

CITY OF TROUTDALE

AGENDA
TROUTDALE CITY COUNCIL MEETING
COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

7:00 PM --- NOVEMBER 28, 1989

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
2.1 Accept: Minutes of 11/14/89
- (A) 3. PUBLIC COMMENT:
Please restrict comments to non-agenda items at this time.
- (A) 4. RESOLUTION: Approving Adoption of 1988 Fire Code
Call for Declarations or Challenges
- (A) 5. APPROVAL: Liquor License Renewals -- Texaco Food Mart
Call for Declarations or Challenges
- (A) 6. CONSOLIDATED PUBLIC HEARING: 81-90-020 PA/ZC:
Recommendation from Planning Commission to disapprove a request by Cook Development Corporation for a Comprehensive Plan amendment from LDR (low density residential) to HDR (high density residential) for construction of multi-family dwelling units.

APPEAL: 81-90-020 PA/ZC: De Novo hearing to review a Planning Commission decision denying a request by Cook Development Corporation for a zone change from R-7 (single family residential) to A-2 (apartment residential) for construction of multi-family dwelling units. Tax Lot 24, Section 35, T1N, R3E, W.M. (14.82 acres).

Open Public Hearing
Declarations, Challenges or ex-parte contact
Staff Summary
Public Testimony
 Proponent
 Opponent
 Rebuttal
Council Questions or Comments
Public Hearing Closed

- (A) 7. COUNCIL CONCERNS AND INITIATIVES
- (A) 8. ADJOURNMENT.

Sam K. Cox, Mayor

LEGAL2[18]

MINUTES
REGULAR CITY COUNCIL MEETING
TROUTDALE CITY HALL
COUNCIL CHAMBERS
104 SE KIBLING AVENUE
TROUTDALE, OR 97060

7:00 P.M. --- NOVEMBER 28, 1989

ITEM #1 - PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE:

Mayor Cox called the meeting to order at 7:00 p.m. Mayor Cox called on Councilor Fowler to lead the Pledge of Allegiance.

Mayor Cox called on City Recorder, Valerie Raglione to call the roll.

PRESENT: Bui, Burgin, Cox, Fowler, Schmunk, Thalhofer
Jacobs Excused until 9:30 p.m.

STAFF: Christian, Jennings, Raglione, Chief Collier, Gazewood,
Wilder, Barker

PRESS: Gresham Outlook, The Oregonian

GUESTS: Al Newman, R.M. Johnson, John Densem, Capitola Miller, Jim Wakeman, Shirley Densem, Carol Hesselbacker, Bill Hesselbacker, Salley Wakeman, Sheri Wakeman, Donna Burlingame, Bob Burlingame, Carol Chace, Bonnie Lind, Susan McAdam, Judith Crocker, Mr & Mrs. D.L. Stockham, Mr. & Mrs. Jim Gardner, Cathy Hamme, Michael Smith, Susan Smith, Sandy/Larry Alexander, Joe & Annette Steele, Frank Houts, Jr., Phil Pino, Frances Pino, Lyn Stevens, Dean & Bonnie Samp, Marilee Thompson, Jim & Donna Lazenby, Helen Domer, C. Crocker, Pat Harman, Steve Harman, Rich & Marilyn Mindolovich, Nathalie Stirnimann, Rico Vogeli, Curt & Jeanne Neilson, Lon Kwaytaal, Anita Kwaytaal, R. Lam, M. Lam, Guy Bennett, Bill Russell, Bob Whipps, Rich Wahne, Stan Sumich, Joel Harrington, Janet Schreifels, Jeanne Jorgerson, Suzanne Buyber, Brett Burlingame, Jim Keifer, Kathy Delaney, Greg Knopf, Ronald Norman, Bill Smith, Hazel Lunday, Debra Norman, Robyn Larkin, Bob & Marion Ronald, Nelson & Sherry Seur, Lauren Mason, Marty Johnson, Bob Schmool, Jim & Lynn Hodges, L.S. & Don Tabb, L.E. Stratton, Allan Robert, Joni Hutchinson, J. Randal Hutchinson, Timothy M. White, Kim & Paul Cunningham, Herald Garcia, Cecil Schmitz, Mary Schmitz, Michael Swenson, Greg Mayotte, Bruce Thompson, Ronald Wells, Shirley Prickett, Ron Norman, Jim Sitzman, Terry Cook, Marty Stiven, Mark Skelte, Greg Hathaway

