

CITY COUNCIL  
PUBLIC HEARING AGENDA  
JULY 11, 1978

1. Call-to-Order and Roll Call, Mayor and Recorder
2. Consent Agenda, Mayor: Motion to Act, as follows:
  - 2.1 City-County Cooperation Report
  - 2.2 Church Rental of City Hall, Discussion
  - 2.3 Vacate Easements Raspberry Lane <sup>03</sup>
  - 2.4 Accept 257th Dedication from High School
  - 2.5 Approve Public Hearing minutes of 6/13/78 & 6/27/78
  - 2.6 Approve June bills
3. Business Licenses, Recorder: Report
  - 3.1 Concessionaire Agreement
4. Engineer's Report, Consulting Engineer
  - 4.1 Water Plan Report
  - 4.2 STP Report
  - 4.3 Drilling Report
  - 4.4 Monthly Report
5. Airport LID, Engineer: Motion
6. Airport Annexation, CD Director: Discussion
7. Blanchard Off-Site Sewer, Administrator: Hearing and Contract
8. Halsey Drainage Basin Moritorium/LID, Administrator: Discussion
9. Comprehensive Plan Review, CD Director: Discussion
10. Comprehensive Plan Amendment, Map Change of Policy Area #2, CD Director: Adopt Ordinance <sup>264</sup>
11. Zone Change Request, Glenn Otto: Motion
12. Subdivision Ordinance, CD Director: 1st Reading
13. Storm Drainage Consortium, Administrator: Resolution
14. Animal Control Ordinance, Administrator: Adopt <sup>154</sup>

COMING EVENTS:

July 16, All Day, City Picnic  
July 20, 7:00 P.M., City Council Special Meeting (RE: taxes and parks)  
August 1, 7:00 P.M., City Council Work Session  
August 5, 10:00 A.M., City Hall, CAC Meets  
August 8, 7:00 P.M., City Council Hearing  
August 9, Port of Portland Meets (RE: Annexation)  
September 5, 7:00 P.M., City Council Work Session  
September 12, 7:00 P.M., City Council Hearing



CITY COUNCIL  
MEETING MINUTES  
July 11, 1978

Agenda Item #1

Mayor Sturges called the meeting to order at 7:06 p.m.

PRESENT: Mayor Sturges, Commissioners: S. Cox, F. Kaiser,  
F. Weissenfluh & H. Althaus.

STAFF: B. Jean, City Administrator, J. Widner, Fin. Dir./  
City Rec., E. Murphy, CD Director, B. Freeman, City  
Attorney, D. Lee, Lee Engineering, N. DiCarlo, Sec.

GUEST LIST ATTACHED.

Item #2

2.1 City-County Cooperation

B. Jean said that basically we are asking the County what they are able to do for us that will cost very little and would be a great benefit to us so we can avoid buying relatively expensive equipment and machinery. He also stated there is approximately \$120,000-140,000 of excess funds Multnomah County could expend on our behalf.

2.2 Church Rental of City Hall

B. Jean read letter from Parkrose First Baptist Church. (attached) The Church will take care of the liability insurance for this rental.

Comm. Cox made motion to authorize the Church to rent Council Chambers. Comm. Kaiser seconded on the condition that Council review the situation in a years time.

YEAS: 4

NAYS: 0

B. Freeman had no questions as long as the City Hall is rented.

Comm. Althaus asked if it was in the motion to change the amount of rent.

The Mayor raised raised rent as a question.

YEAS: 4

NAYS: 0

2.3 Vacate Easements Raspberry Lane (Resolution) #183

Delete on 2.3 (0) typographical error.

2.4 Accept 257th Dedication from High School

B. Jean said that this dedicating a portion of the future right-away for the 257th arterial. It was also my understanding that it was to include a portion of the property for the well sight that doesn't appear on the map. It is not for the well sight, but as in the memo it is for the access to the sight and the line itself to get the water line in that.

