



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – REGULAR MEETING

TROUTDALE CITY HALL

104 SE KIBLING AVENUE

TROUTDALE, OR 97060-2099

September 25, 2001 – 7:00 P.M.

Mayor

Paul Thalhofer

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 **Accept Minutes:** August 14, 2001 Regular City Council Meeting.
- 2.2 **Resolution:** A Resolution recognizing the completion of public infrastructure associated with the SW Halsey Street Storm Drainage Improvements and accepting them into the City's Fixed Asset System.
- 2.3 **Resolution:** A Resolution regarding membership in the City County Insurance Services Trust.
- (I) 3. **PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (A) 4. **PUBLIC HEARING / ORDINANCE (Introduced 7/24/01):** An Ordinance amending Troutdale Municipal Code Chapter 8.28, Nuisances. (regarding basketball hoops)
Jack Hanna, Code Enforcement Officer
- (A) 5. **RESOLUTION (Continued from the 8/28/01 Council meeting) A Resolution approving a redevelopment concept plan for the existing sewage treatment plant site and adjacent properties.**
Elizabeth McCallum, Senior Planner
- (A) 6. **PUBLIC HEARING / ORDINANCE (Introduced 7/24/01):** An Ordinance adopting Chapter 8.26, Outdoor Lighting, of the Troutdale Municipal Code.
Rich Faith, Community Development Director
- (A) 7. **MOTION:** A decision as to whether or not the City of Troutdale should participate in a Regional Water Initiative.
Jim Galloway, Public Works Director

(I) 8. COUNCIL CONCERNS AND INITIATIVES:

(I) 9. ADJOURNMENT:


Paul Thalhofer, Mayor

Dated: 9/19/01

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

September 25, 2001

Mayor Thalhofer called meeting to order at 7:02pm.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofer asked Councilor Ripma to lead us in the Pledge of Allegiance.

Mayor Thalhofer asked the Boy Scouts to present the Colors.

Mayor Thalhofer stated two representatives from the United States Navy, representing the Military who were victims of the terrorist act at the Pentagon, are here this evening to say a few words.

Petty Officer Davis and Petty Officer Miller stated throughout its history our Country and military have faced many threats and each time we have risen to the occasion. The events of the past two weeks have presented a challenge we have never faced before. My words can never express the tragic loses that we have suffered or give proper credit to the heros. In the wake of this brutal attack on our Country, the Citizens of the United States have risen with one voice, the voice of America. That voice has cried out in shock, fear and in anger but has cried out together. Our Country is united in purpose and in mind from the largest states to the smallest. No one can say for certain what challenges the next few months will bring but we will face them like we always have, together. Together we will morn the thousands of Americans who were injured or killed and the hundreds who selflessly attempted to save others. In the Pentagon alone, 125 people perished, 42 from the Department of the Navy. I never knew these bright men and women, but I see them now. I see them in the people before me and the people throughout our great Nation. Their loss has been a terrible blow, but it is one that will not be forgotten. There is a term we in the Navy use to refer to our friends and the people we serve with, that term is "shipmates", and I apply it to them all whether soldiers, civilian, fireman, policemen or sailors. They are now and forever more our shipmates.

Steven Best, Lt. with Gresham Fire Department, stated I do not feel worthy to express all of the things that probably should be for the fallen fire fighters and police officers. We refer to them as brothers and sisters. We have seen the pictures of their families on T.V. I would like to thank you for taking the time out of your busy schedule and your meeting tonight to honor those people. I would like to thank all of the people in this Country who have risen up and begun to show their pride and patriotism, not only in our Country but also in our armed forces,

fire service personnel and police officers. I can tell you as one of those, we feel it and we appreciate it. I would like to ask you to continue to pray for the families of the victims, and that we don't forget them and the sacrifice that they made on that day.

Dave Nelson, Troutdale Chief of Police, stated I would like to express our deepest regret and sympathy for all of the loss of life that happened on September 11th. We also refer to all of the police officers as brothers and sisters. I happened to meet several of the New York City Police Officers when I was back east this summer attending the National Academy. Some of those officers are working 12-hour shifts now. I would like tonight to take of moment of silence to honor those who have lost their life on September 11th.

A moment of silence was held to honor the fallen heros.

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

ABSENT: None.

STAFF: Faith, Galloway, Nelson, Williams, Sercombe and Stickney.

GUESTS: See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Galloway replied we have no update Mr. Mayor.

(Councilor Daoust stepped out of the Chambers for a moment.)

2. CONSENT AGENDA:

- 2.1 **Accept Minutes: August 14, 2001 Regular City Council Meeting.**
- 2.2 **Resolution: A Resolution recognizing the completion of public infrastructure associated with the SW Halsey Street Storm Drainage Improvements and accepting them into the City's Fixed Asset System.**
- 2.3 **Resolution: A Resolution regarding membership in the City County Insurance Services Trust.**

MOTION: Councilor Thompson moved to adopt the consent agenda. Seconded by Councilor Kight.

VOTE: Councilor Ripma – Yes; Councilor Thompson – Yes; Mayor Thalhofer – Yes; Councilor Kight – Yes; Councilor Rabe – Yes; Councilor Smith – Yes.

Consent Agenda approved 6-0

(Councilor Daoust rejoined the meeting)

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

Mayor Thalhoffer asked is there anyone here to speak to us on a non-agenda item?

No public comment received.

4. PUBLIC HEARING / ORDINANCE (Introduced 7/24/01): An Ordinance amending Troutdale Municipal Code Chapter 8.28, Nuisances. (regarding basketball hoops)

Mayor Thalhoffer opened the Public Hearing at 7:10pm and read the Ordinance Title.

Rich Faith, Community Development Director, stated normally our Code Enforcement Officer would be presenting this item but he is unable to attend this evening. The proposed ordinance would amend Section 8.28.060, which outlines the procedure for notification of nuisances and correction notices for abatement of nuisances. The proposed amendment would modify the current method of notification to allow the city to use regular mail postage when sending out a notice of correction for a nuisance. Currently the code requires us to send the first notice by registered mail. This would be a cost savings to the city and we feel that it is appropriate in that the majority, perhaps 90%, of the notices that go out are corrected within the allowed 10 day period. If they are not, a second notice can be sent out and that would be done by registered mail, again allowing for 10-days to abate or correct the nuisance. The other section of the nuisance code that an amendment is being proposed for is to Section 8.28.070, which list the specific conditions and things within the city that constitute nuisance. The proposed amendment would add to 8.28.070, Specific Nuisances Prohibited, that erecting, placing, or maintaining recreational equipment, which is primarily intended to get at basketball hoops, within or over the public right-of-way would now be identified as a nuisance. When this ordinance was introduced to you on July 24th there was quite a bit of public testimony received. Some of the testimony, at least from staffs prospective, dealt with concerns and issues of safety for children playing basketball out in the street, or any other recreational activity. In response to that we have proposed an alternate amendment to the nuisance code for your consideration. This is identified as Exhibit B in your packet. This alternate amendment would still identify that erecting, placing or maintaining recreational equipment in the right-of-way as a nuisance but only during the months of November 1st through April 30th, which is generally considered the rainy season and it gets dark sooner at night so there is a higher likelihood of poor visibility on the streets during those months. Also in your packets this evening are copies of all the letters that have been received to date on this issue. This matter was referred to the Citizens Advisory Committee at their June 6th meeting and they have evaluated the proposal and are forwarding this to you with their recommendation to adopt these amendments to the nuisance code.

Councilor Ripma asked currently we don't have a rule on this, the basketball hoops?

Faith replied no. The ordinance is completely silent on basketball hoops. Some background on this, at one time the nuisance code did specifically prohibit basketball hoops and recreational activity within the public right-of-way and it was listed as a specific nuisance. That went through a number of modifications, the last was in 1992. At that time the ordinance was amended to allow them only on certain streets, dead-end streets or cul-de-sac streets with the rationale that there is less traffic on these types of streets and it would be a

much safer use there. However, it became difficult for city staff to administer and enforce the prohibition of the placement of basketball hoops and subsequently in 1997, after a number of complaints we brought this back to the City Council's attention. The Council at that time decided to completely eliminate that listing out of the nuisance code thereby agreeing to allow those to occur and that is where things have been left.

Councilor Ripma asked both the proposed amendments, A and B, regarding basketball hoops, are prohibiting the placement within or over the public right-of-way. Lets say a street had a sidewalk, that is public right-of-way, if there was a street tree strip and a sidewalk, it would have to be behind the sidewalk on the owner's property. In other words it would be further away from the street than the sidewalk in order to comply and not be a nuisance.

Faith replied that is correct.

Councilor Ripma stated that would ban the use of basketball hoops in most places, basketball couldn't be played in the street then.

Faith replied that is the purpose of this particular amendment.

Councilor Ripma stated the only difference between the two proposed ordinances is that one does it all year and one just prohibits it from November through April.

Faith replied that is correct.

Mayor Thalhoffer asked this is not just limited to basketball hoops, it is also for other recreational equipment isn't it?

Faith replied correct, it addresses all recreational equipment and structures.

Mayor Thalhoffer asked they would be completely eliminated from the street, is that correct?

Faith replied if the ordinance is adopted as proposed they would have to be entirely removed out of the right-of-way, not just the street but the entire right-of-way, which does include the landscape strip and the sidewalk area.

Councilor Kight asked can you tell me, within the last six months or year how many complaints Mr. Hanna had received regarding basketball hoops or other recreational equipment being in the street?

Faith replied I can't give you an exact number. Based on my conversations with Jack Hanna I think it was probably two or three a month.

Councilor Kight asked how are those complaints eventually resolved, or are they resolved?

Faith replied the way they are resolved is he is required to tell them that there is nothing prohibiting placement of basketball hoops in the street and there is nothing he can do about it.

Councilor Kight asked what is usually the nature of the type of complaint that he receives?

Faith replied it varies, but many times it is because the basketball hoop is blocking a parking area or prevents the use of the street for parking. Many times it is because the children that are playing are reluctant to move out of the way of a vehicle until they have completed the play. Sometimes it is because the basketballs are bouncing and hitting vehicles or coming into the yard and into the flowerbeds. The last thing I recall is in backing out of driveways when a basketball hoop is placed directly behind a driveway it makes it difficult for someone to back out without having to maneuver around it.

Councilor Kight asked Chief Nelson, Mr. Faith indicated that sometimes the complaints are driven because there are children in the street and they refuse to give up the right-of-way to vehicles, couldn't that be handled as a police matter? Is there an ordinance on the books that could handle that?

Chief Nelson replied not necessarily an ordinance. There is state law, which would be disorderly conduct, any time you are interfering with, blocking or disrupting traffic it is considered disorderly conduct.

Councilor Kight asked there was also another complaint that Mr. Faith eluded to and that is where the basketball has been hitting cars, is there anything that addresses that issue?

Chief Nelson replied there is actually two ways that could be handled. One is criminally, which would be criminal mischief. Second would be civil compromise by the children's parents to the owner of the vehicle.

Councilor Kight stated my last question is the safety issue. I think common sense tell us that playing in the street, there is always that chance of getting hit and injured. What is your feeling on having recreational equipment in the street?

Chief Nelson replied I was reading some of the letters that were submitted, one of the letters indicated that there are several parks throughout the City of Troutdale. It would be in the best interest of the children to go to the park or go to the Friday night basketball. Playing on the street is not the safest place for children to play.

Councilor Kight asked have you ever had any reports of injuries?

Chief Nelson replied none that come to mind.

Councilor Kight stated we have heard testimony that people like to have their children playing out in front of their homes because they are able to watch them. How would you address

those parents that like the convenience of having the playground equipment in front of their home and not sending them off to a park where they don't have visual contact?

