

CITY OF Troutdale AGENDA

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

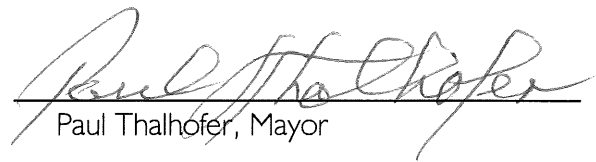
7:00 P.M. -- DECEMBER 8, 1998

- (A) 1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) 2. **CONSENT AGENDA:**
- 2.1 **APPROVE BUSINESS LICENSES:** Month of November 1998
- 2.2 **APPROVE LIQUOR LICENSE** - Approve liquor license for Troutdale Thriftway and Travel Center of America
- 2.3 **RESOLUTION:** Resolution recognizing the completion of the public improvements associated with the Edgefield Children Center off-site sanitary sewer improvements and accepting them into the City's Fixed Asset System.
- 2.4 **RESOLUTION:** Resolution accepting the November 3, 1998 General Election results from the Director of Elections, Multnomah County, Oregon.
- 2.5 **RESOLUTION:** A Resolution authorizing issuance of Bonds for the purpose of financing a Sewage Facility and to pay all costs incidental thereto.
- 2.6 **RESOLUTION:** A Resolution repealing Resolution #998R and adopting new Personnel Policies, Procedures and Rules and adopting a Management, Non-represented Employees Manual.
- (I) 3. **PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (A) 4. **MOTION:** A Motion to accept the "Downtown Parking Study" as prepared by Kittelson & Associates and direct staff to take certain actions. **Galloway**
- (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. **Faith**
- (A) 6. **PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance vacating a pedestrian accessway within Eldon Snider Farms Estate Subdivision and authorizing its conveyance to adjoining property owners. **Faith**
- (I) 7. **DEPARTMENT REPORTS:**
- 7.1 Finance **Gazewood**
- 7.2 Public Safety **Berrest**

- 7.3 Community Development
- 7.4 Public Works
- 7.5 City Attorney
- 7.6 Executive

Faith
Galloway
Sercombe
Kvarsten

- (I) 8. **COUNCIL CONCERNS AND INITIATIVES:**
- (A) 9. **ADJOURNMENT**


Paul Thalhøfer, Mayor

Dated: 12-2-98

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

December 8, 1998 7:00pm

I. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Meeting was called to order at 7:01 p.m. by Mayor Thalhofer. Mayor Thalhofer called on Councilor Smith to lead us in the Pledge of Allegiance.

Mayor Thalhofer asked for the roll to be called.

City Recorder Stickney called the roll.

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

STAFF: Berrest, Faith, Galloway, Gazewood, Kvarsten, Sanderson, Sercombe, Stickney.

GUESTS: Don Curtis, Ali Peret, Scott Ferguson, Mitch White, Cheryl Omnes-White, Robert T. Branner, Rod Park, Don McGinnis.

Mayor Thalhofer asked are there any agenda updates?

Kvarsten stated that agenda item 2.2 we have an additional Liquor License for Burns Bros. Inc./ TA Operating Corporation, dba Travel Centers of America. On agenda item 2.5 there is a replacement resolution in your packet.

2. CONSENT AGENDA:

2.1 APPROVE BUSINESS LICENSES: Month of November 1998

2.2 APPROVE LIQUOR LICENSE - Approve liquor license for Troutdale Thriftway and Travel Center of America

2.3 RESOLUTION: Resolution recognizing the completion of the public improvements associated with the Edgefield Children Center off-site sanitary sewer improvements and accepting them into the City's Fixed Asset System.

2.4 RESOLUTION: Resolution accepting the November 3, 1998 General Election results from the Director of Elections, Multnomah County, Oregon.

2.5 RESOLUTION: A Resolution authorizing issuance of Bonds for the purpose of financing a Sewage Facility and to pay all costs incidental thereto.

2.6 RESOLUTION: A Resolution repealing Resolution #998R and adopting new Personnel Policies, Procedures and Rules and adopting a Management, Non-represented Employee Manual.

Mayor Thalhofler called this item and read the consent agenda.

MOTION: Councilor Thompson moved adoption of the consent agenda with the addition to agenda item 2.2. 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.

Bob Branner - stated I represent the Chamber of Commerce and I would like to thank the City on two accounts over the past several years. We would like to recognize the City's involvement in the project on the North side of Troutdale, improving our City. Without you folks it would not have been possible. We would also like to thank you in the past for the support you have given the citizens of the community and the visitors center which the Chamber of Commerce supports. We realize that the Chamber has been often referred to as the front door to Troutdale, and that front door is getting a lot bigger.

