

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

**Tuesday, March 11, 2008**

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

Mayor Thalhofer called the meeting to order at 7:01pm.

**PRESENT:** Mayor Thalhofer, Councilor Kight, Councilor Thomas, Councilor Canfield, Councilor Kyle, Councilor Daoust and Councilor Ripma (7:12pm).

**ABSENT:** None.

**STAFF:** Jim Galloway, Public Works Director (Acting City Administrator); Rich Faith, Community Development Director; Elizabeth McCallum, Senior Planner; Debbie Stickney, City Recorder; David Ross, City Attorney; David Nelson, Chief of Police; Sergeant Newton; Sergeant Wendland; Detective Vining; Officer Wilkerson; Officer Copeland; Officer Potter; Officer Kotsovos; Officer Kaer; Officer Licht; and Rita Correy, Assistant Planner.

**GUESTS:** See Attached.

**2. OATH OF OFFICE: Officer Daren Taber.**

Mayor Thalhofer administered the Oath of Office for Officer Daren Taber.

**3. CONSENT AGENDA:**

**3.1 Accept Minutes:** January 8, 2008 Work Session, January 22, 2008 Regular Meeting, January 29, 2008 Work Session, February 5, 2008 Work Session, and February 12, 2008 Regular Meeting.

**3.2 Resolution:** A resolution providing for budget transfers and making appropriation changes for Fiscal Year 2007-08.

**3.3 Resolution:** A resolution approving an Intergovernmental Agreement between the City of Troutdale and the Sandy Drainage Improvement Company for the Salmon Creek Weir Improvement Project.

**3.4 Resolution:** A resolution approving an Intergovernmental Agreement with the City of Gresham for overtime for EMGET through Project Safe Neighborhoods.

~~**3.5 Resolution:** A resolution approving an Intergovernmental Agreement with the Tri-County Metropolitan Transportation District of Oregon, the City of Troutdale and the City of Portland for Transit Police Services. *(Item pulled from the Consent Agenda)*~~

**3.6 Motion:** A motion to adopt the 2008-09 City Council Goals

Councilor Canfield requested that Item 3.5 be removed from the Consent Agenda for discussion.

Council agreed. Item 3.5 will be discussed following Agenda Item #6.

**MOTION: Councilor Thomas moved to adopt Consent Agenda Items 3.1, 3.2, 3.3, 3.4 and 3.6. Seconded by Councilor Daoust. Motion Passed 6-0.**

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

None.

**5. PRESENTATION:** A presentation on an East County Proposed Peer Court Project.

Cathy Sherick, Project Manager for the Greater Gresham Area Prevention Partnership, stated my employer is actually the Police Activities League (PAL) and they have taken on a five year drug and alcohol prevention federal grant. As part of that grant we have been working in the community on a number of projects, one of which is the development of a peer court. I want to acknowledge the assistance of some of your officers: Officer Goss, Officer Rist and Officer Kellogg. They have all been extremely helpful on this project. The project will be a community peer court that will hopefully happen in the four East County cities – Gresham, Troutdale, Fairview and Wood Village. As part of the model we will be engaging interns from Portland State University. They have a wonderful criminal justice program there. Several of the students have been working with us on this project. Three of the students have been working really hard with me the last few months and they are here this evening to present the proposed program to you tonight.

Dale Sealy, Toni Miller and Amanda Sanchez showed the Council a PowerPoint Presentation (copy included in the packet) on how a peer court works, what is needed for a peer court to operate, benefits to the community as a result of a peer court, timeline for implementing a peer court in East County, community networking and training.

Councilor Thomas stated I would sure like to see Troutdale help out as much as we can.

Mayor Thalhofer stated I think this is a wonderful program.

Councilor Canfield stated I will support this. It will be good for the communities and the schools.

Councilor Kyle asked for a contact phone number.

Cathy Sherick replied the phone number for the PAL office is 503-823-0250.

Councilor Daoust asked does the juvenile go to a county court system first and then that judge puts them into this program?

Amanda Sanchez replied a police officer will cite them and if it is their first offense they will be sent to peer court, if it is not their first offense then they go through the juvenile system.

Councilor Daoust stated the program sounds great.

Councilor Kight asked in the adjudication process where the offender comes to your peer court, could you walk me through what happens?

Amanda Sanchez replied they go through an intake interview with a parent present. Once they have their actual hearing the parent has to come with them and they will have a peer lawyer who will state their case. There will be a jury and they will impose a sentence.

Councilor Kight asked what kind of sentences are we talking about?

Amanda Sanchez replied a mandatory cost of crime class. They will have to sit on a jury a minimum of one time. The jury can require them to write a letter of apology, for example to Safeway if they were caught stealing from Safeway. They could possibly make them go to a middle or elementary school and talk to students about what they did. Community service is another option.

Councilor Kight stated I think you are doing a great service to the community. I support your efforts.

Councilor Ripma stated I also support this program, I think it is a great idea.

## **6. PRESENTATION: Safety Award**

Rita Correy, City of Troutdale Safety Committee Chair, introduced Denise Burton who is the Senior Loss Prevention Consultant with Liberty Northwest, the City's workers compensation insurer. Denise is the specialist who assisted us in implementing our Workplace Safety Plan in 2002. I have worked with Denise in developing several safety policies and procedures in the last five to six years. The hard work has evidently paid off because Denise is here this evening to present an award to the City to recognize our safety record from 2003 to present without a loss of employee work time due to work related injuries.

Denise Burton presented the silver award from Liberty Northwest which recognizes 5 years without a loss-time injury. That is pretty significant considering all of the risks involved with the City operations. I have been impressed with your Safety Committee. They have done a great job in developing policies and programs.

### **3.5 Resolution: A resolution approving an Intergovernmental Agreement with the Tri-County Metropolitan Transportation District of Oregon, the City of Troutdale and the City of Portland for Transit Police Services.**

Chief Nelson stated Tri-Met does not have their own police department. They contract with the Portland Police Bureau who subcontracts with other agencies. The agencies that participate assign an officer to Tri-Met that will primarily do enforcement on the Max line, but

they will also do enforcement at any Tri-Met bus stops. We have entertained this off and on for the last 3 or 4 years. We had erroneous information a few years ago that we couldn't participate because we were not directly on the Max line. That is not the case. Essentially Tri-Met pays the City of Portland, who will then pay us on a monthly basis, for the salary, benefits and costs incurred for that officer plus ten percent for administration. The benefit is it provides the officers with another detail that they can do. We would rotate this assignment every three years. We would hire an additional officer to backfill that position that would go to Tri-Met.

Councilor Thomas stated my concern is we have 24 officers and of that four of them are already dedicated to other types of services (School Resource Officers and Gang Enforcement); if we enter into this agreement we would have five of our officers dedicated to other types of services. My reason for hiring more officers was to get more officers on the street and to reduce some of the call load that each of the officers were handling. By hiring another officer for this particular assignment, it seems like our force is growing but we are not necessarily gaining patrol coverage.

Chief Nelson stated this assignment would probably have the least direct benefit to Troutdale. If we didn't have officers at the schools we would be taking calls from the schools every day. The Gang Enforcement Officer does do work here and spends a lot of time at the high school. The benefit that it does give us is that we do have the ability to draw from these resources when we do have events or special duties/assignments.

