



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

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

7:00 P.M. -- November 9, 1999

EXECUTIVE DEPARTMENT

Fax (503) 665-7265

Administration

City Administrator
City Recorder

Human Resources

Community Services

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept Minutes: September 28, 1999 Regular Meeting
 - 2.2 Business License: October 1999
 - 2.3 Approve Liquor Licenses: Godfathers Pizza, Skyland Pub, Tad's Chicken & Dumplings, The Brass Rail, Tippy Canoe Bar & Grill, Troutdale Chevron, Winks Sports Pub & Pizza, Plaid Pantry, Gorge-Us Pizza Haus and Celebrate Me Home, Inc.
- (A) 3. PROCLAMATION: Mediation Month - November 1999
- (I) 4. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (I) 5. REPORT: Metro Update by Rod Park. Rod Park
- (A) 6. RECONSIDERATION: A reconsideration of a previous Council decision regarding the location of Tri-met's Bus Line 24 layover location in down town Troutdale. Galloway
- (A) 7. RESOLUTION: A Resolution providing for budget transfers and making appropriation changes for Fiscal Year 1999-2000. Wiesinger
- (A) 8. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance amending Chapter 8.28 of the Troutdale Municipal Code pertaining to nuisance enforcement penalties. Hanna
- (A) 9. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance Amending Goal 5 of the Troutdale Comprehensive Land Use Plan and amending the Troutdale Development Code for compliance with Title 3 of the Metro Urban Growth Management Plan pertaining to Water Quality and Flood Management and repealing Troutdale Municipal Code Chapter 15.24, Flood Damage Prevention. McCallum

- (A) **10. PUBLIC HEARING / ORDINANCE (Introduced 10/12/99):** An Ordinance amending Chapter 2.08, Rules of the City Council, Section 2.08.060, Presiding Officer. *Mayor Thalhofer*
- (I) **11. COUNCIL CONCERNS AND INITIATIVES**
- (A) **12. ADJOURNMENT**


Paul Thalhofer, Mayor

Dated: 11-4-99

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

November 9, 1999, 1999 7:00pm

Meeting was called to order at 7:0 p.m. by Mayor Thalhofer.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofer called on Councilor Rabe to lead us in the Pledge of Allegiance.

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

STAFF: Faith, Wiesinger, McCallum, Hanna, Galloway, Nelson, Sercombe, Kvarsten and Stickney.

GUESTS: Rod Park, Suzanne Myers, Al Hayward, Phil Selinger, Terry Smoke, Michelle Meyers, Doug Briggs, LaVon Howell, Chet Howell, Sarah Rigles, Wade Johnson, Barry Woodin, Dean Hurford, Mary Gibson, Lou Nedierhiser,

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied we have no updates this evening.

2. CONSENT AGENDA:

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Mayor Thalhofer 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. PROCLAMATION: Mediation Month - November 1999

Mayor Thalhofer read the proclamation.

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

Mayor Thalhofer called this item.

No public comment was received.

5. REPORT: Metro Update by Rod Park.

Mayor Thalhofer called this item.

Rod Park Metro District #1 representative and with me is Suzanne Myers my assistant. I brought with me some material I would like to pass out. It contains the regional transportation plan updates and urban growth boundary issues. The issues in front of us and top on our list is the urban growth boundary expansion. We are under State Mandate under HB2493 to complete our work by the end of 1999. That is the second half of the mandatory 20 year land supply that we have to review every five years. We have a Resolution in front of the Metro Policy Advisory Committee that Councilor Ripma serves on, asking for an extension. We are asking the Department of Land Conservation and Development and the Commission for an extension until October 31, 2000. By then we feel we will have the work done related to Goal 5, the habitat issue dealing with the endangered species act on the salmon issues. We will also be working on some sub-regional needs in terms of which areas of the Metro Region need more jobs or housing. We are particularly looking at the Hillsboro, Sherwood and Wilsonville areas for that and potentially some areas of east county. Goal 5, it is an eighteen month project that is scheduled to be finished by the year 2000. We received a grant from DLCD and we are using the grant to identify ways to protect corridors but to also increase incentives for ways for people to do that. Regional Transportation Plan, which Councilor Kight is very familiar with, he comes to the Joint Policy Advisory on Transportation Committee (JPACT) and to Pre-JPACT meetings to discuss things that are going to happen at JPACT and we meet with East Multnomah County Transportation Committee. We just went through a process of public meetings which allowed people to review the material and give input in an informal way. We are handing you two sheets, one is a list of the different committees and who is serving on them and you are also receiving a survey, that we would like you to send back to us, asking you how you would like to be communicated with, by fax, e-mail or phone.

Councilor Daoust asked when you talk about the State Wide Goal 5 issues and that you are working with the NMFS, you mentioned something about takings and having to deal with that, can you illuminate me a little on how Metro would address this? I assume you are talking about the taking of fish species within the Metro area.

Park replied under the endangered species act you have a no takings rule. You can not harm whatever it is you are protecting, in this case different species of salmon. Without the 4D ruling, anything that could be construed to harm the environment without outlining what you are allowed to do, basically everything they consider a harm is a taking. For example, if we go through the Goal 5 work and we determine that x amount of feet is the correct setback and we adhere to that particular policy, then the normal activities that we carry on and are proved responsible are deemed to be not taking. However, in that particular area and we don't know what that footage is yet, activity within that area would be deemed a takings. It does not pertain to just exactly catching the fish or doing something to harm the fish in the stream, it is the habitat that the fish requires in order to survive.

Councilor Daoust asked so the work we are doing on Title 3, setbacks along streams and water bodies and wetlands, is Metro going to feed that information into working on Goal 5 stuff?