4. MOTION: A Motion to accept the "Downtown Parking Study" as prepared by Kittelson & Associates and direct staff to take certain actions.

Mayor Thalhofler read this item and asked Mr. Galloway to come forward.

Galloway introduced Mr. Scott Ferguson who is with Kittelson & Associates, the firm who prepared the study. I would like to briefly give you a little background and point out some of the primary information that came from the study and then provide to you the recommendations that came from the consultant and my recommendations to Council as to the actions to take regarding this matter.

Galloway reviewed the staff report and the twenty-six consultant recommendations contained in the packet.

Galloway stated I have received comments from two citizens after this item was placed on the agenda and they asked me to share their thoughts and comments with you. One gentleman came in and expressed concern about the proposed parking limit restrictions in the Downtown area as compared to the parking restrictions that had been placed recently on Troutdale Road. As you may recall there is a two-hour maximum parking limit on certain areas on Troutdale Road that was initiated primarily to avoid having the car-for-sale issue migrate from Stark Street to Troutdale Road. This gentleman felt since that restriction is a 24 hour a day restriction on Troutdale Road, it would be discriminatory against him if another parking limit in the City didn't have that same degree of restriction. He would oppose the two-hour limit being in effect only from 8am to 6pm in the Downtown area. A second citizen came in and had a couple ideas that he wanted shared with the Council. One was for the City to consider acquiring land for a park-and-ride for those who wish to come to the Downtown area and park their vehicles and then use public transportation to continue their commute. He also felt it was important that the business

owners and employees who work in the downtown area, especially for the newer developing businesses on the North side, that they park in the parking area to the North of their businesses leaving the more prime parking spaces on the street for customers. And lastly, he supported the recommendation that there be plenty of loading zones for delivery trucks. That concludes my prepared remarks and I will respond to any question that you may have.

Councilor Daoust asked of all the properties that we could look at acquiring in the future for public parking, which one ranked the highest?

Ferguson replied we did not do a formal ranking of the properties but there seems to be a fair amount of interest in the properties to the south of City Hall which we would call area "A".

Councilor Daoust stated on the consultants recommendation #14, it says explore funding options for downtown parking programs. Could you elaborate on what that means?

Ferguson replied the parking program is the list of recommendations, some of which will require additional funding.

Councilor Daoust asked could you give me some idea of how much input you received from the downtown business owners regarding the options presented here?

Galloway replied for both the first meeting and the follow-up meeting after the preliminary recommendations had been prepared, we held an open house in which the general public was invited to. For both of those sessions we sent out mailers to the Chamber, the seven person committee that the Chamber has who was led by Don Curtis, and we sent them to owners of property within an area roughly bounded by Columbia on the north, 257th on the west, 4th Street on the south and Kibling on the East. We tried to get the downtown core involved. Response was about a dozen folks who came to both sessions.

Councilor Daoust asked was there any kind of conclusion you could draw from the business people as to their preferences?

Ferguson replied there seemed to be general support of the time limits recognizing that it is good to keep people turning over in front of the businesses. My impression was that they are fairly in tune with the recommendations that the City staff is supporting.

Galloway replied I think that is correct. There was even general support for some parking limitations with perhaps a caution not to come out with a real heavy hand on enforcement, at least not right away. I think there was a lack of support for the one-way couplet and lack of support for parking meters.

Councilor Regelein asked in regards to business taxes or fees that business owners in downtown pay, is that dedicated to specific purposes or could some of that be redirected to a parking fund?

Gazewood replied currently there is a \$5,000 lien on the lots. Those aren't due until transfer of ownership to a second party or the year 2007 kicks in and then it is payable in a five year period after that. The other areas where there would be money provided would be actually at the time a building owner goes through the building process, the plan review fees and permit fees go into the general fund

for general support services. There are no other monies generated with the exception of the Multnomah County Business Income Taxes. At the present time there is no way of tying those taxes directly to those businesses. The county will not release the gross revenue that a specific business generates.

Councilor Kight stated it has been mentioned several times in the Downtown Merchants Association Meetings that they are very sensitive to signage, the type and how it appears in downtown. If we are going to be putting up two-hour limitation signs in downtown, how do you plan on handling that?

Galloway replied I don't know of a great way to do that. We would work with the downtown group and Multnomah County. I envision it will be at least one sign at the beginning and end of each block. I know there is some desire for some unique distinctive signage in the downtown area, I think we could probably do something like that in conjunction with Multnomah County for more general things like identifying where the city parking lot is. I think regulatory signs that have to be enforced like the parking limit signs, have to meet particular standards.