2.5 Approve Public Hearing Minutes

Corrections to June 13, 1978 Council minutes. Change title of July 5 to Work Session rather than Special Session. June 27, 1978 minutes item 9.2 needed the names of motion. Delete approval of June 13 and approve others with corrections.

2.6 Approve Bills

Mayor asked for a motion to approve Items 2.1, 2.4-6 with the exception of minutes of 6/13/78 and change 7/5/78 to a work session.

Comm. Kaiser moved to approve. Comm. Cox seconded.

YEAS: 4

NAYS: 0

## 2.3 con't

Comm. Weissenfluh moved to adopt the 1st reading.  
Comm. Cox seconded.

YEAS: 4

NAYS: 0

## 3. Business Licenses

### 3.1 Concessionaire Agreement

J. Widner gave report on business licenses issued in June 1978.

B. Jean introduced the concessionaires agreement prepared by the City attorney in conformance with the terms and conditions outlined previously by Council.

Comm. Kaiser motioned to accept this agreement and allow Mayor Sturges to sign it. Comm. Cox seconded.

YEAS: 4

NAYS: 0

## 4. Engineer's Report

### 4.1-4

D. Lee summarized report (attached).  
He updated on the water situation in Troutdale. Well#2 has been keeping up with water demands. As long as the weather holds as it is, they don't anticipate any problems. If it comes to pass that our demands get ahead of us, we can always go on Drinker as long as we need to. Hopefully, however, we will have Drinker Well, assuming that the test pumping proves out adequate, later this week or early next week. It will only take a few days to transfer the pump.

Comm. Finegan arrived at 7:28 p.m.

Comm. Kaiser moved to accept the Engineer's Report.  
Comm. Weissenfluh seconded.

YEAS: 5

NAYS: 0

## 5. Airport LID

Mayor read letter from Port of Portland Executive Director Lloyd Anderson. (attached)

B. Jean said that the point that Council should be now aware of is that this will now take the project out of LID status, which will take it out of the Special Assessments Fund and place it into a cash guarantee status, which funds will be Port funds passed through the City. He will see if he can simplify the process with direct payments as with the City signing off and just the Port paying direct payment which case a supplemental budget will not be needed. But, at this point it probably will be.

Comm. Kaiser moved to have staff prepare a resolution to terminate the proposed Airport Sewer LID and subject to ratification at the next council meeting. Comm. Finegan seconded.

YEAS: 5

NAYS: 0

## 6. Airport Annexation

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6.

E. Murphy said that the Port of Portland has not officially asked to be annexed. It will be on their agenda Aug. 9. The Council and the board are both jurisdictions that need to cease degree on those conditions (memorandum of understanding).

D. Lee said the discussions he has had with the Port staff on that matter are:

1. they would like us to get plans and specifications complete as soon as possible.
2. or full sewer service to the Port property.

We could probably set it out in stages, but a couple things have to occur before I feel comfortable in going full bore with the project. Right now we are very active in completing the plans and specifications. But in the calling for bids:

1. need a financial guarantee in contracted arrangement

Critical path would have the project built in three phases:

1. from the Treatment Plant out to North Frontage Road
2. along North Frontage
3. across the runway down Graham Road

A contractor can bid it all or one part and we can wrestle a reward on the basis of the most convenient arrangement to the City both price wise and time wise.

The three obstacles are:

1. approval by DEQ
2. approval by the State Highway Division
3. get equipment for the pumping station delivered and installed.

In the meantime the Port has asked Lee Engineering to prepare the contract documents in a fashion to get the pipe in the ground before ground water problems this winter.

Blanchard has proposed that he be able to build a sewer line west of his property and that he will guarantee the construction cost of installing to City standards a gravity line sewer into our manhole system. A late comers agreement needs to be drafted up.

1. City Attorney be directed to prepare the agreement.
2. the Mayor be authorized to execute that agreement subject to ratification by council.

Further implication is the properties adjacent would be in a situation where they would be ordered to connect to that sewer as they would be within 300 ft. of the sewer line. Reimburse Blanchard per late comers agreement to be drafted.

