



# 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. -- April 10, 2001

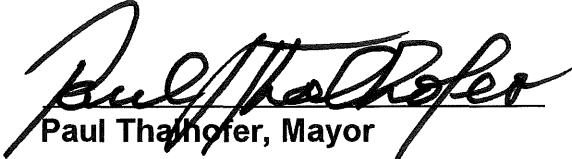
Mayor

Paul Thalhoffer

### City Council

Pat Smith  
David Ripma  
Bruce Thompson  
Jim Kight  
Paul Rabe  
Doug Daoust

- (A) 1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) 2. **CONSENT AGENDA:**
  - 2.1 **Resolution:** A Resolution authorizing an interfund loan from the Street Improvement Fund to the Improvement Bonds Fund.
  - 2.2 **Resolution:** A Resolution authorizing the Mayor to enter into an easement agreement with Troutdale Market Center LLC to allow an encroachment into designated storm and sanitary sewer easements.
- (I) 3. **PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (I) 4. **REPORT:** A Report on Gresham Fire Department activities in Troutdale.  
*Captain Phillips*
- (A) 5. **PUBLIC HEARING ORDINANCE (Introduced 3/27/01):** An Ordinance amending Troutdale Development Code Chapters 1, 5, 6 and 16 relating to definitions, nonconforming uses, variances and public deliberations and hearings.  
*Faith*
- (I) 6. **COUNCIL CONCERNS AND INITIATIVES**
- (A) 7. **ADJOURNMENT**

  
Paul Thalhoffer, Mayor

Dated: 4-4-01

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

**April 10, 2001 7:00pm**

Meeting was called to order at 7:03 p.m. by Mayor Thalhofer.

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, REGULAR MEETING**

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

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

**ABSENT:** Smith (excused)

**STAFF:** Galloway, Faith, Kvarsten, Stickney.

**GUESTS:** See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied agenda item #4, which is the report from the Gresham Fire Department from Captain Phillips, will be rescheduled to a later meeting.

**2. CONSENT AGENDA:**

**2.1 Resolution:** A Resolution authorizing an interfund loan from the Street Improvement Fund to the Improvement Bonds Fund.

**2.2 Resolution:** A Resolution authorizing the Mayor to enter into an easement agreement with Troutdale Market Center LLC to allow an encroachment into designated storm and sanitary sewer easements.

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: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

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

Mayor Thalhofer called this item and asked is there anyone here who would like to speak to us on a non-agenda item.

No public comment received.

**4. REPORT: A Report on Gresham Fire Department activities in Troutdale.**

Mayor Thalhofer stated this will be rescheduled for a later meeting.

**5. PUBLIC HEARING ORDINANCE (Introduced 3/27/01): An Ordinance amending Troutdale Development Code Chapters 1, 5, 6 and 16 relating to definitions, nonconforming uses, variances and public deliberations and hearings.**

Mayor Thalhofer read the Ordinance Title and opened the Public Hearing at 7:07pm.

Faith reviewed the staff report contained in the packet.

Councilor Daoust asked where do we deal with above ground pools and decks?

Faith replied that is also dealt with in Chapter 5 of the Development Code.

Councilor Daoust asked currently what is the setback for those?

Faith replied a deck that is attached to the structure, it depends upon the height of the deck. If the deck exceeds 30" in height then we require it to meet the same setback as the structure. In other words, if it exceeds 30" in height then a building permit is required and the deck is required to meet the same setbacks as the structure. If it is less than that, there is not a building permit required and we would allow the deck to be within 10' of the rear property line.

Councilor Daoust asked but we will address that later?