Councilor Kight asked you found there was support for the two-hour parking?

Galloway replied yes.

Councilor Kight asked how would that be enforced?

Galloway replied I think there are a number of options that we would have. We could utilize our Code Compliance Officer to some extent or using the Police Officers when they are not on a higher priority calls.

Councilor Kight stated what I hear is that it will be complaint driven.

Galloway replied I think that is a very logical mechanism to use.

Mayor Thalhoffer asked are we going to provide for loading zones?

Galloway replied one has already been established. There is not an agreement with Multnomah County to do anymore of those on Columbia River Hwy. They feel it is more appropriate on the side streets.

Mayor Thalhoffer stated I think loading zones would be fairly important.

Galloway replied from those who attended the meeting, in general there is a desire to have those, but there is a recognition that often times they are business dependent. From the County's prospective there are two issues, one is they don't want to come back and spend all there time with a crew re-designating what spaces are loading spaces based on a business change. I think the second issue has to do with traffic diversion, they feel that is something that impedes the flow of traffic on a main road and is more appropriate to have those on a less traveled street.

Ferguson stated on the north side properties the buildings have been designed with loading facilities at the back of the building.

Councilor Ripma stated I am concerned about the effect on the Police Department which continues to

be short staffed. I am concerned that the parking program with the time limits is going to be a burden on the police. How are you planning to handle the enforcement without overburdening the police?

Galloway replied in addition to police utilization there is the possibility of using the Code Enforcement Officer. I think that Don Curtis may be speaking about some self policing on the part of the business people. We would also be looking at compliant driven response. First we need to know if the concept is the direction that the council wants to go then we can work on how to enforce it.

Councilor Ripma asked has staff worked out some sort of cost of enforcement?

Galloway replied no.

Chief Berrest stated there will be an impact on the City. The fact of the matter is that we have a new development and a recognized parking problem and we have to do something. This seems to be at this time the best method of dealing with the parking problem. We have looked at using different options, one is using the Code Enforcement Officer to assist with the enforcement. The Police Department can respond on a complaint driven situation. The parking problem is going to grow and the City needs to be looking at other alternatives. I have checked with other jurisdictions and they say initially there will a lot of complaints but with adequate enforcement eventually people will police themselves.

Councilor Smith asked have you looked into what parking meters would cost?

Chief Berrest replied I did. The City of Silverton has parking meters. The cost of one parking meter is \$300, that is not counting the installation. They have a part-time enforcement person that earns \$20,000 a year. They also found that with the parking meters they had to hire a part-time mechanic to maintain the meters at another \$20,000 a year. They get approximately \$1,000 a month for parking fees. It does not sound like the programs pays for itself.

Mayor Thalsofer asked since our police manpower is short, it seems it is not a good use of police time at least not in this city. I am not sure that complaint driven tickets are going to be very effective. If we are going to have a two-hour limit don't you think it would make more sense to have regular enforcement of that by someone other then the Police Department?

Chief Berrest replied I agree that it is not the best use of an officers time. It is something that we do, we take care of parking problems all over the city. I think we want to be a kinder, softer, gentler form of enforcement.

Councilor Daoust stated the consultant recommendation # 24, adding 100 parking spaces when occupancy reaches about 65% of supply and recommendation # 26, construct a new parking deck over the new parking area when the demand reaches 65% of new parking supply. Given these benchmarks and the solution being to add into the long range capital funding needs, tell me how we are going to prioritize the long range capital funding needs to focus our energy into the best solution when we reach that benchmark?

Galloway replied I do not have a good answer to that question. I think it will fall into the goal setting process. First we need know where among other needs in the City does this fit into your priority. If this is your rock bottom last priority, then maybe we do not have an issue here because we will never be able to afford it regardless of the benchmarks.

Councilor Daoust asked about conducting an annual parking survey, do you feel that we need a survey like that to determine these benchmarks, or could it be done without the survey?

Ferguson replied I think the survey is good. Looking at the data we collected for this study, I think a number of people were pleasantly surprised that the parking situation is not as bad as it is perceived to be.

Councilor Kight stated I notice there is a lot of construction trucks parking along the road, did you take that into account.

Ferguson replied yes, we excluded those.

Mayor Thalhofer asked of Mr. Curtis, do the business owners have a plan to have their employees not park on the main street and even on the side streets?