Park replied it is very important to distinguish the difference between Title 3 which is a water quality law and Goal 5. Title 3 areas that tell you how far you have to be back from the stream banks and what type of practices for erosion is specific to the DEQ water quality and clean water act. Those areas most likely will be

smaller than the Goal 5 area, however, there are some circumstances on steep slopes that they may not exactly overlap. Yes, they are partners but for legal purposes you can not count them as the same. That is a very important distinction because you can not extend a water quality for habitat.

6. RECONSIDERATION: A reconsideration of a previous Council decision regarding the location of Tri-met's Bus Line 24 layover location in down town Troutdale.

Mayor Thalsofer called this item.

Galloway stated this is an item brought back to you from a previous meeting having to do with the layover location of bus line 24 which provides the seven day a week service to down town Troutdale from the Gateway transit center via Halsey Street. To allow the buses to meet their departure schedules from down town Troutdale, the eastern terminus of that particular bus line, as well as to provide the necessary break time for the bus drivers Tri-Met prefers to have a layover location at or near the eastern terminus of that route. They have identified in previous discussion before you that the layover time varies anywhere from zero to as much as twenty to twenty-five minutes and that there are some rare occasions when two busses need to layover at the same time, so they have identified a need for approximately 100' of area in which to layover two busses. As you are aware, the previous location for a number of years for that layover point was the area on the north side of the Historic Columbia River Highway across from the City Hall. That land, or a portion of it, was privately owned and recently Tri-Met was unable to come to terms with that property owner for continued use of that site so they sought a new location. Back in your June meeting a location was tentatively identified and that was on the south side of SW 2nd between Buxton and Kendall. Since the time that Tri-Met has been using that location you received correspondence from some property owners in that area objecting to that location and asking you to reconsider that. At your meeting a month ago you directed Tri-Met staff to look into that and come back to you with some additional information. One of the specific recommendations that came from Council was to look at the south side of Historic Columbia River Highway in front of Mayors Square. A representative from Tri-Met is here tonight to speak to you as well as some members of the community. In your packet you have as exhibits a matrix that we put together trying to identify some of the issues and whether or not various locations met or did not meet those particular issues. A similar matrix with additional information from Tri-Met's prospective is exhibit 3. Exhibit 4 and 5 are input received from citizens. I received, after the packet was put together but I believe is in front of you for your consideration, a letter with numerous signatures from the down town business representatives also commenting on their views regarding the location in front of Mayors Square. I received today a phone call from a citizen, Frank Card, who could not make it this evening and asked me to convey his concerns. He felt that the Mayors Square location is not a good location and was primarily concerned about the loss of parking spaces and also that it would detract from the efforts being made to make Mayors Square a central focal point of the down town area. The three locations identified for possible consideration are; the current location on SW 2nd just west of Buxton, a second was on the south side of Historic Columbia River Highway in front of Mayors Square and a third location is on the north side of Historic Columbia River Highway just west of 257th. Those are identified on exhibit 1 in your packet.

Mayor Thalsofer asked the extension of Kendall that goes into the new city hall property, do you have any information on that?

Galloway replied I believe you are referring to the recently constructed extension of Kendall which is south of SW 2nd and ends in a cul-de-sac. The total length of that is approximately 200', about 120' of that is straight-away and then we have a bulb with a diameter of about 80'.

Councilor Kight stated there is a cost impact of \$150,000 on option #3, what would that be for?

Galloway replied Tri-Met would probably be able to respond better to that, but it is my understanding that it would be primarily construction costs associated with constructing a turn-out so the bus could layover and get

out of the turn lane.

Phil Selinger, Project Planning Director of Tri-Met. I would like to go through the three options and present our perspective and close with option #4 the cul-de-sac option. What we are trying to do is provide the best arrangement for the transit riding public while at the same time recognizing the impacts that we may or may not have to businesses and residents who happen to be near the layover zone. Tri-Met is pleased with the existing site that it is using, we recognize that there are some adverse impacts to the residents immediately adjacent, but the site location does work for us. It is well lit, close to a place where the operators can take there break at the Plaid Pantry. It does have one disadvantage in that the bus does have to make two left turns. We find that to be the preferred option among the options we have been looking at. At Mayors Square, that also works operationally for Tri-Met but we recognize that the parking impacts perhaps might be greater then up on 2nd and we would require a layover zone at least 100' long probably longer. Option 3 which would use the County right-of-way west of 257th on the north side, we would have to construct a pull-out there. The concern we have with that location is that riders originating in down town Troutdale would have to sit through that layover time. The option 4 using the cul-de-sac where the future City Hall would be, just looking at the aerial map I question whether a 40' bus could make that u-turn, I don't think it is wide enough.

Councilor Rabe asked there was some discussion about the location in front of Mayors Square and they were going to do some dimensional analysis, did that prove to be an acceptable area?

Selinger replied operationally it would work for Tri-met. I am not sure how many parking spaces would be impacted by that.

Galloway replied our parking spaces are 18' to 20' long and taking the figure that Mr. Park used at the last meeting of at least 100' would indicate that it would take at least 5, maybe more parking spaces. I think the greatest impact would be the loss of parking spaces, although some of the comments you have received from some concerned citizens also discuss aesthetics and possible negative impacts to what they perceive the value of Mayors Square is to the down town.

Selinger stated if the bus were to pull up as far as it could to Dora, then you may have some problems there with the sight lines for people pulling out of Dora onto Columbia River Highway.

