

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

Tuesday, July 25, 2006

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Thalhofer, Councilor Gorsek, Councilor Ripma, Councilor Thomas, Councilor Canfield, Councilor Kyle and Councilor Daoust.

ABSENT: None.

STAFF: John Anderson, City Administrator; Rich Faith, Community Development Director; Kathy Leader, Finance Director; Marnie Allen, City Attorney; Beth McCallum, Senior Planner; Olaf Sweetman, Civil Engineer, and Sarah Skroch, Office Support Specialist.

GUESTS: See Attached.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: April 11, 2006 Regular Meeting, April 25, 2006 Regular Meeting and May 2, 2006 Work Session.

2.2 RESOLUTION: A resolution extending the lease agreement with T-Mobile for use of Reservoir #2 for two additional five-year terms.

2.3 RESOLUTION: A resolution authorizing the Mayor and City Administrator to sign renewal No. 19 to Intergovernmental Agreement No. 3012987 with Multnomah County for road maintenance.

MOTION: Councilor Daoust moved to adopt the consent agenda. Seconded by Councilor Gorsek. Motion Passed Unanimously.

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

None.

4. RECONSIDERATION OF COUNCIL ACTION TAKEN ON JUNE 27, 2006.

MOTION: Councilor Thomas moved to reconsider the resolution approving the Intergovernmental Agreement with Metro to collect and remit the Metro Construction Excise Tax. Seconded by Councilor Gorsek.

Councilor Thomas stated the reason I want to reconsider this is because the biggest point of contention at the last meeting was that there was no way for us to opt out of the agreement if for some reason it ends up costing us more to collect the tax for Metro than what its worth. There were two issues for me. One was customer service. This IGA allows developers to take care of all permit related fees at one place and the second was the addition of an option that allows us to opt out if it is not cost effective for us to collect the tax.

Councilor Gorsek stated I think this is important for us to consider, especially with an opt out clause and Metro providing us with the funds to administer this, we would be joining the other cities in the region to help move planning in areas that are not currently getting any planning done. I know we don't have any extra funds for things like that.

Councilor Daoust stated when we voted on this last time it failed because I wouldn't allow an opt out clause to be added. In reconsidering a more defined way to opt out based on the cost to the city, that is fine with me.

Councilor Ripma stated this was an issue we discussed for the better part of an hour. It is a technical issue. I think fair minds could come to different conclusions and it was very close but we have votes like this hundreds of times and in my recollection we have never had a councilor bring back something because he just changed his mind. I challenge the council, what if we did this all of the time. It is bad policy, it is a bad idea. It is bad because the public has a right to expect that when we take a vote we are going to stick to it, particularly in this case where staff had already worked out how the excise tax was going to be collected by Metro. We will still issue building permits just like we always did and Metro will invoice for the excise tax. Staff took the time to make arrangements to follow our direction from the last meeting. The idea that just because Councilor Thomas can't make up his mind, or has decided to change his mind, we are going to reconsider this issue, I think it is a huge mistake. I would request that Councilor Thomas withdraw his motion because you are wasting a lot of our time. We seem to have trouble enough deciding things without having it come back for a revote on a close issue like this. I think the tax is outrageous. I was on record against it when it was proposed. I certainly think that Metro should collect it. There was a lot of discussion about how much inconvenience it was going to cause developers to have to go down to Metro, that is completely not the case and is a bogus argument because it has been worked out that Metro is going to invoice them. I would encourage us to vote this down.

Mayor Thalhoffer stated I am not in favor of reconsidering, but in this case I am going to vote to reconsider this so we can take this forward. I didn't think that we needed the

opt out clause; staff indicated it wouldn't be a problem. However, I am going to vote in favor of reconsidering this.

Councilor Canfield stated I can't argue with anything that Councilor Ripma has said. This is a waste of time, we have already discussed this. Staff has already figured out how to work with Metro. I am against reconsideration.

Councilor Kyle stated I am also against reconsideration. To many times, I am thinking of one item in particular, where we came back and talked about it three times and I don't want this to be one of those, so I am going to vote no.

VOTE: Councilor Daoust – Yes; Councilor Gorsek – Yes; Councilor Ripma – No; Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Canfield – No; Councilor Kyle – No.

Motion Passed 4 – 3.

Councilor Ripma requested that we move Item #4.2 after Item #5. This item deserves some discussion.

Council agreed.

5. PUBLIC HEARING / APPEAL: An appeal of the Planning Commission's approval of a 19-unit condominium project.

Marnie Allen, City Attorney stated this item is a quasi-judicial land use hearing. The staff report has been prepared seven days prior to this hearing and has been made available. The staff report identifies the approval criteria that the Council has to consider in making their decision. The staff report analyzes those criteria. If you want the Mayor, or staff, to read each of those criteria you need to make that request. The criteria are available in the staff report. The procedure that the City Council has to follow for these types of hearings is dictated by State law, the Troutdale Municipal Code and Troutdale Development Code. Staff will present their report and discuss the criteria. The Mayor will then open the public hearing. The applicant will present the application and respond to questions from the City Council. Then anyone who is here that wants to testify in support of the application will have an opportunity to testify. When those in support of the application are done testifying then the appellants and anyone who is opposed to this application will have an opportunity to testify and respond to Council questions. If there is testimony in opposition, after that testimony the applicant has the final opportunity to present rebuttal. After all of the testimony has been submitted the Mayor will close the public hearing and the City Council will deliberate and adopt a decision unless the City Council determines that they need additional time and wants to set this matter over. If you are going to testify, please give your name at the beginning of your testimony so that it is in the record. If you are submitting letters or exhibits please give a copy to the recorder so that we can include them in the record. Please direct your testimony to the approval criteria that you think has and hasn't been met. If there is an approval criteria

that you think applies that is not in the staff report and hasn't been discussed, you need to raise that for the City Council and others so that they can consider it and testify about it. If the City Council makes a decision that you disagree with and you want to appeal that decision, you have to raise any issue that you want to appeal later before the City Council with enough information so they can adequately consider it and make a decision based on it. Your failure to raise any of those issues will preclude you from raising them later on appeal. Before staff presents their report I would like to ask City Council members to disclose any ex parte contacts, bias or conflicts of interest.

Councilor Gorsek stated I went to a neighborhood meeting on Saturday and spoke to a group about the appeal. I have exchanged an email or two talking about the process of trying to appeal this.

Marnie Allen asked could you disclose the subject matter if any of what was talked about was relative to the application.

Councilor Gorsek stated I believe that I advised them that if they were opposed to this that they should come to a council meeting and speak to us under public comment and make their position known and if it went to the planning commission than they would have a right to appeal it. Beyond that I don't recall, do you remember.

Chad Tippen stated I believe there was two emails exchanged where he basically advised me of the procedure. They were procedural only, he said that was as much information that he could give me.

Councilor Ripma stated I received a letter that was sent to council that is part of the public record that I believe is in Exhibit E. I also read letters that were in the paper, which is not an ex parte contact. The only other thing that I can think of is as I was walking in I saw Mr. Sullivan, who I hadn't seen in seven to ten years, and I just said hello. He happens to be the attorney for the developer. This in no way would affect my ability to be fair and impartial and I certainly have not made a decision on this issue and I want to base my decision on information I receive tonight.

Councilor Gorsek stated I would like to reiterate the same position.

Councilor Thomas stated I attended one of the neighborhood meetings. Chad was there. I exchanged a few emails and their biggest concern at that point was when we were looking at changing the height restrictions. When we got to the point of talking about Sedona Park and Tyson's Place I was able (inaudible). I had a few emails with Mr. Bents. I met with one other party in January and walked up to the property and talked about it. I don't really think this would affect my ability to be fair.

Mayor Thalhafer stated I went through Sedona Park as part of the Riverfront Renewal campaign and talked to a lot of the people there about the Riverfront Renewal. I didn't get into the merits of the upcoming appeal.

Councilor Canfield stated I received emails from Chad Tippen and K.R. Bents regarding city procedures. I forwarded those to city staff and basically said I couldn't talk about it. I can certainly make an impartial decision based on the information that is presented at the hearing and I haven't made a decision yet.

Councilor Kyle stated Bob and Kathy Bents are good friends of mine but they have been very respectful of my position. Early on I did send an email to Bob about the process. I responded pretty much the same as Councilor Gorsek, show up and present something at a general meeting and then follow up later with something after they have been through planning. I have also discussed real estate issues with them. I also had contact with Michelle and that contact had to do with general real estate information. When I was at Michelle's house I had a conversation with Chad Tippen also, just basic discussions. I appreciate the fact that they didn't put any pressure on me for anything. I have driven through the neighborhood recently to monitor the noise from the entertainment at Edgefield. I have noted the areas being discussed and also a lot of kids playing in the street at about 8:15 in the evening. I think I can make a decision based on the information I get here this evening.

Mayor Thalhoffer asked is there anyone here that would like to ask any of us a question pertaining to what was just disclosed?

No questions asked.

Marnie Allen stated that if anyone here has any objections to any of the Council members participating in this proceeding based on the disclosures, you need to raise those issues. If you need more information about the communications they have disclosed, or if you believe they are bias would you please raise those issues now.

No objections or questions received.

Beth McCallum, Senior Planner reviewed a PowerPoint presentation (a copy of the presentation is included in the packet).

Beth McCallum stated the appeal comes as an appeal of the Planning Commission's decision to approve the 19-lot condominium that is commonly called Tyson's Place and also called Sedona East, applied for by Scott Clayton of Ridge Investment. David Grey, Inc. is the property owner and Kristy Curletto, et al are the appellants. The appellant submitted the appeal narrative on June 30, 2006. Additional information was submitted on July 19 in the envelop that was with your packets (from Kristy Curletto, copy included in the packet) was not referenced in the staff report as the staff report was published July 18th. Some of the information submitted on July 19th is duplicative of the appeal narrative under Exhibit A and the comments received from neighboring property owners since the first notice for this land use application was mailed, which is under Exhibit E. You also have before you another letter that came in late today (Donald and Elizabeth Graves, copy included in the packet).

The parties writing that letter also have a prior letter under Exhibit E from December of last year.

The subject site is located at the top of the hill on SW 257th Avenue on the west side of 257th Avenue with access from Sturges Drive through Ellis Avenue, 11th Street to Edgefield Avenue and then into the parcel of land that is at the top of the slope.

The proposal consists of a 19-unit condominium development consisting of four buildings, a private driveway, on-site parking, landscaping, recreation facilities, open space areas, public access way improvements and an administrative adjustment from architectural standards requiring foundation and/or wall offsets when the foundation or wall exceeds 40 feet in length. Exhibit C in your packet contains the drawings and reports relied upon by the Planning Commission in making its decision on the proposed development.

Aspects of the site and design review analysis, which are normally carried out at the staff level, pertain to: layout and design of proposed buildings; parking and vehicle circulation areas; landscaping, buffering and screening; recreation areas; outdoor lighting; grading and erosion control; vehicle and fire truck access; and pedestrian walkways. Site and design review is required of all development except for single-family and duplex dwellings and uses accessory to those types of dwellings. The standards relied upon by the Planning Division staff in making its recommendation to the Planning Commission for approval are of record in your packet, actually the findings are of record in your packet and the actual planning staff reports are available in the files in the Planning Division, as well as the staff report that I have prepared for you this evening. My presentation this evening will focus on the standards that pertain to the appealable points raised.

The zoning of the site is A2 Apartment Residential. The site is also within the Vegetation Corridor and Slope Overlay District (VECO) and the Town Center. The VECO standards that pertain to this site relate to the areas of slopes of twenty-five percent or greater. While the zoning of the site is not appealable under this land use application, the history of the zoning is summarized as follows: In 1982 the zoning was Suburban Residential (SR). We no longer have that zoning district. In 1986 Legislative Map Amendments were adopted applying a Medium Density Plan designation and the R-4 Two-Family Residential zoning. That same zoning was applied to the Sedona Park property and other portions of the County Farm property. In 1990 Legislative Map Amendments were adopted for Commercial Comp Plan designation and Community Commercial zoning as part of the Periodic Review. In 1994 the Sedona Park subdivision was approved. In 1998 Legislative Map Amendments were adopted along with adoption of the Town Center Plan. The site was put into the high density plan designation and zoned A-2 Apartment Residential. In 2000 the VECO standards that are being discussed this evening were adopted and applied to properties with slopes of twenty-five percent or greater where they were adjacent to rivers, streams or wetlands and applied equally throughout the city. With respect to the High Density Plan designation and the Town Center Overlay District, Goal 2 of the Comprehensive Land Use Plan defines neighborhoods and these planning designations. This site is in the Town Center neighborhood. The Town Center allows for the highest residential zoning density and in that sense is similar to the High Density Residential (HDR) Plan designation. The goals and

policies of our Comp Plan are implemented through the standards that are in our Development Code.