Don Curtis stated the Merchants Association has been working on that. Each individual business is being advised and we talk about it often. We are trying to create a very friendly atmosphere, that is why we were against the parking meters. Yes the employees issue is being addressed almost daily and it is taking care of itself.

Councilor Ripma stated on the list of 26 recommendations after about the first nine, which were basically to set up the program, most of the expensive solutions including long range solutions are things we are not going to do now but are looking to do in the future when benchmarks are met. Most of the solutions are to add to the City's long range capital funding. One recommendation that I was looking for was something like, when the need becomes apparent then discuss with the businesses some private/city partnership options. Did that get discussed?

Galloway replied in the second open house that I attended it was discussed in general terms. I think there was concern that the cost might be more than they could handle, especially the small businesses.

Councilor Ripma asked Mr. Curtis if there was any comments from the businesses?

Curtis stated the businesses don't want to ask the City to buy land and build parking. They realize we only have so much land. One advantage, now that you have decided to build a new City Hall downtown, is that will provide more parking. Most of the parking needs are on the weekends. If people want to visit downtown they will walk a couple of blocks. When we have the SummerFest Parade people park six blocks away. One thing that is being worked on is a shuttle. We are working very closely with McMenamins, some Frontage Road businesses, the Factory Outlet Stores and David Bennet.

Councilor Smith stated that there is a huge parking area behind the Bargain Hunter, do they plan on upgrading that?

Curtis stated we are going to address that issue after the first of the year. There is a problem in that you can't put gravel, you have to pave it and he doesn't have the money to pave it. We are going to bring that issue up to the appropriate people here and see if we can't get a variance.

Mayor Thalhofer asked Mr. Curtis to come forward and make his presentation.

Curtis stated I want to compliment the Council, the Planning Commission, Rich Faith and Jim Galloway for their help. The downtown merchants are very concerned about a friendly atmosphere and they are expecting to do some of the self-policing. Nobody downtown wants to see a policeman or a code enforcement officer walking up and down the street writing tickets. What we are looking for is turnover. We were not in favor of a lot of loading zones simply because there is not a lot of room. The merchants are drafting a letter to be used for people who violate the two-hour parking. The merchants want to police it themselves, they don't expect to be calling a policeman every time someone is in violation. The Downtown Merchants Association has been talking about signage. We don't want signs downtown. We have formed a committee that will be getting together with city staff after the first of the year. We want turn of the century signs as much as we can.

Mayor Thalhoffer stated what I get from your presentation is that the merchants would be in favor of these recommendations, but have relaxed enforcement, is that correct?

Curtis replied that is correct.

Mayor Thalhoffer called for a 10 minute break at 8:30 pm.

Mayor Thalhoffer reconvened the City Council Meeting and asked if there was anyone else who would like to speak on this issue.

Ali Peret stated we don't want to be a hostile town, by that I mean I do not want to see parking meters, police hiring an extra officer to cruise up and down the street. An issue I haven't heard tonight is the handicap parking issue. The other issue is what I call the blind corners from the side streets. When you are entering Historic Columbia River Hwy. from the side streets, when we put in the new streets we did not allow visual corners so when you access the highway it is dangerous. I hate to have to vacate that corner parking space to allow for better vision when entering the main street but I recommend we address this issue.

Councilor Regelein asked would you be in favor of designating some street parking for handicap parking?

Peret replied yes I would.

Councilor Regelein stated I would like to see a couple of spots centrally located designated for handicap parking. Most people adhere to those regulations.

Councilor Kight stated recommendation number 5 says provide an on-street handicapped parking space near the optometrist office and under the direction to staff is work with Multnomah County to determine if feasible, so it is on the list to do. If we have the two-hour parking limit the only way it will work effectively is if there is somebody who is providing enforcement for that, what is your feeling on that?

Peret replied I oppose the two-hour parking limit. Maybe I am one of a few. I put myself in the situation that if I came to visit this community and went shopping and then to a restaurant, I would probably exceed that two-hour limit. If you are going to put a limit then you are going to have to enforce it. That is where we are going to get into problems, if you are not going to enforce it then don't even go there. I have waited so long for this downtown community to thrive I hate to see us scare people away or for us to be a hostile town. I think that by the time that we get to the maximum capacity as far as the parking I think we will have found a way to resolve it..

Councilor Kight stated I am leaning your direction. In front of my own business there is two-hour parking and a lot of our customers come in and say can I park there. It does have a negative connotation. You do want to have a friendly atmosphere, you do not want to drive people away. When you start seeing parking signs and limitations it has a real negative connotation.

Peret stated I don't want to see a lot of signs.