Councilor Daoust asked back to the sight distant issue, did we do anymore looking into that sight blockage of a bus sitting in front of Mayors Square and the people coming down the hill? Is it going to be a problem with people wanting to turn left onto the highway?

Galloway replied we did not. I don't know if Mr. Park had any of the engineer folks from Tri-Met take a look at it. I know in general, the folks from Multnomah County would like a setback from the intersection of at least 30' in general. If we were to comply with that, that would take an additional 1 ½ parking spaces.

Councilor Daoust asked you say if we were to comply with that, would we try to comply with that by backing the buses up another 30'?

Galloway replied I don't know the answer to that. We have been asked to do that, or Multnomah County has approached us about doing that anyway totally separate from the bus issue. Because of the impact that has on parking in down town and because the Council in the past year has struggled with efforts to increase parking in the down town area, we have exercised benevolent silence on that issue and haven't been pressed on it.

Councilor Daoust asked what percentage of time that the busses are parked there would we have two busses at the same time?

Selinger replied maybe 5% of the time.

Councilor Smith asked most of the options before us that are acceptable are where you have to turn around or stop on 2nd Street. You are talking about hills, what happens in the winter time, are you stopping the busses short of Troutdale because they will not be able, with the ice, to get up the hills?

Selinger replied it has been very rare that we have had to miss Troutdale because of ice or snow.

Councilor Ripma asked option #3 involves the bus coming into down town, turning around somewhere and then going back and parking the bus west of 257th and there is a capital cost estimate of \$150,000 for the layover spot. Was Tri-Met prepared to come up with that kind of money?

Selinger replied we haven't reached that point. Tri-Met really doesn't favor that option although we are prepared to discuss it. We would look for some help with doing that. We rarely do public roadway improvements of that nature, it would be a partnership to work something out.

Councilor Ripma asked how long has bus line 24 terminated in Troutdale?

Selinger replied I am not sure.

Councilor Ripma stated I am beginning to think with all the opposition that we are getting that for most of that time, twenty years anyway, it has turned around right here across from City Hall and for the kind of money you are thinking of putting in west of 257th, you might be able to buy the rest of the bus turn-around across the street here. It is unacceptable where it is now and every time we move it we are finding problems and opposition. I don't know if Tri-Met would consider that. I am curious how many winters have you ran the bus up on 2nd?

Selinger replied we have not done that yet.

Mayor Thalhoffer stated we have suggested some areas where we would like to see a bus stop previously but Tri-Met has not been willing to consider them from a financial stand point. Is Tri-Met prepared to, in the future, to do something on a permanent basis where they put the bus stop where we would like to have it?

Selinger replied yes. In fact in our long range plan we actually have a place holder for a layover zone or a small park-and-ride perhaps down by the river provided that works out with the City's wishes. It wouldn't be before 5 to 10 years from now.

Councilor Kight stated what gives me hope is the fact that I heard that Tri-Met is willing to spend some capital funds in order to create a bus layover zone, did I hear that correctly?

Selinger replied if it is within the public right-of-way we would normally look at the jurisdiction as the primary responsibility for making that provision however we do join with jurisdictions to help solve problems.

Councilor Kight stated one of the sites that we looked at previously would have zero parking impact, wouldn't be blocking anyone's vision, the down side is that people wouldn't see it from down town, it is not in the residential area. The area that I am thinking of that you would have to do a turn-out or pull-out and provide facilities would be the area adjacent and right across from the RV center. I thought on our bus tour we attempted to do that turn-around and the driver was successful in doing a u-turn.

Selinger replied I think we had some safety concerns with being on a curve and making a u-turn.

Councilor Kight stated I think if we could overcome the safety concerns I think it would be the best location.

Councilor Daoust stated I see that Tri-Met prefers to stay where they are at least temporarily until we come up with a better solution. I realize that bus drivers themselves may be restricted in what they can and can not do with passengers but two of the complaints of local neighbors were loitering and littering. Is there anything that Tri-Met can do? I mean the drivers as far as loitering or littering or are drivers responsibilities limited so much that they can't suggest to passengers that they not loiter.

Selinger replied we could put a sign up saying that this is not a bus stop, please board the bus down at Columbia, basically close it as a bus stop.

Mayor Thalhofer asked the bus temporarily parked on 2nd between Dora and Harlow?

Selinger replied yes.

Mayor Thalhofer asked did you have any problems with that?

Selinger replied no.

Sarah Rigles, representing Always Perfect Catering, I am in opposition to proposal #3. We are a new business there on the corner. We would like to find something that is good for the riders as well as for the businesses. I have a few objections specifically to that site. First is the cost impact of \$150,000 that would be put into the construction of it. We see that as a high traffic area. Also the businesses directly affected by this are private businesses so the riders of the bus might not necessarily benefit from being directly placed by these businesses. Many of the businesses there are owned by women and there are concerns of the loitering that goes with a bus stop. We did have some proposed alternatives which have already been mentioned, the only one I didn't hear is down at the Outlet Mall. We hope that we can work with the City in finding the best location but we see #3 as not cost affected and not beneficial for the riders.

Mayor Thalhofer stated your idea about the buses going to the Outlet Mall will give the buses a timing problem. We have thought about that location already but came to a dead end.

Al Hayward stated it seems to me that this is a problem that perhaps was a creation of your own creation. As I understand it you could go back to the original bus route had you approved the land swap with the property owners. Since the Mayor has proclaimed November as Mediation Month I am suggesting that you should go back and take a look at that land trade. It involved a very small piece of land and it might be a way to put the bus back where it originally was.

Councilor Ripma stated it is worth considering.