Comprehensive Land Use Plan Goal 2, through the clarification, HDR is intended primarily for high-density, multiple-family residential dwellings including existing developments and vacant land suitable for development at higher densities. Density in this designation is intended to average twenty-one units per gross acre and 2,000 square feet per dwelling unit. The density allowed in the Town Center at the time that the applicant made their application is equivalent to the density of the High Density Plan area.

The Town Center is specifically defined in our Comp Plan as the downtown area. Town centers are characterized by their compact development including higher residential densities, local retail and service type uses, and a walkable environment served by transit. Again, at the time the application was submitted, the density allowed one dwelling unit per 2,000 square feet of net area. At nineteen units on 45,008 net square feet, the density proposed is one unit per 2,369 square feet of area. Recent changes to the Town Center Plan now allow a development such as this all on one parcel to have a density of one unit per 1,500 square feet of net area.

Sedona Park appellants have discussed inner and outer neighborhoods. Sedona Park is actually an inner neighborhood by definition of the Code and by the 2040 map that they have referenced, not an outer neighborhood. Inner neighborhoods defined in the Comp Plan are primarily a higher density, single-family residential neighborhood with small lots. These neighborhoods are in close proximity to employment, shopping, recreation and other services found along main streets, corridors and in town centers.

In making its decision the Planning Commission considered the following: The Development Code standards for the A-2 zoning, the VECO, the Town Center Overlay, the Erosion Control and Water Quality, Stormwater Management, Site Orientation and Design Standards, Off-street Parking and Loading, Signs, and Landscaping; Troutdale Municipal Code chapters on Outdoor Lighting and Tree Removal standards; City of Troutdale Construction Standards for Public Works Facilities pertaining to development even when there isn't a public street because it requires connection to public utilities and connection to public streets; Multnomah County Transportation standards must be considered because of the frontage on SW 257th Avenue which is a county street; Gresham Fire and Emergency Services standards were considered as well as Building Codes. The staff report prepared for you specifically covers these standards in great detail. Of the appeal points raised, only those points pertaining to access, the use of the steep slope areas of this site regulated under the VECO and adequate conveyance of stormwater from the site are pertinent. The prior zoning and partition plat/property line adjustment approvals have long been established as explained in the staff report. Those decisions are no longer appealable.

The appellants points are: 1) failed stormwater removal from Sedona Park subdivision and stormwater removal plan for Tyson's Place and 2) violation of VECO intent.

The VECO purpose statement from the Development Code says: the VECO exists to restrict or prohibit uses, activities, or development which is damage-prone or damage-inducing to the land or water quality; requires uses vulnerable to landslides, including public facilities which serve such uses, to be protected at the time of initial construction; to maintain land and water quality by minimizing erosion and sedimentation, and by restricting or prohibiting development, excavation, and vegetation removal on vegetation corridors and slopes associated with primary and secondary protected water features, and pertinent to this site on slopes of twenty-five percent or greater not directly associated with a protected water feature; and to comply with the provisions of Title 3 of the Metro Urban Growth Management Functional Plan and Statewide Planning Goals 6, Air, Water and Land Resources Quality and 7, Areas Subject to Natural Disasters and Hazards.

The Planning Commission's findings were that 10,527 square feet of the site is comprised of slopes of twenty-five percent and greater (that drawing is in Exhibit C2 in your packet). Development on slopes of twenty-five percent and greater is regulated by the standards in the Code. A stormwater line is proposed in the sloped area. Use of a portion of the sloped area regulated under the VECO standards is permitted provided it meets the requirements of the chapter in the Development Code that pertains to development on slopes. Mitigation has been proposed by the applicant. The stormwater line, in addition, might be able to connect to 257th Avenue. The appellant raised a concern with the Planning Commission's approval for use of the steep slope area for a stormwater line, and that somehow this development will compound stormwater drainage problems in Sedona Park. In response to the appellants' stormwater concerns, Planning staff and the Planning Commission evaluated the proposed stormwater plan for Tyson's Place with the advice of the City's Public Works Department staff. The Planning Commission found that the proposed conveyance of stormwater from this site will not compound any drainage problems in Sedona Park. Exhibit C7 is the storm water report from Sisul Engineering relied upon by the Public Works staff in making their recommendations to the Planning staff and Planning Commission.

None of the dwellings proposed are going to be within the steeply sloped area of the site. There are slopes on this site less than twenty-five percent but the regulated slope is twenty-five percent and greater. The applicant's engineer, Sisul Engineer, provided a drawing that shows the area of steep slopes on the property and the area being disturbed (shown in dark shading on the map on slide 15) by the proposal that the Planning Commission considered. In the drawing the darkest shaded area totals about 9.7% of steep slope area. That is well within the 30% disturbance that is allowed under the development standards in the Code.

With respect to soils and slopes the applicant provided professional engineering reports which is standard procedure whether there are slopes on the property or whether it is flat. Staff relies upon professional engineering reports. The Building Division makes the final review of soils reports, as applicable, with review of the building permits.

In order to use a part of the steep slope area the applicant must establish that three specific standards are met. The applicant shall demonstrate that no reasonable practicable alternative design or method of development exists that would have a lesser impact on the

vegetation corridor and slope than the one proposed. Staff did recommend that the applicant consider infiltration planter boxes right next to the buildings outside of the steep slope areas for Buildings 2 and 3. However, the applicant established, to the Planning Commission's satisfaction at the June 21st hearing, that it would not be a practical alternative. There is however, a possibility that the stormwater line could connect to 257th Avenue. The applicant's engineer did provide drawings to that effect which are included in your packet.

The applicant responded to initial concerns from Public Works in this first option of moving a swale area that was originally planned to be in an easement that the City has. They submitted a drawing to the Planning Commission that moved that out of that area and then tucked the stormwater drain line closer to the buildings so that there was actually less disturbance in the steep slope area.

There is also an option that the applicant's engineer provided to the Planning Commission in June that showed a private stormwater line connecting to the 257th Avenue stormwater line, which is a City stormwater line. This option would include a private system along the north side of Buildings 2 and 3. This system would go through a stormwater filter area on the property but inside the Multnomah County easement along SW 257th. In discussion with Public Works staff, a stormwater filter box is not necessary for stormwater from a rooftop. So this plan could be simplified to just a stormwater pipe to connect to the stormwater line in 257th. This would have the least impact on the steep slope area. In re-review of this material, Public Works staff has stated that this actually is the preferred option for disposal of stormwater from the rooftops of Buildings 2 and 3. The Council may choose to amend the Planning Commission's Final Order to reflect this plan if you choose to approve the development.

The second item that a developer must establish in using a steep slope area is that if there is no such alternative design that a maximum of 30% of the total area of the slope be used. The plan that the Planning Commission considered, according to the applicant's engineer, only uses about 9.7% of the actual sloped area of the property. So that criteria is met.

The applicant must also provide mitigation to ensure that impacts to the functions and values of the vegetation corridor and the integrity of the slope will be mitigated or restored to the extent practicable. The applicant's professional Geotechnical reports, which include standards and best management practices for development of the site, were considered as well as the re-vegetation plan that the applicant provided, which is under Exhibit C3 in your packet, satisfy this criteria.

Storm water is also conveyed in stormwater lines outside of the Vegetation Corridor. This particular stormwater line is proposed to collect stormwater from Buildings 1 and 4 and the stormwater from all of their private paved areas. None of the water collected into this pipe flows towards the Sedona Park properties.

Access to this site does bring traffic into the Sedona Park neighborhood. The added traffic to the site, according to the Traffic Engineer's report, will not cause any of the existing

intersections to fail. Those intersections are 257th at SW Sturges Drive, which is a fully signalized intersection with a left turn signal, and SW Sturges Drive at SW Ellis Avenue into the site. Multnomah County will not permit access to the site from 257th Avenue. The City approved the partition plat for this site with a 1-foot non-access strip in concurrence with the County's standard. Comprehensive Land Use Plan Goal 12, which is our transportation goal, says that the city is to work in concert with Multnomah County. We typically do not trump Multnomah County's transportation standards. Access to this site is not physically possible from the north through the Troutdale Terrace apartments and general access is prohibited by Multnomah County transportation standards because there is access from SW Edgefield Avenue, which is a City street which has the lowest classification when you compare Edgefield Avenue to 257th Avenue.

There were concerns about accidents on 257th that were wiping out the fences and backyards of the existing houses in Sedona Park. The applicant has proposed a guardrail along 257th Avenue frontage to address these safety concerns. The final design and location of the guardrail must meet County standards because it will be along a County road and a County easement. That guardrail design and the traffic engineer's report are in Exhibit C6 and the County's comments are included in Exhibit D2 of your packet.

The Planning Commission's findings about fire access provided are required by Gresham Fire and Emergency Services. The fire lane will connect to 257th Avenue but will be gated to all other vehicles. Pedestrians and bicycles will have access to the site from this fire lane.

Standard erosion control under our Development Code is required. This site is over an acre in area so when it comes time to actually turn dirt on this property they will have to have a special erosion control plan that is abbreviated NPDES. That is a plan that is established by the State Department of Environmental Quality but the City of Troutdale actually issues that initial permit and does review of the erosion control before dirt is turned on the property. Erosion control helps to prevent mud and dust from leaving the site during construction.

Options recommended by staff to you are to uphold the Planning Commission's decision without change by adopting their Final Order. The two staff reports to the Planning Commission were adopted as their findings. However, those reports were consolidated for the report prepared for you this evening. In addition, other new information or clarified information may be received this evening. As such if Council chooses Option 1, staff recommends that the council staff report prepared for tonight be adopted as part of its findings with any other findings and conditions Council finds relevant. I mentioned the alternate stormwater drainage plan for Buildings 3 and 4 and that is an example of an addendum to the findings that you might choose to adopt. The most apparent downside to this option is that neighboring property owners will object to the decision and may decide to appeal to the Land Use Board of Appeals (LUBA). The second option proposed in the staff report is to restrict development to a lesser number of dwellings such as one dwelling unit per 4,000 square feet of net area and compensate the developer for the loss in value based on the restriction. With this you would have to adopt new Findings of Fact and Final Order. If this action is taken the Sedona Park neighbors may be satisfied and an appeal by them to

LUBA might be averted. In contrast, the property owner may object and file a LUBA appeal unless the City and/or the appellants are willing to purchase a portion of the development rights to the extent that development is restricted from what would otherwise be permitted under the current zoning and development standards. I have been a planner with the City for ten years and I am very passionate about planning. As your planner I represent the Code that has been adopted that represents what you as a Council, or your predecessors, felt were the most appropriate standards at that time. The developer has applied for development under a specific set of standards and my task, which may be unwelcome by some, is to identify those standards so that they can be fairly discussed and to not take sides one way or the other.

Councilor Daoust asked the zoning was changed from R4 Duplex to the A2 Apartment Residential, was there in fact notice given to the few affected property owners?

Beth McCallum replied no. There was no public notice because that was a legislative change. There was a published notice in the Gresham Outlook. Before Measure 56 even affected property owners were not given a specific notice of a pending map amendment. The 1998 change occurred before Measure 56 passed.

Councilor Daoust asked of the fifty-three houses in Sedona Park, do you know how many houses have their views affected by this proposed development?

Beth McCallum replied no I don't.

Councilor Daoust asked that lot line adjustment that was made to Lot 18 in 2002, how was that handled? I take it that was not a Type II land division but a Type I.

Beth McCallum replied yes, that was a Type I procedure which is a staff level review and that is in Chapter 7 of the Development Code.

Councilor Daoust asked so again there was no requirement for a public notice?

Beth McCallum replied that is correct.

Councilor Daoust asked is that one of the appeal points?

Beth McCallum replied that is correct. That land use decision is four years old.

Councilor Daoust stated the maximum density on the net land area allows 22 units. The proposal is for 19. Could we limit that density to the minimum density of 17?

Beth McCallum replied I believe that is one of the questions before you. It is my understanding that maximum density is what is permitted. The applicant has proposed 19 units which is less than the maximum of 22. To restrict them to less than the number of units that they have proposed, you would have to make findings based upon standards that would

warrant the restriction. The Planning Commission did not make any findings to warrant limitation on the number of units. I am not certain that there is any Code standard that you could really point to that would give you grounds for doing that. Under Option 2 you could somehow provide the applicant with a financial return for what he could otherwise have by right.

