

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

**Tuesday, November 27, 2007**

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

Mayor Thalhofer called the meeting to order at 7:00pm.

**PRESENT:** Mayor Thalhofer, Councilor Kight, Councilor Ripma, Councilor Thomas, Councilor Canfield and Councilor Kyle.

**ABSENT:** Councilor Daoust (excused).

**STAFF:** John Anderson, City Administrator; Rich Faith, Community Development Director; Debbie Stickney, City Recorder; Elizabeth McCallum, Senior Planner and David Ross, City Attorney;

**GUESTS:** See Attached.

**2. CONSENT AGENDA:**

**2.1 – Accept Minutes:** June 12, 2007 Regular meeting, June 12, 2007 Work Session and June 19, 2007 Work Session.

**MOTION:** Councilor Ripma moved to adopt the consent agenda. Seconded by Councilor Kight. Motion Passed Unanimously.

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

Nursing students from OHSU reported to the Council on their assignment for this term, which was to assess the community of Troutdale. They talked to multiple people in the community in professional settings as well as business owners, school counselors, and a couple of city councilors to ask what their concerns were, what they found to be a healthy community and what they would like to have worked on in their community. Among the top concerns were: mental health problems (17%); teen pregnancy (17%); jobs (13%); domestic violence (13%); child abuse and neglect (10%); drug abuse (10%); stress (10%); and nutrition (10%). The most prevalent risk behaviors were drug abuse at 29% and alcohol abuse at 20%. They researched what kind of resources the City has available to the community regarding mental health and substance abuse. They found that there is only one place in Troutdale that offers support for those with mental health issues. They also found that there is only one place for

folks to turn to for substance abuse and that there was only one AA meeting site for alcohol abuse. Their proposed solution or next step would be to create a focus group that would draw on community members to discuss these issues and to hold a health fair in the community. A second team of nursing students conducted a study that focused on teen pregnancy. They also interviewed a lot of community members including staff from Reynolds High School who expressed concerned about the teen pregnancy rate they are experiencing. The data collected showed that the teen pregnancy rate in Troutdale has been going up while the statewide teen pregnancy rate is dropping. Their recommendation was that if it was not possible to locate a Planned Parenthood in Troutdale, that we should at least have resources available in the schools.

**4. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance adopting Comprehensive Land Use Plan Map and Zoning Map amendments on approximately 124 acres of former Multnomah County Farm Property.

Mayor Thalhofer read the ordinance title and opened the public hearing at 7:10pm.

David Ross, City Attorney, stated this is a Type IV legislative land use hearing in accordance with the provisions of the Troutdale Municipal Code even though the proposed map amendments were initiated by the property owners. A staff report has been prepared for this matter and was made available seven days before the hearing. The staff report identifies the approval criteria that apply and analyzes the criteria. The procedure that the City will utilize for this hearing is as follows: Staff will present their report; the Mayor will open the public hearing; the owners of the affected property will be given an opportunity to present information and respond to the City Council's questions; anyone who wishes to testify about the proposed map amendments will be given an opportunity to do so; the affected property owners may present rebuttal testimony if necessary; after all 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. If you are going to submit exhibits, such as letters or pictures, please identify the exhibit for the record and confirm that you want it included in the record before you distribute it to the Mayor and Council. Your testimony and exhibit 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. The Mayor may reasonably limit oral presentations in length and in content depending upon time constraints. Any party may submit written material while the public record is open. After all of the testimony is submitted the Mayor may close tonight's public hearing and this matter will be set over for a second reading on December 11, 2007 or the Mayor may continue the public hearing to December 11, 2007 to take additional testimony. If the City Council makes a decision with which you disagree, any issue you want to raise on appeal has to have been raised for the City Council's consideration. Failure to raise an issue on the record of statements or evidence that is sufficient to afford the City Council and all parties an opportunity to respond to the issue will preclude an appeal of that issue to the Land Use Board of Appeals (LUBA) as well as action in Circuit Court for damages. Before the staff report is presented, do any of the City Council members or Mayor have any conflicts of interest to disclose?

None disclosed.