Comm. Weissenfluh moved to table the Blanchard Off-Site Sewer connection until the city Attorney can draft the late comers agreement. Comm. Finegan seconde

YEAS: 5

NAYS: 0

8. Halsey Drainage Basin Moratorium

B. Jean read and handed to the council and audience the staff report. (attached)

B. Freeman, City Attorney, said what it really amounts to is forming a bases for decision as to how you are going to spread that assessment on those properties.

1. a view point has been suggested that only those properties that have not yet been developed bear the cost of this improvement
2. Everyone contributes including those who are already developed.
3. All properties which benefit by public improvement should be assessed in comparison to their benefits.

Paragraph 3, item 1 clarifies the LID formed then issued building permits.

On item #2 -- talking about issuing building permits where there is already a drywell system in place as of todays date. Now we are talking about how much time is necessary berore we can get the LID formed and if we are to assume that it will never be formed, it would not be too wise to allow building permits even if money were put up to cover the cost of LID we would be holding on to money for a long time and these additional structures would continue to distribute to the problem

B. Jean said that if we make change in paragraph 3.1 that would hold off building permits until the LID is formed. That same condition would have to apply to paragraph 2. The assumption is that the buildable lots that are already available in buildable areas are already served by existing functioning drywell systems. So the conditions would not be any different. Only if council desires to make the moratorium more restrictive because you feel that the hazards are so clear and present that they must be that restrictive should the wording be changed. If on the other hand, Brian also implied if you acknowledge the risk, and determined that the risk at this point is there, but minimal enough that these units could proceed then, paragraphs 1 & 2 would be able to proceed if they had existing drywell systems.

An example:

There are lots in Arndts addition which are presently buildable if it were not for the moratorium they would be able to get building permits today. There are lots in Northridge which will soon be buildable if they complete the drywell systems and they would also be able to get building permits if it were not for the moratorium. There is no distinction between the two except that at presently one falls into paragraph 1 and the other falls into paragraph 2. If you are going to deny one building permit then you are going to deny two. The hazards in those cases are not as pressing as they are in other areas but, it is a matter of how far do you go and one way to avoid any challenge of being arbitrary at all is to say we don't go any further.

This problem has been discussed for over two years by the City Engineer.

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8 (con't)

D. Lee showed maps of proposed LID boundaries. (attached) There was discussion at the work session of what should be in the boundaries, what areas should be outside the boundaries, and how the boundaries were arrived at. He followed drainage boundaries and rounded to follow property lines.

Recommendations are:

Area D can be in or out

Area C " " " " , we recommend that it stay out.

Area B " " " " " " " in.

Area A is outside-but property owners can join.

Engineer's report stated we have come up with some revised cost figures.

1. Originally when we did the cost estimate on this thing we assumed it was going to be an EDA project. Those kind of projects cost more.
2. Another assumption was for the upper basin we designed it on a 10 year storm and for the lower basin a 5 year storm reduced to a five and two year storm.

This has reduced the pipe sizes in result of more detail in hydraulic analysis. They have removed from the project scope approximately 800 ft. of 30 inch pipe along Cherry Park.

The biggest hole in the previous report was the incomplete assessment roll. As result of an update, we have now logged 434 acres rather than 358.

The end result is that the Engineering estimate now will vary when the final numbers are put together probably between \$2,000 and 2,300, rounded off to \$2,500 per acre. Would like about ten days to complete the Engineering report at the earliest and if possible present it to the next council meeting 8/8/78.

The Mayor asked for audience views:

Dick Close, representing DeBois Homes developers of the Northridge project. We are in substantial agreement with the staff report except that it is unnecessarily complicated. He disagrees with Brian that another 10 days is not going to make any difference.

As a suggestion in this situation in Northridge where all the drywells are in and the only thing left to do is to pave the street, the third phase of it. He thinks it would be entirely reasonable when DeBois Homes comes in for a permit to have them sign a commitment that they will participate in the LID. At the same time have them give Council, City Administration a demand note in the Engineer's estimated amount of the improvement system to be called at any time.