Councilor Daoust asked when all is said and done, even with this proposed development could they put 22 units in?

Beth McCallum replied they would have to go through the land use process again because there would be an appreciable change to the footprints of the building and the minimum parking requirement and they would have to come up with a way to put in more guest parking spaces. The property is self-limiting in that sense.

Councilor Daoust asked is City staff is pretty confident that development of Tyson's Place should not have any impact to the drainage situation at Sedona Park?

Beth McCallum replied based upon testimony from Public Works staff to me, yes.

Councilor Daoust stated especially if we plan to drain the stormwater to 257th, that would make it that much better.

Beth McCallum replied the stormwater as proposed from the parking lots and Buildings 1 and 4 already is proposed to go to 257th. It is the stormwater from Buildings 2 and 3 that was going to drain north to a swale. Even that direction of drainage was not towards Sedona Park.

Councilor Gorsek stated Councilor Daoust brought up the question about views. There is nothing in this development that I have seen in the documentation that violates the heights standards, is that correct?

Beth McCallum replied that is correct. They are well within the height allowed, which is 35' as measured from the average grade. None of these buildings exceed that height allowed. Even if the property were developed with single-family houses on 20,000 square foot lots, those homes would be allowed a 35' height.

Councilor Gorsek asked in terms of the 17 versus the 22 developed units, the issue of giving money back to the developer is a Measure 37 claim isn't it?

Marnie Allen stated it is based on a policy or theory that if you are going to preclude them from developing to their fullest extent you might compensate them for that reduction, but it is not a Measure 37 claim formally.

Councilor Gorsek asked is it correct that the County absolutely will not consider a right-in/right-out access to this property?

Beth McCallum replied the information that I received in discussions with the Multnomah County planner is that their code is black and white about the slope and the speed of 257th in this location. There is a lesser classification street to come from. If this did not have access there they might have considered that but it has frontage on Edgefield Avenue.

Councilor Gorsek asked in terms of looking at the study, I noticed that the study basically seems to focus on whether the intersections fail; it doesn't seem to talk much about traffic volume which is what I think a lot of people worry about. I know that they talk about vehicles per hour, but is there any possible plan from the city's side to institute what I think was requested by some of the appellants, which are things like speed bumps and restricted speeds and things of that nature.

Beth McCallum replied public works is who would need to speak to whether they would want any traffic calming devices or if they are even warranted.

Councilor Gorsek stated I think, as we will hear tonight, that it is not so much the issue of does this intersection clog up, but how many people drive down the street.

Councilor Ripma stated the question of access to this site via Edgefield is the thing that troubles me the most. Was this parcel where Tyson's Place is going part of the same parcel as the Troutdale Terrace Apartments at one time?

Beth McCallum replied yes. When Jim Winkler applied for the Troutdale Terrace Apartments he owned two parcels of land (see slide 25). In his land use application he showed Parcel A, where the apartments are, and Parcel B. When we took Mr. Winkler's partition plat and property line adjustment application to actually divide Parcel A and Parcel B into two distinct properties, in his partition plat application Mr. Winkler did not identify the intended use but in his site and design review application he states that, "Parcel B, with approximately 1.5 acres would be separated for future development. Severe slope of 40' in elevation separates Parcel A from Parcel B, predicated a separation." So when Rich and I considered his partition plat we considered that statement in his land use application for his rationale for that and as a result this is the perfected partition plat drawing showing a property line adjustment with Lot 18 to give full access frontage to Parcel 2 (Parcel B) because access from the development that was approved in 2000 for the apartments, there is no provision for a road in this development because of the steep slope area, so the result is the configuration as it is now of record.

Councilor Ripma stated looking at slide 25, that was all one parcel. As I recall when Troutdale Terrace Apartments was built the County said the same thing to Mr. Winkler, that you can't have access on 257th. There was a neat thing, there was a lawyer here and whoever owned that entire parcel, before 257th was built, owned a lot more land, and the lawyer who had conveyed 257th right-of-way to that parcel, (Parcel A and B) had written a deed restriction in the deed that was some sort of a condition of the conveyance that whoever owned that land was going to have access to 257th. Because the County said the same

thing, no you can't have access, it is dangerous, etc. and they were buffaloed by that deed restriction and that is why they have full access in and out on that parcel, I am talking about Troutdale Terrace. Wouldn't normal logic and possibly real estate law permit the assumption that that right to access continues on Parcel B?

Beth McCallum replied I can't speak to that legal question.

Councilor Ripma asked was it ever explored?

Beth McCallum replied no, but Mr. Winkler had title to the entire property. When he made the partition plat application he could have raised that very question with Multnomah County when the condition restricting access to Edgefield Avenue was added to his partition plat approval.

Councilor Ripma stated but he wouldn't have had to do it then is what I am saying. He didn't do it on Parcel A until he was ready to develop and now it is happening on Parcel B. Access to Parcel B from Edgefield was not in the plan when that was built because it only had a short stretch where it even touched Edgefield. Access through there was not the plan and there wouldn't have been enough room. Parcel B might have a deeded right to access 257th and I am concerned that the applicant, developer and the City have all ignored that and just assumed that access should now be provided via Edgefield. That to me is one of the most serious problems here with this development; it is really going to impact Sedona Park with the traffic. If it ends up that Parcel B can't get access from 257th then he is in affect, at least under that drawing, landlocked and he would have the age-old right to have access via the servient tenement of Parcel A, in other words the older parcel it was spilt off from. It is old ancient land law that if you have a landlocked parcel you have access over the guy who sold it to you. I am concerned that these issues were not considered. The applicant wanted to go on Edgefield and the City just wanted to go on Edgefield and you are sort of saying it wasn't considered, the idea of exploring the right by deed restriction of access from Parcel B to 257th.

Beth McCallum replied that was not considered because number one I am not an attorney and two, Mr. Winkler, who owned the property at the time did not raise that issue when we gave him the condition to only take access from Edgefield. He had a right to raise that before the partition plat was approved.

Councilor Ripma asked is it possible, if we were to consider approving this, that we could require that it be explored?

Beth McCallum replied I think that is a question for the attorney.

Councilor Ripma stated the applicant may have an actual right of access from Parcel B to 257th that the County can't say no to.

Marnie Allen asked Ms. McCallum, when the City approved the partition Plat for Parcel A and B, did the City impose a condition of approval that required access off of Edgefield?

Beth McCallum replied it resulted in access off of Edgefield because the County said that access was not permitted on 257th. Winkler's partition plat and property line adjustment gave legal frontage on Edgefield and under planning concerns solved the access standard, meaning that it had full frontage on Edgefield Avenue and that access on the lesser classified street was a way to satisfy that transportation requirement.

Councilor Ripma asked wasn't Parcel B broken off from Parcel A way before the lot line adjustment?

Beth McCallum replied no, they were concurrent.

Councilor Ripma asked you mean Parcel B was part of Parcel A until the lot line adjustment was made on Lot 18 of Sedona Park? That was all one transaction?

Beth McCallum replied that is correct.

Councilor Ripma asked and that was all done by a Type I hearing, it never came to the Council?

Beth McCallum replied yes, that is a Type I procedure.

Councilor Ripma asked what if Parcel B had deeded access to 257th that the County could not say no to? If that was the case would we be able to require, as part of the approval, that the applicant explore exercising that access and not use Edgefield?

Beth McCallum replied it is possible. We would have to change our decision under the Partition Plat, which has a recorded non-access easement along the 257th frontage, to support the County's position.

Councilor Ripma asked isn't this development really a cul-de-sac off of Edgefield and doesn't the City have a restriction that a private street cul-de-sac can only have six or seven units not nineteen?

Beth McCallum replied it is not a private street; it is the equivalent of a parking lot. This approval is done the same way that an apartment approval is done. Apartments have roads or streets through them into their parking lots, but they are not streets. These are not platted units, meaning land division platted units; they are only condominiums. There is no land division involved.

Councilor Ripma stated so the people wouldn't own the land.

Beth McCallum replied they do not own the land.

Councilor Ripma asked just north of the Troutdale Terrace Apartments there is a big sign on 257th for a future home of some church, how is that going to be accessed?

Beth McCallum replied that church owns the property that fronts on Halsey, so their access is from Halsey.

Councilor Thomas stated I like Councilor Ripma's concept about checking to see if they have a deeded access to get in there. I remember from the discussions when the attorney was here and my recollection was that by deed they had the right to one access to 257th.

Mayor Thalhoffer stated I will start with the 257th access issue because that has concerned me. I don't know what discussions you have had with the County but we as a Council haven't had any discussions with the County to see if there is some way to work that out because that may be the total solution to the issue. If we can get access off of 257th then there wouldn't be much more to talk about or to be concerned about. There are some other concerns but that seems to be one of the biggest ones. That whole issue with Troutdale Terrace, we tried to get a right-in/right-out only at Troutdale Terrace and they didn't want any part of that because if that were the case they couldn't get a bank loan. So now people are driving across 257th to go north and that is very dangerous and the County allowed that. We need to explore having a right-in/right-out for Parcel B. How are we going to do that without taking time between now and a possible second hearing to have some serious discussions with the County about that because they have said no and then they end up saying yes and they just aren't consistent on this stuff. We have one of the most dangerous situations on 257th now with Troutdale Terrace having full access. Right-in/right-out would be much safer and we tried to get that to happen but Mr. Winkler didn't like that. We need to have some serious discussions with Multnomah County on access before we come to any final decision on this issue. The stormwater removal issue bothers me in that this land slopes to the west from Parcel B.

Beth McCallum stated the professional report and the statement from Public Works is that the land does not slope west, it slopes to the east. We have a professional opinion about the property and we have the opinions from the neighbors. In the staff report I believe that I made the statement that when a professional report is questioned rather than just taking antidotal information at its face value, if you were doing the research yourself for your own property you would probably want to get a second professional opinion. That, under my opinion, is the appropriate response for that. The applicant can give you additional information, but based on the preliminary grading plan this property will be graded so that everything drains to the east and to the north, it is not going to drain to the west.

Mayor Thalhoffer stated when I was campaigning through Sedona Park it seemed like when I was walking west it was easier to walk because it was downhill and when I was going east it was uphill.

Beth McCallum stated in considering a project you look at the contour maps that the applicant submits and under Exhibit C2 there are preliminary grading plans that show the contour lines of the property. The contour lines show the land falling to the north and to the east.

Mayor Thalhoffer stated I know that we are not supposed to talk about how this partition came about because it is probably not germane to the issue, but it is germane to me as far as the notice that was given to people. It seems to me that this was a plan on the part of Mr. Winkler, he had something in mind and he went about it in stages. I am not accusing him of doing anything wrong or dishonest. He is a very shrewd business man and he went about this in stages. Each stage nobody received notice about. Had they received notice on some of the stages when this all came about, they probably would have come and raised some concerns about it but they didn't because it was done under a Type I hearing. I guess I am not certain what it takes to become a Type II hearing, but they can do things like this under a Type I hearing. Everything that was done by Mr. Winkler as far as this partition was done under a Type I hearing.

Beth McCallum replied that is correct.

Mayor Thalhoffer asked and it doesn't require any more than a Type I hearing?

Beth McCallum replied a partition plat and a property line adjustment are typically processed under a Type I procedure. The director, Rich Faith who is my supervisor, said this was correctly processed. There are allegations from the appellants that we were somehow in collusion with Mr. Winkler and I take issue with that. This map is in Mr. Winkler's plan for his apartment and that required a Type II procedure which did involve a notification to property owners within 250' which included about six property owners in Sedona Park. None of those property owners wrote any comments to the City when they received the notification for Winkler's Troutdale Terrace Apartments, which included a drawing that showed Parcel B and they had every opportunity with that notice to come to City Hall and look at. The one person that I recall that commented was someone who lived in a mobile home across the street. Mr. Winkler did not do his development in a vacuum. There was an opportunity for comment on the Troutdale Terrace Apartment development, which shows a future intent to segregate his properties. David Gray, the owner of the project before you this evening, and Scott Clayton, they are owners after the fact. The partition plat and zoning already existed when they acquired the property.

Mayor Thalhoffer stated I understand that. I am not accusing you of collusion. It is just the way the development happened, step by step, and there wasn't much notice given to the neighbors in Sedona Park, at least that is what I read in this record. We have a sedimentation issue and we have disturbed land here; we have quite a few issues. The erosion control is really interesting.

Councilor Canfield asked on page 34 of your staff report it talks about the VECO standards and the land use review level regarding the technical reports. Who on staff reviewed the geotechnical report?

Beth McCallum replied John Bennett who is our plumbing inspector reviewed the geotechnical report and public works staff also looks through those reports. My comments are based upon their comments.