Chief Nelson replied that is a parental right I suppose. If they don't want to go down to the park with them that is their choice. I think they incur some risks and liability by having their children in the streets.

Councilor Rabe asked would cul-de-sacs also be included?

Faith replied it makes no distinction on what type of street, just all public right-of-ways.

Councilor Rabe stated the dates, November to April, I understood the daylight hour where the day becomes shorter, is it because of storm water?

Faith replied no, it has nothing to do with that. It is for consistency because in other sections of our Development Code, for example under erosion control, we have identified what constitutes the wet weather season and additional erosion control measures that may be necessary during that time.

Jamie Groce stated I live in Fraley Heights. I don't think that it is a big problem having kids play in the street. I can understand parents wanting to have the kids close to home. My son is only six years old so basketball is not a big factor in his life right now but I assume some day it will be. I think that the idea of having equipment in the street is probably not a great idea. If there is some way to not have it physically in the street, in other words I think up on the curb is a better idea. For the people who get upset about the basketballs getting bounced in the flowers and things like that, it would be nice just as a courtesy if people would put the hoops up in the center of their own property so that it doesn't abut up against the neighbors property. That might alleviate some of the problems with basketballs hitting cars and going into the flowers. Other than that, I think it is good to have the kids play close to home so the parents can keep an eye on them. Kids playing in the street isn't the best idea in the world, but in most neighborhoods people are pretty careful.

Councilor Ripma asked what you are saying in general is we should probably leave it alone? You mentioned wanting them up on the curb but if we pass this ordinance that wouldn't be good enough, they would have to be way up on the lawn where it couldn't be of any use. I just wanted to make sure I understand you. You would like people to be polite and sensible.

Groce stated if you eliminate hoops a lot of people will suffer and I would hate to see that happen. It would be nice if there was some way to have a compromise where everybody could be happy, but that certainly doesn't happen very often but if there was some way to please most of the people this time, I think that would be best.

Councilor Thompson asked do you have any objections to banning them from November 1st to April 30th?

Groce stated I wouldn't say I have an objection to it, although I suppose if it is not in the street then it is really not a factor. If there is a street light out there at night, there are some places where you can do that. In my neighborhood there is a hoop right next to the streetlight, obviously it was put there so they could still play basketball at night.

Councilor Kight asked what do you think about requiring it to be put up on driveways?

Groce stated I think the problem with that is people backing out of the driveway would have to move the hoop. Those are not easy to move when they are full of water.

Councilor Kight stated what I am saying is once it is set up, whether it has water or rocks holding it in place, to require it to be placed on the driveway.

Groce stated it may cause problems with some of the basketball hoops because they will be tilted at an angle because the driveways are at an angle. I think that putting them on the curb is probably the best place for it if you can do that.

Councilor Kight stated the problem with a lot of cul-de-sacs, like where Councilor Rabe lives, they don't have a parking strip.

Groce stated he may have to move if he wants a basketball hoop. There isn't an answer that is going to work for everyplace in town.

Councilor Kight stated I was kind of going along with you, the idea of using the parking strip if there was one available, the only problem there is ADA, they wouldn't allow us to put them there. So either it stays in the street or it goes up in the driveway.

Groce stated if it is a choice between those two things I think I would have to say it goes in the driveway. I don't think it is a good idea to have it in the street. The mailman has to drive around them sometimes, UPS, garbage people, street cleaner, recycling people they all have to try to avoid those things. I don't think it is a good idea to put any obstructions in the street if you can avoid it.

Councilor Rabe asked have you lived in Troutdale for a while?

Groce replied 6 years.

Councilor Rabe asked in your neighborhood, excluding personal property damage like car and house damage, do you feel that your neighbors in your area are able to settle differences about basketball hoops that are a nuisance?

Groce replied I think there are some problems in my neighborhood about that. It doesn't affect me personally but I know that some people are affected by it and it bothers them. I try to be sensitive to everyone's feelings but some people are just not going to be that way. You are not going to solve all of the problems of the world in my neighborhood either.

John Woelfle stated I live in Columbia Crest. I can't believe that it has been ten years that this has been before the Council as an ongoing issue. I would like to point out that in 1992 there was no such thing as a portable basketball hoop. If you wanted a hoop you either bought a backboard and hoop and attached it to your garage and played in the driveway or you got a pole and cemented it into the ground. I sat before you two months ago and put forth the most compelling reason why I thought sports equipment should be banned from public right-of-ways. In my mind the safety of the children of Troutdale should, in of itself, be sufficient reason for the Council to adopt the ordinance. It was nice to hear that there actually are responsible parents who supervise their children and teach them about safety and playing in the streets and children who respect the fact that they are in the street and not on a playground, and drivers that exercise caution driving through residential neighborhoods. Responsible parents, children and drivers are not the reason for my concern. It is the irresponsible parents that don't bother to supervise their children and don't teach them to yell car and get off the street and are basically ignorant of their children's actions. It is the 6 and 8 year olds that need to complete their game of horse right at dusk just before the streetlights come on. It is the football fan that needs to hurry up and get to the store before the second half starts. Those things spell disaster. You can tell yourselves that it will never happen, but I can tell you that these are common occurrences and it is just a matter of time before they happen together and a child will get seriously hurt or killed. If you choose to ignore the inevitable, then I must move to the second most compelling argument to pass the ordinance before you. Before I do I would like to share with you some of my observations because I spent some time driving through some neighborhoods. There are several hoops and other sports equipment on almost every block and in almost every location imaginable. On the street, parking strips, driveways, attached to houses and in back yards. Some hoops were new, others old and battered with half of the backboard missing. There were several cemented into the parking strip. There were bare poles left cemented into the parking strips that at one time held a hoop and backboard, those are your biggest eyesores out there. Several were placed in the street or in the parking strip in front of perfectly flat driveways. I encountered one single game of basketball, one-on-one, being played in the street and I had received the response that I had come to expect when play has been stopped by a car. It is that look of implied resentment of how dare you interrupt our game. There is something that happens when private citizens take control of public property. They take the stance of ownership and the rest of the public becomes trespassers. During my drives I also passed three city parks, each with two perfectly good basketball hoops and not a single player in sight. I passed an elementary school with two hoops, neither in use. Ironically I noticed a basketball hoop in the street in front of a house with a driveway as flat as the street within yelling distance of a schoolyard. I guess there is no need for city parks and school playgrounds if every cul-de-sac and street becomes one. If public safety is not an issue, then why does Section 10.24.030 of the Troutdale Municipal Code prohibit skiing, sledding and tobogganing on city streets? At a time when nobody is driving, unless they have to, and if there are conditions that warrant it at a very slow speed, people are prohibited from using public streets for private recreation. There has to have been a reason to pass this ordinance. I wonder if it could have been a concern for safety? If so, then I ask why is safety not an issue here? I am sure that research will also show you that no one has been hurt or killed while skiing down the street on a snowy day, however we do have an ordinance that prohibits it. Now, assuming that public safety is not as important of an issue as sledding in the street,

according to the Troutdale Municipal Code Section 10.24.020B, bicycles left in the public right-of-way are to be impounded after 24 hours. I don't see the difference between bicycles, skateboard ramps and basketball hoops. Recreational equipment simply has no place on public property. How can the Council prohibit one and allow another? I would like to know which ordinance gives the private property owner the right to erect a structure on the public right-of-way or in the street? I can tell you the opposite is true. Troutdale Municipal Code Section 10.12.100 specifically prohibits personal property from being stored on the street or on public property for a period of more than 72 hours. Assuming that the Council makes an exception for recreational equipment, how many more exceptions are you prepared to make? An even more pressing question, what defines recreational equipment? Let me give you a couple of examples. I need a storage shed really bad. The current setbacks are basically double the amount of square footage in my yard that I would need to dedicate for this construction. So what if I build it in the street and make it 10' tall, put a basketball hoop on it and call it recreational equipment? Would that pass? I would think so. What if I needed a place to park a boat. I will simply put it in the street and put a hoop in it and call it recreational equipment. The same thing can be said for storage trailers, abandoned cars and 36' RV's. It doesn't take much to define recreational equipment in the broadest terms. A pole, backboard and hoop are all that is required. While it may seem preposterous, I would argue that it is not and it is that very reason that the ordinances were passed to begin with. Why are these ordinances passed in the first place? What is the purpose of compelling developers to put in parking strips? I thought it was for aesthetic reasons, something to beautify the city, add green space and trees. There is nothing aesthetically pleasing about recreational equipment left in the streets or on parking strips, that is why they are prohibited. If you have one in the street, who has the right, if a car parks under a basketball hoop is the car in violation? Or are the people more inclined to let the car be, I don't think so. I think you would find a lot of arguments there. If you are going to allow private citizens to do what they want with public land, then you will be required to amend several ordinances and building codes. I am not an expert on this, I just pulled it off the internet, but I am sure that there are people in City Hall that can tell you that you would have to amend several of them. Doesn't ownership of public property imply that taking it for private use is prohibited? Isn't that what the laws and ordinances are all about? What if I opened a business downtown and I decide to take my son to work and he needs something to do. I will erect a basketball hoop on Historic Columbia River Highway right in front of my store so I can keep an eye on him, do you think anybody would complain about that? Speaking of complaints, what do you think is the best use of our police force? Preventing crime, enforcing laws, ensuring public safety or refereeing basketball hoop disputes. I can also tell you from personal experience that East Metro Mediation, by their own admission, is really good at determining who and when a hedge or tree should be trimmed or quieting a barking dog, but in matters that involve behavior and attitudes of kids and their parents they don't have a lot of experience and can offer little help. The Council needs to ask itself if it is willing to open this Pandora's box. If it is, then it can expect recreational equipment to expand on the public streets and parking strips. It will have to deal with exception after exception for those private citizens that wish to use public land for their personal use. Once the door is open, it is very difficult to close. No one, myself included, and especially those on the Council wants to be considered anti-kids. I would ask the Council to consider what is the better lesson to teach our children. Is it that the City passes ordinances for public safety, civic appearance and livability for all citizens or will it

be a lesson that to every rule there is always an exception. I urge the Council to consider the down side of allowing recreational equipment on public property. Do city ordinances mean anything? Are we really concerned with the appearance of our city streets? If you don't pass this ordinance you throw community planning and zoning out. None of the rules will escape appeal or exemption. In summary, I don't want a child to be hurt or injured before action is taken. I don't want the image of our city to be filled with ugly abandoned sports equipment. I don't want our police force taken from their most important job of protecting the public to refereeing recreational activities and disputes. I urge you to pass this ordinance as written for the safety of our children, the visible image of our city and the livability of our neighborhoods.

Councilor Ripma stated I agree with you that there are basketball hoops everywhere. You realize that if we pass this ordinance every single hoop would have to be removed. I just wonder if you have a suggestion of what we should tell the people who bought them and set them up?

Woelfle replied who bought them and set them up on public property? I don't envy your position but I would think with all of the hoops around, there has to be one neighbor that has a flat driveway that will allow the hoop to be put in their driveway. If there is all this cooperation between hoop players, why don't they put the hoops where they go where the people who want them can have them and then everybody in the neighborhood can play on that hoop.

Mayor Thalhoffer asked in your neighborhood what problems do you have with kids playing?

Woelfle replied the kids don't get out of the way, at least they didn't before this came up, things have changed since this has come before the Council.

Mayor Thalhoffer replied good.