Dick Close -- Both parties, the City and the developer have been acting with good faith. The developer has done everything that has been asked of him. Everything has been installed to City standards and City approval. And I think that there is real moral obligation on the part of the City to recognize and to honor their commitments. Mr. DeBois has no objection of paying his fair share of the improvement cost. But, in this particular case his entire building inventory is in that Northridge project.

Comm. Weissenfluh asked that if in a subdivision if Mr. DeBois came in and in the event that an LID

was formed, what happens after Chet finishes a house and sells and closes, who then is responsible?

D. Lee said in either event the purchase of the property will be responsible for it.

B. Jean said that staff at this point is suggesting that the LID be used in order to generate the capital to construct the project and to provide a vehicle where by those who are not developing will be able to continue to defer reasonably that assessment cost until such time as they did develop their properties or until ownership changed and they could get their equity gained out of their properties and pay the share. We are not suggesting via LID debt be prolonged

Comm. Kaiser motioned that lots with concrete (curbs) and drywells be permitted to have their building permits to continue. Comm. Althaus seconded.

B. Jean stated that as in paragraphs 3.1 and 3.2 that those that have everything in and approved prior to tonight 7/11/78, will be allowed to continue as long as they waive their right to remonstrate and put up a financial guarantee and we would revise the cost to 7½ cents per sq. Ft. or \$2,500 per acre, per engineer's estimate.

B. Freeman commented,

1. There is a moratorium in affect based upon the findings which were adopted from City Engineer's report, that hazards might exist if you now more or less release the moratorium as to somewhere in the neighborhood of 20 parcels including the Northridge and the Arnd areas. You are in fact reversing the moratorium.
2. Built under conditions if a hazard doesn't exist
3. If this is true will these agreed to construction.

D. Lee did not have an absolute answer.

Kaz Fujii said that he feels it is not fair to give it to one man and not to another, as is property is across the street.

Steve Shell - represents the developer and buyer in Teton Ridge and would like to show that section C is not in that drainage basin.

Comm. Kaiser withdraws his motion and Comm. Althaus withdraws her second.

The Mayor personally has misgivings that we are even able to form an LID. The process seems to be completely out of it. Let's decide this.

B. Jean stated two alternatives that arose from this discussion: Now that the boundary line has been extended to include the entire drainage basin added 100 acres to cost sharing and more precise estimation. The cost has been substantially reduced.

1. Draw line and hold with moratorium or;
2. Pursue LID



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Dan Skerrett - representing Mr. and Mrs. Fujii objected to suggestion if any lot split entirely deferred is due. He introduced as an exhibit a copy of some of the preliminary plat applications which Mr. Fujii has presented previously, cover the property in which are directly across the street on Cherry Park Road.

They would like more time for an outside opinion to look at the situation.

B. Jean said that there is a distinction that has been made implied within a staff report to you that it is more than just the arbitrary nature of the fact that tonight happens to be July 11, 1978. Those properties where drywells will work, might and not follow the staff report, disagree that a project (Northridge) is in the same condition as Fujii.

1. Drywells not existing probably will not work.
2. It would allow him to begin, but not building permits.
3. Those in process before 7/11/78 can be completed without a real hazard.

Comm. Althaus asked why they will work on the South side and not the North side?

D. Lee explained that the drywells that are on the South side are set back quite ways and we have set some of them back off Cherry Park Road to get them away from the exposed hillside as far as possible. The North side is nearer the slope.

In answer to Kaz Fujii's objection, B. Jean said:

1. Northridge System has been given the go ahead as drywells are proven out.
2. Fujii tabled because of drainage - not in flat moratorium - phase lines condition 3, in accordance with the staff report.
3. Water from Fujii's drains out and then back into the drainage basin.

Decision of council is, should we proceed with LID or not?

Bob Johnson said that the school district at this time, will have run out of school classrooms, positions for the students, to keep in mind that with more development there will be no room for the students.

Steve Schell would like to know boundary. Area C has been proposed as outside boundary.