Councilor Canfield asked I have confidence in staff but for the record could you give me an idea of their level of expertise and professional experience in this area?

Beth McCallum replied I am not an engineer and I don't analyze the pros and cons of the geotechnical report. I rely upon the professional opinion from the public works engineering staff and the building department staff, which John Bennett was the representative for that. Their comments are what were put into the staff report.

Councilor Canfield asked what part of your staff report addresses the stability of the hill and seismic information?

Beth McCallum replied in Exhibit D3 are emails from Olaf Sweetman who is an engineer in our public works department and emails from Amy Pepper our Environmental Specialist which are the communications I relied upon.

Councilor Canfield asked did you rely just on the technical report from the applicant or did you do your own research on this site?

Olaf Sweetman, Civil Engineer replied we do not typically review those for staff; that is done by the building department. Those reports are stamped by the Geotechnical Engineer and we rely on his professional stamp to ensure that they are done correctly. Basically we review them to look for any discrepancies or anything that may have been left out, but we don't review them for the staff.

Councilor Canfield asked so you don't do an independent analysis, you just rely on the report. So are you confident that the hill is stable?

Olaf Sweetman replied the geotechnical report says that is and I rely on his professional expertise.

Councilor Canfield asked so no one on staff actually did any second looking at that site, is that correct?

Olaf Sweetman replied in order to perform geotechnical analysis you have to go out and do soil surveys and calculations. We just look for things that look out of order. I don't know what Mr. Bennett looks for, but he does the official review for the City.

Councilor Canfield asked for the record, could you tell us your expertise in the geotechnical field?

Olaf Sweetman replied my expertise would be limited to the class I took in college. I am two years into this job. I am not an engineer; I am an engineer in training. Even if I was an engineer I wouldn't have the expertise to do geotechnical work.

Councilor Canfield asked has any part of this geotechnical report indicated anything about taking different samples during different periods of time to see if there is any movement on that slope?

Olaf Sweetman replied I don't recall reading about that. I don't think they have concern that the slope would be moving.

Councilor Canfield asked has there been a history of the slope moving around the area of Troutdale Terrace or Troutdale Ridge?

Olaf Sweetman replied not to my knowledge.

Councilor Kyle asked if for instance there was movement at Cherry Park or Troutdale Terrace, would the city know about that?

Beth McCallum replied we would know about it if the building owner came into the building department and wanted to seek a building permit to correct the problem.

Councilor Kyle stated I do have some concerns about the stability based on somebody I know that lived in there that moved out for that particular reason. She moved in right after it was built and after about one month she couldn't open her door because of the settlement. That made me question what was under there. Would anything trigger notifying the City if there were any instability?

Beth McCallum replied I can't speak for the property owner but usually when a building slides or something happens like that they immediately call the building officials. I did review some of the building permits that were issued for the Troutdale Terrace Apartments, again I am not a building inspector and I don't work in the building division, I do look at plot plans that come in with building permits and I go through a checklist to make sure certain items are submitted that have been required under the land use permit, but I do not review structural or soil reports. There are numerous soil reports that were submitted with the construction of Troutdale Terrace that the building official required and those are wet-stamped. The building department is the one that assures that a site is stable initially. I have lived long enough to know that every house settles to some degree. I can not speak to the technicalities of that.

Councilor Kyle stated I understand that. I guess I am concerned based on what I heard tonight about receiving these reports and I guess I am concerned about how they are interpreted by the City. Maybe it would help me if whoever looks at those and reviews them were here to talk to me instead of saying that they are just rubber-stamped because they are stamped by a Geotechnical Engineer. Has the City been notified that the water runoff system is failing in the Sedona Park area?

Beth McCallum replied that is a public works issue. As I understand it there have been conversations with the public works department about stormwater problems in swales in the backyards. The streets in Sedona Park, as I understand it, have drywells and Olaf has told me that they are not failing. A private system, like a public system, needs maintenance over time. Public works staff has assured me that the development on the proposed Tyson's Place project is not going to exacerbate what is already happening in the Sedona Park drainage.

Councilor Kyle stated that really wasn't going to be my question. Because I do real estate I am familiar with that area and I think there is some failure there. Has there been any consideration to tying that area into the new drainage system?

Olaf Sweetman replied I think there are some concerns that something may be failing out there. It is not in the public system. The drywells that we have in place are working fine. The systems that may be failing are private infiltration facilities that are draining a portion of the properties and the city has nothing to do with those. There is a plan in the future to connect the drywell system to the line on 257th but that will not address the concerns that they have unless they can somehow tie those infiltration systems into the public system.

Councilor Kyle stated my concern is the excess water at the street level, that is why I was wondering if we can tie into it.

Olaf Sweetman replied if there are issues in the street then those need to be addressed. I was not aware of those issues.

Beth McCallum stated the applicant shows a future opportunity for a storm water line to connect from the drywells on Edgefield Avenue east to the City's storm water line in 257th Avenue. Again, as Olaf has stated that is not going to correct the issue that is going on with the private side of the system.

Councilor Kyle asked how large of an area does a drywell drain?

Olaf Sweetman replied it can drain a whole street. The plan would be to connect every drywell in that area to the system.

Councilor Gorsek stated in the staff report on page 34 the last paragraph just above erosion control, it says, "The Council may hire some professionals to evaluate the applicants geotechnical reports, however, staff would offer that the City has professional staff in the Public Works and the Building Divisions that make judgments on engineering and geotechnical materials as part of their duties for the City." It doesn't sound like we are really with people who can make those assessments.

Councilor Ripma stated in 2001 when the Troutdale Terrace Apartments were approved, Parcels A and B were one lot. Parcel B was undeveloped but the Troutdale Terrace

Apartments were approved the way they are built. What was the City's thought in approving Troutdale Terrace Apartments for access to Parcel B? Because at that time, that was a year before this partition and there is no access from Edgefield in the way it sits in that slide (slide 25) and that parcel is undeveloped. Was the City's thinking at the time that access would be off of 257th?

Beth McCallum replied I think that is an appropriate question but I don't have the entire history of Troutdale Terrace Apartments memorized. He showed the two parcels and he made a statement about why he had to separate off Parcel B. It wasn't separated when we approved the layout of the apartments. My best recollection is there was an anticipation that he would go through the partition plat process and sort out the access at that time. So long as Parcel B was part of the larger parcel and remained undeveloped, there is no requirement for him to secure an alternate access to the property.

Councilor Ripma stated but assuming he never got any other access, it would have had to be accessed either through 257th or through the Troutdale Terrace Apartments, right? There is no other access to that empty lot and he might never have gotten access any other way. To me that is a reason for exploring whether there is in fact a right for Parcel B to access either 257th or go through the Troutdale Terrace Apartments because logically that had to have been the contemplated access at the time Troutdale Terrace was approved. It was all owned by the same guy and he had to have assumed that he was either going to go out on 257th based on this possible deed access, or through Parcel A. I share the Mayor's view that we ought to explore, if we can, access to 257th by talking to the County some more. I don't know if that has ever properly been explored.

Councilor Canfield asked Olaf, are you a licensed engineer?

Olaf Sweetman replied no. We have licensed engineers on staff.

Councilor Canfield asked which are?

Olaf Sweetman replied Jim Galloway and Travis Hultin.

Councilor Canfield asked did they review the geotechnical report also?

Olaf Sweetman replied I don't believe so. I am not even sure they have the expertise necessary to make a determination whether the conclusions were correct.

Councilor Canfield asked do you have the expertise to determine if the conclusions were correct?

Olaf Sweetman replied no. We don't even see what the conclusions were based on necessarily. They go out and they collect raw data and they make observations and those are not all reported to staff, they are summarized in their report.

Councilor Canfield asked on the basis of the information of the geotechnical report, what is your opinion of it?

Olaf Sweetman asked of the geotechnical report?

Councilor Canfield replied yes.

Olaf Sweetman replied I am confident that it was performed correctly. I didn't see anything that was wrong with it. It was performed by a licensed engineer and if it was done incorrectly his license would be revoked, so that is why I am confident.

Mayor Thalhoffer called for a break at 8:47pm and reconvened at 8:57pm.

Ed Sullivan, attorney representing the applicant stated there are some issues that are raised in this appeal which really don't have anything to do with the approval criteria, including the history of the lot line adjustment and the like. We have some particular criteria to meet and they are in the staff report and we plan to meet those. What is before the Council is solely a site and design application for a use that is permitted outright. The residential use, the density of that residential use and the fact that the ownership arrangement is for condominiums are not issues that relate to approval or denial of the application. If we meet the clear objective standards for site design, the application must be approved. We will listen carefully to the testimony that other parties bring in and we will respond to that testimony. Briefly, in this opening presentation we would like to present our response to the points on appeal which have to be listed specifically for your consideration and say that we agree with your staff and we agree with the Planning Commission that the application ought to be approved. Let me respond generally to the six grounds of appeal before you. The first one relates to the storm water removal. The opponents spend most of their time here concerned with their own inadequate storm drainage situation. The issue before the Council though, is whether or not our proposal meets the City's standards. We presented that information to the City. You will hear from your Public Works Director, your engineer, and you will have the opportunity to talk with our storm drainage person who is an expert to ask them about this plan. The staff had it correct, they analyzed the storm water plan correctly and we are prepared to do the plan in accordance with staff approval as amended after the last Planning Commission decision. You have heard from staff that we have worked out a better way to drain this and we are prepared to accept that revised plan as a condition of approval. The second issue is over compliance with the VECO standards. Again, we analyzed the site in light of the standards and we believe that they can be met. You heard that less than 10% of the soil is disturbed. It is only for a storm water pipe and not for development. Staff agrees with our experts that the standards of the Code are met. The next two appeal points relate to alleged violations of the Council's goals and Metro's 2040 Plan. Neither of those criteria are relevant to this request. The Council's goals are not the land use standard for this application. Metro's 2040 Plan deals with the City's Plan, it is in compliance. It is an inner neighborhood and it meets those standards, but that is not an issue before you in the proceedings tonight. Finally there are two appeal points which relate to the possibility that this proposal violates "neighborhood character and the City's Comprehensive Plan as well as

the City's Code". Neighborhood character is not a criterion for review and not relevant to this issue. But, even if it were we are within the City's Plan and Zoning regulations for the use on this site. In addition, the City's Plan is not a relevant criterion as this is a site and design review or what is known as a limited land use decision. The legislature in the statute, which I put in the memo that you have before you (copy included in the packet) says that only the land use regulations are applicable criteria for site and design review. We take the position that those criteria must be clear in objective and that we meet them. We also went through, in great detail, the applicable regulations to this proposal. We went through them and your staff, Ms. McCallum, in a 53 page report that you have before you went through them and found that we met them. I will now ask our technical folks to speak and respond to questions from Council. After we hear from the other parties we will present our response. We ask you to then approve our proposal with the one change I mentioned regarding the storm water revisions that were made and suggest to you that the issues before you relate to access and transportation, to the issue of storm water and VECO. Let me respond briefly to Councilor Ripma's discussion on access. I don't know the issues that were raised; they weren't raised in the record so I am going from your memory Councilor Ripma. My understanding is that if there were access that was deeded by a smart lawyer, probably that was satisfied with the access to Parcel A and would not extend to Parcel B. There is, you know, a 1' non-access strip. It is quite possible that the applicant waived the right that he had for access when coming in for the partition. The County is unlikely to waive and allow for the access to 257th for a couple of reasons. One, it will make the claim that the applicant waived that years ago. Secondly, they can say we have a safety reason and you have other access and therefore we are going to require you to use that access. The City's property rights to that 1' strip doesn't trump the County's safety issue if they want to raise it. They may have to pay somebody money; that is a very complicated process and I suggest to you that it is a little late to deal with that. I am prepared to try to respond to any legal question. Ms. Hauer will start with the planning issues.