Woelfle replied that is good, but it is not going to solve the problems. It is just like anything else, you have this curve and once they figure the problem has gone away then it will start again. They don't get out of the way, they won't let you drive by. I even had them call the police on me saying that I purposely swerved to hit one of them while he was playing basketball, which is totally ludicrous. They play late at night, 10:30 at night when it is dark. There is litter, the mailman has to run a maze to get to all of the mailboxes. It is basic disrespect. My wife can't back out of our driveway, the kids will just stand there and they won't get out of the way. When you asked Rich how many complaints were received, I am not a man with a mission here but I was one of the people who complained and when I talked to Jack about it he said he had been getting two to three complaints a week, not a month, and probably received over 300 complaints. I asked him what can I do and he said write a letter. So I wrote a letter and I put my name on it and that is what started this whole thing. I am sorry to be singled out for it because it wasn't just me, it was all the other people that I was speaking for, now that I am here I want to see it through.

Mayor Thalhoffer asked how many hoops are close to you?

Woelfle replied my own is in my backyard, we have two other hoops in our cul-de-sac. Mayor, how many hoops do you have in front of your house?

Mayor Thalhofer replied none.

Woelfle asked and you still live on Cherry Park?

Mayor Thalhofer replied yes.

Woelfle asked and how would you like to look at three hoops out your front window?

Mayor Thalhofer replied I don't think people would put them out on Cherry Park Road.

Woelfle asked why not?

Mayor Thalhofer replied there is too much traffic and they travel too fast. Common sense dictates that people don't put them on Buxton, 257th, Cherry Park Road, Troutdale Road, those are heavily traveled streets where traffic is going fast.

Woelfle stated but they could if they wanted to.

Mayor Thalhofer replied yes, they could if they wanted to but I don't see any hoops on those roads because people have more sense than that. If I lived in a cul-de-sac or on a street that did not have heavy traffic, it would not bother me at all.

Woelfle asked so why is it that cul-de-sacs have to become the neighborhood playgrounds?

Mayor Thalhofer replied they don't have to be. Less traveled streets and cul-de-sacs are where the hoops are. You asked me a question and I will answer it, if there was a hoop close to my house I would go out there and play with the kids. I use to play basketball and I think it is a great wholesome activity for kids. I think there ought to be some time when they have to stop. They shouldn't start too early and they should be stopping around 9pm. You did mention that since this came up that attitudes have changed some didn't you?

Woelfle replied yes.

Mayor Thalhofer stated that is good. So it is a step in the right direction.

Councilor Kight asked is there other playground equipment besides basketball hoops in your neighborhood?

Woelfle replied the only thing I saw was a skateboard ramp up around the corner from us.

Councilor Kight asked was it placed in the street?

Woelfle replied it was for a while but then it got hauled into the driveway.

Councilor Kight stated you made the argument that there appears to be a change of attitude on the part of those folks that have basketball hoops and you have noticed that some of them have moved them out of the street and up onto their driveways onto private property. If we don't pass the ordinance prohibiting playground equipment in the public right-of-way, what do you think the response of the general public is going to be in Troutdale?

Woelfle replied I don't think there will be a place to park. There will be some sort of playground equipment out in front of every house.

Councilor Kight stated I am going to use your term, this opens up a pandora's box because it will give them a license to move all forms of playground equipment in front of their home.

Woelfle replied that is right. It takes away any enforcement vehicle for them to remove it. Why would you put it in your driveway and maybe have to move your vehicle if you want to play basketball when you can just put it out in the street and leave it there.

Councilor Kight stated your argument is that by not passing the ordinance it gives them a license to do that.

Woelfle asked would it not?

Councilor Kight replied I think you are right.

Lorne Mitchell stated originally when I testified I had indicated that I am for the children and I still am. As Mr. Woelfle has done his research, I have also done a little research, from his testimony I had learned of some more ordinances. I had also found out that there is a height restriction code pertaining mostly to trees and they have to be trimmed at least 11' above the ground. Originally I was in the frame of mind of driving my own vehicle because it was summer and I wasn't in my company vehicle and I have found since starting back to work this fall that I have encountered a few basketball hoops. Quite often my vehicle will not necessarily go under a basketball hoop if I travel to my right of the centerline if the hoop is in the street. Quite often the streets that I drive on have vehicles parked on one side or the other which takes away from the driving area that you are able to pass on. In this case if there is a vehicle on one side of the street and directly across from it a basketball hoop, if I am exiting the street and another vehicle is coming in I will naturally move to the right towards the basketball hoop as the other person may or may not stop to let me pass or we attempt to pass together. I also found out that this is actually a bit of a hazard with mailboxes. In my particular job I have to pull up to the curb to discharge my duties and if there is a basketball hoop or other recreational equipment there I can't do it. Although I am still for the kids, as is the feeling I got from Mr. Woelfle, for me safety is a big issue especially with my job. I would have to ask you to pass this ordinance. When I learned about the ordinance regarding height and abandonment and as Mr. Woelfle eluded to the definition of recreational equipment, recreational equipment is just equipment that you use to have pleasure with. So if my neighbor down the street is into jet skis and he has them on a trailer, it is recreational equipment and he can store it on the street. If another neighbor is into rebuilding old cars

and this is his recreation, not necessarily for money it is just a hobby, a hobby falls under recreation there is nothing stopping him from parking it on the street either.

Councilor Ripma asked the last couple comments you made alarm me just a little bit. The city currently makes a distinction between basketball hoops, which are not regulated, and repairing vehicles or storing jet skis on the street, which you can only do for a limited time. The reason for that, which probably evolved over the years, was basically we wanted to allow kids to play on the street in front of their homes where we didn't want people storing cars or other equipment. If I am clear you are saying you are in favor of this ordinance because you are afraid that people will be able to park their jet skis on the street?

Mitchell stated I am saying that it is a possibility. Recreational equipment, not having a dictionary to define the word recreation, to me recreation is something that I do for pleasure, for relaxation. Some people garden, I happen to ride motorcycles. Granted it is a vehicle, but to me it is a recreational vehicle. I don't consider it my primary transportation but I have a trailer that I put it on if I am going someplace and I want to transport my recreational equipment.

Councilor Ripma stated I guess what I am asking is if the worry that you have is that we would have to allow the storage of all equipment on the street, if that is your worry and the reason why you favor us passing this ordinance, if that worry was removed, which we can distinguish that kind of equipment from basketball hoops. Aside from that worry you would favor banning kids being able to play basketball on the street?

Mitchell replied yes.

Mayor Thalhofer asked Mr. Mitchell you drive a school bus correct?

Mitchell replied yes. I drive special needs and I provide door-to-door service because of the children that I transport I need to get to their driveway or curb. The basketball hoops are normally close to the driveway and this is where I prefer to drive up.

Councilor Kight asked what we are talking about tonight is whether or not we should remove all forms of recreational equipment off the street. Do you see this as an outright ban on using that equipment?

Mitchell replied in the right-of-way, yes.

Councilor Kight asked but otherwise, I think this is where some folks are getting confused, in other words if they don't have them out in the street and the city requires them to have the equipment up on private property, that this is a ban or this is a position the city is taking against children, do you see that?

Mitchell replied no, I see it as a ban from being on the public right-of-way and the children playing in the street. It is not stopping them from playing on their own property, in the driveway, back yard or front yard.

Laura VanAtta stated I live on Mitchell Court in Troutdale. As I said before, I think this is all a waste of time and money. I have a letter here from one parent that I would like to read to you. "Please leave our hoops. It scares me to consider what we will want to remove from our streets next. Bike riding, roller skating, hopscotch or what about riding scooters, not to mention children at play, running, jump roping or playing catch. I for one am all for basketball hoops. Kids have to be able to burn off energy and have fun outside. We have all types of teams and organizations for other sports such as baseball and soccer prior to junior high, unfortunately there is only a month or two of basketball offered by the local YMCA. So for those children who want to make basketball their sport there is little opportunity other than the neighborhood hoop. I have no intention of having my 9 year old go off to a city park to fulfill his dreams with children I do not know. I understand the concerns about late night playing, however we have curfew laws already in place that include basketball and other activities taking place after curfew. Might not a solution of neighborly spirit and communication serve us better in this case? Perhaps cars can go slower and be watchful and children should be considerate and thoughtful. In fact in our neighborhood we have one adult who was disturbed over a hoop nearby and literally pretended to try run a child down. This is frightening. I believe we have much deeper issues in our society in neighborhoods that warrant our concerns and time. Maybe we should all look to the mirror and ask how important is this issue really." I live on a cul-de-sac and we have two hoops, well three but one is in the backyard, Mr. Woelfle's. The way they are situated in the cul-de-sac the kids can play full-court basketball. I just don't understand why, kids have played in the street, I played in the street, I just don't understand why it is such a big deal.

Earl Smith stated I live in Sandee Palisades. A month ago most of the testimony pointed out that with the vast majority of the hoops there were no problems. There are always a few bad apples that ruin it for all. In listening tonight, it is somewhat as I remember it last time. It appears that the City of Troutdale is either not able or not willing to enforce the laws that are already in place, late night noise, bouncing balls off my car. So, we aren't going to enforce those laws and we just want to pass another law, that doesn't seem to make good sense. I have one of the few basketball hoops that doesn't have wheels, it is set in concrete in the tree strip and was put in in 1992. What is going to happen to those that were legally put in, are they going to be grandfathered in? A lot of people have mentioned safety, most people that have a concern about safety don't have any children. I have raised 4 children. The only time one of my kids that got involved with a car was when he was on his way to the park. He only ended up with a couple broken legs, safety was kind of a joke. I have one question of Mr. Kight, you mentioned that we are not allowed to put these on the tree strip because of ADA requirements. I am a little confused, that is not blocking a sidewalk.

Councilor Kight stated what it does is it creates an obstruction so if you have someone who is blind they are not expecting to have a basketball post set in cement when they open a car door, that type of thing.

Earl Smith stated the mailbox would do the same thing.

Councilor Kight stated perhaps.

Earl Smith stated if it is on the sidewalk there is no argument but on the tree strip there are trees and mailboxes, I was a little confused by that.

Councilor Kight stated that was the information that I received.

Earl Smith stated I know everyone says we are all for kids, but at the end of the day we are going to be judged by our actions and not our words.

Councilor Ripma stated I am curious about your particular hoop, are you saying you asked for permission and it was allowed?

Earl Smith replied I don't know if asked permission is the right word, but I obtained permission. I moved here in 1989, we put the basketball hoop in shortly after that. I, along with three to five other people, were issued a summons saying that the hoops have to come down. We protested it. At that time the law was written that it can be on a cul-de-sac if it is more than 100' from an intersection and certain streets were forbidden and mine met all the criteria at the time. I didn't realize that the law of 1992 had been changed. To my knowledge it has never caused any problems in the neighborhood.

Mayor Thalhoffer asked how many hoops are in your neighborhood?

Earl Smith replied there is mine and I think there is one more that is put up off and on.

Mayor Thalhoffer asked are there any problems?

Earl Smith replied no. On our cul-de-sac, for years, depending on the ages of the kids, they use to play baseball on the street using a tennis ball so no windows would get broken.

Councilor Kight asked do the homes in your area have driveways in front of their homes?

Earl Smith replied yes. Unlike a lot of areas, I have a very flat driveway.

Councilor Kight asked without too much inconvenience as far as playing basketball, you may not have as wide of an area, but is there anything that would stop children from playing basketball in those driveways?

Earl Smith replied we do have a neighbor, in fact when you asked about how many we have in our cul-de-sac, I was only addressing the ones that were under issue. My next-door neighbor has a very long deep driveway and they have a basketball hoop in their driveway. Again, we are back to the same issue, those with wheels are a whole lot different, it takes a jackhammer to move mine.

Councilor Kight asked irrespective of how the device is secured to the ground, a basketball hoop and the game could in fact be played on a driveway?

Smith replied sure, in our neighborhood most of them could.