Elizabeth McCallum, Senior Planner, stated before us there are two map amendments. One pertains to our Comprehensive Land Use Plan Map designation, which we recognize as commercial uses, low density residential, medium density residential, high density residential, and open space. The second pertains to zoning district map amendments proposed with this application. Those are the implementing zones for the type of development allowed in those planned areas.

Elizabeth McCallum showed the Council a PowerPoint Presentation (copy is included in the packet).

Elizabeth McCallum stated Elaine Albrich, Attorney at Law with Stoel Rives LLC is representing both McMenamins Inc. and the Reynolds School District. The current property owners of the affected area are McMenamins and Multnomah County. Reynolds School District and McMenamins have entered into a purchase agreement for the lots that are not owned by McMenamins at this time. The properties are located in the westerly portion of the City on the south side of Halsey Street. The subject site consists of eleven tax lots of varying shapes. All of this property, even the parcels owned by McMenamins, were originally part of the County's Poor Farm. As I indicated there are two types of map amendments being requested. In the applicants original request they have a map that shows the existing zoning district boundaries which includes R-4, A-2, Open Space, and General Commercial (GC). The requested changes would move the GC area to the properties that will be purchased by McMenamins. Their exhibits denote lot boundaries. A subdivision was considered by the Planning Commission under the Type III quasi-judicial procedure to review the lots proposed. The Planning Commission did approve that with a condition that the map amendments be approved by Council. To tie the two types of maps together, the land that would be zoned GC would be in the commercial planning area; land that would be zoned R-7 would be in the low density residential planning area. The Planning Commission did recommend, at staff's recommendation, that the School District go ahead and request the R-7 zoning on Lot 6 to be the same as the request on the other three parcels. If that were to remain A-2 it would be high density residential planning. Open space is a zoning district that also has a corresponding land designation, open space planning. Because this open space is part of Lot 2, Lot 2 would actually have the commercial and open space plan map designation as well as GC zoning and Open Space zoning designation. The map amendments also include a request to shrink the Town Center (TC) Overlay District boundaries. The TC overlay is actually a comprehensive land use plan map designation and a zoning district so it would affect both of those maps. Staff recommended this removal from the TC because uses in the TC overlay are intended to include high density housing and local retail services. McMenamins Edgefield's hotels, restaurants, brewery, artisans and seasonal musical venues draw people from all over the Metro area as well as from out-of-state. School facilities operated by the County and Reynolds School District also draw people from both within and outside of the city limits. The City does not need the high density allowed in the TC to meet the housing goals. The Town Center Plan also includes specific development standards such as streetscapes and building design elements that do not apply city-wide. It was staff's opinion that leaving the properties in the TC would create difficulties in designing a re-use for

the jail facility, which is part of Lot 2 that McMenamini is proposing to purchase. In the TC overlay parking is further limited to no more than 10% of the minimum parking allowed in development. Staff has heard over time that parking tends to be a real issue even when businesses and schools have been built to the maximum number of parking spaces. The TC also has some unique design standards for new public streets. There are new city public streets proposed in this area, but at the time that such streets might be necessary those streets would be built with narrower travel lanes than are typical throughout the city and that might pose some challenges for a street that would be serving the intensity of commercial uses by McMenamini and the school district properties. In considering the two types of map amendments the Troutdale Development Code (TDC) has two distinct sets of approval criteria that must be met. These criteria were reviewed by the Planning Commission. My staff report to the Planning Commission covers those criteria. The Planning Commission's recommendation to you reiterates the criteria. With the implementation of the map changes that the Planning Commission recommended to the applicant, the requested map changes do meet the criteria. The criterion comes from Chapter 15 of the TDC. 15.050B1 and B2 - The Comprehensive Land Use Plan Map amendments must be in compliance with applicable Statewide Land Use Planning Goals and be consistent with the applicable goals and policies of the Comprehensive Land Use Plan. 15.050B3 - The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation, and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands. 15.050B4 - Plan map amendments must be based upon a determination that the plan provides more than the projected need for lands in the existing land use designation. For consistency with the other Reynolds properties, the Planning Commission did recommend that the applicant consider designating Lot 6 as low density residential instead of remaining in a high density residential map area. In my staff report I mention that the City has adequate housing to meet the Metro housing goals for the City. The City exceeds Metro's housing goals by 298 dwelling units. The City has the capacity for another 498 dwelling units even without the residential zoning on the subject properties. In order for McMenamini to utilize the jail facility and expand their business onto portions of land they don't currently own, the property would need to be in the commercial planning area and those areas are currently in high and medium density residential. 15.050B5 - Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands. What came from the Planning Commission hearing and in their recommendation is that open space area that had been proposed should be extended a little more to buffer between the commercial areas proposed on the McMenamini's property and the existing residential developments south of the site. Attachment A of the Ordinance does take into account that change that was requested. 15.050B6 - Public facilities and services necessary to support uses allowed in the proposed designation are available, or are likely to be available in the near future. In considering this criteria concerns were raised about congestion on SW Halsey Street especially during concerts at McMenamini. Procedurally, street improvements are considered when development actually occurs on the properties. The consideration of the map change would not trigger a need for street improvements based upon the map change only, it would be the future development allowed under those plan designations and zoning districts. The criterion for the zoning districts map amendments proposed sound very similar but they are distinct in Chapter 15 of the TDC. TDC 15.050C1 - The proposed zones must be appropriate for the Comprehensive Land Use Plan land use