Faith replied we are not proposing any changes, those are standards that are already in the code. Let me clarify why this matter of the accessory structure was brought before you. Because we were amending the variance section we looked at various issues that we deal with commonly for variances. One of those is the setback variance for placement of accessory structures. What we find very frequently is a homeowner will put up an accessory structure within that required side yard setback area and only after the fact, because a neighbor might call and inquire about it or for some reason we find out about it, then we need to address that. Typically the person would rather seek a variance then have to move the accessory structure. So we are struggling with how to deal with those and in many cases we hesitate to take those to the Planning Commission because it is such a minor matter. The fact that we already allow for an accessory structure to be located within 3' of the rear property line, we thought it only makes sense to treat them the same with respect to the side property line with this one caveat, and that is we put a size limitation in addition to what we normally have. Currently in the code we have a size limitation for an accessory structure of 1,000 square feet, so you technically then could put an accessory structure of 1,000 square feet within 3' of your rear property line. The side property line, you are typically talking about the area between the garage your house and the side yard, we impose an additional size limitation of 120 square feet and again that is tied to the building permit and it just seems to be more reasonable for that confined of an area.

Councilor Daoust asked just so I am clear, what we are thinking of allowing is to have these structures within 3' but a deck has to be 10' away, is that what you just told me?

Faith replied no. If we are talking about the side yard setback, a deck that is attached to the structure has to meet the side yard setback of the underlying zoning district. So for an R-7 zone that would be 7 ½ feet and an R-10 zone that would 10 feet if it is an attached deck.

Councilor Kight asked would you assume that from my microphone to Councilor Daoust's microphone is approximately 3'?

Faith replied no, it is closer to 4'.

Councilor Kight stated what we are talking about here tonight is accessory structures that could be attached to the house and they are approximately, if my microphone is the property line, they could be approximately this close to a neighbors fence, am I right?

Faith replied that is correct.

Councilor Kight asked is it also not true that often times these structures contain yard equipment like blowers, lawn mowers and that often times they have flammable materials like gas or diesel?

Faith replied that is very typical of what could be in an accessory shed.

Councilor Kight asked isn't it also true that they can store paints and other flammable materials as well?

Faith replied yes you could.

Councilor Kight asked isn't it also true that the neighbor immediately adjacent to the property owner could also have an accessory structure attached to his dwelling?

Faith replied with this adopted change that would be possible.

Councilor Kight asked he could also have equally as much if not more flammable material stored in the shed, is that right?

Faith replied that is possible, yes.

Councilor Kight asked these sheds are more often then not, but not in all cases, attached to the house itself?

Faith replied I think we are referring mostly to detached accessory structures. The sheds that people can buy, the kits.

Councilor Kight asked but isn't that structure also made of flammable materials?

Faith replied often times.

Councilor Kight asked do you think that maybe one of the things that we might want to look at or consider, since these wood structures often contain these flammable materials, one thing we might want to entertain is the idea of having at least a fire wall that is next to the neighbors fence?

Faith replied I wouldn't favor that.

Councilor Kight asked and your reason for not favoring that would be?

Faith replied because then we have defeated our purpose in terms of allowing an accessory structure that does not need a building permit. As soon as you require a fire wall then you are imposing a requirement for a permit or some kind of building inspection that will need to take place to verify that the structure has been built and the fire wall was installed.

Councilor Kight asked isn't one of the reasons why we have inspections for public safety? In this case as we have already determined there are propellants in these buildings more often than not. Isn't one of the concerns that we have public safety and protecting somebodies private home?

Faith replied that is true Councilor Kight. I would though bring to your attention that under the State Building Code it identifies types of structures that are specifically exempt from permit requirements. As I put in my staff report, an item that is specifically listed is non-habitable small accessory buildings not over 120 square feet and a height of 10' measured to the highest point. There has already been some decision made at some level, with expertise in the area of building construction, that says these types of structures should be exempt from needing a permit and there is no need for us to concern ourselves with the structural integrity of the building and the contents of the building.

Councilor Kight stated I agree with you but what you are asking this body to do is to compromise, that is to put the building or structure closer to the neighbor on the side yards. Since we are compromising in that area and we are allowing the neighbor to be within 3' of the fence. I think one of the things that they didn't think about in identifying the structures as being freestanding is how close they would be to the neighbor, am I right?

