

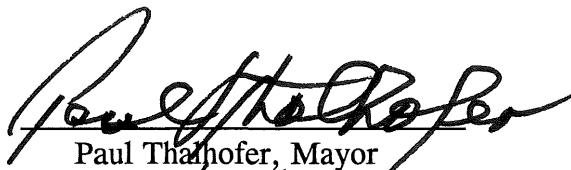
CITY OF Troutdale

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

7:00 P.M. – October 14, 1997

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept Minutes: Regular Sessions - September 9th, & 23rd, 1997
 - 2.2 Business Licenses: Month of September, 1997
 - 2.3 Approve Liquor License: Safeway, Inc.
 - 2.4 RESOLUTION: A Resolution recognizing the completion of the public works improvements in Columbia Park and accepting these into the City's Fixed Asset System.
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (I) 4. PRESENTATION: Metro Traffic Relief Options Study. Metro Representative
- (I) 5. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance revising administrative procedures for system development charges, amending Section 12.01.100 of the Troutdale Municipal Code, and amending Chapter 12.02 of the Troutdale Municipal Code. Galloway
- (I) 6. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance establishing conditions and procedures for termination of City water service and amending Chapter 12.03 of the Troutdale Municipal Code. Galloway
- (A) 7. PUBLIC HEARING/APPEAL: Appeal of a Planning Commission decision to deny a setback variance for a convenience store and drive-through fast food restaurant at a Texaco Service Station. McCallum

- (A) 8. REQUEST: A request from Colliers International for a variance from the City's "Construction Standards for Public Works Facilities" for the I-84 Corporate Center. Galloway
- (I) 9. DISCUSSION: Update to Election Challenge. Sercombe
- (I) 10. DEPARTMENT REPORTS:
- | | | |
|------|-----------------------|----------|
| 10.1 | Finance | Gazewood |
| 10.2 | Public Safety | Berrest |
| 10.3 | Community Development | Faith |
| 10.4 | Public Works | Galloway |
| 10.5 | City Attorney | Sercombe |
| 10.6 | Executive | Kvarsten |
- (I) 11. COUNCIL CONCERNS AND INITIATIVES
- (A) 12. ADJOURNMENT.


 Paul Thalhofer, Mayor
 Dated: 10/10/97

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

October 14, 1997 - 7:00 P.M.

I. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

City Recorder Martinez called the roll.

PRESENT: Thalhofer, Smith, Ripma (7:22), Thompson, Kight, Regelein, Daoust

STAFF: Berrest, Faith, Galloway, Gazewood, Martinez, McCallum, Nelson, Sercombe

GUESTS: Bridjet Wieshurt, Shon Nichols, Duncan Wallace, Carl Nelson, B. Scott Pemble, Loraine M. Domine

Martinez requested that Item 8 be removed from consideration tonight due to the fact that Colliers International has withdrew their request, Mayor Thalhofer agreed.

2. CONSENT AGENDA:

- 2.1 Accept Minutes: Regular Session - September 9th & 23rd, 1997
- 2.2 Business Licenses - Month of September, 1997
- 2.3 Approve Liquor License: Safeway, Inc.
- 2.4 **RESOLUTION:** A Resolution recognizing the completion of the public works improvements in Columbia Park and accepting these into the City's fixed asset system.

Mayor Thalhofer called this item and read the Consent Agenda.

MOTION: Councilor Thompson moved to accept the Consent Agenda. Councilor Kight seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

3. PUBLIC COMMENT:

Mayor Thalhofer called this item.

There was no public comment.

4. PRESENTATION: Metro Traffic Relief Options Study.

Mayor Thalhofer called this item.

Bridjet Wieshart, Metro, and Scott Pemble, Multnomah County, gave a slide presentation and reviewed handouts contained in the packet on the Metro Traffic Relief Options Study and Peak Period Pricing.

Council voiced questions regarding enforcement, pricing, types of lanes used.

Pemble and Wieshart informed council that those issues are still being studied, so far have determined possible areas for test site. Final recommendation expected by Summer 1998.

5. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance revising administrative procedures for system development charges, amending Section 12.01.100 of the Troutdale Municipal Code, and amending Chapter 12.02 of the Troutdale Municipal Code.

Mayor Thalhofer called this item, recessed the Council Meeting, and opened the Public Hearing at 7:41 p.m.

Galloway reviewed the staff report contained in the packet.

Mayor Thalhofer closed the Public Hearing, and reconvened the Council Meeting at 7:46 and stated that this item would be placed on the October 28th Council Meeting agenda for action.

6. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance establishing conditions and procedures for termination of City water service and amending Chapter 12.03 of the Troutdale Municipal Code.

Mayor Thalhofer called this item, recessed the Council Meeting, and opened the Public Hearing at 7:47 p.m.

Galloway reviewed the staff report contained in the packet and stated that there would be one change proposed when the item is brought back for action, Page 2, Paragraph 2, Line 3, after the word "error" insert "for any reason other than delinquent payment."