designation on the property. If you have a commercial plan map designation then you need an implementing commercial zone. We have five commercial zones, General Commercial (GC), Neighborhood Commercial (NC), Community Commercial (CC), Mixed Office Housing (MO/H) and Central Business District (CBD). What has been requested is the GC zoning district and it does satisfy the commercial plan map designation requested. The low density residential planning area is implemented by three residential zoning districts, R-20 single family, R-10 single family and R-7 single family. Of those three zones only two are appropriate within this area, R-10 or R-7. Staff recommended the R-7 zoning so that is what is proposed. The open space zoning, we see that in the city in areas other than open space plan map designation but it is most appropriate to have the two match and so that is what the request is. The request before us does not have any conflicts between our land use plan map and our zoning district map. The second zoning map criteria is TDC 15.050C2 - The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity. The GC zoning area is expanding to accommodate the area McMenamins intends to purchase from Multnomah County, the largest portion of which includes the closed county jail facility. The R-7 zoning is a zone in which schools and other community service uses are permitted as conditional uses. Schools are actually allowed as conditional uses in any zoning district. There is no conflict with the proposed zones for the uses anticipated. TDC 15.050C3 – Adequate public facilities, services and transportation networks are in place, or are planned to be provided concurrently with the development of the property. Based upon the applicant's traffic study by Kittelson and Associates dated September 26, 2007, the proposed zoning map amendment will not have an affect upon existing public facilities, services and the transportation network that is in place or planned for the site. There were concerns raised whether there would be compliance with the transportation planning goals, but the supplemental traffic study established that those goals and standards are met. There are probably less trips potentially possible under the proposed map amendments than under the current zoning districts. TDC 15.050C4 – The amendment will not interfere with the livability, development, or value of other land in the vicinity of the site-specific proposals when weighed against the public interest in granting the proposed amendment. The original proposed map did not change the open space zoning area. Staff recommended to the Planning Commission that the proposed GC zoning should be separated from abutting residential zones by Open Space zoning to meet that criteria to give that separation between the established residential community. The applicants exhibits attached to the ordinance do show that extended open space area which was recommended by staff and the Planning Commission agreed to that. TDC 15.050C5 – The amendment will not be detrimental to the general interest of the community. This criteria is very similar in notion to the one that we just considered in those comments about separating the commercial use from the residential use with additional open space zoning. Staff is recommending that the Council confirm the Planning Commission's recommendation to adopt the Comprehensive Land Use Plan Map and Zoning District Map amendments with the revisions requested by the Planning Commission which include: 1) Include more land in the Open Space Plan and Zoning District between McMenamins' Lot 2; 2) Include all of the Reynolds proposed lots in the low density residential areas and R-7 zoning, in other words remove all of the A-2 and high density residential plan designations. Attached to the ordinance are two exhibits. Exhibit A is the changes to the Comprehensive Land Use Plan Map. There is one clerical error on this map that needs to be revised before it is adopted.

On Lot 6 it shows R-7 the zoning labeling instead of the low density residential. Exhibit B is the Zoning District Map amendments.

