

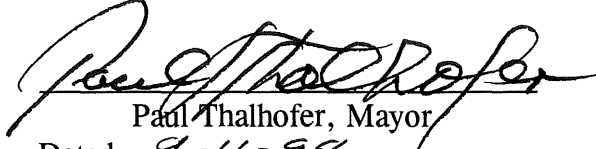
CITY OF Troutdale

AGENDA

**TROUTDALE CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099**

7:00 P.M. -- September 22, 1998

- (I) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept Minutes: Regular Session - August 11, 1998
 - 2.2 RESOLUTION: A Resolution accepting dedication of Public Right-of-Way from Gregory MacDowall at the intersection of SE 3rd Street and SE Sandy Avenue.
 - 2.3 RESOLUTION: A Resolution accepting a permanent utility easement from Gregory MacDowall at the intersection of SE 3rd Street and SE Sandy Avenue.
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (I) 4. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance repealing Title 6, Animals, and adopting a new Title 6, Animals, Chapter 6.04.
- (A) 5. PUBLIC HEARING/ORDINANCE (Introduced 9-8-98): An Ordinance amending Troutdale's Comprehensive Land Use Plan relating to general goals and objectives and goals 2, 9, 10 and 12. Sanderson
- (I) 6. PRESENTATION: Public Safety Survey. Kvarsten
- (I) 7. COUNCIL CONCERNS AND INITIATIVES
- (A) 8. ADJOURNMENT.


Paul Thalhofer, Mayor
Dated: 9-11-98

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MINUTES
Troutdale City Council - Regular Meeting
Troutdale City Hall
Council Chambers
104 SE Kibling Avenue
Troutdale, OR 97060-2099

September 22, 1998 7:00pm

I. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Meeting was called to order at 7:00 p.m. by Mayor Thalhoffer. Mayor Thalhoffer called on Councilor Ripma to lead us in the Pledge of Allegiance.

Mayor Thalhoffer read a letter written by Stanford Chen, reporter for the Oregonian, regarding an allegation at a previous meeting about remarks in a newspaper article that were written out of context concerning racist remarks by one of our employees.

Mayor Thalhoffer asked for the roll to be called.

City Recorder Martinez called the roll.

PRESENT: Thalhoffer, Smith, Ripma, Thompson, Kight, Regelein, Daoust.

STAFF: Allen, Faith, Galloway, Hanna, Kvarsten, Martinez, Shrake, Sanderson

GUESTS: Dylan Day, Mark Streater, Jarred Rudd, Cameron Lee Voyt, PJ Hoffman, Jon J. Cramblett, John Rowts, Dave Gissel, Donna Halpin, Hal McKeig, Edward A Krause, Linda Adalsteinsson, Dan O'Donnell, Kelley McKeig, Penny Rudd, Christine Byrd, Penny Dwyer, Lynda Calkins, Pam Streater, Kevin & Dawn Goin, David Dobrinski, Debbie Hesler, Evan Adalsteinsson, Doug Densem, Paul Halpin, Ben Dobrinski, Chris McKeig, Sean O'Donnell, Renae Summers, Nathan Summers, Dan Johnson, Richard Johnson.

Mayor Thalhoffer asked are there any agenda updates?

Kvarsten replied no changes.

2. CONSENT AGENDA:

2.1 Accept Minutes: Regular Session - August 11, 1998

2.2 RESOLUTION: A Resolution accepting dedication of Public Right-of-Way from Gregory MacDowall at the intersection of SE 3rd Street and SE Sandy Avenue.

2.3 RESOLUTION: A Resolution accepting a permanent utility easement from Gregory MacDowall at the intersection of SE 3rd Street and SE Sandy Avenue

Mayor Thalhoffer called this item and read the consent agenda.

MOTION: Councilor Thompson moved adoption of the consent agenda. Councilor Kight seconded the motion.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**

3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

Mayor Thalhofler called this item and asked the Troutdale Hawkeyes to come forward.

The 1998 Troutdale Hawkeyes and cheerleaders introduced themselves and presented the Mayor with a jacket and a schedule of the games.

Jon Cramblett stated we are also in need of funding for the program. We will have fund raisers and we are looking for sponsors.

Mayor Thalhofler wished them a successful season.

Councilor Kight asked for citizens interested in helping to sponsor your team, what is the cost per player?

Cramblett replied the initial cost last year was \$68.00 per player. Right now the cost is about \$200.00 per player. We only ask for \$45.00 from each player.

Councilor Kight wished them a successful season.

Councilor Regelein stated he would like to congratulate and thank the parents and coaches and other volunteers who help. I encourage the players to do your best and play as hard as you can.

Mayor Thalhofler asked if anyone else would like to address the Council on a non-agenda item?