Mayor Thalhofer closed the Public Hearing, and reconvened the Council Meeting at 7:52 and stated that this item would be placed on the October 28th Council Meeting agenda for action.

7. PUBLIC HEARING/APPEAL: Appeal of a Planning Commission decision to deny a setback variance for a convenience store and drive-through fast food restaurant at a Texaco Service Station.

Mayor Thalhofer called this item, recessed the Council Meeting, and opened the Public Hearing at 7:53 p.m.

McCallum reviewed the staff report contained in the packet and stated that the letter in front of the Council from the City of Gresham requests that the City hold firm on the set-back requirement, they are facing a similar issue with a fast food restaurant on the corner diagonally across from the property in question and they are requiring the 50ft set-back.

Councilor Regelein asked why there is a 50ft set-back requirement?

Faith explained that 50ft was selected by Council several years ago when the Transportation Planning Rule was being adopted. It is an effort to keep the businesses located close to the streets to allow for easier access by street and foot traffic.

Councilor Kight asked what the traffic impact would be without the fast food portion of the proposal?

McCallum stated that since it wasn't proposed that way it was not studied.

Councilor Kight voiced concerns that pedestrians coming from the collage would have to cross the fuel lanes to access the convenience store.

Duncan Wallace, RHL Design Group - Architect for Texaco, stated that there are three main

items the appeal is based on; 1.) based on the Uniform Building Code's definition of a building, the fuel island canopy would be considered a building and therefore the plan does meet the set-back requirement; 2.) the new design is far better than the existing station and the alternative of flipping the design so that the store is on the corner and the fuel island is hidden from the street; and 3.) the Transportation Planning Rule was amended in 95 to say that the set-back is 25ft when within 200ft of a Major Transit Stop, if Troutdale's Ordinance was in line with the 95 amendments then this plan would be in compliance with the planning rule, none of the bus stops located near this project constitute a major transit stop. Also stated that there are other concerns, security is better when fuel Isle is visible from the street, new layout is brighter, better visibility with the higher canopy, provides better visibility for and by the cashier, if the plan was flipped as suggested by the Planning Commission all of these safety improvements would be gone. Traffic study shows an increase of 25 trips for peak hours which shows that we are trying to attract the business of the cars that are already there not attract more, main business is from fuel not tacos. The Planning Commission was split 2 - 2 so that meant it was denied. This is the best layout for tanker delivery and safety. If the plan was flipped the drive-thru line would be along the street which would impact the visibility from the street. This variance is not for the Taco Bell in the store or the drive-thru, it is for the set-back requirements. We are currently working with Portland Police on two other projects with the same design and they favor them, tried to reach Troutdale Police for comment but couldn't. Gresham's letter is not concerning the same issue, they are talking about a restaurant not a service station and convenience store.

Mayor Thalhofer asked why there had to be a drive-thru?

Wallace stated that it is for the ease of the customer and to meet the demands of the competition. 80% of Texaco's business will come from the gas, and would like to attract that business to the drive-thru, not trying to pull in traffic.

Councilor Thompson asked what the set-back at the station on Hogan and Stark was?

Shon Nichols, Texaco Representative, stated that it is at least 75ft. The Taco Bell is going to be very limited, 5 - 10 seats, not like a regular fast food restaurant, the drive-in will be for those already on site. We are trying to keep up with the competition by providing the one stop shopping experience. If we are forced to meet the 50ft set-back there will be concerns with the drive-thru line stacking onto the street.

Councilor Kight and Councilor Daoust asked how the pedestrians from the collage or Hewitt Townhomes would access the building?

Wallace stated that Texaco tried to address that by providing sidewalks to the street for collage customers and have extended the sidewalk to the path from the Hewitt Townhome development, but not all of them will use them, some will cross the fuel isle, we will try to

address those with safety striping and other safety precautions.

Councilor Ripma asked why there couldn't be a more innovative design like the one on 122nd and Burnside, it is designed with the building next to the street.

Wallace stated that he was not familiar with that site.

Nichols stated that the site is much narrower and does not compare to this one.

Councilor Ripma voiced concerns that the site is too small for all that is proposed to be crammed onto it, a more innovative design should be used, the pedestrians will not use the sidewalks to access the store.

Wallace voiced concerns with alternate designs that would cause the fuel isle and traffic to back-up and not be attractive for people who need to stop for gas, has to be concerned with the flow of the site.

Nichols stated that the station has been there for 25 years, and Texaco is trying to make it more convenient, not trying to attract cars to the area because the growth is already doing that, just want to attract the traffic that is driving by.

Faith stated that the argument regarding the definition of a building from the building code does not comply with the Development Code.

Sercombe stated that even if the Development Code did accept the definition is still requires that all of the buildings meet the set back requirement.

McCallum showed an alternative plan that is being used in the City of Ashland.

Faith stated that the bus stops located near the project are not currently major transit stops however, both Stark and 257th, are designated as Transit Corridors, and the 257th Enhancement Study calls for it to become more transit friendly.