AGENDA UPDATE: Mayor Cox asked City Administrator, Christian, if

there were any agenda updates. Christian stated that Item #4 was removed since the materials weren't ready and an addition to Item #5 was King Lam Restaurant/Liquor License Renewal.

ITEM #2 - CONSENT AGENDA: Mayor Cox read the consent agenda items.

MOTION: Councilor Bui moved to approve Item 2.1 (minutes of 11/14/89) and Item #4 Liquor License Renewal for Texaco Food Mart and King Lam Restaurant. Councilor Burgin seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM #3 - PUBLIC COMMENT:

Mayor Cox called for public comment on non-agenda items. There was none.

ITEM #4 - RESOLUTION: Approving Adoption of 1988 Fire Code
Tabled/Materials not received.

ITEM #5: APPROVAL: Liquor License Renewals - Texaco Food Mart and King Lam Restaurant

Included in the Consent Agenda.

ITEM #4 - CONSOLIDATED PUBLIC HEARING:

81-90-020 PA/ZC Recommendation from Planning Commission to disapprove a request by Cook Development Corporation for a Comprehensive Plan amendment from LDR (low density residential) to HDR (high density residential)- for construction of multi-family dwelling units.

APPEAL: 81-90-020 PA/ZC: De Novo hearing to review a Planning Commission decision denying a request by Cook Development Corporation for a zone change from R-7 (single family residential) to A-2 (apartment residential) for construction of multi-family dwelling units. Tax Lot 24, Section 35, T1N, R3E, W.M. (14.82 acres)

Open Public Hearing: Mayor Cox opened the public hearing at 7:05 p.m. Cards were collected for proponents/opponents who wished to speak. The Mayor called the name of the person to testify.

Declarations, Challenges, Ex-Parte Contact Statements:

Councilor Thalsofer stated that he had casual contact with John Densem who stated there was a meeting coming up but it couldn't be discussed.

Councilor Bui stated he had no direct contact, however, his wife had reported to him that numerous hospital staff [Mrs. Bui works at Mt. Hood Medical Center] mentioned about what a poor decision it

would be to put the apt. complex in Troutdale, as well as other negative things about it.

Councilor Burgin stated that Mr. Postlewait, Planning Commission member, mentioned an opinion against the apt. complex. His wife had a couple of conversations with Mrs. Wakeman which content was passed on to him.

Councilor Fowler had none to report.
Councilor Schmunk had none to report.

Mayor Cox stated that he had two calls from unknowns and had talking with Fran Gardner who mentioned that she didn't want any apartments by her.

Staff Summary:

City Attorney, Jim Jennings gave a brief summary of the proceedings and frame work for the decision to be made. The summary was in lieu of a staff report. Minutes, staff reports and previously submitted Planning Commission meeting packets were available to the public for their review.

He stated that the applicant, Cook Development Corporation was requesting a Comprehensive Plan amendment from low density residential to A-2 (high density residential). The Plan criteria [listed in two places in the Chambers] which must be met in order to satisfy the request. In addition, a request for a zone change R-7 [single family residential] to A-2 [apartment residential]. The purpose of the request was to accommodate construction of 185-300 living units on property located on Stark street in Troutdale.

Jennings stated that there had been two hearings before the Planning Commission, upon deliberation the Planning Commission denied the Plan Amendment and denied the Zone Change request. It has been appealed in a timely fashion by the applicant.

Cards were filled out by persons wishing to testify.