Dan O'Donnell stated he is involved with Boy Scout Troop 177 in Troutdale. The Scouts here tonight are first year scouts and they are working on their Citizenship and Community Merit Badge. They have to meet two requirements. One is to write a letter to a public official and the second is to visit a City Council Meeting to see how government works. The Scouts introduced themselves.

Dan O'Donnell stated he would like to thank the community for supporting the program.

4. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance repealing Title 6, Animals, and adopting a new Title 6, Animals, Chapter 6.04.

Mayor Thalhofler called this item, recessed the City Council Meeting and opened the Public Hearing at 7:27pm and called on Jack Hanna.

Hanna stated with him tonight is John Rowton with Multnomah County Animal Control. We are here to introduce to you an Ordinance to repeal Title 6 of the Troutdale Municipal Code and replace it with a new Title 6 for the Animal Control Ordinance. The Ordinance is enforced by Multnomah County

Animal Control, but they will only enforce the sections of the Ordinance which the City Council adopts. This Ordinance has gone through my office as Code Compliance Officer for the City and it has gone through the Police Department. We find that it will serve the purpose that the City of Troutdale needs. The last Animal Control Ordinance adopted by the City of Troutdale was in 1981. There are some updates and additions to the Ordinance, one is exotic animals. It is now very clearly explained and classified.

Councilor Ripma stated if we already have an Ordinance adopted, I am unclear what you are presenting to us.

Hanna replied that the last Ordinance adopted was in 1981. There have been changes and amendments to definitions and descriptions of different types of animals that are not addressed in the old Ordinance.

Councilor Ripma asked what is different?

Rowton answered our Ordinance has been revised several times since 1981. Currently in the City of Troutdale if someone breaks the law, we cite them into court. Under the current Multnomah County Ordinance that has been in effect since 1993, we have a notice of infraction which is an administrative hearing program. It allows our officers to do a far more involved job of enforcement. We have the parameters under those notices and infractions to write a ticket for \$300.00 and to reduce the penalty to zero if the owner builds a fence. This gives us the leverage to solve problems rather than have it become a repeat offense. This Ordinance contains something new to everybody in Multnomah County which is the exotic animal section. There are several changes that clean-up the Ordinance. A change for Troutdale only, is the cat licensing. With consultation from the State Public Health Veterinarian, countywide there will be a requirement of rabies vaccinations for cats. The State Public Health Veterinarian feels that there is a far higher risk of human contact with rabies from a cat than a dog. There are two groups working on possible changes to this. One group deals with a grandfather clause for some reptiles. This Ordinance currently bans all venomous reptiles and reptiles that reach a length of eight feet or more. The other committee is looking at the noise abatement problem for commercial kennels.

Councilor Ripma asked what do you do for us now?

Rowton replied that we respond to complaints regarding aggressive, loose, or injured dogs. You have a full range of Multnomah County Animal Control services that are designated for us to enforce in your currently adopted Ordinance.

Hanna stated that any animal control complaints that come to my office are referred directly to Multnomah County Animal Control. The City does not deal with these calls at all. The Police Department could respond to a dog attack or bite, but the animal itself is handled by Multnomah County Animal Control.

Councilor Ripma stated the only thing I remember about animal control in Troutdale is that we are famous for not licensing cats. Are we the only jurisdiction that does not license cats?

Rowton replied yes. Multnomah County is the only county at this time that licenses cats. However Washington and Clackamas are both preparing Ordinances to do that. There is probably going to be

State Legislation requiring rabies for cats, which will then become a mandated statewide licensing situation as it is with dogs.

Councilor Kight asked if this City Council passes this particular Ordinance, what would be the economic impact on the citizens of Troutdale?

Rowton replied we have a formula based on the number of houses. Claimed owned cats that would probably be licensed in the City would be probably 920 at about \$15.00 per cat.

Councilor Kight asked of the cat population, usually how many are spayed or neutered?

Rowton replied about 85%.

Councilor Kight commented on the problem with coyotes in packs of 5 or 6. How would you solve that problem?

Rowton replied coyotes fall under the guidelines of USDA. There is a proposal before our advisory committee that asks for funding to look at the idea of doing a coyote eradication. We received no response from that. There was no funding forthcoming from anybody.

Councilor Kight stated that Multnomah County is the only county that does not have an eradication program for coyotes, the rest of the state has a program.

Rowton replied yes, areas that are surrounding livestock.

Councilor Kight stated I think the different bodies need to get together, the US Department of Agriculture and the County and come up with something creative. We don't have any reported attacks on small children, but we wouldn't want to see that happen. I am concerned that these animals become more and more acclimated to being around humans and that potential always exists. I would rather be aggressive about taking care of the problem.

Rowton stated it is a concern we also have.

Councilor Daoust stated I am very familiar with the contents of this Ordinance as a member of the Advisory Committee. Unfortunately, even though coyotes are an issue, there is no language in this Ordinance to address coyotes. Regarding exotic animal permits, do you know if anyone in Troutdale has exotic animals?