Comm. Weissenfluh moved to exclude Area C from the proposed boundary of the LID. Comm. Kaiser seconded.

YEAS: 5

NAYS: 0

B. Jean suggests that what we are discussing at this point is not the question that you had pursued which is the ultimate question, but we are discussing the boundary of the drainage basin. I would suggest that we consider to pursue that and then after having to find what we are looking at as the boundary of the basin, then look into the feasibility of whether an LID or moratorium should be pursued.

The Mayor read a motion to amend the binding moratorium with a conditional moratorium and the Council finds:

A MOTION TO AMEND THE BUILDING MORATORIUM WITH A CONDITIONAL MORATORIUM AS FOLLOWING, THAT:

1. The Council finds in accordance with the Engineer's report that a public hazard does exist in the entire drainage basin, but that approval of approximately an additional 20 units on those properties with existing and approved interim drainage systems will not significantly increase the natural flow of storm waters, and that conditions as follows for a moratorium in the area are:
  - 2.1 property drains to an approved (by City Engineer) drywell or other local drainage system existing as of July 11, 1978;
  - 2.2 and when the property owner provides a bond or financial guarantee acceptable to the City Attorney assuring payment of and participation in LID cost based on 7½ cents per sq. ft. or \$2,500 per acre if formed;
  - 2.3 building permits for construction not affecting or hastening water runoff may be issued (eg. fences, internal structure remodel, demolition)
3. Engineering specifications may be approved and final plats or partitions may be approved on projects in process as of July 11, 1978, but such projects may not begin construction until the LID is formed and may not receive building permits until the LID construction is complete. Temporary drywells may be required as a pre-condition to construction before the LID is complete.
4. Those developments not in process with filed preliminary plats as of July 11, 1978 may not receive preliminary plat action or approvals until LID construction is complete.
5. and that the City Engineer is directed to prepare an Engineer's report for the LID. (August 8, 1978)
6. and the City Administrator is to prepare a financial and deferred assessment proposal. (August 8, 1978)

Kaz Fujii's property would fall under paragraph 3.

Dan Skerrett asked if it would be possible to expand it so that another property owner would have the option, if they could demonstrate, that traditional lots in addition to the 20 involved here could also meet the same conditions, whether they could come in and get building permits under the originally conditional two.

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B. Jean pointed out staff's recommendation as per paragraph three.

Comm. Kaiser moved to adopt and also accept paragraph 6, directing the City Administrator to prepare necessary financial and preferred assessment proposals.

YEAS: 5

NAYS: 0

9. Comprehensive Plan Review

E. Murphy reviewed maps to come before council in August. The problem is a little strip of land between the RR tracks and Sandy Street and between the RR tracks and Columbia. It is not owned by the County. It is suggested to include the strip of land in policy area 3. Zoning has to drop to C2 or the Comprehensive Plan has to be changed. Opposite end of town is zone A-2. You can also draw the line and make Sandy Street the dividing Street all the way, or make Sandy Street the dividing point and follow the RR tracks back to Columbia.

Further discussion was made.

10. Comprehensive Plan Amendment, Map Change of Policy Area #2  
Ordinance #266

The Mayor read the ordinance by Title.

Comm. Althaus moved to pass, changing, the City of Troutdale Comprehensive Plan Map and enlarge policy area #2.

YEAS: 5

NAYS: 0

11. Zone Change Request

E. Murphy gave a breviated version of the staff report. (complete report attached)

The findings are that the zone change are not in conformance to the Comprehensive Plan, but if the Comprehensive Plan is changed to make this area policy area #2, the request for a C3 may be appropriate. We have just changed the Comprehensive Plan to policy area #2 so the request for a C3 is inconformance with the Comprehensive Plan. The applicant states that there is a public need for commercial river oriented activities and that this is the only suitable area for such activities. It is not known whether there is a market for such commercial activities in this area. The staff does not know of that and there has been no material submitted to show that there is an actual market of public need. The use proposed is compatible with the land uses for that area.