Councilor Ripma asked is this change what the new owners are proposing?

Elizabeth McCallum replied these maps represent what came from the Planning Commission's request of the applicant (McMenamins and Reynolds). Their actual requests are slightly different. Their request was to leave Arata School in the high density residential area zoned A-2 and not make any changes to open space but increase the GC.

Councilor Ripma asked other than those two changes this is what the applicants proposed?

Elizabeth McCallum replied this is what the applicant applied for.

Councilor Ripma stated you showed the map where the TC overlay is and you gave excellent reasons why it shouldn't apply here. What is the change that is being made to the TC overlay? Is it just removing this property?

Elizabeth McCallum replied it is literally removing the area.

Councilor Ripma asked what about the County Pig Farm?

Elizabeth McCallum replied it does not affect anything on the north side of Halsey.

Councilor Ripma asked this map amendment, as far as the TC overlay, simply removes everything that is under consideration here?

Elizabeth McCallum replied yes, just the property that is under consideration.

Councilor Ripma stated there was to be a Ridgeline Trail that was supposed to go all the way across Lot 3.

Elizabeth McCallum replied yes, that was discussed with the subdivision request before the Planning Commission. There will be easements on these lots to accommodate the availability to the public of the Ridgeline Trail. That has been reviewed and conditioned as part of this subdivision.

Councilor Ripma asked that is not actually in the ordinance that we are considering tonight, but it is part of the subdivision approval?

Elizabeth McCallum replied right. The subdivision represents the actual development that will occur under these zones.

Councilor Ripma asked where on Lot 3 would the trail go.

Elizabeth McCallum replied I can only show you approximately where it will go (using one of the maps in the PowerPoint Presentation, Ms. McCallum pointed out the approximate location of the trail).

Councilor Ripma stated it seems like there are trees along there. Is there going to be an easement area? In reading the Planning Commission minutes there was some discussion about this.

Elizabeth McCallum replied there is an area of trees on Lot 3. There were two issues before the Planning Commission, the map changes and the subdivision. I believe we talk more about the trees in the subdivision portion. There is an area identified in our Parks Plan where we have a desire to preserve 7 acres of trees in this area. That was discussed and staff had recommended open space for those areas but throughout the discussions with the Planning Commission they made a determination, based upon testimony from the applicant, that when we consider the development on this lot is when we will have the discussion about the proper preservation and the ability of the City to purchase that area from Reynolds School District. They are here this evening and may want to elaborate on that.

Councilor Ripma stated I would like to hear what they have to say regarding that. Is it still the opinion of City Staff that this area should be considered as open space?

Elizabeth McCallum replied as I read our Comprehensive Land Use Plan it seemed appropriate to consider the open space plan map on such areas. Coupled with that is Goal 8, Recreation, in which it says that part of the goal is that the City would avail itself of opportunities to purchase this area identified in the Parks Plan. That summarizes, in a very broad way, all of the different concepts from Goal 8 to the actual Parks Plan. My understanding from the Applicant is if open space is on this area they are concerned that it would severely limit their capability to develop Lot 3 with their intended school use. Open space zoning does allow schools as a conditional use.

Councilor Ripma stated the trail, where it would go across the southern end of Lot 3, is there still some way to have houses built right next to Sedona Park?

Elizabeth McCallum replied I think on this particular piece of property the biggest question is do we even have a means to have a public road come to that property to afford an opportunity for houses to be built there if the school district doesn't keep the property. There are some areas of steep slope.

Councilor Thomas asked does the Planning Commission's recommendation to us include the extra open space and the switching of the A-2 zoning?

Elizabeth McCallum replied yes.

Mayor Thalhoffer asked will there be a Ridgeline Trail or will it just be an easement? Will the City buy it back to make a trail?

Elizabeth McCallum replied under the subdivision proposal the applicant is willing to have easements for the trail. There is a trail through the golf course right now and those easements haven't been recorded yet. But there is a trail through what is shown here as Lot 2, which is part of the golf course, that has connections all the way up to 238<sup>th</sup> abutting into the City of Wood Village's park trail system. Those are desired as part of that subdivision also. The easements might be more general in nature saying that the public has an easement to use these trails that go through Lots 2 and 3 to make the connection. The actual location of the Ridgeline Trail in Lot 3 has not been established yet. There is a condition as part of the subdivision that there will be an easement for that trail, but it doesn't mean that the easement will be tucked up to the back property line. Easements are typically 15' wide to accommodate ease of access.