Councilor Thomas stated I don't doubt the value of this. If Tri-Met is paying for this why don't they have their own force?

Chief Nelson replied I have asked that question also, and I don't know why they don't. They have 25 to 30 officers in the Metropolitan area assigned to Tri-Met. They have a commander, lieutenants and sergeants.

Mayor Thalhoffer stated I have always thought that Tri-Met should have their own police force. It is necessary to have officers on the Max line for safety purposes. We should encourage Tri-Met to have their own police department, but in the interim I favor this IGA because the salary and benefits will be paid for by Tri-Met.

Councilor Canfield stated I am confused. You said that Tri-Met is paying for this but in the agreement it says that Troutdale bills Portland Police Bureau.

Chief Nelson replied Tri-Met pays Portland because they oversee the program. Portland does not want to provide all of the Tri-Met officers so they enter into agreements with other agencies. So all of the money goes from Tri-Met to Portland and then Portland will reimburse us.

Councilor Canfield asked when would the Troutdale officer start working on this assignment?

Chief Nelson replied they would like us to start on April 1<sup>st</sup> but I have told them it would probably be mid April.

Councilor Canfield stated your staff report mentions that you are in the process of hiring an officer to replace the officer that takes this assignment. When do you anticipate hiring a replacement officer?

Chief Nelson replied if the IGA is approved tonight I would hope to have an officer hired by the end of March.

Councilor Canfield asked when would that officer be street ready?

Chief Nelson replied in six weeks, this would be a lateral hire so they are already certified by the state.

Councilor Canfield stated so there would be a gap.

Chief Nelson replied a short one, probably three to four weeks.

Councilor Canfield stated you have been in negotiations with Portland since November 2007. Who initiated that conversation?

Chief Nelson replied it was actually initiated by a Gresham Sergeant who works for Tri-Met.

Councilor Daoust stated when it comes to commuting there are no city boundaries. I take Max every morning and afternoon and other Troutdale residents going into Portland or Hillsboro use Max. I think it is great that we want to put a Troutdale Officer on Max. Does this funding keep going after three years?

Chief Nelson replied it is actually a year to year grant and the agreement would just continue to roll over.

Councilor Daoust stated from my personal experience I think they do need more police officers on Max. I support this.

Councilor Kight stated there is a direct connection because folks from Troutdale do use the Max. You said that 110% of the cost is recovered from Tri-Met, does that also cover equipment? In other words do they use a police car?

Chief Nelson replied they actually have their own fleet of cars, they look like a Portland Police vehicle but they have Tri-Met on them.

Councilor Kight asked so our dedicated Tri-Met officer would not be using a Troutdale vehicle?

Chief Nelson replied correct.

Councilor Kight asked what is the support from our officers for this?

Chief Nelson replied there is a whole list of them that are lined up.

Councilor Kight asked is there a reason why?

Chief Nelson replied because it is a pretty fun assignment. They get a lot of variety and they get a chance to work with other agencies.

Councilor Kight asked by virtue of the fact that they will be working with Tri-Met do you lose control of this individual?

Chief Nelson replied they are actually supervised by a sergeant from Gresham or Portland. They still have responsibilities to meet with our supervising staff weekly. We won't have day-to-day contact with them but we will have weekly contact.

Councilor Kight stated I approve of this.

**MOTION: Councilor Ripma moved to adopt the resolution approving an Intergovernmental Agreement with the Tri-County Metropolitan Transportation District of Oregon, the City of Troutdale and the City of Portland for Transit Police Services. Seconded by Councilor Kight.**

**Councilor Kight stated I think there is a direct benefit to Troutdale by virtue of the fact that as Councilor Daoust pointed out, there are no boundaries regarding commuting. There are a lot of our folks using the Max and the buses. This provides our officers with another level of experience that our officers otherwise would not get.**

**Councilor Thomas stated my biggest concern is that for so long Tri-Met denied even having a problem. I would still prefer that Tri-Met hire their own officers.**

**Mayor Thalsofer stated I agree. Maybe the Council at some point in the near future could write a letter to Tri-Met to that affect. I also favor this program.**

**Councilor Canfield stated as much as I disagree with this shell game that goes on to fund this program, I am going to support it if that is what it takes to get security on the Max.**

**Councilor Kyle stated I am going to vote for it.**

**Councilor Daoust stated so am I. I think it is a great action to show regional partnership.**

**VOTE: Councilor Thomas – Yes; Mayor Thalsofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Ripma – Yes.**

**Motion Passed 7 - 0.**

**7. PUBLIC HEARING / RESOLUTION:** A resolution approving the annexation of approximately 16 acres of real property (Land Use File No. 07-126 Singer/Summers Annexation) and adopting findings.

Mayor Thalhofer read the resolution title and asked the City Attorney to review the process for this public hearing.

David Ross, City Attorney, stated this is being processed as a Type IV Quasi-Judicial Land Use Proceeding in accordance with the provisions of the Troutdale Development Code, even though the proposed annexation was initiated by the property owner. A staff report has been prepared and has been made available seven days before this hearing. The staff report identifies the approval criteria that apply and analyzes those criteria. The procedure that the City will utilize for this hearing is as follows: Staff will present the staff report; the Mayor will open the public hearing; the applicant will be given an opportunity to present information and respond to Council's questions; anyone who wishes to testify about the proposed annexation will be given the opportunity to do so; the applicant may then present rebuttal testimony; after all of the testimony has been submitted the City Council will discuss the proposal. If you are going to testify, please make sure that you have signed in and give your name at the beginning of your testimony so that the City has it in the record. Your testimony should address the applicable approval criteria. If you believe that other criteria apply in addition to those that are addressed in the staff report, you must identify those criteria and explain why you believe they apply to the proposal that is being considered. The Mayor may reasonably limit oral presentation in length or content depending on time constraints. Any party may submit written material while the public record is open. After all of the testimony has been submitted the Mayor will close tonight's public hearing. If the City Council makes a decision with which you disagree, any issue that you want to raise on appeal has to have been raised for the Council's consideration. Failure to raise an issue on the record that is sufficient to afford the City Council and all parties the opportunity to respond to the issue will preclude an appeal of that issue to the Land Use Board of Appeals as well as any action in Circuit Court for damages. Before the Mayor begins with the staff presentation, do any of the City Councilors or Mayor need to disclose any conflicts of interest or ex-parte contacts?

Councilor Ripma stated I live close to this site. Troutdale Road is being annexed to provide a connection to the City. My property does not abut the place where the end of the annexation touches the City of Troutdale, but it is pretty close. Is that a problem?

David Ross replied no.

No conflicts of interest of ex-parte contacts were disclosed.