Councilor Kight asked so if the city required that the playground equipment be on private property, that really wouldn't stop the kids from playing would it?

Earl Smith replied it wouldn't stop the kids from playing on their private property.

Councilor Kight stated it wouldn't stop them from playing period, is what I am getting at.

Earl Smith stated well you are never going to stop kids from playing.

Councilor Kight stated my point is they will adapt to whatever environment that you create. I am seeing if you agree or disagree. A ban on removing recreational equipment would not stop kids from playing.

Earl Smith replied you would modify what they are playing. Skateboarding or roller-skating would be tough to do on most private property. There are some things that you can do and some that you can't.

Councilor Kight asked but it wouldn't stop kids from playing basketball if it was on the driveway?

Earl Smith replied if they had a basketball hoop in their driveway, no, and if they had a driveway that would accept one.

Ted Hancock stated I live in the Fraley Heights neighborhood and I have 4 children, the oldest being 18. I am fortunate that I have enough blacktop and cement on my property that my hoop is on my property. I am really here in defense of the other children in the neighborhood that are not here to defend themselves. It seems to me from what I am hearing is that everybody is so concerned with being inconvenienced. The kids are playing basketball in the street and they are in a hurry to get home and they have to slow down or wait a few seconds for the kids to move. I have driven around the neighborhoods in the area, there are basketball hoops out there and the kids are playing from time to time, but I have never seen anybody unable to reach their destination or have to wait for a long time. It is pretty much a 50/50 thing, the kids see the car approach, they move out of the way, the car is courteous, just like we are for pedestrians and animals, and then we go about our business. They are just children and there are a lot of other things that they could be doing that would be more harmful than playing where we can keep an eye on them. It is also a good way for them to use some energy. I really don't see the harm in the basketballs as long as we can share the road. Most of the hoops are not on a busy street. Obviously, they are not going to be on a busy street, they are going to be in neighborhoods. Most of these kids that are playing, we know who they are and where they live. If they are a nuisance, it shouldn't be a challenge to go up to their front door and talk to mom and dad if they bounced a ball off your car intentionally, I don't really think that is the case. I think the kids are just out there having a good time and most of them are pretty courteous and as long as we are not so worried about being inconvenienced for a few moments while they move out of our way, I don't see why it

should be such a huge issue. It seems like there are a lot of other things pouring into this like jet skis and so forth. In my mind this issue is not about those kinds of matters, it is about the children and it is about their activity of them simply playing the game of basketball. I am here to defend them any way that I can. I am the president of our neighborhood association and I have taken the time to take a poll of the neighbors and the majority of the neighbors in our neighborhood have absolutely no problem with this issue. Regretfully, I don't have all the signatures that I wanted to bring, but I certainly can obtain those.

Councilor Kight asked you indicated that you have a driveway and you are able to put the playground equipment so that your children can access it in front of your home. What would be wrong with having that equipment out of the road so you don't have playground equipment competing with cars, school buses, but instead having the equipment up on private property?

Hancock replied not everybody has the ability to have a basketball hoop in their driveway.

Councilor Kight asked do most of the homes in your neighborhood have two car garages?

Hancock replied for example I have plenty of cars, a boat, motor home, older car, my garage is filled with my personal equipment. My RV pad is filled with my personal equipment. When my wife comes home from work her car is in one driveway pad, my vehicle is in the other one. Luckily I have enough area where they can still play basketball. For most people, if both of their driveway areas are filled with cars then that leaves in front of their home. I don't see that we have a major parking problem in the neighborhoods to where there is no where to park and there is going to be so many basketball hoops that we are going to run out of parking, I don't see that. Once again, I think it is a simple case of, if we watch out for kids as we do pedestrians and give them a little bit of space they will move out of the way. I don't see why this should be a big issue.

Councilor Kight asked what I hear you saying is you want to ask the drivers to show some leeway. But what you are saying is for the convenience of the homeowner, you want them to be able to pull up right to the front of the garage, you don't want their cars out on the street if there are kids playing a game of basketball, is that what I hear you saying?

Hancock replied no, actually I don't care if people have cars parked in front of their home against the curb at all. I have no issue with that.

Councilor Kight asked so if the basketball hoop or playground equipment was moved in the driveway, what would stop them from playing in that area and having their parents park in the street while the kids are playing basketball or whatever?

Hancock replied I guess if someone wants to go through all of that so that the kids can play basketball, rearrange the driveway and the cars and put the cars in front of the home. Most of the hoops I am seeing are on the street, I am here to defend that situation.

Councilor Kight asked do you agree that the streets are mainly for vehicles?

Hancock replied obviously the streets are for vehicles. But at the same time we have parked cars on both sides of the street and cars are still able to pass one another. We also have cul-de-sacs which have plenty of space and that seems to be the main area where most of the kids are playing.

Ray Taylor stated I live on Kings Byway in a cul-de-sac and we have a basketball hoop. I am here to defend my basketball hoop. I have a 6 and 3 year old. For the occasional times that we like to play basketball, we have never had a problem. When cars come around the corner we just move to the side of the road and let them pass. We have never had a problem with anyone having to stop or get upset in the instance of the car passing. For as often as we do play basketball it is more convenient to be able to go play out in the street than to move cars out of the driveway into the street and then back into the driveway. I am a painter and I do a lot of bids and paint a lot of houses and I get my fair share of opportunities to drive through many neighborhoods and I have never had a problem with driving down the street and having kids move out of the way when I come through. I may have to temporarily slow down and they move out of the way and I go on by. I think the instance of when you drive a big rig like a school bus or dump truck, you will have many obstacles no matter whether it is a basketball hoops, power lines, mail boxes or other vehicles you have to be aware of things all the time. I think that basketball hoops are pretty miniscule. Our basketball hoop sits in a tree strip and we don't have a problem parking any size, well not a school bus, but any size vehicle we need to park can sit under the basketball hoop. I am just here to defend the basketball hoop.

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

No additional testimony received.

Mayor Thalhoffer closed the public hearing at 8:35pm.

MOTION: Councilor Daoust moved to amend Troutdale Municipal Code Section 8.28.060 dealing with notice procedures but not adopt 8.28.070 dealing with specific nuisances prohibited. Basically my motion is to just deal with making the notification of nuisances easier for the city, but I am not proposing adoption of any ordinance dealing with prohibited nuisances. Seconded by Councilor Ripma.

Councilor Daoust stated here is my rationale for my motion. First of all I feel that we will never pass an ordinance that regulates conduct. Neighbors need to communicate effectively with each other. Parents need to be responsible for their children's activities, behavior and safety. I think we have tools or existing laws already that can be used to resolve certain issues. We have a noise ordinance in case kids are noisy after 10pm or early in the morning. We already have in the Troutdale Municipal Code, as was pointed out, the 72-hour storage of private property on public streets. We have a mediation process in place. We have police that can deal with disorderly conduct when it comes to blocking traffic. I did my own personal survey of the Sweetbriar and Sandee Palisades neighborhoods. The vast majority of basketball hoops were already in the driveways. In my survey there were seventy-five hoops in the driveways out of

the ninety-five I counted. Ten were in the street. Nine out of those ten were in cul-de-sacs. Basically where ever I saw one in the street it was in a cul-de-sac. The other ten were on the curb again in cul-de-sacs. I looked at the ten that were in the street, and said if we placed them up on the curb would it create another problem? I determined that six out of the ten that were in the street, if we put them up on the curb two of them would block the sidewalk totally because we have sidewalks immediately adjacent to the street in some neighborhoods and the other four, the bases are up to 48" wide, the strip is only 3' wide, so basically you would be blocking the sidewalk. I don't want to create another problem by moving them out of the street up onto the curb where they could block the sidewalk. Councilor Kight brought up some ADA issues that may be involved with blocking sidewalks. I talked with two parents that had their hoops in the street and they, like other people, have had no problems. One of them has been there for eight years. I considered chipping away at this problem by addressing, maybe setting them up 10 to 12 feet from property lines. I had a call from somebody that said they would like the property line issue addressed. I went around and looked at the cul-de-sacs and the property lines kind of concentrate in a cul-de-sac, whereas if you try to move them away from people's property lines you then are up against the other neighbor's property line. It became a difficult issue. I considered not blocking driveways, but quite honestly I didn't see any that blocked driveways. What do you do about the seventy-five hoops that are already in the driveway? I considered not blocking mailboxes, but I didn't see any that actually blocked mailboxes. I considered putting them on the strip between the curb and the sidewalk, but I have already talked about the problem of blocking the sidewalk. Placing them completely out of the right-of-way, we have the problem with the ones that are cemented in. My driveway is a slope where I have to put my car in low just to get up the driveway, I couldn't put a hoop on my personal property. The only place my kids can play basketball is out in the cul-de-sac that I live in. This boils down to me, that we do indeed have specific conflict areas in the city, I don't think we can deny that. Whether the hoops are on the curb or in the street, the kids are still going to be in the street playing and possibly creating conflict. I do believe that conflicts can be handled by neighbors and mediation, I am a believer of mediation if it used properly. In fact there are some training sessions coming up in November on the art of neighboring or what to do with those pesky neighbors. On November 13th there is a training session where people can use East Metro Mediation and learn more about it. I personally think it is safer for my kids to be out in front of my house playing. I feel jittery inside when I tell my kids you can walk to the park. I then get more concerned about their safety. I think, we try not to call this a anti-kid ordinance, but I just want to make sure that we create more activities for kids in Troutdale and not hinder them. That is the rationale that I have used to say just leave it alone. Don't add one more ordinance to try and nail this thing down when it doesn't need to be nailed down.

Councilor Ripma stated this is a difficult issue. I am sympathetic to all sides, as I think we all are. I think we all wish that everyone would respect each other and be polite and that kids would be respectable. I just don't believe that you can legislate that. I don't believe that there is a way to please everyone here on this issue. Mr. Woelfle had good reasons for what he said. I think we have for years drawn a distinction between

parking boats and cars on the street and basketball hoops. I think we can continue to do that. It isn't a perfect solution to do nothing but when it comes right down to it, I think most people would prefer that. I certainly agree with Councilor Daoust, that most people would prefer to have their kids nearby playing basketball. People like their basketball hoops. I have also went around the city and I have talked to people every chance I get and I just do not have a sense that there is a wide spread problem. In fact I never encountered anyone who objected to the hoops, they said let the hoops stay and let the kids play in front of their homes. I obviously did not speak to everyone in town and we have heard some other views here. I don't think there is anyway to please everybody here. I think the ordinance that is before us would ban basketball hoops from being in front of people's houses. I have also discussed this issue with other Councilors trying to figure out some compromise, but in the end I favor not trying to pass a law to solve the problem particularly when there isn't universal feeling that there is a problem. In fact it is just the opposite, there is almost universal feeling that there isn't a problem. I agree with the motion.

Councilor Thompson stated I am going to vote in favor of the motion. As has been pointed out, this is a difficult issue and there is no easy solution to it. It appears that a nuisance is a nuisance in the eye of beholder and from a lot of folks the basketball hoop is not a nuisance it is a desirable piece of play equipment for their children. As Councilor Daoust pointed out, he would rather have his kids close to his home rather than away at the park, I would agree with that. I think if we can all approach this issue with common sense we could solve the problem.

