

CITY OF TROUTDALE

AGENDA
TROUTDALE CITY COUNCIL - SPECIAL MEETING
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060


SEPTEMBER 17, 1987 - 5:30 P.M.

(A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL

(I) 2. DISCUSSION:

Allowing the Community Services Director the flexibility in developing System Development Charges for Burns Brothers Truck Stop.

(A) 3. ADJOURNMENT.



Sam K. Cox, Mayor
Dated: September 17, 1987

32:17
9/17/87 Thu 16:04:07

MINUTES
CITY COUNCIL MEETING - SPECIAL SESSION
TROUTDALE CITY HALL
104 SE KIBLING STREET
TROUTDALE, OR 97060

5:30 P.M. -- SEPTEMBER 17, 1987

ITEM 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE:

Mayor Cox called the meeting to order at 5:30 p.m.

Mayor Cox asked Bui to lead the Pledge of Allegiance.

City Recorder, Valerie J. Raglione, called the roll.

PRESENT: Bui, Burgin, Gault, Jacobs (5:35), Schmunk

ABSENT: Thalhofer

STAFF: Barker, Christian, Mayor Cox, Raglione, Wilder

PRESS: Web Reubal, The Oregonian

GUESTS: Steve Anderson, Burns Bros.

ITEM 2. DISCUSSION:

Allowing the Community Services Director the flexibility in developing System Development Charges for Burns Bros. Truck Stop.

Christian stated that the meeting was called to consider a method of resolving inadequacies in SDC calculations for large developments. It was brought to staff attention when calculating rates for the Burns Bros. Truck Stop. The SDC's were estimated at approximately \$300,000. using the calculations adopted in 1979-80.

Christian stated that Wilder had made comparisons with other jurisdictions and found that the City was in line while using the rates in calculating single family residences and small users. However, for facilities such as Burns Bros., Troutdale's SDC calculation came out to be about twice as high as other jurisdictions. In doing comparisons, Gresham's calculation for the Pony Soldier Motel was \$58,110. If using that same development in Troutdale and using Troutdale's rates, based on ordinance, the calculation would have been \$81,117.

Christian stated that the in the City Attorney's opinion

Council could set in abeyance that portion of the ordinance (Section 12b) judged to be unreasonable, while leaving the rest of the ordinance in effect. The Council could then direct staff to develop a new formula, allowing approximately 6-8 weeks for research. The Council could authorize City to collect 10% (of what current ordinance requires) as a "down payment" with the understanding that new SDC calculations are pending under an amendment to the ordinance. Once the amending ordinance was adopted, and SDC's recalculated a refund could be made (if the calculations were found to be too high). If the new calculations exceeded the "down payment", the applicant would be responsible for the remaining balance. By paying 10% of the SDC's, a developer may obtain the permits necessary to start a project instead of having to wait for the recalculations.

Schmunk asked Christian where the City draws the line between "small users" and large users.

Wilder stated that the Thriftway Center calculations were okay. However, the City Attorney feels like we were at the fine edge of legal flexibility in doing the Center. Anything larger and it becomes impossible for special uses. The ordinance was designed for single family residential and small development in 1979. However, It cannot accommodate this kind of development.

Bui asked for the record, asked how much 10% would be.

Wilder stated \$29,000. to \$30,000. Burns Bros. was given \$66,000. of waste water credits and \$19,000. of water credits for their existing motel. Taking that into consideration, the total SDC's, as calculated, are still \$290,000.

Christian stated that most people figure the number of seats, but it's the value assigned to that number of seats. Christian also stated that Wilder is attempting to work on a new CIP plan which identifies costs and today's dollars for future expansion of the treatment plant. With the CIP you have a very definite figure that you work toward in developing that fund for future system developments. The SDC's would then correspond directly to that final figure. The City's problem is that our interests in economic development is being flexible, doing it quickly, and being reasonable...and we're finding that this ordinance is none of those for these types of developments.

Wilder stated that he originally estimated the Burns Bros. project was around \$65,000. to \$70,000. Barker and Wilder then calculated the SDC's and found the discrepancy.

Christian stated that staff doesn't have authority to do anything other than what is directed through the ordinances. Staff can, however, hold a section of an ordinance as

unreasonable, set that section aside in abeyance, and ask Council to give staff direction on how to deal with it.

Gault stated that this goes hand in hand with the other work that's being done on the Downtown Plan, and obviously this development has tended to raise the issue of something that's much larger than this one project, which hopefully will involve a whole lot of people down the road for future economic development in the City. Obviously, this is an issue that needs to be resolved, and this would appear to be much the better way to solve it.