Rowton answered to my knowledge nobody in Troutdale owns any of the grandfathered animals.

Councilor Daoust stated as I understand it, there are very few permits in all of Multnomah County.

Rowton replied there are about 10.

Councilor Daoust stated that the cat issue is a local issue. What level of enforcement does Multnomah County do with cat licensing?

Rowton replied we are complaint driven. We have thirteen officers handling 25,000 calls a year. We don't have time to chase cats. It gives us the opportunity to deal with problems. I don't believe the financial impact is great. The licensing fee for Spayed or neutered cats is \$8 for the first one and \$5 for each additional. If they are spade or neutered we don't care how many you have. There is a trespass law for cats, if it becomes a problem it allows us to set up live traps and control the problem.

Councilor Daoust stated that falling in line with the rest of the Multnomah County would be proper for us.

Councilor Regelein stated that what you have provided makes perfect sense. With the increase in cat population, I see no reason cats should be exempt.

Councilor Thompson stated I think its time for us to become in compliance with the County's Ordinance.

Councilor Smith stated I wish we could address the racoon situation also.

Rowton stated Fish and Wildlife will not address this. We can not get a trap strong enough to trap them.

Mayor Thalhofler asked about barking dogs?

Rowton stated this Ordinance deals with the length of time the dogs are barking.

Councilor Kight stated that part of the objection is the \$10,000 County wide figure. I think it could be done much cheaper, and maybe next time you come before the Council you could provide us with more information on this. If we did this on a contractual basis with a private contractor and approached this on a per incident basis, for example if we receive a call and somebody has sited a pack of 4 or 5 of these animals running around and we responded to that specific item, as opposed to having somebody on a full time basis for the entire county, but specific to Troutdale. Is that a possibility?

Rowton answered I am sure the City could contract with any number of people, including current USDA enforcement people. We would work with you on that and we could come back with a list of potential people.

Councilor Kight replied yes I would like that. We are looking for solutions.

Councilor Ripma stated in the situation where we did have neighbors disputing over multiple cats, just how would this work? Would the cats be caught and the owners would then have to license them?

Hanna replied it would give Multnomah County the authority to place traps and apprehend the cat(s), and had they been licensed we could identify the owner.

Councilor Ripma stated that I own a cat and I am not opposed to getting it licensed. I think it is a historical hold over in Troutdale. I have heard from time to time numerous citizens speak of the fact that we do not license cats with some pride as an example of our individuality. This is a very reasonable Ordinance, and unless we hear an objection from the public before we do a second reading, I for one will support this. Now is the time to speak up if you have an objection to this.

Rowton stated he will provide information on possible contractors. There are a lot of options.

Councilor Daoust stated I would also like a little more in-depth discussion about how effective control measures are.

Mayor Thalhofler asked is there anyone else who would like to speak in regards to this Ordinance?

No further testimony.

Mayor Thalhofler closed the Public Hearing at 8:11pm, and reconvened the City Council Meeting and directed that this item be placed on the next agenda for action.

Mayor Thalhofler called for a break at 8:13pm.

Mayor Thalhofler resumed the City Council Meeting at 8:27pm.

6. PRESENTATION: Public Safety Survey.

Mayor Thalhofler stated we are going to make a change in the order of the agenda. Mr. Kline is here for the presentation of the Public Safety Survey and needs to leave shortly so we are going to move ahead to agenda item number 6 at this time. Mr. Kvarsten could you introduce this agenda item please.

Kvarsten reviewed the staff report contained in the packet. Noel Klein who conducted both surveys will present the result of the recent survey and discuss his findings. Accompanying Mr. Klein is Sergeant Marc Shrake from the Troutdale Police Department.

Klein stated I work with a company called Western Advocates. We have conducted two surveys for Troutdale focusing on the public perception in regards to the Police Department. This is the second survey, a lot of the questions in this survey are a result of the first survey. In June all households in the City received a mailing of a report from the Chief and a citizen survey. By the end of June we had received 675 responses. We have included and tallied that information and presented that in a report to the Chief. Klein reviewed some of the high spots of the report which is contained in the packet.

Councilor Kight asked of Mr. Shrake the more visible police presence and the greater attention to traffic and automobile issues continue to be the most important things. I want to focus my comments on a more visible police presence. How could you overcome that particular problem within our department.

Shrake replied as a result from the last survey we have dedicated a officer (on the motorcycle) as full time traffic enforcement. He is very visible on the motorcycle and is responding to complaints in the neighborhoods. As far as the concern regarding the speeding, we have implemented the volunteer citizen radar program. As far as presence, we stress to the supervisors on non call time to be working traffic in the neighborhoods to increase our presence. The ultimate goal would be to have every officer get to each city street once during his/her shift.