Proponents:

Greg Hathaway, Attorney-At-Law, One Financial Center, 121 SW Morrison St., Portland. Mr. Hathaway representing the applicant, Cook Development Co. - Mr. Terry Cook, President. [18:00 Tape 1, Side 1]. Discussed the proposal, how it was decided upon to build in Troutdale and the processes taken to date to reach approval for the project.

Mr. Hathaway stated that there were conditions which could be attached making the design review process a public one; (2) setbacks between the multi-family development and single family development have the same as any single family development would occur for greater protection with those living adjacent to the development; (3) work with neighbors regarding a buffer that could be between the two developments, special landscaping,

protection of corridors, preservation of trees at the entrance to the site; (4) limit the density of the multi-family complex from 300 units [allowable] to 225 units.

Mark Skelte, Northwest Realty Advisors, Inc. [Real Estate Analyst and Consultant], 4900 SW Meadows Rd. #104, Lake Oswego, Or. 97035. Letters and other information in packet materials Part 1 beginning with page 2 of Appendix section.

Councilor Burgin asked if there was evidence from the Sandstone Development from the same time period [i.e., average lot prices before the apartment complex and average lot prices after the apartment complex] might be a more appropriate comparison?

Mr. Skelte stated no that wasn't done.

Mr. Hathaway discussed the site and design review process. He stated that the only thing that could affect value when there is multi-family next door to single family. It wasn't solely because of the amendment itself [criteria address this] it was what you actually put on the property. That is why the site and design process is critical and why the suggestion of the public participation in this process. This was to ensure quality and design and compatibility with the neighborhood.

Marty Stiven, Planning & Development Services, 14620 Uplands Drive, Lake Oswego, OR 97034. Stivens discussion was directed at why this piece of property was selected for this development, in Troutdale, rather than a site elsewhere. [17:22 Tape 2, Side 1] Packet Materials - Part 1, Livability Analysis/Density Distribution Analysis. [Slides shown]

Councilor Burgin stated that the interpretation appeared to mean various gradations within high density residential. That the interpretation of the City plan is to say that there has to be huge apartment developments because there are none as you might find in other areas?

Stiven stated no, she interpreted it to mean a variety of housing types. There is more than apartments or single family homes. The fact that Troutdale hasn't had middle apartment development here for ten years said to her that there are probably some apartment types that aren't in Troutdale. One of them is a lower density development project [i.e., 225 units with amenities such as a pool, community hall and a lot of open space]. In Troutdale there is one zone that implements apartments that zone needs to offer a wide variety of apartment types.

Stiven stated that what was concluded was that the impact on the livability of the community [population, education, traffic] was not significantly greater than when the site is developed as single family. Growth will occur and any growth will have an impact on the facilities. They didn't believe that development as a single family would have a greater impact, certainly no

negative impact, than if it were developed as multi-family.

Councilor Fowler questioned densities but mixed densities hadn't been discussed, such as one type for the front piece of property and another for the back piece of property.

Stiven stated no, that hadn't been suggested.

Terry Cook, Cook Development Company, 31825 E. Crown Point Hwy., Troutdale, OR 97060. Discussed the quality of the project as proposed and the incremental difference between single family and multi-family development. Aesthetic differences between putting single family development on this site as well as multi-family regarding the compatibility. [Slides shown]

Councilor Schmunk asked if Cook had developed the Sandstone Development?

Cook stated that no, he didn't. It was shown as a comparison because of the way it was mixed with residential.

Councilor Burgin asked if it was Cook's evaluation that most single family homes crowd the twenty foot backyard setback?

Cook stated that at the end of a cul-de-sac it was possible.

Councilor Thalsofer asked if what was shown in the slides [One Jefferson Parkway] wasn't an up-scale version of what was being proposed for Troutdale?

Cook stated yes, it was. In the demonstration it was intended to show that an up-scale project was going to be built. An amenity package that the market demands - which indicated thus far that a typical East County-Gresham area resident doesn't make significantly less in terms of income than a Lake Oswego resident does and they would like to live there if they could. Not to say that a recreation of Lake Oswego was intended but, it would be tailored to East County.