Wilder - Our fee structure is competitive with anybody's in the State. The City's is, per ERU, less than a lot of other jurisdictions. The problem comes in the multipliers. The City has a factor of about 5 compared to Gresham with regards to restaurant seats (numbers of seats that make up an ERU). Burgin asked if any jurisdiction has just a fixed rate regardless of size of project?

Wilder stated Yes, mostly in California. He has been referring to California ordinances for a lot of information. One of suggestions that will probably be made in the ordinance is that we progressively allow the payment of SDC's over time based on actual metered flow.

Schmunk asked Wilder if this was a common practice?

Wilder - It is in California. In some cities in Oregon it's now being adopted, but it's not common knowledge.

Schmunk asked if the reason is that they're trying to encourage people to come in and then pay on a progressive payment basis.

Wilder - Yes, because it's very pragmatic and fair - you pay for what you use.

Wilder - We meter it, we require a certain percentage up front and it's absolutely fair.

Burgin - It seems that we need one standard though, we can't just put one development based on metered flow and another one based on retail space leased.

Wilder - What you do is give the developer an option, because he has the expense of putting the meter, manhole and equipment in the ground. There are smaller businesses like an office building, small restaurant, or a Thriftway Center that were easy to do, but it would not be easy to do this specific type facility with the multiplicity of uses through one discharge line.

Burgin asked, By comparison, how many seats there are in the

Silver Dollar Pizza restaurant?

Wilder stated that you had to consider a quick turn-over compared to a lengthy stays. In Burns Bros. case, 200 seats, 176 fixed restaurant seats, and 17 barstools. Barstools are .009 ERU's per stool, one restaurant seat is almost 1/2 a residential unit.

Gault - With the idea of taking and developing the payment of SDC's over time, as you've expressed, what does that do as far as enforcement mechanism? The current enforcement mechanism is you pay the SDC's or you don't get your permits.

Wilder - The enforcement mechanism there becomes you pay your SDC's or, like a user fee, we turn the valve off. Even our user fees are subject to the same appeal. Another element of fairness is when we calculate SDC's, the monthly user fee is also based on their full growth development.

Christian stated that Jennings will review a written agreement between the City and Burns Bros., in this case, with the understanding that there will be an amendment to the ordinance which will be before Council and a public hearing process, to be developed and acted upon before the end of this year.

MOTION: Bui moved to authorize staff to study the appropriate ordinances and come back to the council with recommendations and secondly, that the Burns Bros. project be allowed to pay the recommended 10% with an associated agreement to be drawn up by the City Attorney. Burgin seconded the motion.

The Mayor called for discussion.

Christian stated that the City should put a time period on this... prior to December 30, 1987. This would enable staff to come back with a report to Council in approximately 6 to 8 weeks. Christian stated that Council would have to decide if they wanted to do it specifically to each project, or all projects coming in?

MOTION: Burgin moved to amend the motion to include all development between now and December 1st. and to specifically set aside Section 12b with the exception of single and multi-family unit calculations and Exhibit B for the street ordinance in its entirety. Bui seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea

Mayor Cox called for a vote on the original motion made by Bui.

MOTION: Bui moved to authorize staff to study the appropriate ordinances and come back to the council with recommendations and secondly, that the Burns Bros. project be allowed to pay the recommended 10% with an associated agreement to be drawn up by the City Attorney. Burgin seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea

ITEM 3. ADJOURNMENT:

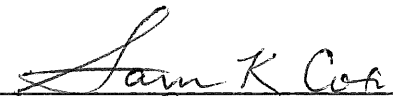
Mayor Cox called for a motion to adjourn.

MOTION: Jacobs moved to adjourn. Bui seconded the motion.

YEAS: 4
NAYS: 1
ABSTAINED: 0

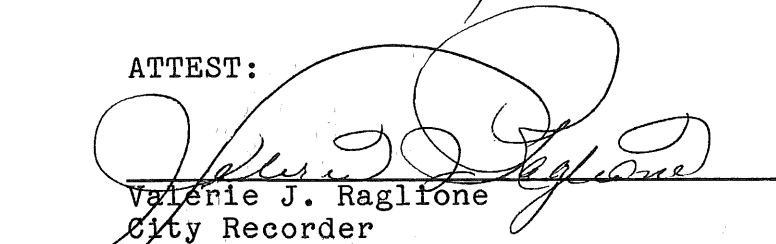
Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Nay

The meeting adjourned at 5:58 p.m.



Sam K. Cox, Mayor
Dated: October 14, 1987

ATTEST:



Valerie J. Raglione
City Recorder

CC:14
10/2/87 Fri 9:49:39