Councilor Kight stated I noticed other police departments are going away from the traditional white cars with the decal on the door. Other departments have gone to the black and white. Gresham is doing a study, they found that the same automobile with the same paint job becomes much more visible in a community then just your standard soft colors. Has our department looked at changing the color scheme on our police cars so they become more visible.

Shrake replied the discussion has come up since Gresham and several other agencies have studied this. During the day time I would agree, the soft white cars are probably not as visible as the old traditional black and white. However, we feel we have a bigger advantage during the evening hours. We have an extremely effective color scheme on the side of the cars which are very visible at night. Since most crime is in the evening hours that is when we need to be the most visible.

Councilor Kight stated that is a very good point.

Councilor Daoust asked we had a benchmark survey in 1996 and one now in 1998, what would be the benefit to the City in continuing a survey like this?

Klein replied the notion of doing a benchmark and being able to come back every two to four years is probably adequate unless something significant is going on in the community. You begin to develop a record that enables you to test if what you are doing to address a problem, in the eyes of the citizens, is making a difference. That kind of affirmation is a very valuable tool. With the very similar set of results that we received here, it is probably not something you would need to do more than every two years and maybe every four years would be adequate.

Councilor Daoust asked would you recommend we wait for more than two years before conducting the next survey?

Klein answered we could go three or four years on the basis of these numbers.

5. PUBLIC HEARING/ORDINANCE (Introduced 9-8-98): An Ordinance amending Troutdale's Comprehensive Land Use Plan relating to general goals and objectives and goals 2, 9, 10 and 12.

Mayor Thalhoffer called this item and read the Ordinance, recessed the City Council Meeting and opened the Public Hearing at 8:48pm.

Faith reviewed the staff report contained in the packet and presented Council with three options to consider in regards to the minimum density standard. One would be to consider a housing policy to require residential development be built to at least 80% of the maximum permitted density within the Town Center area only. The second option would be to apply the minimum density standard to only those zoning districts that permit multi-family development. The final option is to adopt a much broader housing policy that would allow residential development to be built at less than 80% of the maximum density but only if it will result in some kind of public benefit.

Sanderson stated staff contacted cities in the Metro Regional Area as directed by Council. The cities that responded were Forest Grove, Milwaukie and Lake Oswego. All three cities are in compliance with Metro's mandate to establish minimum density standards for new residential development. Forest Grove did adopt minimum density standards in 1996, Lake Oswego adopted them in 1997 in anticipation of Metro's mandates. According to city staff this was not a controversial item during the public hearing process. Forest Grove and Lake Oswego both allow accessory residential units as an administrative action. Milwaukie requires a conditional use permit. These accessory residential dwelling units were adopted at least six years ago. According to city staff this was not a controversial item during the public hearing process and is presently not controversial. Forest Grove informed me they have very few

accessory residential units that are even applied for and currently twenty-five accessory residential units exist in the City of Milwaukie.

Faith stated Council also directed us to come back with another set of amendments to the Ordinance that deleted those two specific policies statements regarding the minimum density standard and the allowance for accessory residential units. We are presenting to you two options, exhibit "A" being the original Ordinance as it was proposed two weeks ago, and exhibit "B", the same Ordinance with the deletions of the two policy statements. In conclusion, this matter has been considered by the Planning Commission which held a public hearing on July 14th. The Planning Commission is recommending that the City Council adopt the proposed amendments to the Troutdale Comprehensive Plan. Staff concurs with the Planning Commissions recommendation.

Mayor Thalhoffer stated I am getting more and more concerned with this housing capacity target, that we apparently are at zero expansion to the Urban Growth Boundary and they ignore housing capacity target. It seems there ought to be some way we can put the pressure on Metro, at least in our case, to re-figure our housing capacity target based upon the actual expansion.

Councilor Ripma stated we have protested to Metro and MPAC. Are ability to exert pressure on Metro is nil.

Mayor Thalhoffer stated I would like to present a united front at a Metro Meeting. We need to ask why are you holding us to this housing capacity target when it's obvious things have changed. They need to address our concerns.

Councilor Kight stated I find it interesting that what people like about our community in Troutdale is the small town feel. I think we can form a united front, that we reject this and send Metro a message that we are not going to adopt any of this until they look at our housing and our capacity target.

Councilor Regelein stated as a statement to Metro, that may not be a bad idea.

Councilor Daoust stated if we do go to Metro, I would sure hope we have a much stronger argument than what I have heard so far. Is our assigned housing capacity target reduced from the 3,789, is it 900 less than that?

Faith replied the first figure we received was 2,553 based upon a 5,000 acre expansion of the Urban Growth Boundary. That was a preliminary figure. Then they went to a no expansion option and adjusted the figures and that is where they came up with the 3, 789 dwelling units as our target.

Councilor Daoust stated that the Mayors proposal is to approach Metro with a target of 2,553.