Elizabeth McCallum, Senior Planner, showed the Council a PowerPoint presentation (copy of the presentation is included in the packet). The Singer/Summers annexation is a Type IV proceeding. The Planning Commission held a hearing on this matter on February 20<sup>th</sup> and has forwarded their recommendation for approval to you. The subject property is going to be what is commonly called a "cherry stem" annexation. The annexation includes the portion of Troutdale Road that is south of Sweetbriar Road all the way to Strebin Road, as well as the two tax lots involved. These properties collectively are identified as the "Affected Territory". The properties are within the Troutdale/Multnomah County Urban Planning Area (UPA) and

are within the Urban Growth Boundary (UGB). The tax lots are owned by Christine Singer and Lois Summers. There are three homes on the subject property; one at 2035 SE Troutdale Road and two homes on the Summers' property at 2111 and 2121 SE Troutdale Road. The owners did initiate the annexation to the City of Troutdale in anticipation of subdividing their properties. The applicant representing the property owners is L & M Land Development. The area being proposed for annexation totals about 16 acres and includes the tax lots involved as well as the right-of-way of Troutdale Road. Troutdale Road is a County road but this annexation does not change the status of Troutdale Road's jurisdiction with Multnomah County. The current city boundaries are denoted in green on Slide 3 (Exhibit A to these minutes) and the properties that are the affected territory are highlighted in yellow.

Elizabeth McCallum stated there are **Two Basic Annexation Criterion in the Troutdale Development Code (TDC) which are:** **1)** The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in the conditions have occurred which render the Comprehensive Land Use Plan inapplicable to the annexation; **2)** Inclusion of the territory within the City would be consistent with the purpose served by the City. These criteria are fully explored in the staff report that was prepared for the Planning Commission, which is included in your packet. I am going to highlight some of the TDC standards, Comprehensive Land Use Goals and Policies and Metro Codes that apply to these two particular criteria. **The following Metro Code Criteria apply.** An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria: **1)** Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065; **2)** Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065 between the affected entity and a necessary party; **3)** Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans; **4)** Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan; **5)** Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services; **6)** The territory lies within the Urban Growth Boundary; and **7)** Consistency with other applicable criteria for the boundary change in question under state and local law. *The Planning Commission found that the Metro Code criteria are met.*

Elizabeth McCallum stated with respect to the City's criterion, the annexation complies with the City's Comprehensive Land Use Plan. **Goal 1** of our Comprehensive Land Use Plan is Citizen Involvement, which is to inform the citizens of Troutdale of land use changes affecting their neighborhoods. The City shall continue to involve citizens in all phases of the planning process via the Citizens Advisory Committee, special task forces and other appropriate means. In the Metro Code there is also a requirement for uniform notification. Notice of the Planning Commission hearing was mailed to property owners within 250 feet of the Affected Territory, and to necessary parties as defined by Metro Code, on January 16, 2008. Notice of the City Council hearing was mailed to the applicant, owners and interested parties with standing as a result of the Planning Commission hearing on March 6, 2008. Notice of the Planning Commission hearing was posted on the affected territory in three places along the Troutdale Road frontage on January 29, 2008 and notice of this evenings Council hearing was posted on the property on February 21<sup>st</sup>. Notice of the February 20<sup>th</sup> Planning



Commission hearing was published in the Gresham Outlook, a newspaper of general circulation, on February 9<sup>th</sup> and on March 1<sup>st</sup> for tonight's Council hearing. **Goal 2 Land Use:** Under this goal we consider the designation of the annexed property. The territory to be annexed into the city shall remain subject to the land development regulations of the County until changed by the City. The County adopted the City's Comprehensive Land Use Map and Troutdale Development Code Zoning District Map, our Comprehensive Land Use Plan text and our Development Code text in this Urban Planning Area (UPA) in 2000. As a result, this territory already has a plan designation of Low Density Residential (LDR) and a zoning designation of R-10 Single Family Residential. No map amendments are necessary and those map designations will carry over with the annexation. Overlay districts affecting the property consist of the Vegetation Corridor and Slope District and the Flood Management Area. The UPA and the residential area of Troutdale are denoted by the purple coloring on Slide #11 (Exhibit B to these minutes) and the affected territories are highlighted in yellow. In 1998 Multnomah County and the City agreed that these properties would be residentially developed properties. **Goal 3 – Agricultural Land and Goal 4 – Forest Land:** In considering this property we note that there are agricultural uses on the property and some wooded or forest areas, but there is not a technical map designation of agriculture or forest land. There is no agricultural land or forest land designation that is of concern with the annexation before us. **Goal 5, Open Spaces, Scenic & Historic Areas, & Natural Resources:** The open space can also be a specific plan designation and zoning district designation and there are certain policies in Goal 5 that are considered with land developed, which are: Conserve open space by limiting development that will have adverse impact; Conserve and enhance drainageways for the purpose of containing and regulating stormwater runoff and, where appropriate, as natural corridors which allow the passage of wildlife between natural areas throughout the City, as well as providing wildlife habitat characteristics including food, water, cover, breeding, nesting, resting, and wintering areas; Prepare a list of properties desirable for public acquisition to ensure long-term natural resource conservation; Require mitigation, resolution, or other means of maintaining a balance of important natural resource values in areas where adverse impacts cannot be practicably avoided. The City strongly supports preservation of its open space areas, especially the Beaver Creek and Sandy River Canyons. Beaver Creek separates a smaller westerly portion of these two properties from the larger developable portions. Policies under Goal 5 that apply to development of the site will be evaluated with any development proposed. At this time however, it is only the annexation proposed before you. Additional Goal 5 polices are: Conserve significant areas and encourage the creation of new development which maintains the variety and quantity of fish and wildlife throughout the City in a manner compatible with existing and future urban development; Notify and coordinate development proposals for the natural resource areas with other local, state and federal agencies; Work with local, state and federal historic preservation agencies and organizations to identify, preserve and protect historic buildings and sites. The property owners are not required to give or sell any portion of their property to the City or Metro to meet any of our Goal 5 policies. However, when the applicant does propose development they will have to develop the property in accordance with our adopted development standards that protect Beaver Creek vegetation corridors, steep slopes and flood plains. Metro, Multnomah County and the City of Gresham were all notified of this annexation request. No comments were submitted from those government entities about Goal 5 resources on the affected territory. **Goal 6 Air, Water and Land Resources Quality:** There is some overlap between Goal 5