Terry Smoke stated I thought we had made a good decision when we picked 2nd and Buxton. Now it seems that opposition is coming up about it. Instead of pick apart all of the options my thought would be that maybe what we need to do is sit down and get a task force of Councilors, merchants, property owners in Troutdale to come up with an option that we would all agree on before we have Tri-Met back out again. I think the Mayors Square idea just wouldn't cut it. It is ironic that on the day that we put up a beautiful bronze sculpture of a trout, that we discuss blocking it.

Councilor Rabe stated it is a good suggestion.

Councilor Daoust stated it is a good suggestion.

Mayor Thalhoffer asked what is your opinion on the option on 2nd Street between Dora and Harlow?

Smoke replied my only thoughts on that is as soon as you let it be known that is where you are talking about making it a permanent stop you are going to get another batch of letters.

Councilor Kight stated I do like your idea.

Councilor Daoust stated short of forming another committee the down town merchants prefer where the bus is located now, is that correct?

Smoke replied yes.

Lou Nederhiser stated we have the property on SW 2nd and Buxton and we do have a problem with two neighbors. One is Doug Thorton and the other is Gary Bueler. Gary and Doug have had trouble sleeping. I am not against Buxton and I realize the problems that you have in trying to find a place for the bus. On SW 2nd, and I have been there for over thirty years, and I have watched the wind. You can be down on Columbia and you do not get the wind, but I have been two or three times during icy weather, have been spun around as I get out of my car. 2nd Street is not a good option. I really feel that where the bus used to be, now I know that Tri-Met has the finances that they could come to some conclusion there. The other option is the City Park. I wish that we could wait another six months but I really feel we are in a critical situation as far as my neighbors. Maybe temporarily we will have to move it down 2nd to Dora and then for the long run try to work the parking lot or the City park.

Dean Hurford of Gresham. Option #3 257th and Halsey. Eight months ago I was trying to put a bank in that building. A major obstacle that I came to at that time is the traffic impact that cars could not get in and out. My future goal is to remodel and bulldoze from that 4-plex that exists to the west of the building now and do a mall to match what is going on in down town. I want to make you aware of the traffic problems. The County has now put the turn lane in so that will help but it still will be a tough obstacle. The other thing is there is a telephone vault there in the right-of-way.

Mayor Thalhoffer asked if there was anyone else who would like to speak to us on this issue.

No more testimony was received.

Councilor Rabe stated if we could find some way to make the site where it is now a little less disconcerting to the residents then we should pursue that. I think it would be interesting to pursue these suggestions that we keep coming back to, down to the previous turn-around or the potential of opening the one opposite of the RV Park. My hope now is to mitigate the residents problems and keep it as a temporary and pursue the other two sites.

Councilor Daoust stated I favor the same idea. A two pronged approach where the first is, if possible, in the interim work with the City to use the City Conference Building that would maybe get the busses off of the street and farther away from the houses and possibly use the restrooms in the City Conference Building. Put up no loitering signs, put a trash can there and address as many local issues as we can. The second prong would be to form the task force where they would look at some options and come up with the preferred option.

Councilor Ripma asked Councilor Daoust, I don't understand what you mean by the City Conference Building.

Councilor Daoust replied possibly use the parking lot at the City Conference Building and work it out with the City to have a keyed access to the building to use the restrooms.

Councilor Ripma stated instead of parking on 2nd they would pull into the Conference Building parking lot.

Councilor Daoust stated I am not sure they can use that parking lot, but I would like to check it out as an interim location until the committee came up with something.

Councilor Smith stated I feel like we have been beating this to death. 2nd Street I don't feel is adequate for buses. It is too narrow, it is residential, it is on hills. I still think we should go back with the original location and see about buying the land between the two driveways across the street and doing away with the parking spaces. We have built the town down, like I have said before, you build businesses and all of sudden we start worrying about transportation and roads, which to me those should have come first. The land across the street has adequate parking plus it has opening onto City of Troutdale parking. That blacktop area would be ideal for the busses. I think we should think about buying the property across the street at fair market value and if it is not for sale then I think we should seek out condemnation. It is the ideal place.

Councilor Ripma stated starting with the task force. I got involved in City government by being on the Mt. Hood Parkway. I don't blame any of the citizens for not wanting the bus turn-around near them, including the businesses because it is a problem. I remember so well that everyone that came to talk would say, that one over there is good, not the one near me. If we are going to have a task force, I would only want people on it that are willing to have it in front of their business or their home, otherwise the task force is going to come up with a solution that we all agree that it ought to go over there. I am afraid this is going to be our decision. I don't favor #1, I never favored the residential solutions. I don't favor Harlow and Dora either because it is near residents. Option #3 has too many problems. I think you are all wishful thinking if you think moving it down around the corner is going to be more acceptable, people live there. They are going to come out of the woodwork as soon as it is proposed to be there. The same thing goes with Glenn Otto Park, we really haven't thought through the problems with parking having taken up all the space that two buses will need where parking is limited in the summer and turning it into a park-and-ride is going to eat up more of the parking places and it isn't a good place to have people loitering either. For twenty or more years the bus stop was across the road and it is a logical location. If Tri-Met would be willing to come up with a little money, I don't expect a citizen to voluntarily give up their land, they might think about it.

Councilor Thompson stated I don't see an easy solution to this. We should probably leave it where it is currently and establish a task force and see. If you want to purchase property, that is fine with me if you can come up with a willing seller and the money. Option 2 and 3 are not workable. Option #1 is the only one that I see as workable. I agree with Councilor Ripma that on Glenn Otto Park, the busses will take up too much parking.