Hathaway stated that in closing they would like to state that, as demonstrated, multi-family housing in the City of Troutdale, and on this site, doesn't have to be a bad thing. It was encouraged and acknowledged by the Comprehensive Plan. To some degree the kind of impacts that would occur with single family are the same type as would occur with multi family based on the kind of incremental impact analysis that has been done. In fact, there is an advantage of having multi-family housing on the site in terms of the Development Code. The single family development doesn't have to go through any kind of design review. Our offer is to make the design review process a public process so that anyone wanting to participate, can. [Tape 2 Side 2]

Councilor Thalsofer asked if the site were developed as proposed, there was vacant land to the north of the site, wouldn't that

tend to make that land to become multi-family also? [1:01 Tape 3, Side 1]

Hathaway stated that he hadn't personally talked to that property owner, nor did he know that property owner's intentions. He felt that from the laughter in the room, there was a grave concerns that if this proposal were approved, it would somehow establish a precedent. The vacant properties would become multi-family development(s). He stated that this applicant can't do anything about that. The reason being that any development will occur so long as it meets the Comprehensive Plan. If the Plan recognizes that the property meets the locational criteria, it isn't our fault. The Comprehensive Plan would need to be reviewed. What is before you is our application that meets all the legal criteria. Our proposal is a quality development that won't adversely affect the people around it.

Councilor Fowler asked if Hathaway was familiar with the design review in the City of Troutdale?

Hathaway, no, I'm not.

Councilor Fowler asked if Hathaway knew what site and design review was?

Hathaway, yes, I'm very familiar with that process in other jurisdictions.

Councilor Fowler, how would you define it?

Hathaway stated that it was a process where the manner and how the project is laid out on the site is developed. How the architectural design of the project is going to occur. It involves making sure that impacts are mitigated through landscaping, through buffering, looking at setbacks, looking at different mechanisms that can be utilized to ensure that the development does not adversely affect next door properties. A very subjective process. [4:36 Tape 3, Side 1]

Councilor Fowler stated that Troutdale had a Development Code it specifies how many cars you can park, how far they are going to be, how big the parking space is, what percentage of the landscaping, etc. How can a group participating in a public meeting of design review have any input except what the Development Code calls for?

Hathaway stated that there is discretion in the Development Code that allows for someone who might be affected, express their opinion and have the design review board include that the development has to take place in a certain way. The board has the authority to condition the development through design review. There are not only conditions that can be placed here, at this level, but as you go through design review, conditions that are important to ensure compatibility can be imposed, they can extend beyond.

Councilor Fowler stated that if he objected to a certain portion of what was wanted in landscaping and said no, I don't want parking there, would I get it or would I not get it? It would fit the Development Code it would fit the landscape but, my input is zero.

Hathaway stated that the point was made. The developer simply makes a proposal. The developer isn't the one that makes a decision. The committee itself makes that decision. He hoped that the public input and participation so that once the development took place, the neighbors felt good about it. He stated that it really depended on who was on the development review committee.

Councilor Fowler stated that would be staff.

Councilor Bui stated that he wasn't sure that it was staff, he thought it was some of the Planning Commission.

Councilor Fowler stated that he understood that Planning Commission wanted to eliminate design review from planning.

Councilor Bui stated that might be by the time this development project was ready.

Councilor Fowler stated that things go on to design review to be a great big pie in the sky to hang this whole case on.

Hathaway stated that he wasn't trying to do that, it was simply another way to offer a way to resolve concerns. He stated he wasn't suggesting that design review was a cure all. When the legal criteria is met the design review process speaks for itself. Under the present Code, there doesn't have to be a public hearing and this developer was offering it due to the concerns previously addressed in the Planning Commission hearing.

Chuck Wolsborn, 1351 SW Halsey, Troutdale. Member of Planning Commission. [9:12 Tape 3, Side 1] Felt the proposal met the criteria set forth in the Comprehensive Plan. There was a need for A-2 property to meet the State mandated Metro Land Use goals. He stated that currently the City was in non-compliance of the goals and could suffer penalties from the State and restrictions of sharing funds. If the applicant was forced to take this to the Land Use Board of Appeals the Board would see in their behalf. DLCD has already stated that this meets the Comprehensive Plan. The applicant and opposition had expert witnesses before the Planning Commission stating their cases regarding value to properties.