and Goal 6, but they are technically very distinct. Under Goal 6 our City policies that we have adopted for development pertain to: Standards for development within the Vegetation Corridor and Slope Overlay District; the Flood Management Area; the grading and erosion control standards that are adopted to prevent, limit and mitigate any sedimentation that might come from development; and stormwater management for pre-treating stormwater before it enters our stormwater system and eventually enters into our waterways. These standards will be fully evaluated with future development proposals of the affected territory. **Goal 7 – Areas Subject to Natural Disasters and Hazards:** Slide 16 (Exhibit C to these minutes) shows a pale blue area which is roughly the 100-year floodplain in the Beaver Creek area of the properties and the green area represents slopes of 25% and greater. As the property comes before the City for development of a subdivision the developer will have to show that all of the development standards pertaining to floodplains, steep slopes and vegetation buffers are met. Goal 7 policies also talk about high winds, seismic fault or volcanic areas. Our modern building codes are evaluated at that point when homes are constructed to take care of those policies. The applicant did provide us with some colored drawings in their application of these areas on the property in a different version (Slide 17 – Exhibit D to these minutes). This is the Singer property, the northerly larger property, and this is a composite of the areas that were identified as vegetation corridor, steep slopes and floodplain. That area totals about 3.46 acres of that property, leaving about 6.35 acres outside of those areas. This is not the net area when it comes to determining density. Net area would also back-out the square footage that is needed for roads. The slide (Slide 18 – Exhibit E to these minutes) showing the Summers' property depicts the areas of steep slope, vegetation corridor and floodplain. Those areas total about 1.09 acres of that site, leaving about 3.75 acres outside of those affected areas. **Goal 8 Recreational Needs:** The statement in Goal 8 under city parks is – areas not suitable for development will be preserved as open space and will include the Sandy River and Beaver Creek Canyons. Again, at the time the property is subdivided it may be that Beaver Creek Canyon is offered for sale to the City or Metro, but it is not required of the owners. The applicant has indicated that an open space track will be created of those areas that we generally saw on slides 17 and 18 to preserve Beaver Creek, the steep slopes and riparian areas. At present time, this portion of Beaver Creek does not connect to the portion of Beaver Creek that Metro purchased from Mt. Hood Community College north of this site. **Goal 9 – Economy:** The affected territory is not within the Commercial or Industrial Planning Area, and those are the areas generally associated with economic development. As such the annexation of the affected territory is not expected to generate additional employment opportunities within the City of Troutdale. **Goal 10 – Housing:** The housing opportunities here would be under the LDR Planning Area and the R-10 Zoning. The typical development in R-10 zoning is the single-family detached dwelling. The number of lots possible on these properties will be determined by how much land is needed for streets and for consideration of the steep slopes and the Beaver Creek Canyon area. The TDC was written to provide an opportunity for what is sometimes called a density transfer. When land is developed that has a vegetation corridor, steep slopes and flood plains, the Code permits lots to be reduced up to 3,000 square feet from the minimum lot area in order to avoid development on those affected areas. These properties are zoned R-10, the normal single-family lot size would be 10,000 square feet, which is about four lots per net acre. When the Planning Commission considers a subdivision of the affected territory it will consider if the number of lots otherwise possible in the affected areas can fit on the portion of land outside of these steep slope areas and still be 7,000 square feet and meet all

of the other dimensional standards of the R-10 zoning district, which is 10' side yard setback, 20' front yard setback and 20' rear yard setback, while then platting these affected areas as a track so that it could not be developed as single-family houses. **Goal 11 – Public Facilities & Services:** The City will be able to source and store sufficient quantities of domestic water to serve the site as it develops. The Water Pollution Control Facility has sufficient treatment capacity to accommodate development of the lands proposed for annexation. The developer is responsible for extending these utilities to the affected territory. Details of the design of any subdivision will be determined before the Planning Commission. Concerns about stormwater management were raised at the Planning Commission hearing. Stormwater treatment and conveyance is reviewed with development of the land. The City's Chief Engineer stated, "It is anticipated that it will be feasible to construct storm drainage facilities to serve the site. The South Troutdale Road Storm Drainage Plan is being updated and will apply to the new development." Other utilities that would be extended to serve this site are Portland General Electric and Northwest Natural Gas. Verizon and Comcast provide telephone and telecommunication services in Troutdale. These entities will be notified of the annexation by the City Recorder following Council action and adoption through the State. The affected territory is within Fire District No. 10 at present. Upon annexation the affected territory will be simultaneously de-annexed from Fire District No. 10 and be served by Gresham Fire and Emergency Services under the contract the City has with them. Fire District No. 10 already contracts with Gresham Fire, so there will be no visible change. The property is currently within the Multnomah County Sheriff's jurisdiction and upon annexation the City of Troutdale will provide police protection to them. The subject property, affected territory, is within the Gresham-Barlow School District. **Goal 12 – Transportation:** The affected territory includes all of Troutdale Road as it fronts the Singer and Summers properties to where it connects with SE Strebin and SE Sweetbriar Roads. Troutdale Road is a County Road. Multnomah County development standards will apply when this site is developed. When the land is subdivided new City streets will be designed and constructed to comply with the City of Troutdale Construction Standards. Annexation alone has no affect upon the current trip rate from this affected territory. **Goal 13 – Energy Conservation:** This is addressed through our modern building codes when homes are built on that property. **Annexation Criterion B:** Inclusion of the territory within the City would be consistent with the purpose served by the City. The purposes served by the City by the annexation of this affected territory can be found in Goal 14 of our Comprehensive Land Use Plan. **Goal 14 – Urbanization: Policy 1:** Provide for the orderly and efficient use of the land. The annexation of the affected territory is orderly and efficient as it is within the UGB and within the City's UPA. **Policy 2:** Annex those areas within the City's planning area when services are requested. The applicant proposed to eventually subdivide the affected territory. As a condition of the subdivision approval, the developer or owner will be required to extend the City utilities to serve this site. **Policy 3:** Coordinate land use actions within the Troutdale Planning Area with Multnomah County. This area has already been coordinated with Multnomah County as the UPA and the City has an intergovernmental agreement with Multnomah County for this property to annex to Troutdale and not to Gresham. **Policy 4:** Encourage economy in residential lot sizes, infill development, and extension of the commercial/industrial tax base. This does not pertain to this particular annexation. Development of the affected territory will be reviewed for consistency with the City's Land Division and development standards applicable to the R-10 zoning district and properties

affected by the Vegetation Corridor Overlays, steep slopes and floodplains. Goal 14 policies are met.

Elizabeth McCallum stated the staff report expresses two options for Council: 1) to approve the annexation as recommended by the Planning Commission; or 2) deny the annexation and direct staff to prepare a resolution with findings for denial based upon the Council's discussion this evening. Staff recommends that Council approve the annexation as recommended by the Planning Commission. A draft resolution has been prepared for Council's consideration this evening.

Councilor Thomas asked with the annexation proposal essentially we have created two islands of unincorporated property within the limits of Troutdale. Is that something we can do?

Elizabeth McCallum replied yes. The state statute does not prohibit us from having islands created. I would have to defer to our attorney about forced annexations of islands.

Councilor Kight stated it is actually listed as R-10 but the reality is when you look at the map that has been provided by the applicant and you factor out the greenbelt area as well as the area that is in the 100-year floodplain, the idea that they are going to build R-10 is a misnomer, is that correct?

Elizabeth McCallum replied aspects of the R-10 zone apply to that property even if the lot areas are less than 10,000 square feet. There are dimensional standards in the R-10 zone that still apply, the setbacks, lot width, the lot depth and the overall density of what we call the parent parcel. In other words the overall density that could spread out over the entirety of their real estate would not exceed the density that would be allowed in the R-10 zone.

Councilor Kight stated hypothetically, if you were able to develop the entire piece of property and there was no greenbelt or floodplain, lets say you could build approximately 20 homes. But now because of the setback due to the floodplain as well as the greenbelt they can still build up to 20 homes but instead of having R-10 lots they can go down to as little as R-7 given the fact that they would have the same setbacks.

Elizabeth McCallum stated that is how our ordinance is written to prevent a taking of development opportunities which people lost when we adopted the Vegetation Corridor Development Standard in 2000.

Councilor Kight asked do you know what the net developable area is going to be?

Elizabeth McCallum replied we do not know the total net area, because the total net area has to back-out the square footage of what the public streets will be within that area. The net area on the Singer property without backing out the roads is 6.35 acres. At 4 dwelling units per net acre, you might have the opportunity for 20 lots outside the buffer. But add the buffer back in, which is 3.46 acres at 4 units per net acre, you might lose 12 lots because of the overlay areas.