Leslie Hauer stated I want to talk briefly about how we got here. An application was filed and when it became obvious that there was a great deal of neighborhood interest the planning staff determined that this should be heard by the Planning Commission. About the same time we decided that perhaps we could make an affirmative effort and reach out to the neighborhood and we held a neighborhood meeting. I don't have the exact date of that meeting, but it was a cold and stormy night. We did our very best to show the neighbors what we had in mind and tried to answer some of their questions. We then went to the initial Planning Commission hearing where there was a recommendation for denial. We offered some revised plans at that hearing which addressed many of the concerns that the staff had raised and that triggered a second Planning Commission hearing at which there was some tweaking of this and modifying of that to again assure them the City's standards as listed in the Code were satisfied and the total package met the standards. That leaves the three issues that the appellants have raised in their memorandum to you. Stormwater, VECO issues and traffic. With regards to stormwater, I guess I was under the understanding, and Mr. Pellatz of Sisul Engineering was under the impression, that conveyance of stormwater to 257th was included in the language that the Planning Commission adopted. That is now the preferred form of disposal of stormwater from this site. Because water will be conveyed in a

pipe to 257th, the pipe can be pulled up practically adjacent to the foundation and that limits or minimizes the amount of the mapped slope to 2% or 3%. That leads into the VECO issues. There are no buildings in the slope, there were in the initial plans. With the revised plans we have been able to pull the buildings back and there is a very minimal amount of disturbance with the stormwater pipe. Finally, with the traffic issues, as a result of the neighborhood meeting where there were some issues with vehicles using the curve of 257th to launch themselves off and some of the vehicles landed in neighbors back yards, to address that our traffic consultant recommended a guardrail and those discussions are in progress with the County. The last word we had was that the County had no problem with approving a permit for that once they saw the final plan. At this point I would like to invite the other three members, Curt Pellatz of Sisul Engineering, Don Rondema, Technical Engineer and Catriona Sumrain of Lancaster Engineering.

Curt Pellatz, Project Manager with Sisul Engineering stated as you can see the contour lines generally go from the south to the north. There is a general slope to the north until you get to the point where the slope increases. The plan for the storm drain for the hard surfaces is to collect in the street or in a pipe system and catch basins in the road and then take it out to 257th. The original plan has a pipe along the back with roof drains connecting into a swale to an existing inlet that is to the north in the Troutdale Terrace Apartments. One of the conditions was for the applicant to obtain the appropriate easements for that portion. We thought after re-evaluating every thing that we could pull this line right up next to the buildings, which we show in the B2 exhibit as an alternate, so we could pull that off of the slope up next to the buildings and then out to 257th. After re-reviewing everything we had figured that we could take all of the stormwater that falls on this site, including these two buildings, out to 257th. Technically, no stormwater will go to the north, except for what naturally flows on this area here. This plan also shows the additional storm line that goes up here. This was a concept plan that we talked with Public Works about very early on. They felt that since we were designing it and we were going to building it at the time why not see if we could put something in. All we did is evaluate real quick to ensure that we can do that. It is my understanding that it would be a future connection for Sedona Park if this goes through. The engineering cost and construction cost would lie on the City. This line that is here is of no benefit for our development, if was just a conjunction project for the City. This is an erosion control plan it shows a barrier. This line here is actually the barrier fence line. As part of our construction plan approval we will have to get a NPDES permit as well as a 100C which is an erosion control permit through DEQ. So DEQ will actually be reviewing our erosion control permit for this project and then approving it. Lastly, the guardrail is proposed for along the frontage of the site. We have had conversations with Multnomah County and they are fully in favor of it. They have said in the past they have looked at it but they weren't sure where the existing utilities were and they didn't have the funding to do the project. We are offering to put that guardrail on our frontage. One last thing I will mention is we do have a water quality structure down in the easement area and there were some questions whether that would be allowed by the County. This line here is a slope easement for the County. We did talk with Greg Kirby, who is in the engineering department with the County, and he assured us that it would not be a problem to have our structures within their easement.

Councilor Daoust asked why do you need a NPDES permit from DEQ when there are no streams?

Curt Pellatz replied any development that is over 1 acre requires an NPDES permit from DEQ.

Councilor Thomas asked you talked about the sloped portion, if I understand what you said correctly, none of the off-site properties would receive any more storm runoff then they currently receive today even after you develop.

Curt Pellatz stated from our buildings this way, everything will be captured and taken out to 257th. Whatever falls, which is currently falling, in this area here will still have its natural course.

Mayor Thalhofer asked explain to me where that goes, it just goes to the north?

Curt Pellatz asked the natural flow?

Mayor Thalhofer replied yes.

Curt Pellatz replied yes.

Leslie Hauer stated Mayor Thalhofer, you are probably correct that as you are walking around Sedona Park it feels like you are going downhill to the west and uphill to the east. It appears that there is a bit of a crest at the west end of our boundary. We did not do topography for Sedona.

Don Rondema, Principal Geotech Engineer for Geotech Solutions, stated there were some questions about geotechnical review and what is a geotechnical engineer. Presently in the State of Oregon geotechnical engineer is a licensed Civil Engineer, a PE who is qualified to practice geotechnical engineering and you get that from work experience. As far as review of our reports, there are only two cities in Oregon that I know of that have Geotechnical Engineers on staff. It is pretty common that our reports are reviewed by Building Officials or by Public Works Engineers, who are licensed Civil Engineers. There are some sites that you might want to get peer reviewed for stability for foundations because they are very steep, have unstable slopes and complex foundation systems. This site is not one of those. These slopes, from a technical standpoint, are relatively gentle and they are stable. Our report was written when the buildings were going to be further down slope then they are now. They were stable then and they are stable now. Typically steep slopes to a geotechnical engineer are anything steeper then 2 to 1, which would be 50% steeper. As far as some issues raised with regard to fill on the site, we recommend that the uncontrolled fill be removed so that the foundations of the buildings can be supported on the native soils. We also issued a memorandum with regard to infiltration of stormwater on the site and because of the nature of the soils near the surface and the tightly packed nature of the gravels and sands under there with silt content, our expectations are that infiltration would be relatively low and in addition,

because of that, low surface water that is infiltrated would most likely daylight out on the slope below the buildings, which we wouldn't recommend. It would be more advised to capture the stormwater and take it offsite, which is what the current proposal is.

Councilor Daoust stated I don't doubt at all your competency and I don't doubt the City staff's process of looking at your competency. With the vegetation that needs to be removed and you said some fill will be removed, in your opinion there are no site stability issues?

Don Rondema replied we recommended that the uncontrolled fill be removed from all building paths so that there would not be any stability issues relative to the building foundations and also from the pavement areas just for common support of the pavement so they don't end up cracking.

Councilor Gorsek asked in terms of the buildings, when you made your report they were actually further down?

Don Rondema replied yes, so it's even more stable.

Councilor Canfield stated I am looking at the report dated June 21st, for slopes you write, "Some surficial instability may be present within the fill on the existing slopes. As fill is to be removed, this should address the issue." By should, what does that mean?

Don Rondema replied will address the issue, that fill will be removed from the building areas. I didn't know whether or not that fill was going to be removed from other areas. Its presence outside building areas has no influence on the stability in the structure of the buildings.

Catriona Sumrain stated I did the traffic impact study for the development. In the study we analyzed the intersection of Cherry Park and 257th. Subsequently, upon the City's request we also looked at the intersection of Sturges Drive and Ellis Avenue, which is essentially the entrance to Sedona Park. Level of service is how we typically grade intersections. It is based upon intersection delay. The grade levels range from A, which means minimal delays to the traffic flow, to F, which is congested traffic conditions. City standards allow level of service D or better at city and county intersections. We found level of service C at Sturges and 257th and level of service A at Sturges and Ellis, both meet the City standards. With the site traffic the level of service continues to meet the City standards. Also, there were comments about the access on 257th. At the County's request we did look into potential access onto 257th into the site. Let me define mobility. Mobility is the ability for a car to get from point A to point B with minimal delay. Access, is the ability for a car to turn onto and off of a street, whether that access is a driveway to a store, driveway to a home or another street. Mobility and access are usually exclusive. Streets that give people access typically have poor mobility and vice-versa. Edgefield is a local street and its main purpose is to provide access; mobility is typically not an issue on local streets. 257th is an arterial roadway and its primary purpose is to provide mobility. If we start putting accesses onto 257th we will be reducing the mobility of 257th and defeating its purpose. More importantly however, we look at the safety history of that area. At the signalized intersection of 257th there is a small

history of rear end crashes. Most of these crashes are due to drivers going too fast and not paying attention to the roadway. Conditions at the site access would be similar to the conditions at the signal and would mean that we could conceivably have a similar accident history at the site access if there were one provided on 257th. For that reason, and to preserve the mobility of 257th, we concurred with the County's Code and recommended access off of the local street. We also, at the City's request, looked into queuing at the intersection of Sturges and Ellis. Currently there are 560 vehicle trips per day from the Sedona Park development alone. A trip is one direction. For the Tyson's Place/Sedona East development you would add another 118 trips to that 560 for a total of 678 trips on the local street system in that area, which is well within the standards for residential and local streets. So we did not find any issues with access onto the local street system. For the queuing on Sturges and Ellis the City had asked us to look at, the 560 trips that you have already generates one vehicle on Ellis, possibly two under poor conditions. The additional site traffic does not change that; the queuing will remain the same. Again, we did not foresee a traffic issue.

Councilor Daoust stated when we were dealing with the traffic analysis for Troutdale Terrace a few years ago they did an analysis of the speed in which people drive up and down 257th and they found, much to our amazement, that people actually drove faster going uphill then they did going downhill. Could you elaborate about the safety concerns with another entrance onto 257th? Is it just too close to the stop light above it or what are some of the factors?

Catriona Sumrain replied the safety concerns were related to the crash history that we have seen on the road. It would be most likely the general rear end crash where people are slowing down to pull into the site and drivers behind them are following too close and not paying enough attention to realize the vehicle in front of them has slowed down. Or when people are pulling out of the site and their vehicle is traveling much slower than the speeds of the vehicles that are already out there and they pull out without enough space, it creates another rear end crash. That is typically the safety problems that we would expect to see out there.

Councilor Daoust asked would that change any with the right-in/right-out?

Catriona Sumrain replied that would be with a right-in/right-out. If we had full movement access allowing left turns the accident history would probably increase.

Councilor Gorsek asked what if there was a third lane coming up the hill that allowed for people to move into that right lane and then have a right-in/right-out, would that mitigate the problem?

Catriona Sumrain replied it would depend on the design. It is really not a question that is easily answered.

Councilor Gorsek stated but it would get people out of the main flow.

Catriona Sumrain stated yes it would.

Councilor Gorsek asked did the County ever think of that?

Catriona Sumrain stated we have not brought it up to the County.

Councilor Gorsek stated that is something that is possible. This isn't your issue, but I think we should remove all of the trees out of the center strip of 257th and make that another lane and give three lanes to the right side with the right lane serving the apartments and this site. It is a way to answer some of these problems and still meet the County's issues. The County wants to move people through. The problem is that 257th has become more and more of a local destination. We have a real need to rethink 257th. I would ask that somebody consider a third lane coming up the hill at least in the area of the apartments and this site and then maybe add a u-turn at Cherry Park and Sturges.

Catriona Sumrain stated we don't typically just put right turn lanes in where ever we feel like putting in a right turn lane. There are warrants that we would have to meet that are based upon speed, accident history and other considerations. I am not sure but this may or may not meet those warrants.

Councilor Ripma stated 257th is a County arterial but their ordinance allows us to take over roads if we want to and they know that is a possibility so they might be much more amenable to allowing an entrance then is being suggested. Frankly, it doesn't sound like they were really seriously asked. Do you know?

Leslie Hauer replied they were quite seriously asked more than once. There are several reasons why access to 257th won't work. One is the County Code says that if you have an option to go to a lower classification street, that is what you must do. They have a Code that says you can't access 257th. There are safety issues that both our traffic engineer and the County's engineer have raised. It was suggested that maybe there should be an access through Troutdale Terrace. There is a 40' drop between the flattest portion of this site and Troutdale Terrace and it's simply not feasible. Finally there is a matter of that non-access strip. Believe me, this is not a situation that a developer wants to be in. We wanted to make this work.

Councilor Ripma stated just so I am understanding, is your position that even if there was access available on 257th because of the existence of the access on a lower class road, it is prohibited for access to be allowed on a major road? I think that is tempered by considerations of the ability of the smaller road to handle it, isn't it?

Leslie Hauer stated this was the answer from the County.

Councilor Ripma stated they say no to everything.

Leslie Hauer stated this is a typical provision in a Code.

Councilor Ripma asked and it is never done otherwise?

Leslie Hauer replied rarely.

Councilor Ripma stated this could be a rare case. If the speed on 257th was reduced would that have any affect at all?

Catriona Sumrain replied more access will reduce the speed but that is not the point. The development potential that is going to be taking place adds cars to the road and by itself will reduce the speed. So you are going to have a reduction in any case whether or not you add accesses, just the addition of more cars will slow people down. You can post whatever you want, people are going to drive whatever they are going to drive. Changing the posted speed won't necessarily change the actual speeds on the road. On a lower classification road you typically have lower speeds. Accidents that occur at low speeds are going to be less severe than accidents that occur at higher speeds.