Faith stated we have done that. Our compliance report that we submitted last month has done that. They have not responded yet, they are still reviewing all of the compliance reports.

Councilor Daoust asked in order for me to get a better handle on what our argument really is, could you help me understand what the big deal is with this 80%. In 1990 to 1995 without any minimum standard at all, the developers could do what they wanted, we were developing at 84%.

Faith stated you could look at that statistic from either direction to draw a conclusion. From our

prospective, we have already been achieving that without this standard, so in the absence of that we shouldn't have any problem sustaining that. From Metro's prospective, there perception of that is, that is exactly the point. You haven't had a problem in doing that, so what's the big deal with adopting the standard as a guarantee that you will sustain that level of development in the years ahead. I believe that is how they are viewing this.

Councilor Daoust stated is part of this the fact that the market is projected to change so much, that developers are going to be more apt to put less homes in a subdivision?

Faith replied I believe that is part of it. I think it is also a means to prevent any one community from becoming elitist perhaps. In the failure to adopt this standard you could become a community that consists predominately of overly large lots, which will likely commend premium prices and premium size houses and would be a community that is not conforming to the regional goal of trying to accommodate growth.

Councilor Ripma stated that our numbers are incorrect, they are high for housing units. I think we have made the pitch to Metro to get the numbers changed by submitting the report that we did. We have not heard back from them, so they haven't said no to us on our target. I support the idea that we need to remain firm on our position that we are unfairly treated by the numbers. The number of housing units assigned to our city, we are on the most solid ground possible. They gave us a number based on a 5,000 acre expansion of the UGB and then they assigned us a number 1200 housing units higher because they said they weren't going to expand the UGB and now they are going to expand the UGB. We have solid grounds based on their own numbers for arguing that we should lower the number.

Councilor Daoust stated if that is the case, I would think that Metro would be recalculating the numbers already without any city asking them. If we do go to Metro and say we should have 2,553, we've already made the point that the application of the 80% minimum density is critical to even meet that number. Then we will come back and talk about the 80% again like where we are at right now.

Councilor Ripma stated Metro has been reluctant at MPAC at bringing up that we have been unfairly treated. We have the highest percentage increase in numbers based on the zero expansion option of any city.

Councilor Daoust asked Councilor Ripma, what is the timing on what we should do first. Should we go and make the arguments to reduce our housing capacity target first and then deal with the 80% minimum in accessory dwellings?

Councilor Ripma stated we in fact are calling their bluff on the numbers. We sent in a compliance report in August that said we are meeting 2,553. We should now work from that number. Now the 80% in accessory dwellings issue is before us, and I agree we should consider those based on the lower number.

Mayor Thalhoffer asked is the 80% to make sure we reach our housing capacity target?

Faith replied yes.

Mayor Thalhoffer asked are we going to meet our housing capacity target?

Faith replied we shouldn't have a problem meeting the 2,553.

Mayor Thalhoffer stated I am not sure we even need to deal with the 80%, unless we just want to show Metro that we are complying with their rules.

Councilor Ripma stated you proposed three variations on how we might do the 80% density requirement. I want to clarify what I perceive as some of the problems with that. If we adopted this in the downtown area, I am thinking of a house across from the Harlow House that burned down. The owner wanted to rebuild the house, but it is zoned A-2. Isn't it true that he couldn't rebuild that house if we had the 80% standard, he would have to put in an apartment building?

Faith replied we would have to take a look at the land area. The current standard is one dwelling unit per two-thousand square feet of gross land area. It would mean he would probably have to build two units.

Councilor Ripma stated that I am identifying that as a reason not to do it.

Faith replied there can be exceptions built into that. It is a A-2 zone and the intent of a A-2 zone is for higher density residential. Currently in our A-2 zone we do not even allow single family dwellings except by conditional use.

Councilor Ripma stated we had that area zoned commercial for years. People prefer to have it single family homes. I would rather leave the Ordinance the way it is. The third option that some kind of public benefit could be used as a reason for giving an exception. That is very vague.

Faith replied I don't have the specifics, just the concept.

Councilor Kight stated I share Councilor Ripma's concerns. I don't think we can compare our community of Troutdale to Lake Oswego. Do you not see this as being somewhat deceiving to the people who move into housing tracts or subdivisions where they are predominately single family homes, and then allow people to build accessory free standing units and expose themselves to additional traffic problems and parking on street. It changes the whole flavor of the neighborhood.

Faith replied I see no difference in that scenario then the one that was imposed upon us by the State Legislature where they enacted requirements to allow for manufactured homes in any zone in which allowed single family dwelling. At that time when we went through this debate about the merits of that provision, the concerns expressed were that it's going to be misleading to those who have bought into these communities that a manufactured home could be put in the lot next to them. The safeguard those people have in terms of protecting them from a manufactured home is the same that would apply to accessory residential units.