Councilor Kight stated at the end of the day if they can't develop because it is wetland and it is in the floodplain, they can shift the density to the other portion of the property that is developable, so the end result is that we are probably looking at lots that are closer to R-7 or R-8 than R-10. Would that be an accurate statement?

Elizabeth McCallum replied you are ending up with lots that could be 7,000 square feet in area. The zoning still remains R-10.

Councilor Kight stated but visually what is going to happen is that they are going to try and develop as much of the land as they possibly can.

Elizabeth McCallum stated we have built into our TDC an opportunity to compensate, if you will, the land owner for the exchange of protecting the environment so that we avoid a taking. Measure 37 is based upon a lot of these notions.

Councilor Kight asked what is the property currently being used for?

Elizabeth McCallum replied this particular property has one house. Part of the land is used as agricultural, but not all of it and they are not actively farming all of their acreage.

Councilor Kight asked is the history of those properties agricultural?

Elizabeth McCallum replied that is my understanding. On the Singer property there is one single-family dwelling with various out buildings such as barns, shops, etc. There is also a raspberry patch in the middle of the property. There is no active farming based upon the information they provided. The Summers' property has two single-family dwellings on it. There is a barn, some fruit orchard trees and they have three horses on their property.

Councilor Kight stated the reason I am asking these questions is that I find it interesting that Multnomah County, in their process and in your comments, didn't make a notation that any of the property that we are looking at annexing, and the surrounding properties, have been used in the past as agriculture. Isn't that what you said in your earlier comments?

Elizabeth McCallum replied there is not a comprehensive land use plan designation of agriculture or forest because it is in the UPA and in the UGB. Typically land outside of the UGB has those designations of exclusive farm or forest. When the most current version of the UPA agreement was adopted in 1998, this was land put inside the UGB and in 2000 when the intergovernmental agreement for adopting zoning was put into place the properties were put inside the UPA to be developed as residential, not to be retained as agricultural or forest. Metro probably would not have redrawn the line to include those inside of the UGB if that were the case.

Councilor Kight stated in other words if it is inside that UGB, even though it is farm land and it is being used for agriculture, it loses that designation.

Elizabeth McCallum replied it never had that designation under our UPA agreement.

Councilor Kight asked even though that is what it is being used for?

Elizabeth McCallum replied we have that provision for properties that are not developed throughout Troutdale. If it is a large piece of land it can be used for agriculture uses as an interim use until it is subdivided or used for industrial or commercial.

Councilor Kight asked what kind of street improvements should we expect if that property should develop on Troutdale Road?

Elizabeth McCallum replied even though we have had a pre-application meeting there are a lot of things to consider with respect to how the blocks are going to be laid out, and fitting in the right-of-way of 50' for each of the city streets. We are probably looking anywhere from four to six new public streets.

Councilor Kight asked are there going to be improvements to Troutdale Road?

Elizabeth McCallum replied yes there will be. They will have to make improvements to Troutdale Road in accordance with Multnomah County standards.

Councilor Kight asked will the City incur any costs to bring the utilities to those properties in order to provide services to those homes?

Jim Galloway, Public Works Director, replied we don't know at this point. Traditionally it would be up to the developer to bring the utilities to serve the new property. There are occasions, and I don't know if this would apply to this particular development or not, if the developer is either required or if there is an agreement with the City to put in something bigger or greater than is needed for that particular development in order to enhance a potential future development, then often the City will pick up that incremental additional cost.

Councilor Kight stated so if you have a 4" water main running down Troutdale Road that would currently service those properties and they were required to go to a 6" or 8" water main, then the City would pick up that cost.

Jim Galloway stated if there is an existing 4" line and it needs to be upsized to a 6" line in order to serve this particular development, that would be a cost borne by the developer. However, if in this particular situation there is a 4" line and it needs to be upsized to a 6" line to take care of this development, but the City would like to see that line upsized to 8" so that we don't have to go back and put in another line in a couple of years when another property develops, we would perhaps consider the incremental cost between the 6" and the 8" line.

Councilor Ripma stated these properties are inside the UPA and we have agreed to annex them when they wanted to come in. That is pretty cut and dry it seems to me. If we pass a resolution tonight are they annexed immediately or are there other steps?

Elizabeth McCallum replied there are other steps. The paperwork has to go to Metro and then from Metro it gets distributed to the State and the Department of Revenue and the taxing district which is Multnomah County. Once we receive a written notice from the State of

Oregon Department of Revenue that the annexation is complete and effective then we send out certified letters to the utility companies. It usually takes one month after we conclude our action in the matter.

Councilor Ripma stated when a parcel was recently annexed it was also R-10 and I was unhappy with the density transfer that allowed smaller than 10,000 square foot lots to get platted and built. I was hoping that wouldn't happen with any further annexations but it sounds like the rules are still the same from what you are saying. On the map showing the Singer property, the area in red says that it is slope affected. Do developers get credit for slope affected areas when it is presumed that they couldn't have built there in the first place?

Elizabeth McCallum replied prior to adoption of rules that limited development, you only have to look to the west hills of Portland to see that there was a time when people could build whatever they wanted to no matter how steep the slope was. Our most recent version of our slope protection ordinance, which was adopted in November of 2000, there was the density transfer built into it. Metro had a somewhat different version but it was rather complex. It allowed a property owner to sell their development rights to somebody else. We would have had to designate those certain areas and that meant that the density left that property and went somewhere else in the City. When we brought this to the Council in 2000 we proposed a lot reduction of up to 3,000 square feet in area provided that all of the other dimensional standards of the R-10 zoning district remain. Setbacks have a lot to do with perceiving whether something is crowded. The R-10 zoning district has a 10' side yard setback, so side of wall to side of wall there would be 20'. R-7 zoning district only has a 7½' side yard setback; R-5 has a 5' side yard setback. Morgan Meadows, one of our huge planned developments on 257<sup>th</sup>, some of those homes are only 6' apart. So you can see that visually there is a real distinction when we still hang on to the R-10 dimensional standards for the setback. We still see the same amount of air between those houses. Even if the houses are built on 10,000 square foot lots they could make a much bigger house but they would still only be 20' apart if they built envelop to envelop.

Councilor Ripma asked is a developer prohibited from developing in the slope affected area, or could they possibly do it?

Elizabeth McCallum replied the first provision is to avoid development in that area. If there is no place else to develop on the property then the owner has to prove that there is no place else to develop on the property. Then they are only allowed to use up to 30% of that red area. On this particular property, the Singer and the Summers' property, they would have to have a bridge across Beaver Creek to get to those steep slope areas.

Councilor Ripma stated the red area particularly on the Singer property is quite spectacular. It has a beautiful view of Mt. Hood and could yield some interesting homes if that was the plan. So it isn't absolutely prohibited, but it might be prohibitively expensive.

Elizabeth McCallum replied but they do have the burden to prove that there is no other developable place on the property.

Councilor Ripma asked on the whole parcel?

Elizabeth McCallum replied right, on their whole parent property.

Councilor Ripma stated that would be impossible.

