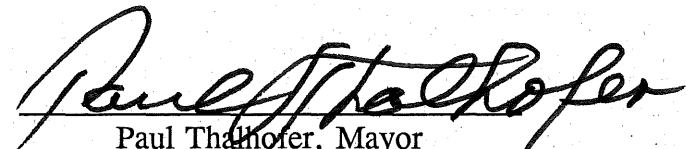


# CITY OF TROUTDALE

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

**September 24, 1996 -- 7:00 P.M.**

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept Minutes - Regular Sessions - June 25, July 9, & 23, 1996
- (A) 3. PROCLAMATION: "America Goes Back to School, A Place for Families and the Community Month"
- (I) 4. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (A) 5. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance Amending the Zoning Map from Light Industrial to Industrial Park on a 4.2 Acre Site Located North of I-84, East of NW Graham Road. McCallum
- (A) 6. RESOLUTION: A Resolution Authorizing Extension of Extra-Territorial Water and Sanitary Sewer Service to the Open Door Baptist Church at 27710 SE Strebin Road, Subject to Boundary Commission Approval. Galloway
- (A) 7. RESOLUTION: A Resolution Establishing Solid Waste Collection Fees and Rescinding Resolution No. 1142. Galloway
- (A) 8. DISCUSSION: A Discussion Concerning the City's Participation in the Regional Water Providers Consortium. Galloway
- (I) 9. COUNCIL CONCERNS AND INITIATIVES
- (A) 10. ADJOURNMENT.

  
Paul Thalhofer, Mayor  
Dated: 9-18-96

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**Minutes**  
**Troutdale City Council Regular Meeting**  
**Troutdale City Hall**  
**Council Chambers**  
**104 SE Kibling Avenue**  
**Troutdale, Oregon 97060-2099**

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**September 24, 1996 - 7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**

Mayor Thalhofer called the meeting to order at 7:00 p.m. and called on Councilor Councilor Burger-Kimber to lead the Pledge of Allegiance.

City Recorder Martinez called the roll.

**PRESENT:** Thalhofer, Smith, Ripma (7:12), Kight, Burger-Kimber

**STAFF:** Berrest, Faith, Galloway, Gazewood, Martinez, McCallum, Sercombe, Worthington

**GUESTS:** Tom Larkin, Dave Smith, Ted Naemura, Dana & Pam Jensen, Robert Heflin, John Bennett, Neil Handy, Mary Graves, Don Curtis

**2. CONSENT AGENDA:**

2.1 Accept Minutes - Regular Session - June 25, July 9, & 23, 1996

Mayor Thalhofer called this item and read the consent agenda.

**MOTION:** Councilor Kight moved to approve the Consent Agenda. Councilor Smith seconded the motion.

**YEAS: 5**  
**NAYS: 0**  
**ABSTAINED: 0**

**APPOINTMENT: Tom Larkin - Planning Commission.**

Mayor Thalhofer stated that the last time the appointment committee met they selected the top three candidates to fill any vacancies that may occur. Tom Larkin is next in line, the committee recommends that he be appointed to fill the vacancy created by the resignation of Frank Grande.

**MOTION: Councilor Burger-Kimber moved to appoint Tom Larkin to the Planning Commission. Councilor Kight seconded the motion.**

**YEAS: 5  
NAYS: 0  
ABSTAINED: 0**

Tom Larkin thanked the Council.

**3. COMMENDATIONS, AWARDS, AND PROCLAMATIONS:  
3.1 PROCLAMATION: "America Goes Back to School, A Place for Families and the Community Month"**

Mayor Thalhofer read the proclamation.

**4. PUBLIC COMMENT:**

Mayor Thalhofer called this item.

There was no public comment.

**5. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance Amending the Zoning Map from Light Industrial to Industrial Park on a 4.2 Acre Site Located North of I-84, East of NW Graham Road.**

Mayor Thalhofer called this item, recessed the council meeting and opened the public hearing at 7:18 p.m.

Faith introduced Beth McCallum, recently hired Senior Planner, who reviewed the staff report contained in the packet.

Councilor Ripma voiced concerns regarding traffic increases from the proposed business.

McCallum stated that the current zoning allows for such uses as a Factory Outlet which

would generate more traffic than the proposed use.

Councilor Ripma asked how could the noise from the airport be addressed?

McCallum stated that there is a condition from the planning commission and it will also be addressed during the SDRC.

Councilor Ripma asked if the zone change could be made conditional.

McCallum stated that the council is not to look at any specific use that may be allowed or proscribed, the council is to determine if the zone change meets the criteria.

Faith stated that the noise issue was raised during the conditional use hearing before the planning commission. I don't believe that you can make the zone change conditional.