Mayor Thalhofer asked and that will be decided with the subdivision?

Elizabeth McCallum replied the details of that will come as we look at the actual development on Lot 3. The location of the easements have not been refined. Those will get refined before the final plat is recorded.

Mayor Thalhofer stated I would assume that the trail would be on the southern side of that property.

Elizabeth McCallum replied the exact location was not settled upon as part of the subdivision.

Mayor Thalhofer asked when will it be settled? In the subdivision discussion?

Elizabeth McCallum stated for clarification, there is a 25' wide easement that is a condition of the subdivision along the southerly area of Lot 2 and 3 to connect to the golf course trail area. The alignment within the 25' easement is not settled yet, but it will be settled before the final plat is recorded.

Councilor Kight asked just for clarification is Lot 6 A-2 zoning or is it going to be changed to R-7?

Elizabeth McCallum replied it is proposed as R-7. In the ordinance before you the applicants have provided the exhibits that already show that change to R-7.

Councilor Kight stated one of the issues that the Planning Commission brought up was street and pedestrian improvements. Through the course of your presentation you indicated lesser development. There isn't anything identified as far as street and pedestrian improvements, is that correct?

Elizabeth McCallum replied that is correct, that is not part of the map amendments.

Councilor Kight stated one of the other issues was traffic impact. According to Kittelson and Associates there is a net decrease in traffic, is that right?



Elizabeth McCallum replied it is my understanding that there will be a slight decrease with the map changes.

Councilor Kight asked in Exhibit E, the letter from Michael Ard of Lancaster Engineering, the last paragraph it reads, "It is possible that school development may result in increases in traffic beyond those described in the zone-change analysis. It is therefore recommended that a detailed traffic analysis be required for both year of build out and planning horizon year conditions upon submittal of any future conditional-use application within the rezoned area". Would you please comment on that

Elizabeth McCallum stated it is very typical when we consider conditional uses that they include the requirement for a traffic study to evaluate that under the conditional use criteria, which includes an evaluation of any affects upon the transportation system plan.

Councilor Kight asked factored in this transportation study was there a high school as part of that criteria?

Elizabeth McCallum replied my understanding of how it works is they look at the highest and best use of the zoning district. When we are considering R-7 zoning that is single-family detached dwellings, not the conditional uses, so they model their traffic counts as if single-family detached houses were going to be built there.

Councilor Kight stated but you mentioned that the school district can build in any particular zone. So even though it is zoned R-7 if there is a school built there it is not residential housing and obviously there would be a change in traffic impact.

Elizabeth McCallum replied that is correct and that is why schools are a conditional use. Mitigation can then be addressed as a condition if the conditional use results in any additional impacts or any additional trips.

Councilor Kight stated so based upon the intent of the school district, then actually this transportation study is somewhat skewed.

Elizabeth McCallum replied I am not a transportation expert. My understanding is that the numbers are generated based upon the primary uses within a zoning district, not the potential uses listed as conditional uses.

Councilor Kight stated Councilor Ripma brought up the issue of the grove of trees that is identified as a 7-acre parcel. The school district indicated that will be totally removed in order to do their development, is that accurate?

Elizabeth McCallum replied I did not get the indication that it would be totally removed. They were adverse to open space zoning on that area. They might have a need to use some of it. There was discussion in the public hearing regarding their concern about it being attractive to criminal activity and that they might need to remove some shrubbery. The final determination

of the Planning Commission was to not have that zoned open space but to address that issue as the land came in to be developed.

Councilor Kight stated so what you are saying is they were willing to capitulate on removal of the trees in order to satisfy the school district.

Elizabeth McCallum replied the subdivision approval did not give them authority to remove any trees. Removal of trees will be considered with land use development applications.

Councilor Kight stated one of the other issues brought up was the FEMA requirement for the Base Flood Elevation (BFE). How has that been resolved?