Mayor Thalhoffer stated I don't think that it is reasonable to think that we would want to use Glenn Otto Park for a bus turn-around. I think the idea would be to purchase the property across the street from Glenn Otto Park which is now vacant and build the bus turn-around there. Tri-Met, according to Mr. Selinger, is looking at that option down the road. That is a long term solution, we have a short term problem in the interim. Option #1 is apparently bothering some residents and they are having trouble sleeping. So option #1 is not a good option, it is one that we could suffer with temporarily. Option #2 which is in front of Mayors Square, when I first heard about it I thought it was an excellent idea. But the more I thought about it, the more I thought about how it was going to block everything, including Mayors Square and after our unveiling ceremony today, it would be

blocking one of the most beautiful little parks and that would be a shame to do that and we would be losing prime parking spaces. So option #2 is not feasible. Option #3 has too many problems and is not workable. At this point I think we ought to appoint a task force and hold the task force responsible to come up with a solution that not only the merchants can live with but that the residents can live with. In other words there ought to be residents involved on the task force. We don't have to look very far to find residents to serve on this task force, we have the Citizen Advisory Committee who could work with the merchants on this. That is the best thing we could do, they could work with the property owner across the street. The merchants are better able to deal with other merchants and property owners. A committee combination of merchants, residents, maybe the CAC and staff from the City and Tri-Met. In the interim, while this task force is working, I am wondering if we should move the bus to 2nd Street between Dora and Harlow where it was before and we didn't hear any complaints.

Councilor Kight stated I think the task force is probably a good idea. Although I think you are going to suffer from the "not in my backyard" syndrome but if they can come to a resolution and possibly work with the property owner across the street. The other suggestion is to eliminate the bus. I don't think anybody would like that. Hopefully the task force can come up with a solution that everybody will be happy with.

Councilor Ripma stated I would like some time to think about this. You have an idea of the task force, I guess it sounds kind of large. Are you talking about the CAC and the Chamber of Commerce?

Mayor Thalhofer replied not all of them but representatives of both groups.

Councilor Ripma asked could we put off the decision at least until the next meeting so we can come up with a proposed structure.

Mayor Thalhofer replied sure, I don't have a problem with that.

Councilor Daoust stated I would like to make a motion.

MOTION: Councilor Daoust moved that the City turn this Tri-Met bus layover location over to the CAC and give them a chore to come back to the City Council after going through and working through all the alternatives that they can come up with and present to us the preferred alternative. In the meantime having worked with the down town merchants, property owners and Tri-Met. Seconded by Councilor Kight.

Councilor Daoust stated I really don't think we need to wrestle with who is going to be on the committee because we already have a formed citizen advisory committee that would be able and willing to take this on.

Councilor Kight stated I had no idea we were going to have this much difficulty in locating a layover spot for the bus. I think part of the problem is not having built a consensus of the down town businesses. What happens is that we come up with an idea and then they form a letter of objection. So, maybe a better idea is to put it back in there pocket and see what suggestions they come up with.

Mayor Thalhofer asked are you saying that the merchants should be on this committee as well?

Councilor Kight replied I think that the CAC in doing there work would have to contact the

merchants. How could you come up with a layover that ends up in front of someones business and not contact the people that are affected.

Councilor Rabe stated I would like to endorse Councilor Daoust's motion. That is what the CAC was initially derived for.

Councilor Smith stated I agree that it can go to the CAC to analyze it. I do think they should look into the old alternatives also. Do you we have a time frame to give them?

Mayor Thalhofer replied that is a good question. I think we should give them a time-line to work with.

Councilor Ripma stated the Council is forgetting the learning curve on this. We have spent a long time on this issue and I think we are just punting if we just turn it over to the CAC. This has no reflection on the CAC at all. Our immediate reaction was lets go to Glenn Otto Park. I think we have all been convinced by some two years of looking at this of the difficulties that Tri-Met has with it. What if they come back and they say we think it ought to stay right where it is because we can't think of anything else to do. This is not an unrealistic outcome. Then it is back to us with a spot that neighbors do not like but no other choice. It will be us that will have to decide this, the CAC is not going to be able to come up anything better then what we are going to have to come up with in the end. The fact is we only have so many places that a bus can turn-around we just have to pick amongst them and it is going to be a hard decision no matter what happens. So I don't say let the CAC handle it, I wouldn't agree with that at all. In the end it is going to be our responsibility. I favor thinking about this for another two weeks anyway. I will not be able to support the motion tonight. I would like to add that by turning it over to a group of citizens who, I don't know how many of them live in the down town area, we are going to face the same problem that I brought up originally, which is not one person really directly affected by it is going to be making a decision. In the end they will be picking a site that isn't in front of their own door. I do not think it is a wise way to handle this at all and I think it will end up back in our lap.

Councilor Thompson stated I would have to agree with Councilor Ripma in a lot of respects. I don't know why we think it would be easier for the CAC to make this decision then it is for us to make it. We have the options in front of us. They may very well come back to us with the same options that we are looking at now. But I am willing to turn it over to the task force. When Terry Smoke suggested the committee of merchants and other citizens I think that would be a wise choice. I am not to crazy about the CAC handling the whole thing, I would prefer a committee appointed by the Mayor with representatives from the merchants community, from the CAC and perhaps a councilor, a broad based committee, so I am not going to support the motion now.

Mayor Thalhofer stated I am not going to support the motion either. I am in favor of a task force which is made up of citizens which a couple of them could be from the CAC, but I think we need down town people, members of the Chamber of Commerce. One of the things that we are looking at here is perhaps negotiating with some people down town and who better to negotiate with those people then there peers, therefore we would have a lot better chance of working out a solution with business people if we had other business people talking to them. I also believe that we should put this off for two weeks to consider the structure of it so that we get the kind of committee that we think will be affective and think about the time period to give the group. I don't think any councilor should be on that committee.

