 zone change not in effect until proof established at later date.

ITEM 10 - PREPAYMENT REPORT

Mr. Jean reported status of sewer prepayment status. Request direction on penalty clause and transfers of sewer connection.

Commissioner Weissenfluh moved that those late process applicants be allowed to continue process with penalty charge of 6½% beginning Oct. 1, 1977 and those no show property owners forfeit their rights to



connections and lottery auction he conducted of said no show connections and transfers of sewer connections from same owner of one lot to another lot of same owner be approved by staff on case by case basis. Seconded by Commissioner Kaiser.

YEAS: 5  
NAYS: 0 Motion Carried

Resolution stating provisions of lottery to follow.

Mr. Jean read Resol. 165 sewer study consortium agreement and gave background review information to council. Mayor Sturges read Resol. 165 by title.

Commissioner Weissenfluh moved to pass Resol. 165, Seconded by Commissioner Edwards.

YEAS: 5  
NAYS: 0 Motion Carried

TABLE ITEM 12 PER COUNCIL

Mr. Jean reported Commissioner Weissenfluh concurs for another polling place. Commissioner Weissenfluh gave background needs of area south of Town. Resol. 167 read by Mayor Sturges by title.

Commissioner Weissenfluh moved to pass Resol. 167. Seconded by Commissioner Edwards.

YEAS: 5  
NAYS: 0 Motion Carried

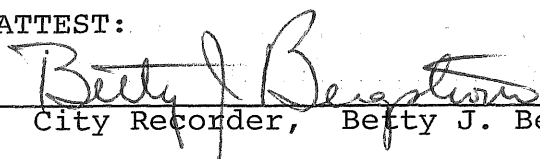
Mr. Jean tabled staff reports to December meeting. Commissioner Kaiser moved to adjourn. Seconded by Commissioner Althaus.

YEAS: 5  
NAYS: 0 Motion Carried

Meeting adjourned at 12:40 a.m. Wednesday morning.

  
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Mayor Robert M. Sturges

ATTEST:

  
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City Recorder, Betty J. Bergstrom