Elizabeth McCallum replied that was part of the subdivision process not the map amendments. That was resolved through easements that are representative of the Zone A Floodplain area. The easements that denote those as floodplain areas and that development could not occur in those areas until the BFE was established.

Councilor Kight stated originally the easement for the trail system was to be 35' and it was reduced to 25'. Was that reduction done by the applicant?

Elizabeth McCallum replied the applicant did come back to the Planning Commission in consideration of the subdivision and had some requested changes to the staff recommended conditions. I can not recall if it was a compromise that was sorted out in those actual discussions before the Planning Commission, I would have to go back and look at the subdivision file.

Councilor Kight asked but they eventually ended up with 25'? There was discussion in the Planning Commission minutes that I read that they were actually talking about 20' so maybe the 25' is a compromise between the applicant and the Planning Commission. Would it help for the Council to identify approximately where that trail system is going to go to assure that it will be built on the southerly edge of Lots 2 and 3 and the other tax lots to the west? By leaving it ambiguous that there is going to be an easement without identifying approximately where it is, does that mean it is open to having it move further to the north and then removing the buffer from Sedona Park, which is one of their concerns?

Elizabeth McCallum replied the easement itself is not one of the criteria for the map amendments that are before you tonight. That easement was part of the subdivision that the Planning Commission has already made a decision on; it is not part of what is appropriate for this discussion tonight. Information regarding it is appropriate, but to incorporate it into a condition of the map amendments, I don't find a nexus there.

Steve Abel, Attorney with Stoel Rives, stated with me is Mike McMenamain, DJ Simchoe and Larry Dortmund of McMenamains. Chuck Rhoads with Reynolds School District is also here this evening. Reynolds and McMenamains are the joint applicants along with Multnomah County for the map amendments that are before you tonight. Mike Sublett of Multnomah County is here tonight as well. We have worked closely with the County on these map

amendments in order to facilitate the transaction involving the sell of the real estate from Multnomah County to both McMenamins and Reynolds School District. What is before you are the map amendments. Let me put that into context with the subdivision process that went before the Planning Commission as a joint process with this particular map amendment. They heard what you haven't heard tonight which is not only the colors on the map, but they heard the issues that related to the line drawing on the map that created these parcels. What drove the line drawings on the map was the ability for the County to convey the parcels to McMenamins and to Reynolds and convey those in ways that made sense to those buyers. The transaction that we are working on with Multnomah County is contingent upon the ability to achieve the line drawing on the map to create those parcels and secondarily to create the appropriate comprehensive plan map designations and zoning map designations in order for those properties to have those designations that make sense for these particular buyers. One of the things that was before the Planning Commission was the letter from Chair Wheeler of Multnomah County dated October 16<sup>th</sup> speaking of the importance to the County of this transaction and underlying mapping amendments as well as the subdivision. He expresses in his letter the sincere desire to move this transaction forward in order to create what he calls the Edgefield District, which is something that both Reynolds and McMenamins have also engaged in to try and figure out how to make this place an even more special place than it already is.

Steve Abel stated regarding the Ridgeline Trail, we came before the Planning Commission about a year ago to ask for a conditional use permit to allow for the expansion of the golf course on the west end of the southerly portion of the site. In order to jump-start this process McMenamins entered into a lease agreement with the County and went through the conditional use process and began the development of the additional golf course which is currently under construction. What is important about that in relation to the Ridgeline Trail, is that particular decision by the Planning Commission called for a Ridgeline Trail through the golf course in a 25' easement which is under construction today which would complete the trail from Wood Village Park all the way to what is now showing as Lot 2. The conditions for the subdivision approval by the Planning Commission calls for the continuation of the 25' easement along the south edge of Lots 2 and 3 to complete the trail all the way to the east side of these properties. Between the golf course expansion approval that occurred and this approval, if granted, that Ridgeline Trail will go all the way across the property. What is important about that from the McMenamins/Reynolds prospective is this isn't something that you are telling us we have to do, we want to do it. The reason we want to do that is this is an active place on this particular piece of property and a trail along there is consistent with the kinds of uses desired for that property that McMenamins and Reynolds envision and frankly is envisioned by the community. There is a steep slope there. 25' is a pretty generous easement for purposes of locating a trail. The one caveat that exists in the Planning Commission recommendation is there are easements also that were required by the Planning Commission that move people from Halsey Street to the south through Lots 2 and 3 to allow public access through those properties. That is easier for McMenamins to do because their site has a lot of folks that come for entertainment. For a school site that is a little more problematic so what the Planning Commission did in their approval is they added the language, "subject to security reasons there shall be those easements". We want to make

sure that the design of those particular pathways will be consistent with security needs of a school.