FRIENDLY AMENDMENT: Councilor Daoust moved to make a friendly amendment to my motion to give the CAC until February 15, 2000, a 90 day period, to present to us the preferred alternatives and to include five merchants on the committee with the CAC.

Mayor Thalhofer stated I would like a point of clarification. Are you saying that the committee should be composed of members of the CAC and members of the merchants down town, is that correct?

Councilor Daoust replied yes.

Mayor Thalhofer asked does the CAC have 11 members?

Faith replied that is correct. If I could give you just a little information in terms of matters that the CAC is presently working on that could affect the time-line. The CAC has been struggling for the past few months on some reconsideration of the Local Street Network Plan that was referred back to them by the Planning Commission. It has consumed two meetings thus far and we have another meeting scheduled in December to hopefully wrap that up, but there is no guarantee. And because we have used the last two and the next meeting on that matter, there are other issues that they have had to put on the back burner that they are going to need to take up in January. All I am trying to say is they have a lot of things on their plate and I don't know that there is a guarantee that they could have this back to you in 90 days given all of that.

Galloway asked to clarify the record, did Councilor Daoust's friendly amendment die for a lack that Councilor Kight, who seconded the original motion, did not agree to it?

Councilor Kight stated we have new information. I didn't realize the schedule of the CAC, so this is falling apart as we are trying to craft it.

FRIENDLY AMENDMENT: Died due to lack of support from the Councilor Kight who seconded the original motion.

MOTION: Councilor Ripma moved to table the this issue until the next meeting. Seconded by Councilor Thompson.

YEAS: 7
NAYS: 0
ABSTAINED: 0

Mayor Thalhofer called for a break at 9:25pm

7. RESOLUTION: A Resolution providing for budget transfers and making appropriation changes for Fiscal Year 1999-2000.

Mayor Thalhofer called this item.

Wiesinger reviewed the staff report contained in the packet.

MOTION: Councilor Ripma moved to adopt the Resolution. Seconded by Councilor Kight.

YEAS: 7
NAYS: 0
ABSTAINED: 0

8. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance amending Chapter 8.28 of the Troutdale Municipal Code pertaining to nuisance enforcement penalties.

Mayor Thalhoffer called this item, closed the City Council meeting and opened the Public Hearing at 9:43pm.

Hanna reviewed the staff report contained in the packet.

Dave Munson stated I live in sweetbriar and as part of the board there I support this. It will help a lot.

Mayor Thalhoffer closed the Public Hearing at 9:48 and stated that this is the first reading of the Ordinance and the second reading will take place at our next meeting.

9. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance Amending Goal 5 of the Troutdale Comprehensive Land Use Plan and amending the Troutdale Development Code for compliance with Title 3 of the Metro Urban Growth Management Plan pertaining to Water Quality and Flood Management and repealing Troutdale Municipal Code Chapter 15.24, Flood Damage Prevention.

Mayor Thalhoffer called this item, closed the City Council meeting and opened the Public hearing at 9:50pm.

Councilor Kight stated before we begin the hearing on this on advise of our legal counsel, Tim Sercombe of Preston Gates and Ellis, he has given me legal advice because I have property that would be affected either positively or negatively, that I should step down and I am going to do so at this time. I will not be part of the discussion nor will I be part of the voting body on this.

Councilor Ripma stated I am a trustee of the Vera Strebin Will who made a generous bequest to the City and the Troutdale Historical Society. It is operated as a business right now and I am one of two trustees that was appointed in her will. I am advised by legal counsel that it does constitute a conflict or at least a potential conflict. I am also going to step down.

Mayor Thalhoffer stated I have had an ex-parte contact with Mr. White talking about the issue and with Jack Glass but I do not have any conflict of interest.

McCallum reviewed the staff report contained in the packet.

Councilor Rabe stated lets look at this table. Under which of the definitions would the wetland come. In other words if I had a wetland in question or a protected water feature, what on this table would best describe it?

McCallum replied a wetland is a primary protected water feature.

Councilor Rabe asked so if I were to use this table to help me figure out what the setback would be where would I be looking?

McCallum replied it is the second line, it says all primary protected water features. It reads; if there is a slope next to the wetland and it is less than 25% it would be a 50' setback from the delineated edge of the Title 3 wetland. The third column further explains that.

Councilor Rabe asked that is an increase for us, is it not?

McCallum replied yes it is. From 25' to 50'.

Councilor Rabe asked then we recognize a 75' setback on the Sandy River but we are currently, on slopes of less than 25%, we are sticking with our standard 50' setback for creeks such as Beaver Creek.

McCallum replied that is correct. There is no change as currently written. The 75' is from the State Wide Planning Goal 5 Safe Harbor provision.

Councilor Rabe asked and that is what you are recommending?

McCallum replied yes. We are proposing to adopt the Safe Harbor provision which is 75' from fish bearing rivers or streams that have an average annual flow of 1,000 cubic feet per second.

Councilor Rabe asked so Beaver Creek would have that?

McCallum replied Beaver Creek does not have an average annual flow of 1,000 cubic feet per second.

Councilor Rabe asked so if we wanted to increase that to be consistent with that of the Sandy River then we would need to do an amendment to this, is that correct?

McCallum replied yes.

Councilor Rabe asked in the Storm Water Management 5.800, in the section that has to do with the water quality facility such as detention basins it says "that the maintenance of the facility be the responsibility of the developer for at least two years after the facility has been constructed and approved by the City". Is this new for us?