Mayor Thalsofer stated I will also support this motion. I have been on the council long enough to know that this issue comes up every few years. I think the majority of the people that we have heard from at both meetings have been in favor of leaving the hoops where they are. I have driven around the area and I have not seen all that many hoops on a lot of streets. I am not sure it is that big of a problem. Obviously they are not going to be placed on main thoroughfares because the traffic travels too fast. I appreciate the viewpoints of others that think that this ban ought to be imposed, they have their reasons and I respect them. If there were a hoop in front of my house, if I was on a less traveled street or in a cul-de-sac, it would be okay with me. If the kids were playing at 11pm I would tell them that is to late and ask them to go home and if they didn't I would go see their parents and approach it in a nice way. I think most parents would say, you are right or thanks for reminding me. I think most people get along and we don't have these problems very often. I appreciate everyones viewpoint on this matter and I certainly don't begrudge anyone to have a viewpoint different than mine. However, I was raised playing basketball and I played in backyards and on gravel surfaces where the hoop was attached to a barn. I found it to be a very wholesome activity not only for me but for all of the children. It sure beats stealing hubcaps. I feel if you provide kids with a wholesome activity, even though it is in the street, unless there is a real danger we ought to let them continue to do so. I don't see where there is a real danger or a real problem. It hasn't been shown to me that is the case. The street hockey nets, when they are playing street hockey the nets are up and when they are through playing they take them down. I think that is happening now.

Same should happen with the skateboard ramps. Overall I think if we surveyed everyone in the city I think you would find that there is very little objection to the basketball hoops, street hockey nets and ramps. It is not an easy issue and it has come up many times before and I think it has worked pretty well the last few years with some exceptions that we have heard about at these hearings. I am going to vote for the motion and hope that the neighbor-to-neighbor problems can be solved by the neighbors. If needed you can use East Metro Mediation.

Councilor Kight stated I am not going to support this motion. Mr. Woelfle gave a very compelling argument relating to safety and continuity of ordinances in the City of Troutdale. I do not see this as a ban on playground equipment. I see this as a ban on playground equipment that is competing with cars and trucks that are driving through the neighborhoods. I think, as I remember, the Police Department, one of the number one concerns that residents have in Troutdale is that people are driving very fast through the neighborhoods. As a result of that we put in numerous speed humps but in effect that hasn't really slowed down the drivers. What I am concerned about is the safety of the children. I don't think anybody in this room could give me an argument that children and cars need to be competing out in the street. We have heard testimony that the majority of the people are already in compliance, they have put the basketball hoops on their driveways and where they weren't able to put them in the driveway because of the slope, they put them in the backyard. Most of the homes built in the Troutdale area have been built in the last twenty years and most of them have patios in the backyard that are flat and they could put the basketball hoop or other playground equipment in the backyard. They can still watch the children but they don't have to have the additional concern of not just watching the children but also watching the vehicles passing by and hoping that their children are watching the vehicles and not be so engaged in their game that the potential is there for them to be hit by a vehicle. We have had testimony given, according to Chief Nelson, that we haven't had any accidents. Do you want to wait until we have an accident and a child is injured or killed and then respond and pass an ordinance banning all play equipment on the streets? Is that going to be the impetus for this City Council to respond and withdraw this ordinance? I don't want to be responsible for that. I don't want to give a license to the people of Troutdale, by having their equipment in the street that could potentially harm their children. My wife and I just recently are late parents and I realize how precious that child is in our life. I cannot even think of the idea of my child injured or possibly killed as a result of playing out in the street. I don't want that potential to happen and more importantly I don't want this city to give license to people to allow the equipment out in the street. We have heard testimony that we need to allow for street cleaners to come by. We don't allow people to have trees that are less than 11 feet, we want them pruned back but at the same time we are saying that it is alright to have a basketball hoop there and the street cleaner can not get by. That is a minor issue, but it is an issue. We don't allow people to store private equipment out in the middle of the street. I am concerned, as others gave testimony tonight, that we are going to see a proliferation, once the city gives license and the word gets out that it is alright to have basketball hoops out there, who knows what other pieces of equipment will be out there as well. The argument we've been given is

we want to watch our kids and we want them close by so we can see them; we don't have enough room in the driveway and we don't want to take the time to back the cars out of the driveway and put them on the street so the kids can play in our driveway; we don't want to take the time to pour a larger pad in the backyard for a patio so the kids can play street hockey or whatever in the backyard so you can watch them. I think we have opened a pandora's box so I am not going to support this motion.

Councilor Rabe stated I am going to support the motion. Predominately my concerns are the seemingly inability for parents to parent properly and try to monitor their children. I have raised my kids here and we played baseball, soccer, hockey, basketball, you name it we played it in the streets of Sandee Palisades and Kings Byway. You need to be out there with your kids, if you are going to have them, you need to be responsible for them. I think that the focus needs to be more there then some of the other things that have come up this evening. I am not going to elaborate anymore but I do have a couple of real quick statements. I commend all of the citizens for taking the time to come down here and let us know what is going on. I think that is very admirable and I think it is critical for us to make decisions.

Councilor Smith stated I support the motion and I agree with Councilor Daoust. The houses that were build in the last 20 years have much smaller lots. We are not a flat town, most of the driveways are on steep hills. The cul-de-sacs, especially Kings Byway I am real familiar with, there is no road frontage for people to even park their cars in front of their houses, the driveways are all on hills. I agree with keeping kids at home where you know what they are doing and basketball is a good activity and it keeps the kids from being couch potatoes watching television for hours on end. We had a basketball hoop in front of our house back in the 80's but someone complained and the city made us take it down and it stopped the kids activity. Then they started going other places, in our case my husband wouldn't let the kids go outside until we got home, but it is amazing how many kids get out on the street and start using drugs. There are other things that are so much worse than having basketball hoops or other equipment in the street. If the neighbors would treat each other like they would like to be treated we would have a much better city. I don't see that by having basketball hoops in the street, right now, is really a major problem. They seem to be on the side streets or the cul-de-sacs and it is a good healthy activity and a lot of the time the parents are out there.

Tim Sercombe, City Attorney, stated Mayor may I restate the motion so that I keep you on the right procedural track. There is an ordinance that has been introduced and the effect of the motion is to amend that ordinance by deleting Section 2 of the ordinance. So there is a motion to amend the introduced ordinance that is before the Council. If this motion is adopted the ordinance as amended will be back before the Council for adoption. So Councilor Daoust's Motion is to take the ordinance that has been introduced and to amend it by deleting Section 2, which is the part that relates to creating an additional item as a nuisance and keeping Section 1. That motion to amend the introduced ordinance is what is before the Council.

Mayor Thalhofer asked can you please restate the motion that we are now voting on.

Sercombe stated the motion before the Council is to delete Section 2 of the introduced ordinance.

VOTE: Councilor Ripma – Yes; Councilor Thompson – Yes; Mayor Thalhofer – Yes; Councilor Kight – No; Councilor Rabe – Yes; Councilor Daoust – Yes; Councilor Smith – Yes.

Motion passed 6-1.

MOTION: Councilor Daoust moved to adopt the Ordinance as amended. Seconded by Councilor Ripma.

VOTE: Councilor Ripma – Yes; Councilor Thompson – Yes; Mayor Thalhofer – Yes; Councilor Kight – No; Councilor Rabe – Yes; Councilor Daoust – Yes; Councilor Smith – Yes.

Ordinance passed 6-1

Mayor Thalhofer called for a break at 9:04pm.

Mayor Thalhofer reconvened the meeting at 9:15pm.

5. RESOLUTION (Continued from the 8/28/01 Council Meeting): A Resolution approving a redevelopment concept plan for the existing sewage treatment plant site and adjacent properties.

Mayor Thalhofer read the Resolution Title.

Beth McCallum, Senior Planner, stated nine meetings have been held to discuss this matter prior to the City Council's August 28th meeting. Three were with the Project Advisory Committee, that committee consisted of citizens and property owners. Six of the meetings were open to the general public and advertised in the Outlook, Troutdale Champion and mailed to business and property owners within the downtown district. I have prepared a summary of those meetings for you, I won't go into the detail unless you have questions. (McCallum handed the Council a summary sheet, a copy can be found in the Council Packet) At each of those meetings staff directed the discussions based upon objectives of the Transportation and Growth Management Grant process which was to examine the existing conditions and physical constraints to development of this site. The physical constraints are the Sandy River to the east, the railroad tracks to the south, the freeway to the north and a lack of public street access other than what is built within the ODOT right-of-way. The existing zoning on the property is General Commercial and Mixed-Office Housing. The city has approximately 1 acre of Mixed-Office Housing. The balance of 11.3 acres is General Commercial. The Outlet stores are General Commercial and the entirety of the Bennett property is Mixed-Office Housing. There was also a consideration for the various types of transportation connections that could be accomplished through a redevelopment plan. The

contractor provided the Project Advisory Committee, in October of last year, this drawing of possible additional connections (McCallum displayed map). They weren't limited to vehicle connections, they included a portion of a 40-mile bicycle loop that runs along the bank of the Sandy River and underneath the trestle, through Depot Park. It also entailed possible street connections at Kibling, Harlow and Buxton. All those various connections were discussed at length at the Project Advisory Committee meetings and rejected or carried through with based upon reasoning. We do have a building that was at the Harlow connection that might have been a street connection, so that wasn't a logical place for a street so the committee passed on that connection. The Buxton connection was presented to you at a work session in March with the Planning Commission. The Buxton connection was rejected so then we went back to Kibling. Two variations of the Kibling crossing were considered. Oregon Department of Transportation and Union Pacific Railroad rejected the at-grade crossing idea so the Project Advisory Committee went with a bridge crossing at Kibling. That was one of the goals, to look at transportation connections. The existing Development Code speaks to a street going through the existing Factory Outlet Mall. We did look at possible street designs, which is in your packet of August 28th. We also looked at developments for a public park and a promenade along the Sandy River. In each of the various drawings that we have, the park is depicted in the green area (McCallum pointed it out on the Planning Commission's recommended plan map). Then we were to look at the most desirable type of development for the site given its location and its physical constraints. In each of the redevelopment concept plans we have looked at uses that are allowed in the underlying zoning and what might be a logical use there. Then ultimately to produce a redevelopment plan for this site that results in a mixed-use development that implements the Town Center Plan. These objectives were met in the recommended plan that the Planning Commission brought forward to Council, which was presented to you on August 28th. (copies of the Planning Commission's recommended plan were handed out to the Council and citizens) This plan includes the new street connection at Kibling. It did have the concurrence of the citizens that participated in the Project Advisory Committee meetings and the public workshops. This plan is also based upon a plan that came out of a June 7th public workshop from Group A, the only change that was made was the orientation of the hotel on block 2. Group A was composed of downtown business owners, chamber members and residents of Troutdale. The Planning Commission made just the one modification, so the recommendation is exactly what came out of the public workshop. At the August 28th Council meeting some issues were raised about the Kibling Bridge and statements were made as to why there was only 45,000 square feet of Outlet expansion for the Factory Outlets; Chelsea Group had asked for 90,000 square feet; the Kibling Bridge would impact Lot 24; the intersection design with the highway and the parking lot is awkward and too much traffic would be brought to downtown on Historic Columbia River Highway. The conceptual design of the Kibling intersection and bridge seemed to be the basis for most of the concerns about the Planning Commission's recommended plan from what I understood. Council directed staff to present this evening a redevelopment plan of the sewage treatment plant site based upon only one access point and giving more square footage of retail space to the Factory Outlet Mall. I have prepared a composite drawing, it is attachment 2 in my staff report of September 11th. The composite drawing is composed of the recommended plan and a plan from Group B from the June 7th public workshop. (McCallum displayed the June 7th Group B plan). Group B was comprised of citizens, members of the Project Advisory Committee, TGM Consultant members and