Cathy Hamme, 202 SW 7th, Troutdale. Member of Site & Design Review Committee, not a member of staff, not a member of the Planning Commission. Hamme stated that there are regular citizens on the Design Review committee. [13:18 Tape 3, Side 1]

Marian Cook 545 SW 8th Circlod, Troutdale. Real Estate salesperson.
Addressed concerns of housing needs in Troutdale. [14:35]

Helen Domer, 1632 SE BeaverCreek Lane, Troutdale. [18:18]. Addressed
concern of rentals available for younger groups of people,
students.

Bill Russell, 1320 NE 18th, Gresham, OR 97030. When he and family
moved they weren't able to find affordable rental housing in
Troutdale. [20:50]

Robert S. Whipps, 3818 SE Stott Circle, Troutdale 97060 [22:58]
Discussed tax decreasing due to additional housing available.

Greg Knopf, 1001 NE Ogden Road, Troutdale 97060 [25:03] Discussed
diversity in housing.

Jim Sitzman, Metropolitan Area Representative, Dept. Land
Conservation & Development. On proponent listing due to system
being set up either for or against. Attended on behalf of the
Department to address concerns relative to city Comprehensive
Plan and requirements of State Land Use Planning Program. Letter
was submitted to Planning Commission in which it was pointed out
that the proposal was in keeping with the locational criteria
for multi-family housing. For reasons stated in the letter, it
was found appropriate to approve this particular amendment.
Since then, under Periodic Review procedure and review of most
current data from the City regarding compliance with the Metro
Housing Rule. In that it was noted after surveying information
with staff that there is a deficiency in the existing Plan and
also in the Plan as recommended by the Planning Commission in
the requirement for an opportunity for 50% of new units to be
multi-family and attached single family.

Sitzman stated that the record following pg. 24 it indicates in the
existing plan an opportunity for 64% single family to 36%
multi-family. In the Planning Commission recommendation that
shifts from 60% to 40% in a recommendation by the Planning staff
to balance out to 50-50 which complies with the Metro Housing
Rule. Sometime in the near future, as the Periodic Review
process is completed, the city will need to look at providing
some additional multi-family housing. He stated that the
Department wasn't in a position to say that it is necessary that
the rule be complied with by amending the Plan for this
particular site. It was however, in keeping with the Plan to do
that. [Tape 3, Side 1]

Councilor Burgin stated that he resented Sitzman's appearance this
evening. He didn't feel that a representative of the appellate
body shouldn't come to present the case in advance of hearing
both sides of the argument.

Sitzman stated for the record that DLCD was not the appellate body in
any appeal that would occur stemming from this action. The

appellate body would be the Land Use Board of Appeals which DLCD doesn't have a direct connection to.

Councilor Burgin asked what the staff connection was between DLCD and the LUBA [Land Use Board of Appeals]?

Sitzman stated none. He was in the same position as anyone in the room. If they didn't like any action that the City took, they too would have to appeal as a party to the Land Use Board of Appeals.

Councilor Fowler asked if he understood Sitzman correctly, yet out of here Sitzman couldn't say this must be done on this piece of property?

Sitzman, yes, that's what I said.

Councilor Fowler, in other words you can't enforce this being done on this particular piece of property, it is just a recommendation from you?

Sitzman, yes. We find that it fits the Comprehensive Plan criteria, we find that you have a need during the Periodic Review to address the question of inadequate multi-family and that this would be an appropriate way to do that. He stated they did not have, beyond that, requirements that say you must do this on that piece of property.

Councilor Fowler, any other property could be submitted? Just satisfy the same needs?

Sitzman, yes, that is suitable for multi-family. [2:23 Tape 3, Side 2]

Mayor Cox called for a 10 minutes break.

Mayor Cox called for continuance of the Public Hearing.