Councilor Ripma asked doesn't having a deceleration lane or something along the lines that Councilor Gorsek was talking about help?

Catriona Sumrain stated I really don't know that the warrants would be met for deceleration/acceleration lanes.

Councilor Gorsek asked in terms of accident severity, does you model take into account that children on the side streets but not generally on 257th?

Catriona Sumrain replied they do not typically take that into account, but they do recognize that the City Code and County Codes recognize the uses of streets. One of the reasons that they set standards for the number of vehicles on a residential street is because they do recognize that there are other things occurring on the street like pedestrians and bicycles. So to that extent it is taken into account.

Councilor Ripma asked (not audible) from a traffic standpoint?

Catriona Sumrain replied not from a traffic standpoint. It was my understanding that was not a feasible option.

Councilor Ripma asked because of the 40' difference? I assumed you could build a road that traverses a 40' slope.

Curt Pellatz stated we are talking about the slope as being over 25% or more. The slope at the steepest place is actually approaching 30 to 40%. Fire departments will frown on anything over 12% grade in a street.

Councilor Ripma stated the fire department wasn't the issue because you have a fire entrance on 257th.

Curt Pellatz stated but even regular vehicles, they will allow variances of 15% slope, but typically it is around a 10-12% slope for local streets.

Councilor Ripma asked for parking lots, that is what this is?

Curt Pellatz replied I thought we were talking about the access from Troutdale Terrace?

Councilor Ripma stated we are talking about access to the condos through Troutdale Terrace Apartments.

Curt Pellatz replied the slope is over 30% in that area. To build a road from the apartments to our site would have to be a 30% slope.

Councilor Ripma asked isn't there a way to build it that way?

Curt Pellatz replied not with this small of an area.

Councilor Gorsek asked who owns the property behind yours on the west?

Beth McCallum replied the County, but it is potentially being bought by Reynolds School District.

Councilor Thomas stated I would prefer to have the access off of 257th. However, looking down the road at an additional 80,000 cars per day using 257th, I am not sure that we can accommodate it.

Mayor Thalsofer stated here we are trying to judge your plan and yet we have to consider the impact on the existing neighborhood. You understand that we have to take that into consideration also, so that is why some of us are really tempted by access to 257th which would eliminate the problem with the existing neighborhood where the children are playing in the streets and so on. The County needs to know that we have a responsibility not only to you to make sure that we make the right decision for you and your development, but also for the neighborhood. I for one am not in a position to make a decision on this without contacting the County and having some serious discussions with them. Perhaps we can do that before the next Council meeting or hearing.

Leslie Hauer stated one last point. There was a question asked about the number of units on the site. 22 units is the maximum allowed under the current zoning. However, subsequent to our filing of the application the zoning requirements have changed. The minimum number of units now would be 24 and the maximum would be 30. A future application on this site could look quite different.

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

None.

Mayor Thalhoffer called for a break at 10:04pm and reconvened the meeting at 10:14pm.

Mayor Thalhoffer stated it is now time for the appellants.

Roberta Miller read the opening statement contained on Page 1 of attached Exhibit A.

Jacob Curletto read a statement contained on Page 1 of the attached Exhibit A.

Roberta Miller read a statement on Page 2 of the attached Exhibit A.

Tina Tippin stated as you know by now there are 51 families living in a single-family residential neighborhood called Sedona Park. We are here unaided. We have not hired or paid for anyone to speak on our behalf. We are mothers, fathers and concerned local citizens who have to live by the decisions you make. We have united in a common cause of injustice done and livability gone awry. Regarding the traffic study, they say that 560 trips go in and out in one day and that only 118 will be added with the additional 19 condominiums in the proposed development. 51 homes divided into 560 is 11 trips per day per house. 19 divided into 118 trips is only 6 trips per day per house. You tell me, I am not a mathematician or an expert but how could our neighborhood have eleven trips and theirs only brings six. Tina read a statement contained on Pages 2, 3 and 4 of the attached Exhibit A.

Jeff Peterson read the statement contained on Page 4-6 of the attached Exhibit A. Jeff Peterson also stated, this brings me to my last point on livability; we vote, but I don't believe we were giving a great deal of weight to voting on issues or on candidates that have impacted our livability before. Since this proposed development, our collective mindset of livability has crystallized.

Councilor Ripma asked if the access to the site didn't come through on Edgefield, would that help?

Jeff Peterson replied I believe it might be worth a second look.

Catherine "Cat" Bents read a statement contained on Page 6-7 of the attached Exhibit A.

Councilor Ripma asked so your request is that the City connect the 10th Street storm drains to 257th?

Catherine Bents nodded affirmatively.

Mayor Thalhoffer asked who installed the infiltration trenches?

Catherine Bents replied the developer of Sedona Park.

Mayor Thalhafer stated and the city approved the installation. This is behind your house?

Catherine Bents replied behind and below.

Councilor Canfield stated you mentioned that inspectors had told you that the soil was compacted, was that a city inspector?

Catherine Bents replied Travis Hultin the Chief Engineer and Dick Bohlman.

Kristy Curletto read a statement contained on Pages 8-10 of the attached Exhibit A.

Councilor Gorsek asked in terms of the fence, how far back towards the house does the fence go?

Kristy Curletto replied 43'.

Councilor Kyle stated based on one of the pictures I saw I would like to ask Ms. McCallum a question. I noticed that where the proposed development is there is no sign up that says future development or no signage that says future road, why is that?

Beth McCallum replied the City does not have a regulation that requires a developer to put up a land use notice on the property. Some cities in the state and in Washington have that ordinance, the City of Troutdale doesn't.

Councilor Kyle stated in other parts of Troutdale you see a barricade up with a notice that a street may go through in the future.

Beth McCallum stated are you asking about the stub street.

Councilor Kyle replied yes.

Beth McCallum stated this isn't a stub street, it is a knuckle. There is no public street that will go through this property. It is only for public street connections.

Chad Tippin read a statement contained on Page 10 in the attached Exhibit A.

Chad Tippin stated the other night I was thinking that the access for the fire is great, if we could just make that access better. Then I got to thinking, that access isn't so great. Where do the fire trucks come from; they come from Cherry Park Road and they would make a right on 257th and head north. How would they get into that access, there is a divider in the road. The fire truck would have to go all the way down to either Troutdale Terrace or to Halsey

making a very dangerous u-turn, endangering the lives of the safety personnel, citizens and increase the response times to the condominiums.

Chad Tippin continued to read his statement contained on Page 11 and the first paragraph on Page 12 of the attached Exhibit A.

Chat Tippin added the proposed guardrail stops in the middle of the corner. Cars will hit the guardrail being funneled right into the very next house. A guardrail is designed to keep people in the street and to protect other things. Even the Multnomah County Engineer will confess that this does nothing but funnel additional crashes right into the next property. A main concern is the proposed guardrail is only on the frontage of the property. Where it starts at the north end it also starts in the middle of a corner creating a piercing point for cars traveling at a higher rate of speed. It is definitely a safety concern. As of yesterday there has been no plan submitted and there has been no approval by Multnomah County to further this right now, they are reviewing design changes at this time. Even the Planning Commission recommended that this should not go further without the approval of the installation of a guardrail.

Chad Tippin continued to read his statement contained on Page 12 of the attached Exhibit A (2nd paragraph).

Chad Tippin stated if 118 cars doesn't affect our neighborhood, how does it impact a road that is designed to hold 80,000 cars a day? How does it impact that more than us? It doesn't make any sense. It is designed to handle additional traffic. This is a stretch of road that could only benefit due to the documented crashes; it could only benefit from additional traffic control or some kind of traffic design flow change.

Chad Tippin continued to read his statement contained on Pages 12 and 13 of the attached Exhibit A (starting at the 3rd paragraph).

Chad Tippin stated I had a conversation with Terry at Metro with regards to the 2040 Plan. He confided in me that not only has Troutdale, but every jurisdiction in the Metro area, more than succeeded in fulfilling their housing requirements.

Chad Tippin continued to read from his statement contained on Pages 13 and 14 of the attached Exhibit A(starting at the 2nd paragraph on Page 13). Chad stated all of these issues that we are bringing up tonight are not new. There has been a recent development just like this in West Linn, but it didn't even make it to the Council. There is a proposed development that cites the exact same issues that we are citing tonight, noise, traffic and access. Access was a huge one. It was a 5-0 vote of the planning commission.

Councilor Gorsek asked the map that shows the neighborhood and the development, the house with the fence is to the left of that, one thing that is unclear to me is Winkler bought that house?

Chad Tippin replied yes.

Councilor Gorsek stated and he changed the lot line while he owned it.

Chad Tippin replied he changed the lot line and divided the parcel at the same time.

Councilor Gorsek asked was he the one that declared that there had been no change...

Chad Tippin interrupted and said no, he sold the house to another property owner.

Councilor Gorsek asked do you know if he told them?

Chad Tippin replied I couldn't speak to that.

Stan Strickland read a statement starting on Page 15 of the attached Exhibit A. Stan stated I think I am accurate in saying that this proposal is dependent on Multnomah County accepting the guardrail system; if it can't be done the proposal can't take place. I believe I am accurate in saying that is what the Planning Commission agreed to in the approval.

Stan Strickland stated I would like to respond to the question asked of another speaker, would access off of 257th change my mind. It would if we stopped putting in high density; if this were the end of it. If Troutdale stopped putting in high density developments and this was the last, and that is what it took, absolutely. We are concerned beyond our neighborhood; we are concerned about our community and the direction it is going.

Catherine Gorton stated I currently have a view. I moved there a year ago. Had I known this was going to happen, I would have stayed in Washington. I work in Multnomah County for the Sheriff's Department. I picked Sedona Park specifically for the low crime rate, neighborhood and the pride of ownership in that neighborhood. I wouldn't have even considered Sedona Park if I hadn't listened to my realtor who said I have a house to show you. I saw the house on the internet and I didn't want to look at it. The minute I got into that neighborhood and saw the view from the master bedroom I wanted the house. Now there is a threat of 17 or 24 units, it makes me want to move back to Washington.

Catherine Gorton read a statement contained on Pages 17-19 of the attached Exhibit A. Catherine stated they will sit up here with their people and their credentials with no feeling whatsoever because they are going to build and then leave and we are stuck with it. We have a beautiful neighborhood. I never thought I would live in Troutdale, and I live in Troutdale and I love it. When I come home I forget about work. I don't want to see what happened in Rockwood where you had eight to ten years where Rockwood and Gresham closed their eyes to what was happening there and they had high density housing go up. Now they have a gang problem that they can not control. You know what comes with high-density housing, I do. I don't want it near my home.

Pat Turner read a statement contained on Pages 19 and 20 of the attached Exhibit A.

Jim Jackson read a statement contained on Pages 20 and 21 of the attached Exhibit A. Jim stated my house also sits on the same slope and this last winter I lost a tree half way down my back yard.

Councilor Daoust asked who is the author of this document?

Several people replied all of us.

Vincent "Vinny" Curletto read a statement contained on Pages 21-23 of the attached Exhibit A.

Michelle Eisenbart read a statement contained on Pages 23 and 24 of the attached Exhibit A. (The blank in the 3rd paragraph on page 23 was stated by Michelle as 43'.)

Kristy Curletto read the closing statement contained on Page 24 of the attached Exhibit A. Kristy stated the frustrating thing for us is that really this isn't an issue between Sedona Park and DA Gray, it is an issue between James Winkler and David Gray, the City of Troutdale and Multnomah County. As we have said tonight, access to Edgefield Drive was never considered as part of the plan when the Troutdale Terrace Apartments were built. Kristy continued to read the statement contained on Pages 24-26 of the attached Exhibit A.

Bob Bentz stated I don't think I am going to read my prepared statement. Maybe it is time to talk about the two or three items that came up for a potential solution. Councilors discussed access possibilities that maybe haven't been explored sufficiently. One Councilor asked one of our members if access through SW 10th Street weren't breached would we continue to have a problem. I think it would be greatly lessened for sure, maybe even go away. In late 2002 when Mr. Winkler was developing Troutdale Terrace Apartments he had access problems to. He wanted access down to Halsey Loop and the owners of Columbia Crest Apartments and Dr. Service didn't want that citing problems with pedestrian safety and so on. The City stood with Dr. Service; they didn't force access and they could have. So did Multnomah County citing increased traffic, pedestrian safety and parking would be a problem. The Gresham Fire Marshal sided with the City. Then Winkler wanted to run a road along the north side of Sedona Park and connect to Sturges Drive (9th Street access) but that would require crossing Sturges' property and they said no way. There was huge neighborhood opposition and the City stood with the Cherry Ridge people and the Sturges family and no access was granted. What Mr. Winkler ended up with was access on 257th. Winkler wanted a traffic light there and at one time I think he was close to getting it but the County didn't and he didn't get it. If there is a chance that some sort of access could be explored on the west side, we should do that. I think at one time Mr. Winkler probably had some sort of vision of accessing Parcel B in some way, the connectivity he has with his driveways and his existing access to 257th, I can't believe that is altogether out of the question. Maybe that in combination with something on the west side could be thought of. I like the idea of the third lane also; that is a great idea. The County felt that the best alternative would be a second access for Winkler down through Columbia Crest; it didn't happen. It didn't happen because

the City respected Dr. Service's rights. It didn't happen on the proposed 9th Street because the City stood with the Cherry Ridge people and the Sturges family. We ask that you do the same for us. It seems to me that there are still viable solutions.