Mayor Thalhoffer closed the Public Hearing, called for a break at 9:06 p.m., and reconvened the Meeting at 9:20 p.m.

MOTION: Councilor Ripma moved to adopt the Findings of Fact and deny the Variance.

Councilor Ripma stated that the requirement was originally 20ft, but Council felt 50ft would be more modest for all involved, developer can come up with a more creative and innovative design.

Councilor Kight stated that he concurred with Councilor Ripma and that it is true that more people are moving into the area so it is imperative that all development is as pedestrian friendly as possible to address future traffic concerns.

Councilor Daoust stated that when he studied architecture for a time he was taught to design to the flow, these four corners should be made pedestrian friendly, it is dangerous to have people walking where cars travel.

Mayor Thalhoffer stated that he feels that the majority of the pedestrians won't follow the sidewalk and will conflict with the automobile flow which is a danger. Doesn't believe that the canopy constitutes a building but it is an innovative argument and would like the designers to come up with an innovative design.

Councilor Thompson stated that he has sympathy for the proponents however there is no reason that they can not come up with a design that will meet the standards required.

Councilor Regelein stated that the pedestrian traffic is going to increase with the development also, so they need to come up with a plan that is going to address the needs of the pedestrians.

Councilor Smith stated that she didn't feel that 50ft was too stringent of a requirement especially in a high impact area.

YEAS: 7
NAYS: 0
ABSTAINED: 0

Mayor Thalhoffer voiced concerns with item 2.4, the resolution naming the access road into Columbia park, why is it a road and if it has to be a road then the name should be more in tune with what is happening there, it is not S.E. it should be S.W.

Galloway stated that it should be S.W. there is a typo, it is a road because it was developed by street improvement fund monies. Will look into why it is named what it was and also further address concerns raised.

8. REQUEST: A request from Colliers International for a variance from the City's "Construction Standards for Public Works Facilities" for the I-84 Corporate Center.

Mayor Thalhoffer stated this item was removed from the agenda.

9. DISCUSSION: Update to Election Challenge.

Mayor Thalhoffer called this item.

Sercombe updated the Council on the progress of the voter eligibility survey and Election

Challenge. Survey should be complete within two weeks and then results will be submitted to Election Clerk and a hearing will be scheduled to determine if the results of the election should be reviewed or if a different certification should be made.

10. DEPARTMENT REPORTS:

Mayor Thalsofer called this item.

Gazewood drew attention to pages 2, 3, and 5 of his report.

Berrest stated that the motorcycle program is going well and that our own DARE officer is now in the Troutdale Grade School, this is the first time we have had our own officer.

Faith stated that the Town Center Plan is scheduled for a hearing before the Planning Commission tomorrow night.

Kight complemented the staff on the trees in Mayors Square.

Galloway drew attention to the fact that the plant violated its permit again, and urged caution on accepting large dischargers into the system until the issue of the treatment plant is resolved.

Councilor Ripma asked how to limit large dischargers?

Galloway stated he would look into the issue further and report back to Council.

11. COUNCIL CONCERNS AND INITIATIVES:

Mayor Thalsofer called this item.

Councilor Kight stated that political pressure paid off, Exit 17 is being widened to allow two lanes of traffic to exit off of I-84. Has asked Berrest to look into the truancy ordinance adopted by Gresham.

Councilor Thompson voiced concerns about cars being parked on Troutdale Road.

Berrest stated that is has just been posted two hour parking.

Councilor Ripma stated that he was late because he was at the meeting where Gresham and Clackamas County are talking merger. They have invited us to be a part of their meetings, we need to participate on a staff level and have them keep us informed.

Council agreed.

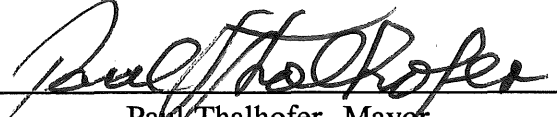
12. ADJOURNMENT:

Mayor Thalsofer called this item.

MOTION: Councilor Thompson moved to adjourn. Councilor Regelein seconded the motion.

YEAS: 7
NAYS: 0
ABSTAINED: 0

Mayor Thalsofer adjourned the meeting at 10:21 P.M.


Paul Thalsofer, Mayor

Dated: 10-30-97

ATTEST:


George Martinez, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

October 14, 1997
CITY COUNCIL

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
Rich Faith	" "	" "
Bob Craewood	" "	" "
Bridget Wieghart	600 NE Grand, ^{Portland} 97214	797 1775
ELIZABETH McALLUM	City	665-5175
David Nelson	City Police	665-5175
Mark Berrest	Police Dept	" "
SHON NICHOLS	TEXACO	225-4529
DUNCAN WALLACE	RHL DESIGN GROUP	²⁰⁶ 360 746-4677
Carl Nelson	TEXACO Refining/Marketing	224-0465
R. SCOTT PEMBLE	MULTNOMAH CO.	249-3182
LORRAINE M. DOMINE	3480 SE Eliz. Place	667-3235