Elizabeth McCallum stated right. They have areas outside of that steep slope, wetlands and flood plain. That is why the Code has that give and take provision. The Code is written that if you stay totally out of there, you note that as an open space track, then the houses that you could have built there can be moved to the flatter portion of the lot.

Councilor Ripma stated I guess I am pretty unhappy with the way that works on a unique site like this and I think we ought to revisit that, but that really isn't the issue today. However, I think it ought to be considered. Maybe the developer would be interested in asking us to look at that, I don't know.

Mayor Thalhoffer called for a 10-minute break at 8:58pm and reconvened at 9:10pm.

Mayor Thalhoffer opened the public hearing at 9:10pm and asked the applicant to come forward.

Randy Wilder, representing L & M Land Development, thanked Ms. McCallum for a very thorough job in her staff memo and presentation. I want to express this without being offensive, as this has been a very good conversation about this annexation. My concern is that we, at the development stage, haven't even considered, nor do we have any idea at this point, what the subdivision will be. My concern is getting into a lot of detail as to the subdivision and how it is going to end up, seems a little premature without trying to be offensive to anyone. My hope is that we can keep the discussion in an area that refers or is directly related to the annexation. With that, I don't have anything further to say and will answer any questions that you may have.

Council had no questions of the applicant.

Mayor Thalhoffer asked is there anyone here that would like to speak in favor of the applicant?

None.

Mayor Thalhoffer asked is there anyone here that would like to speak in opposition of the applicant?

Sandy Glantz, Troutdale resident, stated there were some earlier conversations about dimensional standards and Councilor Ripma mentioned that he was not pleased with how it turned out. Part of that might have to do with the fact that the last subdivision had variances on 38% of the lots. So in fact those distances between the homes did not maintain ordinance standards, but we are here to talk about the annexation. In the previous annexation hearing it says that the City Council finds that configuration of the subsequent development of the territory under the existing R-10 zoning is not relevant to the annexation approval criteria



unless there is evidence that demonstrates the City can not provide service to the subsequent development. In the staff report to the Council it stated that the objections to the proposed annexation at the Planning Commission meeting were solely based upon the future subdivision type. I will make every effort to reasonably separate the annexation from any type of concerns related to the type of development of the proposed annexation area. It is reasonable to consider part of the annexation in compliance with zoning development goals on a residential development. The following non-compliance of annexation goals relate only to any type of residential development, whether that be high density apartments or two single homes. Is the proposed area within the Troutdale growth area? Yes, but that is about the only criteria that is met in this proposed annexation. Annexation area provides for orderly and efficient lands is one of the criteria. Currently the City is working on a storm and water drainage study in the south portion of Troutdale. The area directly affects the area in question for annexation. Either the report is not finished or the findings have been chosen to be overlooked. The problem is all of the drainage problems and costs that the City incurs if and when problems arise. Prudent fiscal concerns and existing residents would like to have the findings of this study reviewed prior to annexation of any property in the area for any type of development. B - Annex those areas within the City's planning area when services are requested. That is kind of a problem. Specifically, services not met include transportation, schools, city services such as parks and activity programs, public safety and the previously mentioned water and sewer services. First transportation: I brought a few pictures of the intersection. Does Sweetbriar intersection get included in the annexation?

Elizabeth McCallum replied it is actually already inside the City limits, so Troutdale Road will come up and touch that.

Sandy Glantz stated currently there are no crosswalks within that area. The sign where you would go to push a button is behind mud puddles and 5' to 10' of berries. That intersection is known for accidents. (Photo submitted into the record as Exhibit 1.) I don't think I am being particularly bias when you can walk that area and it is covered in various automobile glass, plastic and car parts. Any development of any kind near the corner is not provided service unless the City somehow pays to make that intersection up to standards. You have some type of development going in there and you want people to be able to cross the road to get to City services. I am not sure that is very safe. Adding any additional traffic makes the situation worse, specifically not wanting to address them. You are going to add more people but we are not going to address the existing problems we have at that intersection. I am not sure that is a good choice. We are not dealing with what we have now, how will we be able to provide services in that area for more development. Schools: The last subdivision built in Troutdale was in the Reynolds School District but when the parents went to sign up their kids Reynolds refused them entry due to space concerns. The current area is within the Barlow School District, but that is a problem for the City. This starts the City's services portion of non-compliance but I would like to note for the record that for whatever reasons just because the school district doesn't write the official letter to planning stating that adding more students is adversely affecting existing students, doesn't mean that isn't happening. Services for students: According to the census, and Troutdale's own planning information, Troutdale has a high percent of under 18 year olds. In fact approximately 1/3 or 30% of residents are under 18 years old. The City of Troutdale has chosen not to provide school age kids in the southern portion of Troutdale with the same services it provides other residents with. I have a

specific example. The most current Recreation and Event Guide for this spring, the after school sports and programs start at 2:30, which are at the Reynolds Schools according to their schedule. Anyone in the Gresham-Barlow district doesn't get out of school until 3:30 or later. It is impossible for them to participate even if they had transportation to get there. I also wanted to make note in the earlier discussions on gang enforcement, I found it interesting that comments from the Council and others involved referred to "the" high school. None of that money is ever dedicated to gang enforcement for anyone who goes to Gresham-Barlow School District, we are just kind of left out there even though we pay the same money that all of the other Troutdale residents do, that service is not provided. Parks: This is from the 2005 Parks Master Plan (Submitted into the records as Exhibit 2). In the map it shows the area is outside of any park coverage. The existing neighborhoods in that area, the one I live in as well, is not covered by any of those services; no parks services are provided. The only park is adjacent to another school districts school where that school district uses the school facilities for their own purposes, not relevant to what we do. That leaves a 1.38 acre mini park; this designation means that two garbage cans are provided. That is the extent of our park. Nearby natural areas are posted with "no trespassing" signs (Photo submitted into the record as Exhibit 3). Even getting to the park would be hazardous given the lack of road safety. Currently 656 homes, or almost 2,000 people (15% of the city), in the Sweetbriar southern Troutdale area are serviced by a 1.38 acre mini park. That doesn't sound like service to me. Even in the City's own parks report this area does not meet the minimum level of service which is one park for 736 people. 44% of all Troutdale homes have children under 18 living with them. Sweetbriar Heights Area Park is in the long-term plans, but those plans came with a \$16 million deficit.

Councilor Thomas asked could you restate that last part about the \$16 million?

Sandy Glantz stated there was a park that was put into the long-term plans in the Parks Master Plan, that area has already been developed and I believe that part of it is to have a park plan in place. I am little concerned that on one hand there seems like there is concern that we are checker-boarding an area, and it seems to only be used when it is convenient. It is like we can't say we are not going to annex an area, we only want part of it for whatever reason. We can't do this, we can't do that because it might checkerboard it, but yet it is okay to have areas of the street that are Troutdale then an area that is Multnomah County. It doesn't seem like that policy is being consistently enforced. This is the basis for my recommendation to not approve the annexation. I don't believe that services can be met. I don't believe that with the drainage plan still in the process that we even know what that will cost. I don't believe that services are met.

Councilor Canfield stated at the beginning of your presentation you mentioned that part of the City's Code or in a decision to annex, that the City can annex unless the City can not provide services to the development.