Mayor Thalhofer asked Mr. Peret you are opposed to the consultants recommendation about the two-hour limits?

Peret replied yes.

Mayor Thalhofer stated if you are going to have an ordinance which restricts parking then you need to enforce it. If we do not adopt these recommendations then what will happen in downtown, who will make sure somebody doesn't park their car there all day?

Peret stated I don't know what we do. We already have that a lot in the summer time with the bikers. That is a problem.

Mayor Thalhofer asked if we adopt these recommendations and if they are not enforced very vigorously, in other words, complaint driven, would that satisfy you?

Peret replied if they are not aggressively enforced, if people are not being ticketed left and right. I just don't want Troutdale to be a hostile community. I like best for us to patrol it and for us to have a letter to put on the windshield.

Councilor Ripma stated we are about to go forward with this and your descending voice is having an affect on all of us. From what you have said to the Mayor, you would rather not, but you recognize that we probably need to go forward, is that right?

Peret stated it is like taking that pill that makes you better but tastes terrible.

MOTION: Councilor Regelein moved to implement the recommendations as they have been presented by staff and accept the Downtown Parking Study and for the enforcement to be complaint driven and fairly lax.

Mayor Thalhofer asked for a second. The motion dies for lack of a second.

MOTION: Councilor Ripma moved to accept the Downtown Parking Study prepared by Kittelson & Associates and to provide direction to implement it contained in the consultant recommendations #1 through #9 and amend #9 to read; include parking enforcement on regular schedule by the Code Enforcement Officer instead of Police Department. Seconded by Councilor Kight.

Councilor Ripma in support of my motion, recommendations 10 through 26 include benchmarks that trigger more capital expenditures that I have know way right now of judging the wisdom or un-wisdom of those. Numbers 1 through 9 set up the program and get it started.

Councilor Kight stated I am a little reticent about the City supporting capital improvement and buying property and putting up parking lots. Lets start off soft, we do not want to make downtown hostile.

Mayor Thalhofler asked Mr. Ripma, #9 says include parking enforcement and regular schedule of Code Enforcement Officer, do you want that to be a regular schedule or do you want it to be less aggressive?

Councilor Ripma stated I would entertain anything you care to suggest.

Councilor Kight stated how about complaint driven

Councilor Ripma replied I didn't want to get real specific, because I think staff has plenty of direction.

Councilor Regelein stated could we scratch that and insert as needed.

AMENDMENT: Councilor Ripma moved to amended his motion to #9 to include; parking enforcement as needed by the Code Enforcement Officer. Seconded by Councilor Kight.

Councilor Daoust stated you have paid for a nice parking study and then thrown away three-fourths of it. I think by the motion you made that you address the current situation, but what about the future. The parking study is suppose to help us with the current situation and the future situation so we will not have to have another parking study two years from now. We are not under commitment by adding things to a capital funding list to go forward with them. There are ways of dealing with the merchants concerns by simply re-wording some of the direction to staff such as we have done already to #9. I was going to make a proposal that we accept all of the downtown parking study, but redirect the direction to staff to soften it up on number 1, 9 and 21. To soften those up we would have the staff work with Multnomah County and the merchants to determine whether they want two-hour parking limits or whether they want Multnomah County to have control over the signage program. There are ways of softening up the whole parking study without throwing the baby out with the bath water and just dealing with the current situation.

Mayor Thalhofler stated we have a report, if we adopt part of it, we still have the other part, #10 through 26, it is in the file. It is available to us to resurrect and to act on it as needed in the future. Adopting 1 through 9 now does not preclude us from adopting #10 through 26 at a later date. We have to think of the future, but we have to take it one step at a time.

Councilor Ripma stated I agree with the Mayor.

Councilor Regelein stated my feeling is a fair number of our visitors are from out-of-town. When I go somewhere and I see a two-hour limit, I am conscious of that, where if there is no limitation people are going to park there five or six hours and what can you do about it. We need some sort of limitations put up.

Councilor Daoust stated I would still like to include direction to staff that has to do with working with the merchants on #1 and 9. Rather than just having staff work with Multnomah County on the two-hour limit, maybe staff could also work with the merchants and Multnomah County and also on number nine when it comes to enforcement, both Don Curtis and Ali said the merchants would like to enforce the parking time, so I would also add to number nine, that it would include staff working

with or getting input from the merchants as they work with Multnomah County.

Mayor Thalhoffer stated it is my understanding is that the merchants are doing enforcement now and will continue to do enforcement with letters and so on. If you would like to make a friendly amendment we can work on that.