myself. It includes just a Harlow pedestrian connection over the railroad tracts. This plan was presented to the Planning Commission at their July 18th meeting and was an alternate plan in their mind. Staff's direction to the Planning Commission was that the objective was to present one plan to the City Council. Back to the composite plan, the uses depicted in the composite plan has the 2.7 acres of park, which is the same as in the recommended plan as well as the alternate plan. In block 1, it is still 2.2 acres and the use in the composite plan is entirely for Outlet Mall expansion and totals about 62,000 square feet. At the request of the City Council, staff did again contact Matt Connolly of Chelsea Group, who manages the Factory Outlet Mall, a letter was received on September 11th, which was distributed to Council. Chelsea continues to make the statement that they would like to see at least 90,000 square feet. Providing 90,000 square feet is not feasible in just block one of this project. Chelsea's position is they do not accept the Town Center guidelines for an expansion of the Mall on the sewage treatment plant site and is asking the Council to look beyond the recommended parameters. On August 28th Councilor Ripma did refer to a plan that came about from the June 7th workshop from Group C in which Councilor Ripma, Matt Connolly and Terry Sunderland participated. (McCallum displayed the plan from Group C and handed out copies). At the June 7th workshop the three different groups were given parameters. Group A could stay within the existing Town Center Overlay or choose to disregard it. Group B was to stay within all of the rules and the recommended redevelopment parameters that the Planning Commission developed. Group C could do whatever they wanted. In Group C's plan there is a provision for about 65,000 square feet of Outlet Mall expansion distributed in blocks one and two. This plan does not represent any uses that are not allowed in the General Commercial or Mixed Office/Housing Zoning District. Staff's composite plan still does not accommodate 90,000 square feet for the Outlet Mall. In each of the nine meetings held prior to the August 28th Council meeting, the majority expressed that they understood that some expansion of the Outlet Mall was necessary and desirable to compensate for the public street that would be built through their property. It was never the recommendation of the majority or of participants that the entire site should be exclusively for the expansion of the Outlet Mall. 90,000 square feet of expansion for the Outlet Mall would require utilization of the entirety of blocks one and two. Other elements of the composite plan, there is no room for parking to be accommodated in block one, so block two shows a parking structure. To accommodate the necessary parking for a hotel, mixed use, retail, office and some residential in block two and would likely serve as parking for a community building depicted in block three, would probably have to be four to five stories high. Staff is not sure that is the best thing, but this is all conceptual and up for discussion. Block two in the composite drawing is still the same 2.5 net acres, 100 room hotel, two-story mixed use buildings with 26,000 square feet of retail/office and 44 residential units on the upper story. The block 3 of the recommended plan has a three-story live-to-work units, those have been removed in order to accommodate a community building which staff understood Council still wanted to see, it is two stories with 10,000 square feet on each floor. That type of facility is multi-use. There is a possibility of some recreation area, library, meeting room and auditorium. Block four in the composite drawing is the balance of the Bennett site minus some right-of-way that would be needed to build the existing streets there and some pedestrian right-of-way or easements and the vegetation corridor. That leaves them about 5.5 net acres to redevelop. Throughout discussions David Bennett and Valerie Todda, representing Yoshida, did not make a commitment of what they wanted to see in this plan. Group C did show some elements that

could be in that area but neither David Bennett or Valerie Todda spoke to those. Staff would say that shared parking would have to be required to build in this particular configuration. Again, all four concept plans before you this evening all meet what is called the multi-mobile transportation component of this redevelopment concept. We have bicycle, pedestrian and vehicle and there is an opportunity for bus service into this area. When we spoke with Tri-Met early on, they currently do not go into the Factory Outlet Mall and the comment that they gave was they wouldn't likely go in there unless there was another road connecting from the Columbia River Highway. That doesn't mean that is the final say. The original idea of having an additional connection was to satisfy the need to serve residents with bus service. With a mixed-use development bus service is an important element. The composite drawing and the other plan that the Planning Commission reviewed has just a pedestrian bridge, we do have some conceptual drawings of what the Harlow overpass might look like (McCallum displayed a map). There is a need to make it handicapped accessible so the consultant has drawn a landing in the parking lot and behind the Town Center stores with stairs and elevators. At the very far end of the sewage treatment plant site that is not shown on these drawings, there would have to be another elevator and stairs to get people up to the pedestrian overpass. With respect to, is a development with only one street connection possible from a traffic study point of view? In attachment 8 of my September 11th staff report, is the DKS Engineering traffic study report. They say that the site could be served with just the 257th connection, but it will limit the number of trips. If there are some improvements made to 257th Way at Graham Road including some additional left turn signalizations and some additional stacking lanes for cars making right turns into the Factory Outlet Stores, you could have up to 1600 new trips. The various uses shown for the city owned property in the composite plan are 512 new trips. That certainly leaves quite a few for the Bennett redevelopment. But when we look ahead to the year 2020 for long range planning, if this site didn't redevelop at all, but all the traffic continued to increase throughout the area we would have to consider that 600 new trips was the maximum that we could accommodate with just the 257th Way access point. That is if there is mitigation done as explained in the DKS traffic report. No matter which redevelopment plan is selected, how much development can be accommodated on this site is determined by the uses and development limitations established by the underlying zoning, required off-street parking spaces and loading areas and the number of trips generated by each unique use. All of the plans considered by the Project Advisory Committee and the public workshops and the plans recommended by the Planning Commission were based upon the existing zoning and the Town Center Overlay District standards as set forth in staff's assignment. The Council may include in its resolution, if they so desire, a statement to the effect that the Town Center Overlay District and current zoning of the sewage treatment plant site will apply or won't apply, or the Council may include special provisions in the development and disposition agreement of the city property. However, without a zone change or text amendments to the Development Code, development on the Bennett and the Yoshida property may not be restricted by the redevelopment concept plan.

Councilor Ripma stated I appreciate staff coming forward with an alternative plan. You seem to have brought four or five additional plans, which I am a little disappointed with because it has gotten so confused. The plan in the packet was staff's composite plan, I appreciate you coming up with that. I think it is a useful alternative to what we saw at the last meeting. I got

the impression that staff favored the Planning Commission's recommendation, does staff have a position on this?

McCallum replied no and I am sorry if I indicated that.

Councilor Ripma stated you mentioned that it would require both blocks one and two to accommodate the factory outlets desired 90,000 square feet. It looks like blocks one and two are the same size.

McCallum replied block one is 2.2 acres and block two is 2.5 acres.

Councilor Ripma stated block one has 68,000 square feet already, the 90,000 square feet wouldn't take up all of blocks one and two?

McCallum replied my comment goes to, I don't want to speak for Mr. Connolly, but his comments have been that there preferred redevelopment really isn't configured like this is depicting. Terry Sunderland with the Factory Outlet Mall is here this evening and maybe she can speak to that. Mr. Connolly's letter is in your packet and he has said that this still won't work for them.

Councilor Ripma stated he was hoping for something other than the Town Center Overlay, the rest of the Factory Outlet property isn't developed along those guidelines, isn't that right?

McCallum replied yes his letter and previous letters elude to the fact that the Town Center Overlay does not work for them. The assignment to staff was to look at redevelopment of the property based upon the existing overlay. Council certainly has the option of choosing something different, but I am bringing forward what the assignment was.

Councilor Ripma stated I agree. You mentioned Tri-Met was interested in service but they wanted to see another connection. Did you ever approach Tri-Met with the idea of going over the proposed Kibling Bridge with a bus which would have a 10% grade and a split configuration? I just don't believe they would do that.

McCallum replied Tri-Met has not seen that configuration. Regardless of that configuration, Tri-Mets position was that to deviate from the existing path they prefer two public streets into a given area.

Councilor Ripma stated but if it is a street that they can't drive a bus over then it actually won't do any good would it.

Councilor Thompson asked what is the community building?

McCallum replied the community building as depicted in the four different plans, is intended to be a multi-use building. The concepts are not refined, it could be a library, auditorium, or gymnasium; there are a variety of things that could go into a community building. What we looked at as part of the element of the redevelopment plan was opportunity to have

interpretation of the natural history of the area, that can be done outside of the building, it is not limited to a building or a room. The strong consensus from the majority of participants was that we need a community building in this area as well as the riverfront park and greenspace.

Councilor Thompson asked on block two, the tan building is a parking structure?

McCallum replied the tan area is to represent a possible parking structure.

Councilor Thompson asked we don't know what the Bennetts' have planned for their property?

McCallum replied no.

Mayor Thalhoffer asked the composite plan gives the Factory Outlet Stores 62,400 square feet and in block two we have the possible parking structure, how many stories is that?

McCallum replied my estimation from the professional literature I read, it would have to be three-stories at least and maybe four if we were to plan ahead to afford more parking for the block three and the riverfront park. Block three, in the mixed office/housing zoning does not require any off-street parking for any use except residential. So if it is exclusively a community building or even office buildings, parking doesn't need to be accommodated and our parking standard is silent with respect to how much parking is needed for an open space park. The logic would be that we would need to accommodate some off-street parking for those uses.

Mayor Thalhoffer asked in the composite plan there is a hotel in that, is that the orange part?

McCallum replied the hotel is the gray/green part.

Mayor Thalhoffer asked was the hotel in the plan that went through the citizen advisory group and the Planning Commission?

McCallum replied yes. The hotel configuration in block two and the two-story mixed-use office/retail with 44 condo units in block two, is as was depicted in the recommended plan from the Planning Commission.

Mayor Thalhoffer asked in block three how many square feet would that building be? Is it a two-story building?

McCallum replied correct, 20,000 square feet total.

Mayor Thalhoffer asked where is the amphitheater?

McCallum replied the amphitheater can still go in the riverfront park area. What was discussed at the Project Advisory Committee meeting was that the horseshoe shaped part of

the road, during special events at the riverfront park could be blocked off and that could be spilled over to be additional enlarged promenade or craft booths or whatever. In the composite drawing, an amphitheater is not drawn in, but that doesn't mean it is excluded it is just not depicted.

Mayor Thalhofer asked block one in the composite plan is entirely devoted to the Factory Outlet stores, which have not approved that have they?

McCallum replied Matt Connolly's letter would speak to the contrary.

Mayor Thalhofer asked we have not heard from the Bennetts' or the Yoshidas' as to what they would like to do with their property?

McCallum replied at the Planning Commission hearing I believe that Mr. Bennett said he wants to see what the city is going to do first.

Mayor Thalhofer stated the Planning Commission's recommended plan has two accesses, the Kibling overpass and 257th. They have an additional plan that they considered which has a single access, correct?

McCallum replied yes, I handed that out this evening, it is called Plan B.

Mayor Thalhofer asked that is the Planning Commission's favored plan for single access. In other words they had a two access plan and a single access plan.

McCallum replied they considered all six plans that came from the June 7th public workshop and then they narrowed it down two plans, one with a single access, Plan B, and Group A's concept plan with the Kibling Bridge. Those were the two plans that the Planning Commission considered at their July 18th hearing.

Councilor Kight asked just for clarification, what are you looking for from the City Council tonight?

McCallum replied staff did not bring back a revised resolution for Council because our draft resolution was based upon the Planning Commission's recommended plan. We are waiting for direction from the Council.

Councilor Kight asked you are looking for us to narrow it down to a specific plan.

Mayor Thalhofer stated we don't have to do anything tonight. This is an informational meeting and we can hold another public hearing or work session to go over this with the citizens and the business people.

Councilor Kight stated I just wanted clarification as to what the goal of tonight was, or was this just continuation from previous meetings.

McCallum replied it is a continuation from the previous meeting and additional information was provided at the request of the Council and Mayor.

Councilor Kight asked the composite plan, the area where the sections of the Outlet Mall expansion, how many square feet is that?

McCallum stated block one is 62,400 square feet for Outlet Mall expansion.

Councilor Kight asked where is the parking going to be for that?