The use proposed should be designed so that to protect against the flood hazard, minimize traffic congestion and accident potential blending with the scenic quality of the Sandy River, river oriented and provide adequate off street parking.

Two alternatives:

1. Change Zone to C-3 from R-10

or approve

1. actual use proposed under C-3 zone be subject to planning commission review.

2. no development take place in floodway fringe area

without adequate protection.

The changing zone would allow a wide variety of commercial uses in the area and not necessarily be limited to the use proposed by the applicant.

Glenn Otto is opposed to going back to the Planning Commission again. His objection is that it is just an additional delay. Questions not answered by the Planning Commission.

1. If I have to go back in front of the Planning Commission, does this require additional fees?
2. What are the criteria even if I do go back before the Planning Commission? Does the process begin again?
3. If I do have to go back to the Planning Commission, this could very easily delay the project 6 to 8 weeks. The buyer may walk away.
4. Why is this property being singled out?

Mr. Otto wants zone change without conditions.

B. Jean said that there has been no finding of fact made to staff that there is:

1. a public need, and;
2. there has not been submitted to staff a market analysis to prove public need.

He then stated that once the zone change is granted with no conditions, then the fact is the City has no control except through building code compliance.

G. Otto feels that there are two things to consider:

1. We bought 12 sewer hook-ups.
2. When the smelt are in the Sandy River, we are operating a commercial activity.

Comm. Weissenfluh moved that the subject property be re-zoned from R-10 to C-3, following conditions as recommended. The actual use proposed under the C-3 zone and the complete development proposal would be subject to planning commission review and no development take place in the flood way fringe of the area without adequate protection. Comm. Kaiser seconded.

YEAS: 5

NAYS: 0

Reverend Crosby is asking for stop signs on the corner of Hensley Rd. and 262nd.

B Jean said the real problem is the traffic coming from Kane into Hensley and 262nd.

The original petition was asking for a stop sign for traffic going both ways.

The Mayor said that about the only thing that can be done is to submit to the County the problem and ask them if they will take some corrective action to reduce the speeding.

E. Murphy is directed to come back with a recommendation after discussing it with the County.

The best option is to reduce the speed limit on that corner.

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12. Subdivision Ordinance

Mayor read 1st reading by Title only.

13. Storm Drainage Consortium

B. Jean did not have a resolution to present.

14. Animal Control Ordinance #254

B. Jean made changes suggested.

Mayor read the Animal Control Ordinance by Title.

Comm. Kaiser motioned to adopt the Ordinance. Comm. Cox seconded.

YEAS: 5

NAYS: 0

15. Comments

E. Murphy gave update on O'brist and Drinker pit properties. Drinker property has conditional use permit that was granted in 1970 and expired July 1, 1978.

He talked to Drinker June 30 to inform him that it was to expire and he knew that any way. He said he would like some temporary approval so he could go ahead and work this summer. I told him he would need an extension of his conditional use permit if he wanted that. He would have to make application to the Council.

Could still grant him ministratively until he got a permit approval to keep recontouring his land and even an approval to take the dirt and haul it up the haul road and dump it over the side of the creek that slope we want between Drinker's and O'brist's property, just so he keeps it contained within that sight.

No more materials for sale.

O'brist was to submit a site plan to MSD by June 15 and did not.

B. Jean suggests as per previous Council direction staff direct Don to either get that plan submitted prior to the next City Council meeting or the City Attorney pick up where we left off on the matter and present a course of action to you as far as legal action. Mayor and Council concurred.

The Mayor resubmitted the name of Dan Lowe as filling the unexpired term of Blandine Edwards.

Comm. Weissenfluh moved to accept Dan Lowe to fill Blandine Edwards vacated position. Comm. Cox seconded.

YEAS: 5

NAYS: 0

Comm. Weissenfluh made a motion to adjourn.  
Comm. Kaiser seconded.

The meeting was adjourned at 11:06 p.m.

Signed by the Mayor this 24th day of July, 1978.

  
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R. M. Sturges, Mayor

ATTEST:

  
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Terri Widner, City Recorder