FRIENDLY AMENDMENT: Councilor Daoust moved to make a friendly amendment to consultant recommendation #1 to change the direction to staff to read; work with Multnomah County to implement after surveying the merchants.

Councilor Ripma stated I do not have a problem with that, but lets get it worded right.

AMENDMENT: Councilor Daoust moved to amend his friendly amendment to read work with Multnomah County and the merchants to implement. Councilor Ripma accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilor Daoust moved to make a friendly amendment to consultant recommendation #9 to read; work with Code Enforcement Officer and merchants to implement. Councilor Ripma accepted the friendly amendment.

Councilor Kight seconded the friendly amendments.

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

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 read the item, closed the City Council Meeting and opened the Public Hearing.

Faith reviewed the staff report contained in the packet.

Councilor Ripma stated substantial compliance does appear to exist. As I understand it, Ms. Weber did say at the previous meeting, which I was absent from, that she thought the accessory residential units provision wasn't necessary to achieve substantial compliance, now she has changed her mind, but she did say that at the last meeting.

Faith stated that is correct.

Councilor Ripma stated I prefer to choose her words she used at that meeting to the words she used in the letter, which is why I am still very much opposed to the accessory dwelling units provision. I think Troutdale is second to none in compliance. On the 80 percent maximum density requirement, we are currently, in new construction, building at over 80 percent is that right?

Faith replied that has been the trend from at least 1995 when we did the analysis.

Councilor Ripma stated you stated that as a reason why the 80 percent requirement might not make a whole lot of difference. Couldn't we look at it just the opposite way, that the fact that we are achieving more than 80 percent maximum density without any regulation, couldn't that be a reason for not having to impose it?

Faith replied we could say that but Metro has already said they will not accept that argument.

Councilor Ripma stated this substantial compliance is very useful, couldn't you make an argument if this council directed you to?

Faith replied I believe to a certain extent we have already done that in our compliance report, we have answered the question, what was the average build-out between the years 1990 and 1995. We presented that data and showed Metro that it was 84 percent. That was in our compliance report, and they have said that does not guarantee the future. The requirement in the Functional Plan is very clear, you need to adopt a minimum density standard of at least 80 percent of the maximum allowed by the underlined zoning. The number of that we have thrown out again in terms of what we believe we can accommodate, 3,260 new housing units, is predicated upon a minimum 80 percent standard.

Councilor Ripma stated which we are going to make regardless. Based on Council direction from the last meeting you have removed the issue of the number of the housing units we are quibbling with Metro about as our target.

Faith replied yes.

Councilor Ripma stated I think that is a good idea, we know the number.

Councilor Kight asked if you are talking about accessory dwelling in new subdivisions, are you talking about it being built at the time or added on later?

Faith stated if we tried to restrict it to being done only at the time the house was built, then technically once a person has completed a house, what is to prevent them from coming back in and applying for a remodel to add an accessory residential unit. If it is allowed by the code, why not allow it to be done with the initial construction of the house.

Councilor Kight stated that is exactly my point. Essentially what you are doing if you are allowing it from the beginning in a new subdivision, in the old days we called it a duplex.

Faith stated the difference is the accessory dwelling is restricted by size and by appearance. You can not build it so it has two entry ways in the front of the house as you would a duplex.

Councilor Kight stated if you have a 7,000 square foot home, a double car garage and you require that they have off-street parking, what are they going to do, take out the back yard?

Faith replied they aren't going to build because they can't. That is the point I am trying to make. With these limitations it is going to be virtually impossible for anyone to build one of these things. So we have complied with the requirement of the law by not prohibiting them but there are going to be very few instances where it will be possible.

Councilor Kight stated this is essentially a piece of commercial property when it goes from single family to a duplex. Should we require that they have minimum landscaping requirements as well as architectural requirements?

Faith replied we could.

Councilor Daoust stated there is one main difference in the new language for accessory dwellings. Prior to this we were talking about all residential zoning, now we are talking about new subdivisions. Earlier we had calculated that across the City in all subdivisions it would equal only about 75 units in the next 20 years. Now that we would change to just the new subdivisions, are we not talking such a minor number of additions, does that adjust the 3,260 down.

Faith replied it would adjust the number of possible accessory residential units that would be built within the City and that would bring the number down. I am going on the basis of what has been presented to us by Metro staff in their letter, stating that we do need to address this in some manner, we are required by the plan to not prohibit them and there are ways that we can craft this to meet the letter of the law and they feel that we would still be in substantial compliance.