Sandy Glantz replied correct. That is from September 2005 City Council approval to annex the Baker property; "Given the limited scale of the application before the City, annexation only, the only criteria that apply are those in TDC 6.000 and Metro Code Chapter 3.09. City Council finds that configuration of the subsequent development of the territory under the

existing R-10 zone is not relevant to the annexation approval unless there is evidence that demonstrates the City can not provide service to the subsequent development”.

Councilor Canfield asked is that part of the Development Code Mr. Ross?

David Ross replied I am not sure I understand what it means.

Councilor Canfield asked would a decision on the previous annexation have any relevance to this application for annexation?

David Ross replied not unless we are applying the same criteria.

Councilor Daoust asked the City Attorney; when we say provide services does that include the recreation program and the Parks Master Plan which doesn't include annexed areas? Are those services or are we talking about services like water, sewer, police, and fire protection?

David Ross replied I would interpret it to be water, sewer, storm drain, fire, and police.

Councilor Daoust stated that is what goes through my mind when I think services.

Sandy Glantz stated it was also my suggestion to delay annexation based on waiting for the storm drainage plan to be completed. I pay on my property taxes for services we don't receive. The only other area of the City that doesn't have parks service is the airport.

Councilor Daoust stated when we drew the lines for the Parks Master Plan we obviously didn't include those areas that were not annexed to the City in the Plan. The Plan can be updated.

Councilor Kight asked Mr. Ross, the opponent to this annexation is making a claim that if city services can not be provided, that should be the tipping point for denying the annexation. In your legal opinion, if one or more services can not be provided adequately and/or we are waiting for a response from the stormwater drainage study, could any of those items that she has enumerated in fact stop the annexation?

David Ross stated I am going to defer to our planner who has applied the criteria to the facts of this case. My recollection was that the City's Chief Engineer has indicated that the City is going to be able to provide drainage services to the area.

Councilor Kight asked but is that predicated on the study being completed or a problem that we have had with stormwater drainage with the Centex development which is in approximately the same area?

Jim Galloway, Public Works Director, stated the answer to your immediate question is no, it is not predicated on what occurred with Centex. It is actually a joint effort between the City and the County. You may recall that several months ago we brought that IGA to Council for approval. Where the County has an interest in handling runoff from the existing Troutdale

Road, we recognized an opportunity to partner with them and perhaps save a little money by looking at potential areas, to include this one and one to the north, that were not included in the mid 1990's study of drainage in that area.

Councilor Kight stated Ms. McCallum, our City Attorney is deferring to you to respond.

Elizabeth McCallum replied our Chief Engineer, Travis Hultin, did make the following statement that I included in my staff report, "presently there is no urban drainage system in or around the site. The City is currently in the process of developing a S. Troutdale Road Storm Drainage Plan that will provide master plan level guidance to development of drainage facilities in this area of the City's UPA. It is anticipated that it will be feasible to construct urban drainage facilities to serve the site. The applicant will not be able to proceed with the design of the urban drainage systems for the site until the plan is completed."

Councilor Kight stated first of all there needs to be a plan in place, which now doesn't exist for that particular site, correct?

Jim Galloway replied correct. We think that there should be a plan before development occurs, not necessarily before annexation occurs.

Councilor Kight asked what about the infrastructure to support the plan?

Jim Galloway replied again, depending upon what that plan is, that portion of the infrastructure needed to support this particular development would be the responsibility of that developer. As you heard from the representative of the development, they don't know exactly what they want to build and so we can't, without a plan, say what that infrastructure is going to be. It may turn out to be that it is something that would be cost prohibitive for them. I think there is a drainage solution out there.

Councilor Thomas stated isn't it kind of the policy now that when you construct a subdivision that all of the storm water is supposed to be maintained on the property as much as possible before it runs off into our system?

Jim Galloway replied retention is a possible solution. I think more typical would be detention where you detain stormwater on-site and regulate the flow of that stormwater off of the site to mimic as closely as possible the pre-development rate.

Councilor Kight asked when they develop a plan will have to be in place for the stormwater and the infrastructure will have to be there on the City's side to support whatever plan they come up with, is that accurate? And that cost will all be provided by the developer?

Jim Galloway replied basically that is correct. Back to what we talked about with the size of the water pipe, that might apply here as well. If it turns out that the plan identifies some mini-regional retention facility that can accommodate stormwater from both this development and perhaps assist the County in handling stormwater from Troutdale Road, then there may be some cost sharing with the governmental bodies involved. Generally speaking, what you said would be correct.

Councilor Kight asked Ms. McCallum, one of the opponent's points is that there are no parks in that area to support not only that subdivision, but other surrounding subdivisions.

Elizabeth McCallum replied that is a true statement. Goal 8, which is our recreation policy, provides for the Council to determine where to purchase areas for parks. Our ordinances are not written that the developer must dedicate a certain number of square feet of their property for parks. As land becomes available the Council could make a determination that this is an area where additional parks are necessary based upon the facts and purchase land accordingly.

Councilor Kight stated the development, and the subject is annexation, wouldn't be predicated on the City having that set aside for further development.

Elizabeth McCallum stated I do not believe the applicant for the annexation has the burden to establish that there are sufficient parks in the existing city limits or in the planning area. The way that Goal 8 policies are written is that is the Council's burden.

Councilor Kight stated I understand that. Ms. Glantz's point is that there aren't sufficient services to support not only that particular piece of property, but other subdivisions as well in the parks department. What you are saying is that we don't necessarily have to have a park there; we don't even have to have a set aside for a park.

Elizabeth McCallum replied based upon our standards we don't have to have those things.

Mayor Thalhoffer stated there is no provision for parks now; there isn't a park to service these folks, not only the future residents but the current residents in that area. Would you address that again for me please? We have lots of parks, but we don't have any parks in this particular area.

Elizabeth McCallum replied we don't have parks within a quarter mile of this area. We have the Beaver Creek greenspace that Metro purchased from Mt. Hood Community College that is within relative walking distance but it is not developed to any extent at this time.

Mayor Thalhoffer stated it is not really a park because you can't really utilize it.

Elizabeth McCallum replied right but you actually could go into that property. Part of Goal 8 in recreational needs reads, "Areas not suitable for development will be preserved as open space and will include the Sandy River and Beaver Creek Canyons." That was adopted as a goal of the City when our Comprehensive Land Use Plan was adopted. I interpret that, based upon other portions of Goal 8, that in considering your long-term park plans which implement or carry out Goal 8 policies, that the City in its budgeting process sets aside a certain amount of money that is received from system development charges for parks and identifies areas to purchase. With respect to annexation, the property owner requesting annexation does not have to identify what they want to sell the City even if they want to sell to the City. Our criteria for annexation does not give that burden to the applicant.

Mayor Thalhofers stated so all of the city services will come some day.

Sandy Glantz stated during this last annexation Goal 8 was brought up and it says, "Goal 8 states that the City will acquire parks through dedication by subdivision development or through local improvement districts. Additionally, the City Council recognizes that the system development charges that are paid in association with the subsequent development of the territory will facilitate the acquisition of parkland". That money never made it to parks.

Mayor Thalhofers asked if the applicant had any rebuttal testimony?