McCallum replied I need some clarification of what you are reading from. Staff has proposed some changes to the text of chapter 5.800 following the City Council's work session. Where are you reading from?

Councilor Rabe replied exhibit 6, 5.840 B-7, as I recall this is something that we asked staff to look into because of difficulties we have had in the past.

McCallum replied I would like to refer you to appendix B, page 3, item 6 of the Council staff report. There are amendments proposed for chapter 5.800 which pertain to security and responsibility for long term maintenance. That is identical to the current language in the Development Code, so it is not new language. That was proposed in the language submitted to the Planning Commission.

Councilor Daoust stated I have a recommendation for the next hearing, if our packets were divided with tabs so we can find things easier. You mentioned the possibility, and I am thinking of the Beaver Creek Canyon where we might have slopes greater than 25% that go more than 200' and you mentioned that these are minimums. Where are the provisions that allow us to go more than 200'?

McCallum replied in the vegetation corridor and slope district section the applicability statement; the vegetation corridor will apply to slopes of 25% or greater in any area of the city. So if a slope of 25% or greater goes beyond that vegetation corridor, development still will be limited under the same standards as if it were a vegetation corridor as designated by Metro's Title 3.

Councilor Daoust asked if we go to the break of the bank, so with any slope that is greater than 25% and less than 100', we go to the break of the bank and then we add 50' on top of the bank.

McCallum replied correct.

Councilor Daoust asked so if it is a longer slope we just go to the top of the bank, we do not add the 50', is that correct.

McCallum replied that is my understanding. I think there is potential for some issues to arise if we allow a development right at the lip of the break of the slope.

Councilor Daoust stated I saw it as an inconsistency.

Councilor Thompson asked could you clarify what these things would mean. For example, there is development around Beaver Creek now where the houses are built along the bank where they would certainly be at more than a 25% slope, but they do not have a setback do they?

McCallum replied some development along Beaver Creek does and our current setback standards were not adopted until 1994.

Councilor Thompson asked the current setback standards are how much?

McCallum replied 50' from the top of the bank. We also have a notion of escarpment. Escarpment is equal to Metro's Title 3 concept of what they consider to be where the slope finally breaks from 25%. The current standard requires a 30' setback from that point. A lot of development did happen along Beaver Creek before those standards were adopted. Those developments are considered grandfathered. The standards will provide for the maintenance of that use, adding on to that house would be permitted if it were away from the vegetation corridor or the top of the bank but there wouldn't be permitted increased development towards the protected water feature.

Mayor Thalhoffer asked what would happen if one of those houses burned down to the ground?

McCallum replied they would fall under the non-conforming provision of our Development Code. The standard is if a non-conforming use, with respect to setbacks, is destroyed over 80% of its value as established by the County Assessors Office, then it would have to be built to conform to the current standards. If it is a residentially zoned property, they would be allowed to build another dwelling but they would have to build it in such a way to conform with current standards as much as possible. Provisions are in here to allow some economic use of the property.

Mayor Thalhoffer stated I would like to ask, would it be possible to have the pages numbered or as Councilor Daoust pointed out, to have tabs so that we can better follow it when you are making your presentation? I know that it will take time and more work and that bothers me but I think it would be worth it.

McCallum replied we can do that.

Wade Johnson of Western Cascade Development Corporation. I am here as a property owner and I represent a client. I have two applications in the County right now. The first project is on a property that we are seeking to develop at 1938 E. Historic Crown Point Highway, my property is at 1969 E. Historic Crown Point Highway. (Mr. Johnson distributed maps of the property). If you look at the site it is only about ½ acre in size. The development will barely be within 50' from the top of the bank under the old standards and 35' from the street. In the past the Gorge Commission has asked for it to be 80' off the street, I can't do that. At best we might move it 5', we are only going to have 115' to the escarpment and the site does have a much greater than 25% slope. These people have a huge investment in this property. This property along with four others was purchased from Multnomah County Library in 1988, and they were sold to us at that time as buildable waterfront sites. That is why we bought them. I paid as much for my site as I could of for a nice 5 acres and I am wishing I would have. As a builder I will tell you what restrictions that we have to meet. I have to figure out how we are going to put in a septic field and alternate field and keep those fields somewhere generally 100' minimum off of the Sandy River or we are going to pollute it. I have to keep it off the neighbors wells and our well so we don't pollute that. We have to locate the well in certain areas of the property or we are in danger of getting it polluted by the neighbors septic system. To make this work I had to go to a bottomless sand filter to the left of the driveway. We are also trying to make this work without removing any of the fir trees on the property. If you change that setback to 75' I am done. I don't know how to take 25' off of a house like this. The second dilemma is on my own property. My property was part of a phased development. Sue Barker, your ex-city planner spent a lot of time working with me. We were approved by the Gorge and I have a copy of my original site plan that was stamped by the City of Troutdale and on this site plan it not only has my development it also has my future building site stamped right on here. It gave me two years to build my shop and no where in that approval did it say when I had to start my house. Right now we are at the County. My setback right now is at about 135' off of the top of the river bank. And I am basing the top of the river bank on what Troutdale City Code calls it which is basically where the river runs during the winter time. We have an escarpment that is greater than 25%. In my case I can give you 42' off the top of the escarpment. It sounds like what Ms. McCallum was talking about is they are looking for 50'. I heard all these rumors of 75' off the top of the bank and if you do that then I am dead too.