Faith replied that is entirely possible.

Councilor Kight stated so your recommendation Mr. Faith is not to impose any further regulations, even though we are compromising safety by having a structure that close to a neighboring fence.

Faith replied yes, I would recommend it on the basis that I think it is overkill.

Mayor Thalhoffer asked is there anyone else who would like to speak to us on this item?

No further testimony received.

Mayor Thalhoffer closed the Public Hearing at 7:15pm.

**MOTION: Councilor Ripma moved adoption of the Ordinance amending Troutdale**

**Development Code Chapters 1, 5, 6 and 16 relating to definitions, nonconforming uses, variances and public deliberations and hearings. Seconded by Councilor Daoust.**

**Councilor Ripma stated this is a sensible proposal. We needed to clarify some of our hearing provisions. Regarding the accessory building issue, it is just a matter of bringing our code into what is realistic to enforce. These buildings are sold to be placed in your backyard, a lot of people have them and I think people should be allowed to put them up.**

**Councilor Daoust stated these are all issues that the Council and staff have had to deal with over the past years, so it makes common sense to change these.**

**Councilor Kight stated I agree with probably 99% of it but I am not going to vote in favor of this. I feel that since we have compromised and allowed folks to build within 3' of a property line and often times these structures are attached to a dwelling and the neighbor next door could easily have another structure similar to that and having paints and gas and those kinds of products stored in there. I think from a public safety issue, this body should have considered the fact that if the building starts on fire it could easily end in a catastrophe. I don't think that it is unreasonable to ask, since we are making the compromise and allowing them to build within 3' of the fence line, that they have the wall that is adjacent or next to the fence have some type of firewall protection so if it does catch on fire that there is time to respond and not have it catch the dwelling on fire.**

**Councilor Ripma stated I applaud Councilor Kight's concern for safety but I have to agree with staff on this one that it is overkill. People store gas cans in there garage that is attached to the house. I guess myself, I can't see what good a fire wall would do on a small utility shed in the back yard in the way of protecting anything. Until we have some evidence that this is turning into a problem I feel we are making a reasonable decision here. If we tried to impose a requirement of a firewall, what would trouble me about that is that people could not buy the commercially available sheds that are sold everywhere.**

**YEAS: 5  
NAYS: 1 (Kight)  
ABSTAINED: 0**

## **6. COUNCIL CONCERNS AND INITIATIVES**

Mayor Thalhofer called this item.

Councilor Rabe stated I would like to remind everybody that our annual Arbor Day and Stream Clean-up will be held at Glenn Otto Community Park on April 21<sup>st</sup> starting at 9am. Friends of Beaver Creek will be providing lunch and everybody is invited. This is a good opportunity for students that need community service, the Scouts or any community service groups.

Councilor Daoust stated there will be a Easter Egg hunt on Saturday at Glenn Otto Community Park put on by the Lions Club. There will also be a pancake breakfast. I have talked with a few of the neighbors around the new Albertsons Store on 257<sup>th</sup> and Stark and around the Home Depot. We originally had neighbors that had some concerns, things have settled down. I have noticed that Home Depot has put up screening around the garden center so the light inside the garden center doesn't shine on the neighbors homes. I have heard from the neighbors that the managers of both stores are very approachable and they can go talk to them with any concerns they have, which is a plus. Albertsons has built a temporary fence to keep people from going behind the brick wall and by the neighbors yards and they have screened the lights away from the houses. It started out to be a confrontational thing, but I think it is ended up to be quite nicely settled between two huge neighbors and the neighboring neighborhoods.

Mayor Thalhoffer stated recently I was in a meeting with the four Mayors of East Multnomah County and Bill Farver, who is the temporary County Chair. We had a lively conversation about a proposal to consolidate the Multnomah County Sheriffs Department with the Gresham Police Department and the Multnomah County Transportation Department with the Gresham Transportation Department. All three Mayors of the little cities spoke against this proposal and Mayor Becker spoke in favor of this. Chair Farver called me yesterday and said that he is backing off of both of those proposals for now. We have to be forever vigilant because a new chair could try to do the same thing, we need to always have our antennas up and be aware of these types of proposals.