Councilor Ripma asked if this development is connected to any other development proposed on Frontage Rd?

Faith stated that it is not.

Councilor Kight voiced concerns regarding the noise impact from the airport.

Councilor Kight asked if there would be an impact on the Sewage Treatment Plant.

Galloway stated that any development adds to the other things that are bringing us closer to capacity before we have the improvements to handle it.

Councilor Kight asked what size the restaurant would be and if there have been any considerations on what could be done to minimize the impact on the plant.

McCallum again cautioned the council that the hearing is to look at the allowed uses in the proposed zone and if the required criteria is met, not one specific type of development.

Councilor Burger-Kimber voiced concerns regarding the letters contained in the packet from ODOT regarding traffic impact and the possibility of imposing conditions on the zone change to remedy traffic impact.

Faith stated that if the council is not comfortable with the traffic impact then they should deny the zone change, not impose conditions on a re-zone.

Councilor Burger-Kimber stated that she doesn't agree with that.

Sercombe stated that as indicated by the planning staff, even though when people seek a zone change they may have a specific project in mind, the zone change is not to be approved or denied with a particular development in mind. It is not common to have conditional zoning because it is either done or not done, not have something hanging out there that is not met and the zone reverts back to its original zoning. Conditions are usually set through other processes such as a conditional use permit or SDRC. Would have to review development code further to give an answer on it this can be done.

Mayor Thalhoffer asked that Sercombe have an answer to if conditions can be imposed on this re-zone at the next meeting.

Council discussed this issue.

Dave Smith, Attorney representing Nor-West Properties, and Rich Wolk, traffic engineer for project, discussed the traffic impacts of the project which would be no difference for the general zone change, the specific use would generate more trips, however caution should be used when looking at a specific development. We need to be careful in the event there is an appeal to the planning commission's decision. Nor-West is an experienced developer of hotels, and hotels near airports, there is one in Boise right along the runway, they know how to mitigate the impacts of noise, it is in their best interest to make the customers as comfortable as possible so that they will return. Nor-West is more than willing to enter into some sort of non-remonstrance agreement if the council felt it was appropriate. Wolk discussed the traffic impacts, level of service is not impacted at the intersections with the zone change.

Council discussed these issues.

Councilor Burger-Kimber voiced concerns regarding the process, the planning commission recommending approval of the zone change and approving a conditional use permit to take affect once the council approves the zone change. I feel like this is being ramroded through, it's not that I don't agree, but I am concerned about the traffic in the are and the fact that the development is going on.

Faith stated that the planning commission did not consider these as concurrent applications, they were separate public hearings and applications. The first considered the re-zone on its merits in terms of what is allowed in the IP zone vs. what is allowed in the LI zone, they confined the discussion and deliberation to that issue. Once the made a decision on the re-zone they then went to another public hearing to consider a specific use that is allowed within IP zones by conditional use, a motel/hotel and restaurant. That was a separate hearing which they actually did not make a decision on the first hearing, they required additional information to make a decision, that hearing was continued to a second hearing to weight the merit of that specific proposal.

Councilor Burger-Kimber stated that ultimately the planning commission works for the council and they are to specifically to address the law and how it applies to specific developments. What really bothers me is that the planning commission has went ahead and made a recommendation for the zone change and then turned right around and addressed the conditional use issue and it kind of puts us out of the loop because it seems like the process has been speeded up and basically if we approve the zone change the conditional use has already been started in the process so the whole issue that we were bringing forward about possible putting conditions on the traffic mitigation or going through a group process to address traffic mitigation is moot. I don't like being in that position as a council member I would prefer that we go through the normal process, which is you go through the hearing process and then when the hearing process is done and the time for the appeal has elapsed then you go through the conditional use process, not just crunch it all together and expect the council to just rubber stamp it. I was prepared to, after this discussion, to listen to what Tim had to say about putting the whole thing together in one package, and look at that as a possibility. What I don't like is the planning commission assuming that role and just expecting us to rubber stamp the process, it feels like a power struggle to me and it shouldn't be that way. There is a specific reason for a level 4 hearing and that is for it to come to the city council and not have everything pre-approved at the planning commission level, and then just allow us to wave our hand over it.

Faith stated that he is not aware if the city has ever done a conditional use concurrently with a re-zone. I do not believe that the city has processed a conditional re-zone before. If there is a deviation from past practice that would probably be the deviation that is occurring here, you are now incorporating conditions on re-zones which has not been done in the past, that is why things might be out of sinc.

Councilor Burger-Kimber stated, no that is not why it is out of sinc, it is because you put the conditional use back to back with the zone change issue.