Steve Abel stated there was a question about the FEMA floodplain issues and the BFE. Between the first and second hearings before the Planning Commission there was quite a bit of discussion involving my office, city staff and the FEMA folks to work out a condition of approval that would allow for the plat to move forward, so that the transaction could move forward, but at the same time preserve and require of the applicant that no development take place in areas tentatively identified as Floodplain Hazard Zone A. Most of that floodplain area is located immediately to the south of Halsey Street on Lot 2 and 3. Until the BFE is established there will not be any development in that area, which is acceptable to both Reynolds, McMenamins, City Staff and FEMA.

Steve Abel stated there were a couple of issues raised regarding transportation. Halsey Street is a County road so the County asked of us to prepare a transportation study. For the purposes of a comprehensive plan amendment and zone change that study is done on the basis required by the Transportation Planning Rule (TPR). It is a study that takes place that uses the big picture, the colors on the map, it doesn't have actual development to compare the now and then circumstance of the comprehensive plan designations. In doing that the transportation consultant that hired by McMenamins and Reynolds, Kittelson, found the trips under the proposed comprehensive plan designation were reduced in number from what could be built there today. In addition, after Kittelson did its work the County hired Lancaster Engineering to confirm that Kittelson's work was correct. In doing so and understanding the concern about trips and listening to Mike Ard's suggestion in his report, Multnomah County appeared before the Planning Commission in its transportation capacity and asked that a condition of approval be put in place, which is Condition 6B of the Final Order, that indicates that Halsey Street improvements will be made when McMenamins goes to work on redevelopment of its lot, meaning Lot 1 and 2, and specifically makes reference to the next proposal of McMenamins which is to convert the Multnomah County Jail facility into a hotel. When Reynolds goes to construct a school on its site they will have to do those same improvements. Those will be done as a condition of approval of the subdivision. Both Reynolds and McMenamins accept that.

Steve Abel stated you talked about the open space and McMenamins agreed, as a part of the Planning Commission process, to extend that green area of the open space further over across Lot 2 to complete the portion of the McMenamins site to keep that an open space as an additional buffer against the neighborhood. As we get to Lot 3 there is a 25' easement along there for purposes of a buffer. There was a question about the 7-acre grove of trees on Lot 3. As we have been doing work to try and understand the site we have had to call the police to have people removed from that site so it is very clear that the 7-acre grove of trees isn't the safe area that maybe it should be. That 7 acres is a big chunk of the Reynolds site and from the beginning Reynolds has wanted to purchase this particular site for a school. In its tentative planning it doesn't see how the loss of that 7 acres would allow for them to build a school on that particular location. In fact the values of which the Reynolds School District is paying for that piece of property make no sense if the site is zoned open space. I know that Reynolds is not interested in buying property if it ends up being open space. With that said

what happens? What happens is you have a tree cutting ordinance that one must go through in terms of development on sites. You have a conditional use process and in that process discussions take place. I am hoping that we can figure out a way, not only serve the needs of the City but also the needs of the school district to come up with a plan that makes sense. In fact your Park Plan essentially speaks to acquisition of this property; it also speaks of cooperation with the school district. Frankly what ends up happening here is if you get the cooperation, you don't have to spend any money. The other possibility of course is if the City really wants it as open space it certainly could buy it from Reynolds.

Councilor Ripma stated basically on the transportation questions, particularly with Lot 3, the short answer that I think I am hearing is that the transportation issues related to that development will be dealt with when it is developed, is that true?

Steve Abel replied yes.

Councilor Ripma asked and the fact that any transportation study done based on it being R-7 residential, if it needs additional transportation facilities to accommodate a school it will be dealt with at the time that development is proposed?

Steve Abel replied yes.