Randy Wilder stated I appreciate the comments that were made by Ms. Glantz who is a concerned citizen. But I might add that she also painted a picture that seems a little dismal that would almost deter people from wanting to move to the City of Troutdale or even develop property here. I think we see a great opportunity and we see a great city with a great future ahead with conscientious staff and people who are working in that cause. As it relates to city services, our engineers found that city services were available and we concur with Ms. McCallum. If services were adjacent to every available or potential property, and that were the requirement, very few properties would be able to be developed. But services are available and they can be extended to the property, and we found that to be the case as was indicated by staff and the Planning Commission and that is why they have recommended approval of this annexation. So we feel comfortable with this. In addition to that, the stormwater study, our engineers have talked with Mr. Hultin and he has invited us to participate in those discussions as well because we will be active participants. It is my understanding that it is not solely for these properties that are being considered. This study was being considered or discussed prior to this annexation. So there was a need there and quite frankly the standards will keep us, or direct us in a way, in which we have to develop this property to follow the guidelines of those standards in order to protect the environment and we realize that and that is our goal. With that I feel quite comfortable with these services, and the concerns that were expressed, that it will not be an issue in the future.

Mayor Thalhofers closed the public hearing at 9:45pm.

**MOTION: Councilor Daoust moved that we adopt the resolution approving the annexation of approximately 16 acres of real property, Land Use File No. 07-126 Singer/Summers Annexation, and adopting findings. Seconded by Councilor Thomas.**

**Councilor Daoust stated the opponent brought up some good points. But looking from my prospective, and the criteria that we have to address, first of all annexation has been a council goal. We have all sat here and said that we agree generally to annexation, especially myself. That is not one of the criteria, but we have talked about this as a goal of the council. The Comprehensive Land Use Plan Goals and Policies are met. It is consistent with the purpose served by the City. The Metro Code criteria are met. It is within the UPA agreement with Multnomah County. I look at all of the criteria and they are all met and that is why I made the motion. The points that were brought up are interesting. The Council, in the future, maybe should be more sensitive when we look at the Parks Master Plan to include the southern area of the city a little**

more and address the parks situation we have in the southern half of the city to address some of the points that were brought up. The intersection that Ms. Glantz pointed out as being dangerous can be improved when immediately adjacent properties develop, and I am sure it will be. The recreation program is open to anyone in any school district. Maybe the recreation program director should look at what hours we provide those services, keeping in mind that some schools get out later than others. As far as city services being provided, in general I think that they can be provided so I agree with that conclusion that has been reached by staff, the Planning Commission and the developer.

Councilor Thomas stated I would echo what Councilor Daoust said. I do agree with several of the points that were brought forward and we should at least address the situation with that particular intersection of Troutdale Road and Sweetbriar Road. That would be nice to look at especially if we have crosswalk signals behind mud puddles and berries. The recreation issue regarding the time that the programs start, maybe they are not aware of that and it would be nice for them to know especially since we have a fairly large portion of Troutdale in the Barlow School District. Those are the two big issues that I saw, but they don't affect the criteria for annexation.

Mayor Thalhoffer stated I am going to support this annexation reluctantly. The school district thing is kind of crazy. We have the vast majority of the students in the City of Troutdale going to the Reynolds School District and the southern portion of the city goes to Gresham-Barlow School District. We ought to be talking to the Reynolds School District about extending their boundaries to include people who live in Troutdale because those folks having to go to Hall Elementary that is a long ways away. I am going to make a note that we ought to contact Reynolds School District and see what is being done about that. The intersection safety ought to be addressed now, even before the annexation because it is very dangerous. We don't have any parks out in that area. Those folks are under served by the City of Troutdale now as far as parks are concerned. That will be remedied in the future but that is something that we should pay particular attention to at this time in view of expanding the City to the south as we are doing and we will be doing more of that I am sure. We ought to be able to provide some kind of recreation program for those people that makes sense with their school hours so they can participate. We have a recreation van that can transport children. We can work that out.

Councilor Canfield stated what we are considering is whether or not the application meets the criteria for annexation which conforms to the Comprehensive Land Use Plan, and whether inclusion into the city would be consistent with the purpose served by the City and if it meets Metro's plan. Ms. Glantz brought up some points about services that currently may not be provided. Her argument was that the City can annex those properties unless the services can not be provided. Even if we could use that from a previous decision, but I don't think we can, I think it is possible for all of those services to be provided. However, as the Mayor pointed out, we should address those issues that were brought up. But based on all of the criteria, I will be in favor of the annexation.

Councilor Kyle stated I will be supporting the resolution for annexation.

Councilor Kight stated very reluctantly I support the annexation. I say that because when I first moved to Troutdale I remember looking at the open berry fields. Troutdale at one time, of course there were only 2,000 or 3,000 residents, was known for all of the berries and celery farms. That era has unfortunately passed as we have more and more people moving into the area. I regret to see, within the city limits of Troutdale, all of the available open space evaporating before our eyes piece by piece. In the next 10 to 15 years there may not be any berry fields at all; no open space at all except the parks. Fortunately, on the positive side the City of Troutdale in their wisdom did annex a piece of property that was in Gresham right behind the College, 66.2 acres which follows the Beaver Creek corridor. Hopefully some time in the future that property will be able to be used when we remove the “no trespassing” signs, which I find highly objectionable since the City now owns that property. I listened very carefully to our City Attorney and our staff, and I was looking for a reason not to annex this piece of property, but I couldn’t find one. Mr. Galloway, along with our Chief Engineer Travis Hultin, satisfied my concerns about providing stormwater services to that property. I hope that is the case.

Councilor Ripma stated this area has always been slated to be next. I also live in the area on the remnant of an old farm and when I moved in there were not any houses around me and I am now surrounded. I dreaded the day when the remaining urban services area would be annexed but I knew it was coming. For us to even consider turning down this request when all of the criteria appear to be met, we would have to come up with findings that would support denial. While Ms. Glantz brought up some issues, I just don’t think they would support denial of annexation. I also share everyone’s concerns about addressing the issues that were raised. We are going to have to handle the stormwater correctly. The recreation for youth, parks and everything else needs to be dealt with. But I can’t vote to deny this annexation request. I do want to see us do something, maybe at the development stage. I hope this property develops in a beautiful way because those are spectacular pieces of property and they will be a real asset to Troutdale.

**VOTE:** Councilor Thomas – Yes; Mayor Thalsofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Ripma – Yes.

**Motion Passed 7 - 0.**

## **8. STAFF COMMUNICATIONS**

None.

## **9. COUNCIL COMMUNICATIONS**



Councilor Ripma asked staff to look at our Troutdale Development Code regarding the set-asides. I think that perhaps there are some opportunities to tighten up the rules; otherwise we are going to look at this property, particularly the Singer property, with all of the undeveloped land in one area and the rest of the developed land looks to be developed as smaller lots. I would ask that staff look at that and come back with an idea.

Councilor Kight agreed with Councilor Ripma's statement.

## **10. ADJOURNMENT:**

**MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Kight. Motion passed unanimously.**

Meeting adjourned at 10:00pm.

**Paul Thalhofer, Mayor**

**Approved March 25, 2008**

**ATTEST:**

**Debbie Stickney, City Recorder**