Councilor Kight asked Mr. Galloway, an opportunity has been presented to some of the east county cities. Tri-Met is looking to provide 100 bus shelters per year for the next five years throughout the Portland Metropolitan area. There is a lot of competition for these shelters and I personally feel, and I am sure the feeling is shared by the Council, that one of the difficulties in people taking mass transit out here in east county is the inclement weather. I have suggested to Mr. Galloway that maybe one of the ways that would put our request possibly at the top of the list is if we leverage. I am sure that other communities are going to do this, in fact it was indicated by the City of Gresham since they want more bus shelters, they're going to be using some of the street transportation fund money to work in cooperation with Tri-Met in order to get the bus shelters. I asked Mr. Galloway if he could identify some spots that were critical needs for having bus shelters, Jim do you want to respond to that?

Galloway replied we have had a standing list of areas for bus shelters for some time now that is on file with Tri-Met. We have gone through and updated that again recently. As you know one of the criteria that Tri-Met uses for where they place the shelters is the number of passenger boardings, I think the magic number is 35. Using our old list and using some of the data that we received from Tri-Met we have updated that list. We have around a dozen locations that we think would be viable candidates for bus shelters and we intend to present that to the elected officials at the Transportation Board for their endorsement.

Councilor Kight stated we also talked about using street funds, could you share that with the Council.

Galloway replied certainly. What we discussed was the Street Improvement Fund not Street Fund. The Street Improvement Fund receives the bulk of its money from system development charges. My response to you was I felt that was consistent to state law, but we may have to tweak some of the language of our ordinance. If it is the desire of the Council to explore that I would work with the City Attorney to adopt the right language that would give you more flexibility so that those dollars are not limited simply to street issues.

Councilor Kight stated that brings us to the heart of the matter and the reason I brought this up is to see if there is a feeling on the Council to have additional bus shelters within the City of Troutdale and possibly leveraging some of the funds that we have with Tri-Met and letting them know that we would be willing to cost share in order to get the bus shelters installed in the city. I think it is a great opportunity.

Mayor Thalhofer asked what is the timing on that?

Galloway replied as Councilor Kight stated, the Tri-Met time line on the purchase and installation of the bus shelters is a five year plan. As far as our taking action, there is no absolute deadline. I think probably like anything where there is competition, the sooner rather than later probably makes some sense. If the Council wanted me to pursue that I would start those discussions with the City Attorney soon and try to have something back to the Council possibly in May.

Mayor Thalhofer asked is anyone opposed to that?

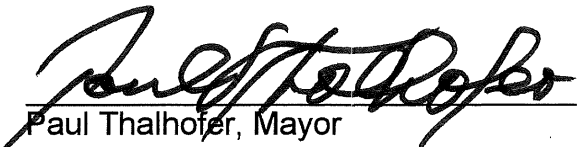
Council did not voice any opposition.

**7. ADJOURNMENT**

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

**YEAS: 6  
NAYS: 0  
ABSTAINED: 0**

Meeting was adjourned at 7:44pm.

  
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Paul Thalhofer, Mayor  
Dated: 5-9-01

**ATTEST:**  
  
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Debbie Stickney, City Recorder



# CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

April 10, 2001  
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>to</small> (please print) <small>to</small>	ADDRESS	PHONE #
RENA FALLIS GONZALEZ	1922 SW 3RD DR	666-3509
ROBERT PAINE	1022 SW 172 <sup>ND</sup>	254-4129
Joseli Baver	1308 SW McInnis	669-7247
EMERSON WAD	PO BOX 513 FAIRVIEW NR	
Daniel Scanlon	1308 SW McInnis	669-7247