Councilor Daoust stated Mary Weber said that accessory dwelling units could be inside to primary residents and she just left it at that. I noticed that our language says it could either be inside or added to. It appears to me that we could adopt an accessory dwelling unit language that specifies that it has to be inside the primary dwelling.

Faith replied yes we could. I choose not to go that route due to enforcement issues that I see and how people could get around that anyway.

Councilor Kight stated accessory dwellings, new subdivisions, they have to build the accessory dwellings at the time they build the house or can they do it later?

Faith replied they can build it at the time but they have to go through a site and design review process or they can do it later.

Councilor Kight asked can we limit it to just at the time of new construction?

Faith replied the way I read it, it would not preclude us from saying it has to be built at the time the house is built.

Councilor Ripma stated the trouble with that is it would practically ensure that the few additional subdivisions that are built will be built as duplexes. The number is getting pretty minimal, the number of dwelling units we are gaining is getting down further and further. While that is being used as an argument for going ahead, I prefer to look at it as a reason for not going ahead. The difference in the number of dwelling units is so minimum that we can argue substantial compliance without it. Ms. Weber from Metro slipped up, she even sent us a letter saying she slipped up, couldn't that be that they don't quite know how to handle this? I choose to look at it that way, can't you see it that Metro is struggling with how to handle this issue of cities who are fully complying with the Metro Mandates in every other respect but are bulking at the accessory dwelling units. Isn't it possible that they haven't quite decided how to handle this? Have they come down on any other city for not adopting it yet?

Faith replied nothing has gotten that far. Right now we are in the compliance review mode.

Councilor Ripma stated I say lets not adopt it.

Mayor Thalhofler asked the rationale for the accessory dwelling units is to increase density?

Faith replied it is to increase density and provide other alternative housing.

Councilor Daoust stated I am forced to look at the language that says if we do not address accessory dwelling units we have to ask for an exception. We have two options here, we can call their bluff and just ignore that, or

Councilor Ripma stated if we have to ask for an exception they will let us know and obviously at that time I would advocate that we apply for an exception. I guess I don't advocate that we apply for it now.

Councilor Daoust stated it appears like the kind of language that even though no city has put it to test yet, it is the kind of language that Metro would probably adhere to. In other words, if a certain city does not have accessory dwelling units they probably will most likely have to request an exception.

Councilor Ripma stated remember what Ms. Weber said at the meeting in November. She said something like, "maybe Troutdale won't have to, that you might have achieved substantial compliance without it." She said that for a reason, that is they haven't decided. I realize it is a judgement call, but that is what is driving my desire to put it to the test and if we have to go for an exception it will be a year from now.

Councilor Daoust asked do you really think you have a case in court. Just to say that an employee of Metro mentioned that we could do without it is a pretty weak case.

Councilor Ripma replied Mary Weber is not just an employee of Metro, she is the manager of the Growth Management Service Department, she does know what she is talking about. I guess we will never know if we don't test it. I feel strongly that accessory dwelling units is an idea that some cities wanted, it is an ill-advised idea for Troutdale and in the end they will probably leave us alone because we are doing so well otherwise.

Councilor Daoust stated I am okay in going along with that I just get the gut feeling that we are fighting over peanuts. Rather than fighting over this, allowing a few in the City is not going to hurt the livability of the City, so I can go either way on this. I do think if we do not include language for accessory dwelling units we are going to have to go through the exception process which I really don't think we want to go through.

Councilor Ripma stated I want to go through it.

Councilor Regelein stated if we get five in the next twenty years it would be a miracle so why fight over something trivial.

Mayor Thalhofler closed the Public Hearing and reconvened the City Council Meeting.

MOTION: Councilor Ripma moved to adopt the Ordinance amending General Goals and

Objectives, Goal 2 Land Use, Goal 9 Economy, Goal 10 Housing and Goal 12 Transportation of the Troutdale Comprehensive Land Use Plan with one change and that is the deletion of the language on the bottom of page 30, last paragraph; Establish minimum densities for new residential developments excluding residential dwellings built in conjunction with a commercial use. Require that new development achieve at least 80 percent of the maximum density per new acre allowed by the zoning district. Seconded by Councilor Kight.

Councilor Ripma stated in support of my motion I agree with pulling out the accessory dwelling units and I agree with pulling out the number issue. My amendment on page 30 eliminating the 80 percent requirement, that is a fairly minimal effect in Troutdale because we are building at substantially more than 80 percent. The reason I am against imposing that requirement is because of the few cases that come up where it ends up being kind of stupid to have that in there.