McCallum replied the parking will have to be in a shared structure.

Councilor Kight asked the area that is white is that landscaping or parking?

McCallum replied it is the loading area.

Councilor Kight asked in the center is the loading area?

McCallum replied yes.

Councilor Kight asked so they would access the store from the perimeter where the streets are?

McCallum replied correct.

Councilor Kight asked so the center would be a non-public area.

McCallum replied correct.

Councilor Kight asked how wide is that block?

McCallum replied I don't have that figure with me. The interior of the block, the useable area adds up to 2.2 acres.

Councilor Kight stated moving to the east, the riverfront park, do you happen to have the dimensions on that?

McCallum replied I don't have any dimensions. The riverfront park portion on the city owned property is about 2.7 acres.

Councilor Kight asked how wide is that pathway?

McCallum replied it would be about 12 to 15 feet wide. The vegetation corridor portion is depicted at 100 feet because a majority of the property does have a slope greater than 25% adjacent to the Sandy River.

Councilor Kight asked would the condition of development on the Bennett site, would we have to buy that vegetation buffer from them?

McCallum replied in a Project Advisory Committee meeting and meetings with David Bennett and Valerie Todda, they indicated verbally that they would prefer that the city purchase that from them.

Councilor Kight asked I would assume that the city would be responsible for maintaining all of the landscaping through there?

McCallum replied right, it would be public space.

Councilor Kight asked what is the main objection on the part of the Outlet Mall, Matt Connolly, other than the size? He wants 90,000 and this looks like approximately 62,000 square feet. Is it just a disagreement on the amount of square feet?

McCallum replied it is the layout that they are constrained by. In the Town Center Overlay Plan we have building orientations with respect to the front entrances facing on our main street.

Councilor Rabe asked if we were to try to accommodate the Factory Outlet Mall's desire to get closer to the 90,000 square foot mark, how much ground do we need to have available for parking?

McCallum replied if they want to go to surface parking with respect to the Outlet Mall expansion, parking requirement for 62,400 square feet of retail space is at least another 568 parking spaces for that use alone. They already exceed the minimum parking requirement in their existing development.

Councilor Rabe asked I am trying to get this in the context of surface area, whether or not you can actually even fit this all together. Given the 62,400 square feet, can it be fit together? Then if we were to try and bump it up to 85,000 or whatever, can we do that?

McCallum replied I penciled out some of that information but I did not bring that with me, it is real complicated and subjective. That is part of what drove my comment that for 90,000 square feet of Outlet Mall expansion with surface parking, it would take up the majority of block one and two.

Councilor Rabe asked when you say surface parking, that would not be a parking structure?

McCallum replied no, it would be identical to what they have now.

Councilor Rabe asked so we would have to build up in order to accommodate the desired size of the Outlet Mall?

McCallum replied the Outlet Mall expansion would fit on blocks one and two with surface parking but it wouldn't afford any other uses.

Councilor Rabe asked on the Planning Commission's recommended plan, the storefronts would be facing the new public street? Or would that be the back of the stores?

McCallum replied in block one, they would probably continue to face into some surface parking and they could turn the corner and face the extension of 257th Way, so that they would face out at least towards the riverfront park area.

Councilor Rabe asked so they would basically face inward relative to the block?

McCallum replied right.

Councilor Rabe asked would that also be true of the storefronts in terms of block two?

McCallum replied yes. The hotel, which is in the grayish color, you would probably have some sort of public plaza entrance in the corner and windows and other ground floor boutiques. The idea was that there would be boutiques and restaurants as well as rooms with parking behind, surface or structure. Then with respect to the mixed-use retail, shown in red, they would also, in keeping with the Town Center Overlay, you would have entrances that came off of the main street, not necessarily the southerly street in the block but for sure the easterly portion.

Councilor Daoust asked with the Planning Commission's preferred alternative, which is from Group A, they have two access points, they do not have a three-story parking garage, granted there is less space for the Factory Outlet Mall expansion. What is forcing the three-story parking garage in this alternative? I see more space for the Outlet Mall expansion but that is about it. Is that forcing the three-story parking garage?

McCallum replied it is the additional square footage which requires additional parking and the fact that block one is no surface parking, the interior of block one is all for loading and the garbage enclosure area.

Councilor Daoust stated that three-story parking garage bothers me. Is that three-story parking garage based on the Bennett property developing and needing parking, or is the three-story parking garage just based on block one, two and three?

McCallum replied just block one, two and three and the riverfront park on the city portion.

Councilor Daoust asked the Bennett property would have to provide for parking?

McCallum replied yes, as they develop.

Councilor Daoust asked I am curious why Chelsea thinks they need 90,000 square feet. Is it based on the price of the land that they think they are going to have to pay so they need that much space to recoup that cost?

McCallum stated I don't have that answer.

Councilor Daoust asked what do we need to address now with the concept plan. When I look at dealing with buyers of this property we are going to be going through development and disposition agreements and we will be talking about the size of the development and architectural standards and all of the details of the development when the buyers come to us. What do we absolutely have to address now in a concept plan, let me put that a different way, how much weight does a concept plan have later when we are working with these disposition and development agreements. I am trying to decide how much we really need to decide right now. Can you answer that question?

McCallum replied I think one thing that should be really clear from the Council is whether they want to uphold the already adopted Town Center Plan and Development Code standards for the Town Center Overlay District that were recently adopted in 1998 or whether you would like to reconsider the applicability to the city owned property. That might be your conclusion that you need to do that and that you don't want to go forward with adopting a concept plan until you sort that out. You may want to consider a street configuration and not worry about the uses and just say we will worry about it when we find a willing seller, I don't know. There might be some legal questions with respect to disregarding your existing zoning on the property that leaves the Bennetts' in an awkward position.

Councilor Daoust stated so we should definitely make some decision on the Town Center Overlay District standards.

McCallum stated I think that is a critical point.

Councilor Daoust stated the Planning Commission picked Group B for one access and Group A for two access points and that is the preferred plan of the Planning Commission out of the six plans they looked at, correct?

McCallum replied correct.

Councilor Daoust asked neither one had a three-story parking garage?

McCallum replied no.

Councilor Smith asked we don't necessarily want giant buildings down there, is there any chance if we do have to put in a parking garage that we can put any of it underground or does our water table level cause a problem?

McCallum replied our water table is very high there, I think most everything is going to be above ground.

Councilor Smith asked on the pedestrian walkway, what would be the width and length of it?

McCallum replied I am not sure of the length but the width will be about 12 to 15 feet wide because it will be multi-purpose, bicycle and pedestrian promenade.

Councilor Ripma asked if we eliminated the Town Center Overlay District in this area what would be changed? Am I right in thinking that the perimeter streets wouldn't have to be there the way they are, we would still have to have a street up the middle or we could have a street up the middle. Is it true we wouldn't have to have the perimeter streets around blocks one and two?

(Councilor Kight left the meeting at 10:25pm)

McCallum replied the perimeters would not be as restrictive but for circulation purposes for fire, life and safety you are still going to want circulation of some sort. The buildings would not have to be oriented to be pedestrian friendly. I think those are two of the main elements. There would be no design standards with respect to maximum distance away from the sidewalk the entrance could be or how it opened up to the sidewalk. There are some architectural elements built into the Town Center Overlay Plan for commercial development on the treatment plant site that if it were to be removed from the Town Center Overlay District, only the general elements from our Site and Design Review, Chapter 8, and the underlying zoning of General Commercial would apply.

Councilor Ripma asked would the mixed-use and the 44 condos still be required?

McCallum replied if it was removed from the Town Center Overlay District those uses would not be permitted.

Councilor Ripma stated the idea of having the 44 condos facing the tracts never did strike me as being very logical. I agree with Council Daoust regarding the three-story parking structures, it bothers me also. It is true that a plan not using the Town Center Overlay District has never been considered by the consultants that we hired. Group C, which I was on, we never understood that we could violate the perimeter streets, other than that very limited input there really hasn't been any serious consideration of not having the Town Center Overlay constraining this development, isn't that right?

McCallum replied correct.

Councilor Ripma stated that was because that was the way we instructed you to go. If we were to look at this site without the constraints of the Town Center Overlay, is it possible that it wouldn't be necessary to build a three-story parking structure, that we could eliminate the condos and more surface parking and maybe not give the Factory Outlet Mall everything they are asking for but keep it lower, that is possible isn't it?

McCallum replied right. What actually drives the parking structure is the variety of uses, which may be overbuilt.

Councilor Ripma stated the Town Center Overlay applies to our main street, Historic Columbia River Highway, doesn't it?

McCallum replied actually it encompasses an area that reaches from the Sandy River all the way over to the McMenamin's property and the undeveloped County Farm property.

Councilor Ripma stated I guess I would say that there is nothing quite like this property elsewhere in the Town Center Overlay and I for one would favor considering alternatives to that.

Councilor Rabe asked what would need to happen in order for us to look at developing this without the overlay?

McCallum replied the first way to do this would be by resolution and you would be directing staff to look at doing a plan map and zoning map amendment to remove this area from the overlay district.

Councilor Rabe stated so it would be a rather detailed process in order to implement a development without those standards.

McCallum replied right. Your resolution can include what kind of concept plan you would like to see and recognize the need that the comprehensive plan map, the town center overlay map and zoning map would need to be revised.

Councilor Rabe stated I wanted to get a handle on just how big of a beast this would be.

McCallum replied it is about a six-month process.

Councilor Ripma stated we could do a concept plan that says we are not going to apply the Town Center Overlay, we could do that now and then begin the process of changing these maps.

Councilor Daoust stated I don't even want to consider that.

Mayor Thalhoffer stated I think we are not ready to make any decisions tonight and we probably need to have a work session on this.

Mark Durrough stated I am the dentist in downtown Troutdale. I grew up in Hillsboro and I wanted to go to a small town and my wife wanted to go to the city. We found Troutdale and it is a happy medium. I enjoy the quaint uniqueness when you walk down the main street. There is a real sense of community, it is very unique because most of the people down there are achieving the American dream of being a small business owner. Some of my biggest fears of this development are that it will destroy what has been created. On main street we

were required to have brick walkways and as you look down main street you can see how many people actually followed the rules. Initially these rules may be made for these developers, but when it comes down to it a lot of them probably aren't going to be followed. One of the things I like about the lot where my dental office is located is the view. I am only 33 years old so I have a long time ahead of me to look out those windows. I enjoy looking out there at the freeway. When my patients are sitting there it is nice for them to be able to look out the window. As far as the sewage treatment plant, it has been quite a conversation piece these last couple of years and I have never minded it. I think what could be done may be much worse than the view we have had. As far as the plans, people spent a lot of time and effort going through these plans but the question that should be asked is not only can we, but should we? Looking at this development to me there is going to be a lot of tax dollars spent, maybe it is not all tax dollars, but if there is an overpass a lot of resources are going to be spent for the Outlet Mall to expand. They are not the most aesthetic buildings. I am fine with where they are at now but as far as them expanding, a big portion of this development is going to be the Outlet Mall expansion, in my view that is how I see it. I know there are some other minor things put around it but is that really what we want here. There is the area where the hotel burnt down if someone wants to put up a hotel, which is a good location. There are other areas around town also. Is now really the time to develop this? We are the Gateway to the Gorge, it is such a picturesque area and one of the most unique plots of land on the planet earth. This being the gateway and all of a sudden creating it into an industrial park will change the feel of that. Looking at development, obviously even the Planning Commission, in years past somebody wasn't anticipating what Troutdale would become, otherwise this wouldn't be a retrofit trying to build a neighborhood in an enclosed area. In 20 years from now as Troutdale grows is it really essential to the residents of Troutdale to have this little area down here. On the environmental side if we develop more and more and the lots gets smaller that creates less greenspaces. As far as monetary wise, if we created a big park here we will not be getting tax revenues. Is it possible that we can just leave this whole thing alone for now and maybe down the road when there are tax revenues and resources this can be developed into something nice that will benefit the citizens of Troutdale. Right now I see this as mainly benefiting the Outlet Mall. My take on this and the people that I associate with, I don't know if that really benefits Troutdale. In my mind, the Outlet Mall is located just off the freeway and I think a lot of the people shopping there are not the taxpayers of Troutdale. If this proceeds as it may because there are those interests of, it takes money to run the city, my strongest opposition would be that I don't think the overpass is in tune with what the whole creation of that street being the turn of the century look and all of a sudden you try to retrofit this bridge and throw it in amongst all our businesses. The parking garage, anything like that is totally out of touch with the turn of the century look also. If it is developed everything should be very low to the ground and upheld to the same standards we upheld. The bridge, height of buildings, aesthetics and the traffic problems I guess are my biggest concerns.