Councilor Ripma stated I am satisfied with that. I appreciate your answers about the Ridgeline Trail and the agreed to extension of the open space across Lot 2, but not extending to Lot 3. I also understood your explanation about the 7-acre grove of trees.

Councilor Kight stated it is my understanding that the school district wants to eliminate all seven acres of the trees. Is there any thought of retaining any of the trees on those seven acres?

Steve Abel replied there is. There have only been conceptual plans. The bulk of that seven acres is in an area that is the logical space for a school to be built. Does that mean that the school is going to just take out the seven acres, I don't think so. The school is not seven acres big. Can the school, in working with the City and its design architects figure out a layout that will help preserve some of those trees? I think that is possible. I don't think there is any intent to take out all of the trees.

Councilor Kight asked it is possible, but is that the intent of the school district?

Chuck Rhoades, Reynolds School District, stated the school district has not contracted with our architects to plot the school site there. Our intent is not to go in there and just strip out seven acres of trees. All along we have said that we would like to preserve all that we can, but at the same time as a school is placed on any site we have to be concerned about security issues. In today's age our concern will be the security of the children over a lot of elements. With the City's ordinances that are in place we have to work, and will work, with the City of Troutdale on this.

Councilor Kight stated the site that you are purchasing is identified as R-7. Did the School District choose that?

Steve Abel replied the existing site is zoned R-4 and we thought in terms of changing the density a little bit to get a product that might have a little less density.

Councilor Kight stated ultimately you are planning to build a school there so it is almost a mute point, right?

Steve Abel replied yes.

Councilor Kight asked what is your plan for Lot 5?

Chuck Rhoads replied that is an area that has some existing buildings. The newest buildings are on the southerly portion of that property. I can't tell you exactly what will go in there but right now we will be doing some touring of those sites and looking to see if there are renovations that we can do to do some smaller alternative type programs. Down where the old hospital sits is likely the area where we will site an elementary school.

Councilor Kight asked the 238<sup>th</sup>/242<sup>nd</sup> easement that goes through there, by virtue of the fact that the easement is still there will that impede your development of that piece of property or would it be more advantageous to have a vacation of that particular street?

Mike McMenamin replied I think vacation of that street is the best situation for both Reynolds and myself. At this point I think we will just wait and see; I don't think we have any plans. We have built some golf course facilities in that area and there is the possibility of some parking, but really no building on that site. The jail site to the east will be our primary focus.

Councilor Kight stated so what I am hearing you say is that it wouldn't make that much difference either way if the property was vacated. Or would you prefer that there was a vacation of that piece of property?

Mike McMenamin replied it needs to be vacated as quickly as possible.

Mayor Thalhoffer asked is there any one here that would like to speak to us on this issue?

No testimony received.

Mayor Thalhoffer closed the public hearing at 8:40pm and stated that a second public hearing will be held on December 11<sup>th</sup>.

Steve Abel stated we held a hearing tonight and you heard testimony from the applicant. It wasn't clear to me whether the public testimony portion of the hearing was closing tonight and on December 11<sup>th</sup> you were just coming back for deliberation and a decision. I would like to request that the public testimony be closed tonight since there was not any testimony from the public tonight.

Mayor Thalhofler replied we normally hold two public hearings and allow two opportunities for the public to testify. Unless the Council would like to deviate from that customary process, we will hold two public hearings.

Consensus of the Council was to follow our standard process of holding two public hearings and allow public testimony at both.

#### **6. STAFF COMMUNICATIONS**

None.

#### **7. COUNCIL COMMUNICATIONS**

Councilor Thomas asked what is the status of the grocery cart ordinance?

David Ross, City Attorney, informed the Council that Beaverton and Gresham were going to draft an ordinance. I received two emails this afternoon from Gresham regarding the ordinance but did not have a chance to read them.

Councilor Thomas stated I have requested of the Mayor that we schedule a couple of work sessions, one to discuss securing spray paint cans and another to discuss the option of implementing a parking fee at Glenn Otto Park.

#### **8. ADJOURNMENT:**

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

Meeting adjourned at 8:47pm.

**Paul Thalhofler, Mayor**

**Approved February 12, 2008**

**ATTEST:**

**Debbie Stickney, City Recorder**