Opponents

Ed Sullivan, Law Practice at 101 SW Main Suite 2000, Portland, OR 97204. Sullivan stated that he represented the opposition to this application for Plan Amendment and Zone Change -- a group called Citizens for Sound Planning. [3:11 Tape 3, Side 2]

Sullivan began with comments about what this case was not about... Pretty pictures, promises or up-scale developments; losing state funds if this re-zone of property wasn't done; rolling up sidewalks in Troutdale; playing amateur planner by figuring what looks good and not dealing with the City as an integrated whole.

Sullivan stated the case was about undertaking planning on a city-wide basis which is fair to all property owners and doesn't allow one property owner to gezung the others by coming in now,

before the City Periodic Review process is finished. Whether the applicants have met their burden of proof - rather whether or not the Emperor has clothes on. [Posterboards and overhead projections were used to illustrate points to be made] Posterboards: 1) City's adopted Plan Map; 2) City's Zoning Map; 3) Listing of City's vacant residential land [for future residential growth and development].

Sullivan then discussed overheads to make 4 general statements hoped to be proved. 1) City is now in compliance with State law regarding provision of sufficient lands for housing needs; 2) proper time to look at which of the seventy or more properties shown on map #3 for up-zoning to higher intensity residential purposes is at the time of Periodic Review [this applicant shouldn't be allowed to jump the line]; 3) their view that the applicant has improperly read the City's obligation under the LCDC housing rule; 4) this applicant doesn't meet either the City or State standards for a Plan Amendment.

Sullivan stated that the City was acknowledged by LCDC in 1983, they can't take that away until the Periodic Review process has been completed. In 1986, the City made major amendments to the Plan. The City provided for 8.6 DUPNRA [Dwelling Units Per Net Residential Acre]. On vacant residential land, the City currently has 8.6 - 8 is what is needed. A split on vacant residential land [not City allocations for vacant and occupied land -- it is only on vacant land] of 68.5% attached single & multi family and 31.5% single family for the housing mix. Not a lot has happened since 1986 to get the City out of compliance. The City also has provided, in five different alternative housing policies for different kinds of housing, meeting its housing obligation under both Goal 10 as well as Metro Housing Rule. You are in compliance and will be unless at the end of the Periodic Review process, you are deficient.

Sullivan discussed 257th in terms of land use designations. As late as 1986, when 257th was fully upgraded, would have certain land use designations including single family which bordered it. The fact is there is some single/some multi. The whole idea of late construction of 257th bringing the City somehow out of compliance with its Plan standards for multi-family housing is bunk. The City knew it when it enacted the 1983 and the 1986 Plan Amendments.

Sullivan stated that the City can rely upon its acknowledged Comprehensive Plan until Periodic Review is completed. It appears that the City will have an extension for Periodic Review until June, 1990.

Sullivan stated that the proper time to consider this proposal is with all other candidate properties for more intense residential use. He stated that the figures he has seen from City staff indicate that the City is still in compliance.

Councilor Burgin asked Sullivan if it was his contention that no property owner has the right to apply for Plan amendment or zone change.

Sullivan stated no, not at all. Anybody can apply for anything so long as they meet the rules. What the applicant is trying to do is to say give it to us now and forget about all the people who want to up-zoned as part of the Periodic Review process. If we got ours, and we build soon, you can't look at us again because we have a non-conforming use, a vested right.

Councilor Burgin asked if all development should stop unless the zones are in compliance.

Sullivan, stated no. The issue the applicant is trying to raise is that you are under an obligation to comply with this Metro Housing Rule and he stated that's pure hogwash. If you want to look at it under your Plan standards that's fine. We'll tell you that they don't meet them. You aren't under any obligation to re-zone or re-Plan this property or any other property to meet Goal 10 or the Housing Rule.

Councilor Fowler stated so what you're saying is that so much of this has been all headed for the fact that we're not in compliance and here is an opportunity for the City to jump real quick, to do this... Sullivan, absolutely.