Mayor Thalhoffer asked if anyone else would like to testify? No further testimony received.

Mayor Thalhoffer closed the Public Hearing at 9:47 and reconvened the City Council Meeting.

MOTION: Councilor Ripma moved to adopt the Exhibit "B" version of the proposed amendment to the Comprehensive Plan that excludes the 80% in the accessory dwelling units. Seconded by Councilor Thompson.

Councilor Ripma stated I think we have done some things to comply with Metro already and these proposed amendments set out what we have done and defend what we have done and make a better case for us doing what we are going to do assuming this motion passes. I think our Comprehensive Land Use Plan does need some amending to talk about our Town Center Plan. The reason I oppose the 80% requirement is because it makes a difference here and there. We will meet our requirements very successfully without it. The second reason I oppose it is because some of our most innovative subdivisions have been mixed developments. On the accessory dwelling units I would like to remind everyone the reason why we have zoning the way we have it now is to prevent people from building duplexes in single family zones, is because of the affect on the livability or feel of the neighborhood.

Allen stated the functional plan requires either that Comprehensive Plans and Ordinances be adopted to require 80% density or they adopt minimum density standards for each zone. It also specifically requires that City's not prohibit accessory dwellings. So to the extent the City adopts a Comprehensive Plan, and then Ordinances later that implement that plan that are inconsistent with these requirements in the Functional Plan, then Metro has the ability to step in and seek legal action of a variety of types. The one thing I wanted to point out that I think was raised at the last meeting was questions about funding and Metro's ability to cut off regional transportation funding and regional priorities. In the Metro Functional Plan that is one of the options available to Metro to the extent they are successful in bringing a legal action and showing that we have adopted a Comprehensive Plan that is inconsistent with their Functional Plan. I want to make sure you are aware of that as you go forward.

Councilor Ripma asked how many cities have they enforced these rules on so far?

Allen replied I am not aware of any.

Councilor Ripma asked are you aware of how many cities are asking for exceptions from these requirements?

Allen replied I think several are. I just want to make sure you are all aware of the legal issues and what the plan says and what the consequences of that could be.

Councilor Ripma replied I appreciate that. We need to know that we are in fact, to some extent defying what is set forth to us as a requirement. I think in the end Metro will be flexible with cities that are meeting the housing goals. In the end we can always cave in if we have to.

Councilor Thompson stated I agree with Councilor Ripma in regards to the 80% rule, it is not the way to achieve the density. I never understood the real concern of Metro behind the 80% rule. I think we should stay away from the 80% rule as long as we can. I think we are putting Metro on notice that we don't agree with the number of housing units of 2553 and by way of a staff report being submitted to them we have already notified them that we don't accept their higher figure. If I recall, there are some density things that aren't well publicized. Lake Oswego has a density of about six dwelling units per acre, ours is more in the neighborhood of eight and Gresham is in the neighborhood of ten to twelve. As far as the accessory dwelling units, I am not sure there is a need for them and they will have a tendency to turn into rental property.

Councilor Kight stated I agree with Councilor Thompson and Ripma. By adopting exhibit "B", would

we have the leverage to then go to Metro and demand the lower housing capacity target?

Councilor Ripma replied I don't think it will make any difference at all. Our reason for the lower number is not based on leverage or compliance but on their own original numbers they assigned to us and the fact that they decided to do a zero option and stick us with 1200 more units and then they backed away from the zero option and they are going to expand the UGB. What we do on this other stuff is going to be lost. I don't think we should adopt option "A", just for the leverage it will give us at Metro. Lets do what is right for our City and continue to work with a smaller number and continue to make our case at Metro based on the merits.

Allen stated in looking at the compliance procedures for the Functional Plan, one of the procedures that is allowed is for a City to request a determination that the Functional Plan policy shouldn't be incorporated in their Comprehensive Plan. When you make that formal request the policy that is set forth in the Functional Plan is a kind of alternative dispute resolution policy, would then consist of MPACT contacting the City to find out what the City's position is. Ultimately it would put that issue on a public agenda meeting before Metro.

Councilor Kight stated based on that scenario, you wouldn't adopt anything tonight would you?

Allen replied right.

Councilor Ripma asked is that what you are recommending, that we do not adopt anything?

Allen replied if you want to pursue a process of getting a Public Hearing on the issue of whether or not the target number is correct, then I would recommend that you not adopt anything yet. I make that recommendation based on the language that is in the Functional Plan. It talks about the alternative dispute resolution process being available prior to the adoption of the Comprehensive Plan.

Councilor Ripma stated the goal here is to win Mr. Mayor. While I strongly favor making our case to Metro in the most affective way, I question whether going for an early Public Hearing on it from an non-responsive Metro is the way to win. I do favor your approach, but she is suggesting that we take an approach that leads to an early Public Hearing and an early determination on this and I say, danger.