Pat Smith stated I do not live in Sedona Park. Every year we have exceeded our eighty percent on our 2040 Plan, which means that the developers are getting more bang for their buck by putting in as many units as they can get on the smallest lot that they can get. That is bringing down our livability. If Winkler owned both pieces of property he knew about the easements or the fact about putting roads through. If it had a stub road you could understand that there would be something on the other side. But to arbitrarily have a piece of ground and say there is enough room and I can slip in a road if I realign the property. He has no concern for the people who live there. That street is not accommodating. You can give all of the statistics you want; statistics and common sense are two different things and they don't seem to match in this case. The way that street is laid out it comes around on a curve. He wants you to make a hard right turn, hard left turn to get down in to this development. Not only that, when you have snow and ice where do you think those people are going to park, up on top of the hill. Troutdale seems to be renting condominiums now instead of selling them so you are going to have people that are not concerned about the neighborhoods and they are going to be buzzing in and out and it won't be safe for children anymore. I walked over to the area and it was quiet except for the few kids I saw. I saw six or seven people walking up and down from the apartments below. If they are walking up and down there has to be a way to fix the road down over that hill instead of going through a neighborhood. We are going to have to put some kind of stronger restrictions on what you are allowing to put in. I do know that we are being taken advantage of because I heard one developer say it is my way or no way. What does that tell you?

Marianne Vier stated I am a member of the Planning Commission and I feel an obligation to speak on behalf of the Commission. I would like to encourage all members of the community to speak out on behalf of existing property in the community. I feel the Sedona Park folks did an excellent job of making their point. I just think it was belated some how. I believe that the Planning Commission has an obligation to consider criteria that is set forth before them. We are obligated to look at the letters written by the City Attorney which request us to consider simply the criteria before us. Property value is not a criteria. You make assumptions about the place you live and I think you need to be careful about how you treat the idea of new people coming to your community; that should be a positive thing. I am very upset about how we treat the idea of new people coming to our community. This is a development in an area where the land has been there for quite a long time and it is unfortunate that our Sedona Park neighborhood is faced with these issues, but I feel as a planning commissioner we have done our job; we have not failed our community. In fact, it is 12:15am and my daughter is home and I have taken time out of my life to care about what happens here because I have witnessed things that I don't like and I would like to see changed. I hope that you consider those things and you don't politicize the issue tonight based on an upcoming election or other things. I hope you consider the fact that the Planning Commission does a great job. We take time out to read materials that most of you wouldn't want to read on a Saturday night.

Darin Lee stated I live in Columbia Crest and because of where I am at I have an upper level deck and I can see into this neighborhood. I moved here almost six years ago and one of the purchasing decisions I had to make was it was a slight nuisance of the traffic there. I weighed that against the testimony of some folks I work with who, at the time, lived in Sedona Park. Just as every car that goes into Sedona Park faces this house, stops and then turns, every car leaving faces my deck and home. Because of the angle the headlights just happen to shine into the house. Moreover, when cars stop and accelerate the engine levels change and you notice the vehicles more. I question whether the traffic study had a queuing length, I think that means how many cars are waiting for other cars to go. Well if you mention that here and here, there is a stop light here so I don't think you will have to wait for a vehicle. Where I really want to see the study is right in here. Having sent my kids only into this neighborhood for trick-or-treating and knowing many of the neighbors, I can tell you that they are absolutely genuine and they are model Troutdale citizens. The livability is such that I have no problem living with this minor nuisance of traffic, but to increase that by 20% to 30%, when I go to sell how is that going to affect my property value and livability. We have recently had vandalism on the fence line and we believe that is because of the increased foot traffic from kids going through this breezeway that has recently been opened. My neighbor two houses down put a solid cedar fence in instead of a friendly fence because of the increased traffic. Twice now within 60 to 90 days that brand new fence has been tagged with graffiti. These people won't be the only ones affected, please consider the other adjoining neighborhoods as well.

Bill Flynn stated our family bought a home in Sedona Park last month. We were attracted by the beautiful and peaceful neighborhood and quiet streets. Although there are no parks nearby we believed our young children could have a nice peaceful and safe place to play and enjoy everything that Troutdale has to offer. Had we known what was planned for Sedona Park we would not have bought our family home there and certainly not for the price we paid. We found out on our very first day what was going on and it was shocking and terrible news. Neither realtor told us what was going on with this corner. No reasonable person could ever expect that such a major development could plan its access right in the middle of such a beautiful neighborhood and no reasonable person would ever stop to ask. How did something like this happen? Our City's Comprehensive Land Use Plan states that new developments are to enhance and help maintain the type of community that the residents of Troutdale want. Furthermore, the Plan states and is clearly directed at neighborhoods such as Sedona Park, to retain and enhance desirable existing areas and to revitalize, rehabilitate or redevelop less desirable areas. Sedona Park is certainly a very desirable existing area and rather than enhance our neighborhood, Tyson's Place would cause horrible damage to our neighborhood. The Plan's residential land use goal concludes that the views and general low density character of an adjacent single-family district should be preserved. We urge you to preserve Sedona Park and vote against this development.

Mayor Thalhofer stated if there is no more testimony from the opponents, then we will go to rebuttal from Mr. Sullivan.

Ed Sullivan stated the first thing I would like to note is there was a question about the burden of proof. The burden of proof has to be seen in terms of what the land is planned and zoned for, and this is high density residential. There is no burden of proof in meeting your current zoning regulations; we have met them and we have met the standards. There is a suggestion, almost a crude attempt, to say that if you don't go our way regardless of what the standards are we will vote against you. I ask you to do what is necessary under the Code, which is what you have to administer or you are sworn to administer. The Code says that if this development meets the requirements it has to be approved. There are very few issues here. There is stormwater, VECO and then even though it wasn't raised in the appeal, we also have traffic. I want to go through those issues with you. I am going to ask each of our folks to make a presentation on those issues. I will note once again that the property is planned and zoned for the use that we now seek. The only issue before you is site and design review. It is not whether condos, apartments or single-family dwellings should be on the lot, it is not whether or not this property is properly planned and zoned and it is not whether or not there was a problem created by Mr. Winkler years ago. That is beyond appeal and you have to take the property as you find it. The issue of livability, you have heard me say this before and I will say it again, it is not a criterion for approval. The reason the legislature has set up the standards that you have now for a limited land use decision is that they were satisfied that people came in and talked about the character of the neighborhood and frustrated developments that should be approved. These were developments that met the standards but were approved on spiritual grounds where there was no criteria on which to say no. As a limited land use decision, the Comprehensive Plan for the City does not apply. The legislature said that we are telling you to put any criteria in the development regulations, we have met the development regulations. Any housing that is in a plan that shows single and multi-family residential requires the application of clear and objective criteria only, not spiritual criteria. The issue of whether or not this should be a park is really yours to decide. If you want to acquire the property by eminent domain, you have the ability to do that. That is not an issue before you tonight. The issue before you is whether or not this application ought to be approved. As far as the 2040 Plan is concerned, the Plan that the City has meets that. The regulations that the City has to implement the Plan are based on the notion that if you follow those regulations you are going to meet the density standards in the Plan and therefore will meet the 2040 Plan. That is the system that has been set up. It is only the development regulations that apply. I am going to ask our traffic expert to talk about the comments that were made on transportation.

Catriona Sumrain stated it may be helpful if I define where some of the numbers come from. We have a set of books published by the Institute of Transportation Engineers and they are a nationally recognized standard for determining the number of new trips that a developer will generate. They are classified into different land uses. There is one set of rates for single-family homes. These rates were developed by firms just like ours that actually sit out there and count these developments, develop a trip rate and submit the information which is all averaged together and the average rate is published based upon the information. For single-family homes we have had around 200 to 300 studies done so far, so the rates that have been generated for single-family homes we are very confident in the numbers. For the development Sedona East, we used the rates for condominiums. Condominiums typically

have a lower trip generation rate than single-family homes because of the smaller size of the family. Condominiums are typically a smaller home with few if any children. That is one of the reasons why we have the discrepancy that was discussed earlier of eleven trips per home for Sedona Park and six trips per home for Sedona East. It is the difference between single-family and condominiums. The other issue that has been talked about is traffic safety. How do you define safety? Existing are 560 trips on this road and children playing on the street. Is this safe? Well there is no history of problems so we probably have to say yes it is considered safe. Now we are going to add 118 trips and we are going to have a situation where there are 678 trips on the road with children on the road, is this safe? That is a lot harder to answer but we do have a number of standards that we can follow. What we have to do at this point is compare it to the standard and does it meet the standard, yes it does. The issue of safety for the guardrail; I heard comments at the Planning Commission that you had nine incidents between 1996 and 2001. I have gone to the ODOT crash analysis unit, which is a statewide database for crash history and they don't show these incidents. I went to the Troutdale Police Department and to the Multnomah County Sheriff's Department to get record of these incidents and they don't show the incidents. So I am unable at this point to tell you that there is a safety problem on the road. I don't have the paperwork to back this up. With a guardrail we have a situation where, is the guardrail safe? A guardrail is an obstacle to be hit. So we have to balance the need for safety with a guardrail on 257th and their need for safety i.e. having nothing for them to hit versus the need to keep the residents safe.

Curt Pellatz stated once again I want to stress that all of the stormwater that will fall on this property is going to be captured and taken to the west to 257th. Our stormwater will not have any affect on the Sedona Park subdivision. We have had conversations with Mike Kelly of Gresham Fire Department who will be reviewing the fire access. I know there was a concern about how are they going to use it. I had asked the same question, how are you going to use this, do you have to go all the way down and make a u-turn and come in? He replied that is how they will do it, they just want another access. Primarily it will be a way out. If they get in there it will be another emergency way out and they will just turn right and go back to the fire station. There was a question regarding the adequate slope of the sewer system that is out there. It is a six inch sewer system, which is standard for an apartment site. 1" slope is a minimum slope stated in the universal plumbing codes and that is what we use for all of our apartments. 2% is for 4" so the 1" is adequate for this system. Undoubtedly, there could be some backups into the system and that is why at every juncture and every angle point in the system there is a cleanout, basically a 6" cleanout, no further than 100' apart and there is one at every building as well so any obstruction will be able to be cleaned out. I want to comment on the guardrail as well, we had some conversations with the County and they said there are a lot of obstructions out there like signs, trees, light poles, and utilities. They said to design a guardrail but anytime we have to relocate anything it will be at the owner's expense.

Don Rondema stated the primary issue raised, I believe by Vincent, was regarding the slope stability along the slope to the north. I agree with him in that existing material in the fill, debris, etc., is uncontrolled, it is non-inherently stable and that is why we recommend that it be removed from all the building footprints on the site as well as on the flat area. Doing so

will adequately address the stability for these facilities and will not exacerbate any other issues that may already exist elsewhere.

Leslie Hauer stated I have two quick things to clarify. One is the passive recreation area will not be paved, it will be landscaped as shown on the plan. The second is Mr. Strickland brought up a letter that was written by one of the Multnomah County folks, this was also discussed at the Planning Commission hearings. I believe that Ms. McCallum pointed out that the specific concerns about utilities and limited space, 4' between sidewalk and property line, apply to the area behind Sedona Park, they don't apply to the frontage of the project site. There is considerably more space and my mind has gone blank on that distance. It was something like a 20' and 25' easement that would be available for constructing that guardrail across our frontage.