Sullivan discussed Periodic Review issues. 1) What's the affect of changing densities either on the areas you have tentatively thought about changing or in other areas that are candidates on public facilities and services. This should be looked at as an integrated whole, not on a property by property basis.

2) Whether or not you ought to change the policy and deal with large blocks for multi-family use, rather than small. That is a policy issue for you to decide. If you want to change policy the proper time is at Periodic Review when you take up the whole plan.

3) Whether to increase density on other residential lands. If your not under the obligation, you don't have to. If you are under obligation, you can choose which properties among the various candidates.

4) Overall density - How many dwelling units do you want per residential acre? How does that mix occur between attached single family/multi-family on one hand and single family on the other.

The City must have 8 dwelling units per net residential acre. Anything more than that [9.02 staff recommending] is up to Council. Planning Commission proposal is for 7.98 that's probably close enough it would be rounded off. You're there. Staff proposal is 9.02. Density mix - You only look at vacant

buildable lands. Land that can be built upon, is designated for residential use and is vacant. You don't look at land already developed and you don't look at industrial or commercial.

The law requires only the 'opportunity for more dense housing'. If you have a zone which allows for single family, and also allows for multi family use you can count it for multi family purposes. A zone in which attached single family is allowed, you put it on the side of the equation with multi-family and not the single family. That's where staff and the applicant has erred. They put low residential and medium residential on one side of the equation and high density on the other. That's where there is 37 acres deficiency.

The density mix was met in 1983 and acknowledged and in 1986 when major amendment were undertaken in the Plan and you must meet it again in Periodic Review.

The applicant has improperly read the City's obligations under the LCDC Metro Housing Rule. Two portions of the rule are: 1) overall density - 8 dwelling units per residential acre; density mix says 'the split is between single family and multi-family [applicant statement as well as staff report]. The City must designate sufficient buildable lands to provide for the opportunity for at least 50% of new residential units to be attached single family or multi-family.

Councilor Fowler stated that was 50% of new not total residential already. Sullivan, absolutely. Councilor Fowler, that's a whole new ball game.

Councilor Schmunk asked how to determine like an R4 can be attached?

Sullivan, R4 and R5 both allow attached and they are both in the multi side of the equation. Understand?

Sullivan stated you don't do it on the basis of whether it states A or R, you do it on the basis of what is allowed in the zone. You put multi-family and single on one side. He stated that he knew that was not what was in the staff report.

Councilor Schmunk stated yes, but that's not what the way the City of Troutdale has it set out.

Sullivan stated that the discussion was what City obligations are under LCDC Housing Rule. You can do what you want beyond the rule but you are already there. You are in compliance with the Rule.

Councilor Burgin asked what the essence was for the R4 and R5 qualifies for in multi family?

Sullivan stated that he cited the new construction mix. Quoting the rule was the OAR 660-07-030 'Jurisdictions other than small

developed cities must designate sufficient buildable land to provide the opportunity for at least 50% of new residential units to be attached single family housing or multiple family housing."

Councilor Burgin asked if Sullivan had case evidence of the rules under LUBA or Plan approval?

Sullivan stated that he would give it if he wanted it. He stated that he would tell him as one who helped write the rule that the equation has attached single family and multi family on one side and single family on the other.

Councilor Burgin stated that he wanted it specifically under R4 and R5 and the Plan acknowledgments. Cases are non-judicial, the examples.

Sullivan stated sure, he would be glad to. He then pointed out three kinds of residential classifications that the City has: 1) low density-single family of 5 dwelling units per net residential acre. High density is one the other side of the equation and allows 19 on the Plan; the Zoning Ordinance unfortunately allows up to 43 - you can only do 19, the Plan sets the max; 2) Medium density residential is the problem - it has single family but also allows attached duplex units at 8.5 DUPNRA. The split that was made by this applicant in making their case is you have to put single family on one side with medium density and put high density on the other side.