Faith stated that the decision still rests with the council, you can render the entire conditional use void based on your decision on the rezone, and that is the really the question before you.

Councilor Burger-Kimber stated that is now because we brought it up but that wasn't the intent of this I don't feel. I feel like we should go through the normal process and not try to piggy back things on unless we actually have a clear process in which we do that as an intended purpose and we have a plan in place that we will allow things to be piggy backed on each other and go through the normal process and everybody has a clear understanding of what is happening, but I don't think that is the case and I was very surprised that this has been piggy backed when in fact we haven't had an opportunity to allow us to go through this process in a proper and orderly fashion, although it may be more time consuming.

Councilor Kight voiced concerns about there only being on exit for Troutdale, we know there

is going to be a major problem on North and South Frontage Rd, and that is why we are looking at this particular zone change very carefully. Have there been any problems with the Boise property in relation to noise?

Smith stated that to his knowledge no.

Roger Forney, Developer Nor-West Properties, stated that there are three hotels at the Boise Airport. We own and operate several hotels in the local area and at the Portland Airport, we are, and are planning to continue to be good neighbors, Boise has never filed a complaint against the airport, the airport was there first. We understand there will be noise and we know that the airport and freeway is there, that is why we want to locate here. It is to our benefit to mitigate the noise by design, so that we will have return clients.

Councilor Kight asked if they would be willing to participate in a non-remonstrance agreement.

Forney stated yes, we want to be a good neighbor.

Councilor Ripma voiced concerns that the council is not able to review the conditional uses set by the planning commission. If the zone change is approved then the council will never know what the conditions are.

Sercombe stated that he would look into this issue, however the details are not relevant, the re-zone should be approved or denied on the criteria set for a re-zone.

Mayor Thalhoffer voiced concerns that the conditions are not within the council's function, the council would not normally see a conditional use permit unless the planning commission's decision is appealed. The planning commission has a job and so does the council.

Mayor Thalhoffer closed the public hearing and called for a break at 9:13 p.m.

Mayor Thalhoffer reconvened the council meeting at 9:30 p.m. and announced that the work session scheduled tonight regarding the STP survey would be set over until October 1, the other items for the work session will still be discussed directly following the regular meeting.

6. RESOLUTION: A Resolution Authorizing Extension of Extra-Territorial Water and Sanitary Sewer Service to the Open Door Baptist Church at 27710 SE Strebins Road, Subject to Boundary Commission Approval.

Mayor Thalhoffer called this item.

Galloway reviewed the staff report contained in the council packet.

Councilor Kight asked if there is a possibility of extending water and not sewer?

Galloway stated that it is possible but it would still need to go before the boundary commission.

Sercombe stated that he has spoke with staff regarding this issue, there are considerable hurdles to be addressed before this is approved by the boundary commission. Goal #11 says that you can't extend sewer service outside of the UGB, so in order to get this approved by the boundary commission the applicant would have to take exception to Goal #11, which is very complicated. Water would be an easier process.

Councilor Burger-Kimber asked who usually applies?

Galloway stated that there are a number of different ways to do this.

Councilor Burger-Kimber asked that the ERU's and SDC's be calculated for this issue and ready for the next meeting including logical expansion.

Councilor Ripma stated that it is his understanding from serving on MPAC that Goal #11 prohibited the city from providing service out side of the UGB, in view of this, why don't we let them apply to the boundary commission and let the commission make the decision?

Galloway stated that the commission will ask us what the city's position is before they make a decision.

Council discussed ways for the process to continue, and directed Sercombe to look into this issue.

Councilor Kight voiced concerns regarding the possibility of the current septic system contaminating the water system.

Pam Jensen, 23913 SW Oak - Gresham, stated that they have applied to for the locational adjustment of the UGB and were instructed by the hearings officer to contact the boundary commission to try to get extra-territorial water rights so that the UGB would not have to be moved. We proceeded with the boundary commission application and they instructed us send it on to the city's public works director and he would submit it to the boundary commission, and that is where we are at now.

Dana Jensen, 23913 SW Oak - Gresham, that using his calculations estimate the sewer SDC at \$25,000.



Pam Jensen stated that they have to go through the county to do any additional building and they have been telling us that our services are insufficient, they limit our growth potential, the area is growing and there is a need for the school to expand. My understanding is that if the boundary commission turns us down then we will probably be give the locational adjustment for the UGB, and then we would apply for annexation, and that is what we would prefer. We feel like we are part of it now.

Council discussed this issue and directed Sercombe to find out the status of the UGB locational adjustment, and staff can continue to work with the applicant on filling out the forms.

Mayor Thalhofer stated that this will be placed on the agenda for the October 8, 1996 meeting.