McCallum stated in your Council staff report there is an appendix A and on page 1 under the development standards in the vegetation corridor it states; any use permitted in the underline zoning district is allowed in the vegetation corridor so long as the applicant demonstrates that no reasonably practicable alternative design or method of development exists that would have a lessor impact on the vegetation corridor and slope than the one proposed and if no such reasonable practicable alternative design or method of development exists new structures and development shall be limited in scale as specified in this section so that the impact on the vegetation corridor and slope district are the least necessary and the plans shall include restoration, replacement or rehabilitation of the vegetation corridor and slope associated with the site. Notwithstanding the provisions for variance and maximum of 30% of the total area of the vegetation corridor. So if the vegetation corridor is 75' from the top bank and if he only has an encroachment of a portion of the vegetation corridor. If his proposed development doesn't exceed 30% of that area of the vegetation corridor then he has met that test. And then notwithstanding any other variance provisions where necessary to avoid construction on the vegetation corridor and slope district the following provisions are available for lots of the record affected by the vegetation corridor and slope district. Setbacks may be reduced up to 50% from the underline zoning district. So from the Columbia River Highway our standard is a 30' setback, it could be reduced to 15' but I know this is in a natural scenic area so he may have a conflict there. Plus the side yard setback can also be reduced by 50%, the current side yard setback is 10'. There are some built in provisions that will continue to allow development in the vegetation corridor without having to go through the variance process.

Mayor Thalhofer stated it is getting late, what kind of rush are we in with this. Would you have any objections to continuing this first hearing to our next meeting and then having a second hearing after that. This is very

complex and has great ramification on property owners and it is something we take very seriously. Is there anyone here who would like to speak to us that will not be able to make it to our next meeting?

Frank Windust stated this is very difficult stuff. I stand to loose the ability to build on land that I own. It does not affect a lot of properties. I think this should be studied some more. Maybe the city could set up a workshop where we could come in and sit down with your planners so the property owners could understand it.

Mayor Thalhofer stated we will consider that. Mr. Faith what is our time-line on this?

Faith replied if we were to adhere strictly to the deadline that was set by Metro we would be obligated to adopt these amendments by December 18th. Recognizing of course that these things are complicated and once you get into the public hearing and begin taking public testimony that things can drag on, I think Metro would be reasonable and understand that we are in the adoption process. I don't think we will be the only community to not meet the deadline, certainly we have given it our best effort to meet it.

Mayor Thalhofer asked could we set this over for a month? That would mean it would be the first meeting in December and the second reading would be at the first meeting in January and we could ask for an extension from Metro.

Faith replied my only question to that is what are you looking to accomplish or want us to accomplish during that period?

Mayor Thalhofer replied this is so complicated and we need to have time to review the material. Whether or not you could put on a staff workshop for these folks, I don't know if that is feasible or practical.

Faith replied we are always available during the normal work day to answer questions. It would be very difficult for us to say what a setback would be on a individual piece of property when we do not know what the slopes are.

Mayor Thalhofer stated then they can just come and see you on an individual basis.

The Council agreed to continue the first hearing at the first meeting in December and the second hearing will be held at the first meeting in January.

10. PUBLIC HEARING / ORDINANCE (Introduced 10/12/99): An Ordinance amending Chapter 2.08, Rules of the City Council, Section 2.08.060, Presiding Officer.

Mayor Thalhofer called this item and stated I would like to postpone that item.

11. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhofer called this item.


None

12. ADJOURNMENT

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

YEAS: 7
NAYS: 0
ABSTAINED: 0

Meeting was adjourned at 11:40pm.


Paul Thalhofer, Mayor

Dated: January 12, 2000

ATTEST:


Debbie Stickney, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

November 9, 1999
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>(please print)</small>	ADDRESS	PHONE #
Rich Faith	City Hall	↑
Elizabeth McAllister	City Employer	
Kyra Wiesinger	City Hall	
Dan K. Hill	Police Department	665-5175
Rod Park	Metro Dist #1	797-1547
Suzanne Myers	METRO Council Office	797-1543
Al Hayward	Troutdale	669-8572
Phil Schiger	TRI-MET	962-2137
Terry Smoke	Downtown Merchant	661-0123
Michelle Meyers	THE OREGONIAN	294-5437
Doug Briggs	Gresham	661-5740
Loren & Chet Lowell	Troutdale & Vertford	252-2388
Sarah Rigles	Always Perfect Catering	465-0400
Wade Johnson	PO Box 159 TROUTDALE	661-3311
Barry J. Woods	1938 E Church Point Hwy	665-0064
DEAN HURFORD	335 NE LAMESA CT GRESHAM	661-5252

-- PLEASE COMPLETE THE FOLLOWING --

NAME <small>↷</small> (please print) <small>↷</small>	ADDRESS	PHONE #
JACK HANNA	CITY HALL	665-5175
MAY BURSON	DEPT OF PORTLAND	944-7579

DATE _____

PAGE # _____

CITY OF TROUTDALE PUBLIC COMMENT SIGN-IN SHEET

November 9, 1999
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

PRINT NAME <small>(please print)</small>	ADDRESS	PHONE #
Rod Park, Metro Councilor, District 1	600 NE. Grand Av, PHd 97232	797-1547
Suzanne Myers, Metro Council Asst.	"	797-1543
Philip R. Selinger	Tri-Mt	962-2137
Sarah Rigles	344 W. H.	503-465-0400
Al Hayward		503-992
Terry J. Smoke	3215 E. Hist. Col. Hwy	661-0123
LOLL NEDDERHISER	P.O. Box 581 SPOON, OR	668-5243
DAVE MUNSON	1150 SE .34 CIRCLE	669-1099
WADE JOHNSON	PO BOX 159 TROUTDALE	661-3311
FRANK A. WINDMIST	37939 SE RICKART Rd Coble	695-5132