Councilor Ripma asked so you favor banking this land. This is option that we were not given in the workshop, to do nothing with the land but just sit on it for twenty years. Is that what you are saying?

Durrough replied yes.

Councilor Ripma stated make it all open space, I think that is an option that ought to be considered.

Councilor Rabe stated I share your concern with the open space. I also would prefer that.

Councilor Daoust stated the architectural standards that you are talking about, those are an intricate part of the Town Center Overlay District Standards, so you would favor keeping them?

Durrough replied I very strongly favor that. If we could have went with a concrete slab wall with an aluminum roof, we could have been in there for a lot less money but it wouldn't have the same character. I feel strongly that they should also have to retain that same look.

Terry Smoke stated I am the President of the Troutdale Chamber of Commerce and a business owner in Troutdale. I think the direction we are headed is good. I am impressed with tonight and that we are headed towards the idea of continuing with more workshops. I don't think we should defeat what Ms. McCallum has done. We have come up with some good ideas and it is a matter of you never get the right thing right away. It is a matter of molding it all into place and all of the pieces falling into it just like the Historic Columbia River Highway and how it has all been put together and it looks so good. Everybody has always complemented how good of a decision was made and how everything came together just right. I think that is the same thing with what we are doing here. I think it is a matter of continuing to keep pushing toward the ideal look in the end. I think Dr. Durrough had some great comments about it. I think that everybody who has had input has come up with some good ideas. I am all for the interpretive center. I think it is important that as you go into the gorge and come out of it that the first thing you see is really the focus of how the gorge was formed and all about it and a Native American section. I think we can get the funding for it from grants and the government.

Councilor Ripma asked you are prepared to help secure some of that funding?

Smoke replied yes, as best I can.

Councilor Daoust asked do you have a preferred plan?

Smoke replied my biggest fear is the Frontage Road backup that would be caused by the way that it is set up to where the entrance would be at 257th. I still think, especially if we did an interpretive center to the caliber of what Newport did, I think the backup of the traffic would be phenomenal. I would love to see an exit ramp that would be specifically for this area just past the Outlet Mall. I think if there was a separate ramp it would alleviate the problem of the traffic backup.

Councilor Daoust asked so if we can't get ODOT to give us a separate interpretive center exit, I take it you would prefer the two access alternative?

Smoke replied that is one of those answers that I really can't give you. I understand the Frank's point of how Kibling Street would come across next to his business and the danger of it and how they would make the corner work. There are so many different problems that would come up, I don't know. That is a matter to leave to the experts.

Mary Greenslade stated I am not only a Troutdale resident but I am also a business owner in Troutdale. My husband and I own two buildings on Columbia River Highway. We have a vested interest both personally because we live here and professionally because we work here. I think what we have in front of us is a very exciting project. Mike and I did attend one of the Planning Commission work sessions. The plan that we did support was plan A, which is the Planning Commission's recommended plan. As a business owner I personally feel that the double entrance is very important to this. I think the single entrance on 257th would encourage traffic into the new development and discourage traffic up on the highway. That is not a good idea, we have all put too much time and money into this and I would hate to see that destroy what we have done. I understand that the Outlet Mall has the need to expand because they may have competitive pressures from other outlet malls that force them into becoming bigger, but personally as a resident I think we have enough green roofs and parking. So I am not in support of the expansion but I do understand business and I understand that we might need to give them some of the property, I would hate to see them get the majority of it. I think the interpretive center is a wonderful idea, the question is how do you fund it, so if you can find that answer, great. Anything that we can do to accent the Sandy River is also a terrific idea, but it doesn't happen overnight. I do know that the Planning Commission has put a lot of time and effort into this. I think it is important that we stay in tune with what the residents want as well.

Mayor Thalhoffer asked have you had an opportunity to look at the composite plan?

Greenslade replied yes. One thing about Group A's plan was in addition to that 45,000 square feet of Outlet Mall expansion that is shown on the plan, with the 257th extension, Beth correct me if I am wrong, but we also agreed to give them property on either side of that which would increase that total amount of square footage.

McCallum replied the infill would be on land that they already own and Matt Connolly's comments to that opportunity, which is desirable under the Town Center Plan, he stated they have line-of-sight lease agreements. An example would be that the Gap store would want to be seen from all points within the development, so that would be a problem.

Greenslade stated back to the question of the composite plan, I am concerned that you are going to have block one primarily designated for the expansion, block two has to be able to accommodate the parking necessary, so you have taken up two big blocks for the Outlet Mall expansion. I think that is too much. The two-story community building can be a lot of different things. I do have a concern about it not having access to the Columbia River Highway. For the Franks with the building next to the bridge, personally I see it as the more trips that go down that road the better it is for your business. For me I would say, give me that and the building and I will take it. I think it would be a nice spot to have.

Terry Sunderland stated I am employed by Chelsea Property Group as the General Manager of the Columbia Gorge Premium Outlet. I wanted to share with you that I don't have any new directives from Matt Connolly. I understand that there is a desire by everyone that I could probably sit here and answer a lot of questions, technical and otherwise but I don't have those answers. I wanted to make a couple of comments. I wanted to ask Ms. McCallum, has Matt seen the composite plan?

McCallum replied it was mailed to him.

Sunderland stated with the orientation on the composite plan, the storefronts would be east and west and the interior would be the loading zones. I am guessing that will not be agreeable but I have not talked to Matt about that. My point being especially for the building that is facing west, those storefronts would be looking at an already existing unloading zone and I can't imagine that would be desirable. I think what that leads into is what we have been saying all along, I know it seems like we have been vague, I guess we are under the impression that this is just conceptual. We are not interested in having anything set in stone about footprints and the orientation and that sort of thing. We have expressed the desire for many reasons to have the 90,000 square feet. I think in our minds we have not had the opportunity behind closed doors to talk about things. I guess we just don't want to be put on the record for saying that we are agreeable to any certain orientation of the buildings or footprints or architectural designs.

Councilor Daoust asked when Matt Connolly says in his letter specifically we are concerned with the proposed site plan design, the limiting of Outlet square footage to block one and the need to maintain the Town Center guidelines, he says he takes issue with that. Is there anything in particular that he would take issue with? Are we talking the architectural standards or the orientation of the buildings to the street?

Sunderland replied I think it is, from what I understand from previous conversations with Matt, a little of this and some of that. He has brought up before the issue of the amount of street space and if some of that could be eliminated how that could make a difference. He has talked about orientation and how far the buildings are set back from the sidewalk, I think that sort of stuff comes down to losing square footage potential. Colors or the use of brick or some of those other things, I don't think those are the elements that he is talking about at this point. I think in Matt's mind he is looking for ways to maximize the property for square footage and if he sees things in the Town Center Overlay that would impede that, that is my impression from what he said.

Councilor Daoust stated I got the impression from his letter, he wasn't demanding 90,000 square feet, he just wanted to work things out with us.

Sunderland stated Matt has a boss also that is probably saying lets start here, it is a good starting point according to whatever they are penciling out and what the tenants are saying they would be agreeable to. I think that the tenants wouldn't be agreeable to going back there unless there was added support. Whether anyone likes it or not, bigger I guess is better right now as far as outlet malls and what tenants think as being profitable for them. I

think you are right but it is just one of those things, we haven't talked in a non-public format so I am sure things can go a real different direction but I think he has been given his marching orders to say this is a good starting place based on economics and tenant response. We want to continue to be a good neighbor and I think there are other ways that we can contribute to the community as we have done in other communities.

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

No additional testimony received.

Mayor Thalhoffer stated I would like to suggest that we have a work session where this is the only matter on the agenda. I would like to know if the Council agrees with that.

Council agreed to holding a work session on this issue.

Mayor Thalhoffer asked should we start with the Town Center Overlay and whether that should be in place?

Councilor Rabe stated I think we should discuss the pros and cons of that option.

Councilor Ripma agreed.

Mayor Thalhoffer stated that we will hold a work session on October 16, 2001 at 7pm to discuss the Town Center Overlay zoning. Who would be noticed on this meeting?

Stickney stated the notice will be published in the Gresham Outlook and will be mailed to the list of citizens that have requested to receive City Council meeting agendas.

Mayor Thalhoffer asked will the businesses downtown be notified?

Stickney replied we can do that.

6. PUBLIC HEARING / ORDINANCE (Introduced 7/24/01): An Ordinance adopting Chapter 8.26 Outdoor Lighting, of the Troutdale Municipal Code.

Mayor Thalhoffer stated that this item will be set over until the October 9th Council meeting.

7. MOTION: A decision as to whether or not the City of Troutdale should participate in a Regional Water Initiative.

Mayor Thalhoffer stated that this item will be set over until the October 9th Council meeting.

8. COUNCIL CONCERNS AND INITIATIVES:

None.

9. ADJOURNMENT:

MOTION: Councilor Thompson moved to adjourn. Seconded by Councilor Ripma.

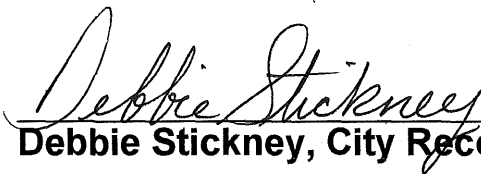
VOTE: Councilor Ripma – Yes; Councilor Thompson – Yes; Mayor Thalhofer – Yes;
Councilor Rabe – Yes; Councilor Daoust – Yes; Councilor Smith – Yes.

Meeting was adjourned at 11:12pm.


Paul Thalhofer, Mayor

Dated: 11-7-01

ATTEST:


Debbie Stickney, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

September 25, 2001
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>(please print)</small>	ADDRESS	PHONE #
Kevin Warner	719 S.W. Burlingame Cir.	661-3886
Chris Wilson	1306 SW 24 th SE.	503-661-3422
John Wilson	N N E	N N E
John WOELFLE	1167 SW MITCHELL CT	666-4574
Earl L. Smith	1436 SE 29 th Ct.	669-9304
Laura Van Atta	1204 SW Mitchell Ct	661-2318
LORNE MITCHELL	767 SW 12 th ST	689-7760
Terry Smoke	289 E Hist Hwy	992-9912
Dr. Mark Dorrrough	701 SE 191 E. Historic Col. River Hwy	674-8767 805-9482
Jeri Sunderland	Columbia Gorge Premium Outlets	503-669-8060
Mary Greenslade	1515 SE 20 th Way	666-0516
Diane McKee	P.O. Box 245 Troutdale	669-7473
Ted H. Weaver	409 SW 19 th St Troutdale	661-9658
Neil Dandy	146 W. Columbia Hwy Tdele	665-4752
Polly Dyden	161 E. Hist. Col. Hwy Trd.	674-5437