Allen stated that I am not recommending an approach one way or another. I am providing an option to address issues that I heard raised by Councilor Kight and the Mayor.

Mayor Thalhofer stated and I thank you. There is no reason why we have to adopt any motion tonight. Why don't we do what the City Attorney has recommended.

Councilor Ripma stated I think we will loose at Metro. I think we are better off saying we will work with the lower number. It will be two years before they get around to us. I don't favor pushing an early hearing. I think we will loose at Metro if we try to push it to hard right now. What do you think our chances are of winning at Metro on the accessory dwelling units.

Mayor Thalhofer asked if this would be an early Public Hearing?

Allen stated I do not know their time-line for scheduling the public hearings. I know both the regional urban growth goals and objectives state that you would get a public hearing. I do not see a time requirement on when they would schedule it.

Councilor Ripma stated what you are suggesting would be essentially out right defiant. We are saying we want an exception and we are not going to do anything until you give us an exception. What I am suggesting is subtle compliance to get us to the goal we want. An outright defiance saying we will not act until we get our way, which is an attractive option, but I don't favor that approach.

Allen replied I am not sure we are communicating clearly on what I see the process in the Functional Plan is providing. It provides for the City to request a determination that they shouldn't be incorporated for the reason that I understand or I am hearing, that the target number has been set inappropriately. I would be happy to call and find out more information in terms of what the public meeting schedule is and get more information in terms of how this process compares with the exception process. They seem to me to be somewhat similar.

Councilor Ripma stated I am happy to set this over until you find out more information. Could you please clarify what you are going to find out for us?

Allen replied when the City makes a request for determination that the Functional Plan policy shouldn't be applied for a specific reason, is that similar or an exception. I would also try to get information on how that is viewed by Metro.

Councilor Ripma asked are you presenting this option to us, that we go to Metro and ask whether the 80% housing requirement and the accessory dwelling unit requirement is imposed on us because of the need to meet our housing targets?

Allen replied we are not asking if that is why those two things are imposed, we are asking them not to impose those requirements because our housing target is incorrect. Then we would be asking them to recognize and correct our incorrect target population number.

Councilor Ripma asked what do you think the chance is of them agreeing with that?

Allen replied I can not predict that outcome.

Councilor Ripma asked do you not agree that the chance of them agreeing with that is very small?

Mayor Thalhoffer stated that is irrelevant. Councilor Ripma you are out of order. The City Attorney is not recommending any course of action, she is giving us options to pursue. I am in favor of what she is advocating.

Councilor Ripma stated I am concerned about the question that is being asked. My question to the City Attorney is , don't you agree that there is no chance of Metro giving us a bye on the 80% and accessory dwelling units just based on our housing numbers?

Allen stated I can't disagree with that. I don't know what the outcome will be.

Councilor Ripma stated I am completely happy to wait. This is vitally important to the future of

Troutdale. I realize I sounded as if I don't agree but I do agree with putting this off. I am very concerned that she is going to Metro with a hypothetical question.

Allen stated I respect the decision that is made by the decision body here. If this is set over and you want me to ask more questions and get specific information, certainly I would like to know what information you want coming back.

Mayor Thalhoffer stated lets either vote on the motion or give the City Attorney direction.

Councilor Kight stated may I make a proposal to our City Attorney. I share with Councilor Ripma that if you get specific on accessory dwelling units or 80% housing density, you are going to be turned down flat. The issue is clear, the focus of the entire question and what we would take before Metro would be the housing capacity target. No other questions. The fact that the number given to the City of Troutdale is higher than it should be based upon Metro's own numbers.

Councilor Ripma stated we will hold off on anything else until you give us an answer on the question Councilor Kight just asked.

Allen stated I appreciate that input. I wasn't planning on directly contacting Metro and asking them anything specific. Any direction or question that I take to Metro will come from this decision body.

Councilor Ripma stated I withdraw my motion.

MOTION: Councilor Ripma moved to table this item until we hear back from the City Attorney. Seconded by Councilor Kight.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**

7. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhoffer called this item.

Councilor Ripma mentioned the passing of former Mayor Sam Cox. He was one of the most beloved and respected citizens in Troutdale, and one of the finest people I ever knew. We are all going to miss him a lot.

Mayor Thalhoffer stated I will add to Councilor Ripma's statement. Sam was referred to several times as "The King of Troutdale". He was the Mayor for ten years, he was on City Council for ten years and was active with the Historical Society, Lions Club and many other organizations. We will miss him greatly, not just now but for a long long time. It was my duty to help dedicate the new soccer field at Columbia Park. The name of the field will be Daoust Field in honor of Leslie and Doug Daoust for their contribution to Columbia Park through Imagination Station. The City did a pilot project on the Sandy River and held a debriefing on it and we figure to have lifeguards on the beach from Memorial Day to Labor Day on the weekends and the holidays. This would cost about \$20,000. I am going to see if we

can raise the money privately through grants because the City doesn't have the money. There will be an Ordinance coming to you that I am having the City Attorney's Office create requiring kids under the age of twelve to wear a life vest. We have lost two people in the river this year.