Council discussed and decided that the work session scheduled for after this regular meeting would be scheduled for the work session October 1, at 6:30 p.m. along with the STP survey.

7. RESOLUTION: A Resolution Establishing Solid Waste Collection Fees and Rescinding Resolution No. 1142.

Mayor Thalhofer called this item.

Galloway reviewed the staff report contained in the packet.

Councilor Kight asked for clarification on the rate adjustments.

Galloway and Worthington reviewed the material from the packet in detail.

**MOTION: Councilor Ripma moved to adopt the resolution. Councilor Kight seconded the motion.**

**YEAS: 5**

**NAYS: 0**

**ABSTAINED: 0**

8. DISCUSSION: A Discussion Concerning the City's Participation in the Regional Water Providers Consortium.

Mayor Thalhofer called this item.

Galloway reviewed the staff report contained in the packet.

Councilor Kight asked if this group could later make mandates to the city?

Galloway stated not under the current IGA.

Councilor Kight asked if we could join at a later date?

Galloway stated yes.

Councilor Kight asked if there is a definitive benefit of \$2,500. to the citizens of Troutdale?

Galloway stated nothing that we can put our hands on, there may be some benefit to us in the way of ideas in the area of conservation.

Councilor Ripma asked if this is the same consortium that recommended using Willamette River water rather than Bull Run?

Galloway stated it is.

Councilor Burger-Kimber stated that water is very valuable and believes that there is a benefit in ways of conservation and ideas for the future, would hate to see us removed from this group.

Mayor Thalhoffer expressed concerns for the need to develop conservation efforts.

Council discussed this issue.

**MOTION: Councilor Ripma moved to decline to join the Regional Water Providers Consortium. Councilor Kight seconded the motion.**

**Mayor Thalhoffer stated that he is in favor of joining however he is going to vote for the motion so that he can bring it up at the next meeting.**

**Councilor Burger-Kimber stated that the reasons for not joining are that we can not see a real dollar value, that is short sided, the other reason is the is regarding the Willamette River water, I think that was used as a strategy to have people choose the Bull Run expansion. I agree with the Mayor to have this brought up at the next meeting but will vote no on behalf of both of us.**

**Mayor Thalhoffer asked if the second for a reconsider vote has to vote in favor of the original motion.**

**Sercombe stated that he doesn't believe so.**

Councilor Ripma stated that he did not believe that the recommendation for Willamette River water was a ploy.

YEAS: 4  
NAYS: 1  
ABSTAINED: 0

Mayor Thalhofler directed this be placed on the next agenda.

9. COUNCIL CONCERNS AND INITIATIVES.

Mayor Thalhofler called this item and reviewed the Multnomah Progress Board Benchmarks in regards to Troutdale's ranking.

Councilor Ripma voiced concerns that the ODOT flier regarding the parkway was not received by all of the Troutdale residents, and encouraged everyone to attend the open house at Gordon Russell Middle School, this Monday the 30th, from 5-8 p.m., also encouraged participation in the Harvest Fair 11-4 on the 28th & 29th.

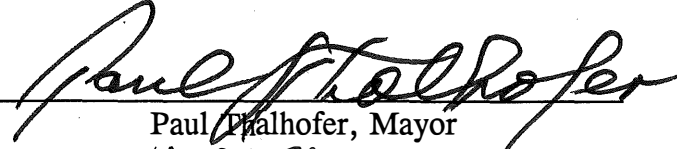
10. ADJOURNMENT.

Mayor Thalhofler called this item.

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

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

Mayor Thalhofler adjourned the meeting at 11:12 P.M.

  
Paul Thalhofler, Mayor  
Dated: 10-24-96

ATTEST:

  
George Martinez, City Recorder

# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

September 24, 1996  
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
TOM LARKIN	1429 5620th Way	492-3431
Elizabeth McCallum	City Employee	
Rich Faith	" "	" "
Bob Crazeewood	" "	" "
Mark Berrest	Police Dept	665-5175
Daryl Worthington	City Hall	" "
DAVE SMITH	6975 SW SANDBURG #130 TIGARD	624-9352
Ted Naemura	12235 NE Rose Parkway Portland, OR 97230	252-7906
Dana & Pam Jensen	23913 SE Oak St. Gresham, OR 97030	665 2112
Robert Helbin	29219 SE Lusted Gresham, OR 97030	663-7444
John Bennett	37517 S.E. Gordon Ct. SW. Corbett Oregon 97019	695-2539
Neil Dandy	146 W. Columbie Hwy	665-4752
Mary Graham	2650 S.W. 22nd Ct. Gresham, OR	661-6647
Dan Curtis	1440 SW 12th St. Troutdale, OR 97060	665-9874