Curt Pellatz stated I have a couple of points to make. The discussion on stormwater by Ms. Bentz really related to that of the Sedona Park area, ours will be separate and will have no affect on the Sedona Park system. The guardrail, again this is a Multnomah County call, we can't do the development without that and we are still talking with them. My understanding is that the guardrail works and that is a subsequent permit that comes after this is in the process. It was suggested that why not add another 118 cars on 257th, the reason that was given earlier and I want to emphasize it, is safety. You don't want to have too many contact points onto 257th because then you slow down mobility and you increase the traffic hazards that are out there. On this notion of liability, I am a city attorney myself and Ms. Allen who is a former colleague of mine can probably back me up on this, if you have standards that are set and those standards are met the city isn't liable because there could have been other standards. What you have here is the best of all possible worlds from a liability standard and that is you legislatively set those standards and those standards will be upheld if they are applied correctly. We show you that we have met the standards. The fact that there could be other standards is not a source of liability. I want to make the point again that the reason that we have an urban growth boundary the way we do is because there is a commitment on both sides. We don't invade the farm and forest lands because we commit ourselves to set densities and to allow development that meets those densities and those clear objective standards that the City sets. You don't wink your eye when you get a crowd in the room. What you have to deal with are the standards that are set, we believe we have met those standards. You have heard a discussion about the fill, the so called dump that was part of a farm. One of the conditions that is mentioned in the geotech report, is that the unconsolidated fill must be removed under the structures and the parking lot. I also got the disconnect, it was suggested by one person that this is not really affordable housing and another person spoke and said this is low income housing and its going to bring crime. This is housing that meets the City's standards. Looking at the kinds of people that might be there is really not an issue before you. On the transportation issue, yes it is possible that Multnomah County might, notwithstanding the fact that we have talked with them, allow something on 257th. They have told us no. Their standards say no. We have access right now and that is the access that we proposed and it is the access that staff had recommended approval on. It is the access that the Planning Commission recommended approval on. What we see here is an unfortunate constellation of issues, some of them real and some of

them real that you can't consider. Winkler may have done a bad thing, that is not the issue before you and it can't be a criterion for saying yes or no to this development. We bought a piece of property that was lawfully divided. Some say that it should have had hearings, but it didn't have to, Ms. McCallum has already told you that. You have a piece of property that has access, which is lawful to be built upon using that access. Winkler's dealings with his purchaser or the neighborhood is not an issue before the Council tonight. We had a suggestion that we ought to avoid the zoning regulations that we have, we meet the standard but some sort of metaphysical reason for denial ought to be out there. Livability is the word most often used. The way the legislature has set it up its limited land use decision, its clear objective standards. We meet the standards for stormwater and VECO. You might look at this for a park. If you condemn it we don't have much to say about it, you would have to pay us and we would have to deal with that. But that is not an issue before you tonight on this development approval. We ask you to approve our application. We are here and ready to assist you if you need findings and defend that decision if it is challenged.

Councilor Gorsek stated I have heard your discussion and I agree that building codes and zoning codes are what developers have to live by. They have to be able to see what we offer and then figure out what they might be able to do. With that said, is there no place for shall we say good neighbors. What I hear you talking about is meeting legal requirements and minimum standards, that is great but does your client intend to be a good neighbor?

Ed Sullivan replied of course, but it depends on what you mean by good neighbor.

Councilor Gorsek asked one of the issues is having these giant buildings right next to her house and I know that is not your problem, but why is the open space over here and the condominiums against her house? Why isn't that flipped?

Leslie Hauer replied the reason is because it doesn't fit.

Councilor Gorsek asked are you telling me that you can't take a couple of those buildings away from the area that would impact her the most, the back side of her house, and move them over?

Leslie Hauer replied pretty much yes. Between the setbacks and easements and all of the other site and design issues there is not a whole lot of the site left to arrange things on.

Councilor Gorsek stated as I look at your map 17, 18 and 19, why can't you take 4 and 5 out of Building 1 and put them over in Building 2 and switch the very valuable parking space that is over there where it wouldn't be blocking the neighbor.

Curt Pellatz stated that is something that we could look at. It is a matter of room and dimension and making sure that everything can fit just right.

Councilor Gorsek asked Marnie Allen, is it correct that we can not consider livability?

Marnie Allen, City Attorney stated your decision needs to be based on the approval criteria in our Development Code.

Councilor Gorsek stated so it is solely on our zoning. Why do we talk about livability if we don't really mean it?

Marnie Allen stated the Council is in an incredibly difficult position because naturally you want to make decisions based on livability and you want to make decisions that make all of the people here happy. The challenge is you have private property rights, development expectations by people who buy the property and you have state law that sets the mandates that say in this procedure for a quasi-judicial land use hearings you are going to be more restrictive. So, the City's concept of livability should be integrated into the development regulations that you then apply based on the evidence that you heard tonight in trying to reach your decision.

Councilor Gorsek stated I believe that is what the Planning Commission was trying to say.

Councilor Gorsek stated in terms of traffic, you said there was nothing to hit. There is still their yards and fences to hit, right?

Catriona Sumrain replied the fence will give, the guardrail won't, and that is the difference.

Councilor Gorsek stated what fascinates me is I grew up in the City of Portland. Have you ever been on Foster Road, 52nd or Powell Blvd., people drive in and out of parking lots all of the time. Why is it out here we have decided that is bad. How are people supposed to get into facilities? It doesn't make any sense.

Catriona Sumrain replied there are a number of jurisdictions, Portland, Washington County and ODOT that have been tightening up their access standards. As traffic volumes increase it becomes more of a problem.

Councilor Ripma stated the disturbing way that lot line adjustment adversely affects the neighborhood has been brought up a lot. I just need to know from your experience and from Marnie's experience whether it would have any affect at all now if in fact that process of acquiring the 275 square foot triangle should have been a Type II process with notice or not. It has been several years and I am curious whether it has any relevance if it should have been a Type II.

Ed Sullivan replied there is a 3-year limitation on challenges, and there may be some exceptions but generally there is the equitable issue of not raising it when you knew or should have known if it is public record and thirdly for a lot line adjustment it doesn't require any sort of hearing because you are just adjusting parcels so that they don't change in terms of the minimum lot size and other dimensional standards. So I think it's probably not an issue.

Councilor Ripma stated as far as the minimum lot size and the lots remaining complying, I understand that doesn't require and the Type I procedure is good enough. It is just that this particular acquisition of a little triangle of 275 square feet has such a huge impact on a neighborhood because of the fact that it allows access where no access was allowed before. That makes it more important. That issue is being raised. Whether a Type II was required or not is not answered here, but it sounded like it might possibly be relevant if in fact that 275' was not properly part of the new lot. Am I hearing that wrong? It just sounded like it might possibly be relevant from what you just said.

Marnie Allen replied I have looked at our Code and I do believe under the Code that the Council has adopted the Type I procedure was the correct procedure to approve the partition and the lot line adjustment. It didn't require notice and that is because the standards that planning staff had to apply to approve that were objective. Even if they would have notified people there would have been nothing that staff could have done necessarily to change that, it is pretty straight forward and objective. Do you comply with the minimum lot size requirements in the zoning? Winkler didn't just purchase 275', he purchased that entire lot and then just moved the line 275', both lots complied. I am comfortable and confident that the Type I procedure that was followed by staff was legal. Second, I am aware of but I didn't have a lot of time to do much research today but did a little bit of research and read a couple of cases where LUBA specifically held that even in cases where you didn't have a legal lot of record and a development comes along later. Obviously DA Gray looked at the zoning regulations and looked at the lots they were buying and bought that property and is proposing an application that complies with our criteria. It is not an error for the City, legally, to approve development even if there was a mistake made earlier and it wasn't a "legal lot" or a "legally created lot".

Councilor Ripma asked the issues raised however, clearly in the appeal about the structure being left, the fence, did you look at the merits of those?

Marnie Allen replied I haven't looked in the development regulations to see if the word structure is defined and I haven't talked with Mr. Faith or Ms. McCallum about the Code and how that has been applied and interpreted, they might be able to shed some light on that. There wasn't a house remaining that encroached in the setback area.

Councilor Ripma replied no.

Marnie Allen stated I didn't see a significant issue that jumped out at me when I looked at the language tonight in the Code that was referred to.

Councilor Ripma asked would you be prepared to consider access via 257th if such access could be obtained?

Ed Sullivan replied we never say never. Obviously if the County wanted us to we would look at that. If you want to make that approach we will certainly be around. If you want us to ask

again we would certainly do that, but I think they would turn us down because of the mobility and safety issue.

Councilor Ripma stated well I would certainly like to try.

Councilor Thomas stated there was discussion about three lanes going up the hill and taking out the trees. What I recall based on traffic studies done in the past is that any thing you do to create more of a tunnel affect actually drives up speed.

Catriona Sumrain replied yes and no. It is really more of a design issue and you can't answer a question like that without having a specific design.

Mayor Thalsofer stated I am interested in seeing if we can talk to the County about access from 257th because of the impact this will have on the neighborhood, Sedona Park. I am balancing your interest with the existing neighborhood, Sedona Park. The partition, I guess we can't address that now, is that correct?

Marnie Allen replied correct.

Mayor Thalsofer stated so to talk about it is a waste of time, is that what I am hearing.

Marnie Allen stated I am struggling to find a way to tie a decision on this application to those decisions that happened long before this property owner even bought the property, especially when those decisions appear to have complied with our regulations.

Councilor Canfield stated I agree we need talk with Multnomah County. We need our City to hire a geotechnical expert for our own evaluation of this site. I would be more comfortable with a second opinion.

Councilor Ripma asked how much would that cost?

Mayor Thalsofer and what is the timeliness of that.

Jim Galloway, Public Works Director stated was the question, should we engage the services of a geotech to take a look at the geotech report that has already been prepared.

Councilor Canfield stated I understand that from the other city staff member that we don't have expertise in this area. None of the licensed engineers on city staff looked at the applicant's geotech report.

Jim Galloway asked is there any particular aspect of the report that you have a concern or question on?

Councilor Canfield asked did you actually look at it?

Jim Galloway replied no.

Councilor Canfield stated I would like someone with specialty in that area to look at it.

Jim Galloway stated I think we can engage the services of someone to replicate whatever was done if that is what you want. The timeframe would be a little tight to get it done. The cost, I can't give you an estimate on that.

Ed Sullivan stated if I understand correctly Mr. Mayor, the three things you are asking us to look at are...

Mayor Thalhoffer interrupted and stated well we are going to look at part of this to, for example we would like to deal with the County.

Ed Sullivan stated we would like to be in the loop. Three things are, access onto 257th, possible redesign of the buildings and the geotech report.

Councilor Daoust stated I would like to add a point to the geotechnical engineering request that Councilor Canfield made. I would be comfortable with City staff reviewing the existing report or even hiring a geotechnical engineering to review the existing report. I am not comfortable spending city money on hiring another geotechnical engineer to duplicate the same things on the ground that were already done. I think that would be too expensive.

Councilor Thomas agreed.

Councilor Canfield stated I would like to know how expensive it would be first before we decide on that.

Councilor Ripma agreed with Councilor Daoust. I don't share your concern Councilor Canfield about the inadequacy of the job that was done. I am no expert but people with credentials that are approved by the state, I just don't have the sense of concern that you do. If we did what Councilor Daoust suggested and just had some one with knowledge of the types of studies that were done review it and if something looks amiss we might take further action.

Councilor Canfield stated I was very concerned that it seemed that the report was just getting rubber stamped by staff.

Council agreed with Councilor Daoust's recommendation.

Marnie Allen stated if you have a new geotech reviewing the report and presenting new evidence then there has to be an opportunity for people to respond to that and the applicant in the end has a right to request seven days to respond which could take you outside of the 120-day law which could result in a mandamus.

Council discussed what date to schedule the continuance of this appeal hearing.

Mayor Thalsofer stated the hearing will be set over to August 15, 2006.

Marnie Allen stated the public hearing that is currently open on this particular matter is remaining open and continued to August 15th, but the issues that will be discussed at the continued public hearing on the 15th are limited to the three issues (access on 257th, possible redesign of the building layout and the geotech report) and any information provided to the Council on the three issues. You will not hear new testimony and arguments on all of the criteria and everything that you have already considered.

Mayor Thalsofer stated we need to have a Multnomah County official meet with the Council.

John Anderson stated we will invite them to attend the meeting on the 15th.

Councilor Thomas asked for history on the access from 257th.

Council agreed to set over Item #4.2 to the next regular meeting.

6. STAFF COMMUNICATIONS

None.

7. COUNCIL COMMUNICATIONS

Councilor Kyle congratulated Councilor Ripma on being named Troutdale Citizen of the Year.

8. ADJOURNMENT:

MOTION: Councilor Thomas moved to adjourn. Seconded by Councilor Gorsek. Motion passed unanimously.

Meeting adjourned at 1:23am.

Paul Thalsofer, Mayor

Approved September 26, 2006

ATTEST:

Debbie Stickney, City Recorder