Councilor Kight stated I was in on the Transportation Group Meeting with Multnomah County and their road department as well as Oregon Department of Transportation. As a result of that meeting we handed out an agreement that as of November 1st the east bound exit lane for 238th will be open. That should give us some relief on 257th. Exit 17 will only have one lane within the next two or three days as they do some paving.

Councilor Regelein stated I only met Sam Cox on a couple of occasions, it was evident how many friends he had in this town. I would like to extend my heartfelt sympathies to the Cox Family.

Councilor Daoust stated there is some information that I would like the Council to hear before we make our decision on density and increasing density in the City. It has to do with the number of children we have in the schools. We have a lot of school age children coming into this city. We have 33% children as part of the population of Troutdale, 10% higher than the county or state ratios. There has been an influx in pre-school and school age children in the last decade in Troutdale. At Woodland Elementary School, one year after opening, is looking at having to add additional classrooms in the second grade. The district enrollment is forecasted to reach 10,368 in the fall four years from now. The increase is 1,782 students over the next four years. I think this is compelling information that should be shared, especially when we are talking about any incremental increase in density in the City.

Mayor Thalhoffer asked who would be the presenter of those figures?

Councilor Daoust stated I think Donna Edgely should come in and talk to us at the next meeting either as an agenda item or on the non-agenda item portion.

Councilor Kight stated I think the impact of the schools, particularly with new people moving into the area as a result of new construction, they should pay for part of the growth process.

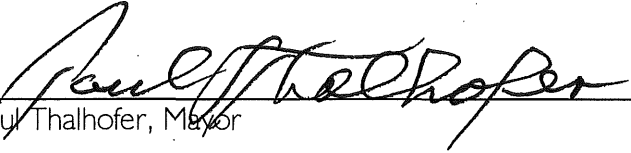
Mayor Thalhoffer stated Councilor Daoust to handle your suggestion, I will discuss that with the City Administrator and we will talk about putting that on the agenda for a future meeting.

B. ADJOURNMENT

MOTION: Councilor Ripma moved to adjourn the meeting. Councilor Kight seconded the motion.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**

Meeting was adjourned at 10:41pm.


Paul Thalhofer, Mayor

Dated: 11-16-98

ATTEST:


Debbie Stickney, Acting City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

September 22, 1998
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>(please print)</small>	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
Rich Faith	" "	" "
MARC SURAKE	POLICE DEPT	665-5175
JENNIFER JONCKSON	CHI	"
Dylan Day	919 NE 176 th Ave.	256-3580
Mark Grater	2011 NE Broadway St	666-9410
JARRED Rudd	20296 SE Morrison St	666-0808
Cameron Lee Vest	710 Cedar St.	491-8139
PJ Hoffman	665 SE 182 AV	661-8633
Jon I. Crumblett	1020 S.E 36 th	665-1686
JOHN Rowton	M.E.A.C	248-3790x247
DAVE Gissel	121 SE 34 th circle	669-6481
Donna Halpin	1075 SE 36 th ST	665-0138
Hal McKing	4340 SE. Sweetbriar name	492-1466

--PLEASE COMPLETE THE FOLLOWING--

NAME (please print)	ADDRESS	PHONE #
EDWARD A. KNAUSE	1624 SE DOGSKERS #8210	492-9235
Linda Adalsteinsson	2167 SE Harlow Ct.	666-7904
Dan O'Donnell	4022 SE LENORE CIR	666-5067
Kelley McKeig	4340 SE Sweetbriar Ln	492-1466
Penny Rudd	20926 S.E. Morrison ST	666-0808
Christine Byrd	55 NE 19th Rd	666-9980
Penny Dwyer	937 NE 175	256-3256
Linda Calkins	16477 NE Russell St	253-5534
Jam Streater	20111 NE Broadway Ct	665-9410
Kevin & Dawn Goin	1341 NE 236 TH Troutdale	669-8389
DAVID DOBRINSKI	1734 SE EVANS	661-1370
Debbie Hesien	1125 NE 190 th	492-1548
Evan Adalsteinsson	2167 SE Harlow Ct	666-7904
Doug Densen	229 SW 26 Cir	661-9646
Paul Halpin	1175 SE 36 St	665-0138
Ben Dobrinski	1734 S.E. Evans	661-1370
Chris McKeig	4340 S.E. Sweet Briar	492-1466
Sean O'Donnell	4022 S.E. Lenore Cir.	666-5067
Renee Summers	2927 SE Lewellyn	666-5732

DATE 9-22-98

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