Councilor Daoust stated Metro is not into end results, I think they are into the process and the steps we take along the way. Metro's assumption for our number of units is 3,789. I am okay with leaving the number out, but if we leave the number out and don't go with basically what they have already agreed to which is 3,260, there assumption reverts back to 3,789.

Councilor Ripma stated they can not defend that number.

Mayor Thalhoffer stated I am going to vote against the motion. I think we are at 84 percent and the requirement is only 80 percent. I favor complying with the 80 percent rule.

Councilor Daoust stated to say that the 80 percent minimum density that Metro could go either way on it. We very strongly heard from Ms. Weber that Metro will not make an exception to the 80 percent density. One of my main reasons for not voting for your motion is because I do not want to go through the exception process on this issue. We are fighting over nothing, it is a deliberate action that is going to put staff and the City through the exception process when we don't have to.

YEAS: 2
NAYS: 5 (Thompson, Regelein, Daoust, Smith, Thalhoffer)
ABSTAINED: 0

Mayor Thalhoffer stated the motion did not carry.

MOTION: Councilor Ripma moved to adopt the Ordinance as written. Seconded by Councilor Kight.

YEAS: 7
NAYS: 0
ABSTAINED: 0

6. **REPEALING ORDINANCE (Introduction): An Ordinance vacating a pedestrian accessway within the Snider Farms Estate Subdivision and authorizing its conveyance to adjoining property owners.**

Mayor Thalhoffer called this item and recessed the City Council Meeting and opened the Public Hearing

at 10:23pm and asked Mr. Faith to come forward.

Faith review his staff report contained in the packet.

Mitch & Sheryl White owners to the S. of the property stated that they would like to purchase the property.

Councilor Ripma asked you have no problem with the easement for getting at the pipe?

White replied no.

Mayor Thalhofler closed the Public Hearing at 10:32pm and reconvened the City Council Meeting. This is the first reading of the Ordinance action will be taken at the next meeting.

7. DEPARTMENT REPORTS:

- 7.1 Finance
- 7.2 Public Safety
- 7.3 Community Development
- 7.4 Public Works
- 7.5 City Attorney
- 7.6 Executive

City Attorney Sercombe stated in August Roman York and Gail Thurber made a complaint about mismanagement of a street and sidewalk improvement project that the City had contracted for that was around their home. This complaint followed a period of time where the City had been working with them to try to resolve their concerns and even went to the extend of hiring a consultant to give another look at the placement of the street lights. Following that complaint in August I sent them a letter about three weeks later asking for some elaboration of those complaints because those charges that were raised publically before the Council were not particularly specific. After I sent that letter to them I have heard nothing from them in the past three months that provides any further evidence or elaboration of their charges. I am planning, unless the Council directs otherwise, to write them back and tell them that we are closing our file on this and will take no further action with respect to their complaint because of their lack of specifics.

8. COUNCIL CONCERNS AND INITIATIVES:

Mayor Thalhofler called this item.


Councilor Kight stated I would like to compliment Ron Dupas on his progress report on the year 2000.

9. ADJOURNMENT

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

YEAS: 7
NAYS: 0
ABSTAINED: 0

Meeting was adjourned at 10:40pm.



Paul Thalhofer, Mayor

Dated: 1/14/99

ATTEST:



Debbie Stickney, Acting City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

December 8, 1998 7:00pm
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>(please print)</small>	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
Rich Faith	" "	" "
Mark Berrest	Police Dept	665-5175
Don Curdi	1440 SW 12 th ST	665-9874
Ali Peret	208 E Columbia, T-Dale	667-0450
SHENIL ANDERSON	City	665-5175
BOB GAREWOOD	" "	" "
SCOTT FERGUSON	Kittelson & Assoc, Portland	228-5230
MITCH WHITE	2509 SW INDIAN MARY CT	669-4958
Cheryl Dimes-White	2509 SW Indian Mary Ct	1069-4958
Robert T. Branner CPA	999 NW Frontage Rd Site 200	667-5355
Rod Park	Metro Councilor - Ellet	663-3715
Alan Mc Minis	151 SW 257 th	665-4071

CITY OF TROUTDALE PUBLIC COMMENT SIGN-IN SHEET

December 8, 1998
CITY COUNCIL MEETING

PLEASE COMPLETE THE FOLLOWING

PRINT NAME <small>☞ ☞ (please print) ☞ ☞</small>	ADDRESS	PHONE #
Bob Branner CPA	Troutdale	
Dan Curtis	1440 SW 12 th St.	665-9874
Mitch Whit	2509 SW Indian Mary Ct	6065-4958
Cheryl White	"	"