Sullivan stated that by City figures compiled in October, 1989, there is on a zone by zone basis the breakdown of available net residential acreage. It ranges from R20 to A2. You look under the Plan [the maximum density that can be allowed] under A2 1,480 units still available in the City's inventory. The maximum under the Zoning Ordinance - there are certain conflicts between the Plan and the Zoning Ordinance - under the A2 the City didn't have a last category - under that table the City shows you have 7.6 dwelling units per net residential acre under present zoning and before the Planning Commission's recommendations come before Council. Using the maximum zoning figure, the City is above 8 DUPNRA.

Sullivan stated that in looking at the 50-50 split portion of the rule, pure single family there is 321 acres and from 1,412 to 1909 units; on the other side of the equation to pure multi family there is 78 acres and 1484 units; the mixed category [allows single family and attached multi family] there is 146 acres and between 1,250 and 1,360 units. With that table it shows you have met both the split and 8 DUPNRA.

Councilor Schmunk stated that was how Sullivan interpreted it.

Councilor Burgin asked if he was stating by R4 and R5 1,360 units? Sullivan stated that's correct. Councilor Burgin asked by taking

three numbers: 1909, 1481, and 1363 by adding those one way or other you are making your case.

Sullivan excused himself from Councilor Schmunk and clarified that he used the City figures. It was up to Council to make the interpretation, he had to present the argument. [27:37 Tape 3, Side 2]

Jennings stated that the City R5 permits single family zero lot line attached as a permitted use under R5. Is it Sullivan's position that since it is a permitted use, although it wasn't an outright use in R5, that it can still be counted for purposes of...?

Sullivan stated, yes, all the law states is to provide the opportunity for. Sullivan stated that there are two sets of standards, City standards and State standards. The City standards are so called procedural standards - what does the City have to do in order to amend its Plan? He stated that pgs. 41 and 42 of the Plan Amendment process that there are a couple of ways 1) through the Periodic Review process [currently in process]. A note* at least so far as Planning Commission and Council are concerned, that the re-designation of this subject property was not recommended by the Planning Commission it was brought before City Council; 2) Through an annual report of the Planning Commission under Plan Evaluation and Amendment policy #1. That isn't the case here. The third is through Policy 3 of the Plan Amendment and Evaluation Process. A Plan Amendment must be initiated either by the Planning Commission or the City Council. It may not be brought up by an individual applicant.

Sullivan stated that the Plan Amendment can't get to the Council unless it has the majority of five votes of the Planning Commission. This flunked the test at the Planning Commission [1:14 Tape 4, Side 1] What you got was an appeal in a procedural situation which doesn't exist under the City's Code.

Councilor Burgin asked Sullivan how he could imagine that Council has overlooked that?

Sullivan stated that he didn't know.

Councilor Burgin stated that he would say Sullivan's interpretation was subject to a lot of discussion.

Sullivan stated that was fine, he had the Plan policy with him if Councilor Burgin would like to look at it.

Councilor Fowler stated he felt it was important.

Councilor Burgin stated he felt it was important also but its the things he is saying that is important, you can't just let them slide by because they question the entire City procedure and if our procedure is that out to lunch then we need to question it.

Sullivan stated that he wasn't trying to let it slide, he was trying to present it. He didn't think it was subject to interpretation.

Councilor Burgin asked if it was honestly Sullivan's contention that if a piece of property is the owner desires a zone change and goes for a Plan Amendment, he has no standing to request a Plan Amendment?

Sullivan stated he/she must go to the Planning Commission or City Council and request that it be initiated.

Council Burgin, no standing at all, except to write a letter and say would you mind initiating...

Sullivan stated no, not under your Plan.

Councilor Burgin stated that Sullivan's interpretation was that government control was so extreme that the property owner has not even the right to ask for a Plan Amendment.

Sullivan stated he wouldn't get into the philosophical. He would state under the City Code, it wasn't allowed except through the Planning Commission or Council. [2:58 Tape 4, Side 1]

Councilor Fowler stated that the applicant brought in a Plan Amendment, not a zone change and so, a Plan Amendment can only be instituted by the Council or Planning Commission? Period?

Sullivan, period.

Councilor Burgin, a Zone Change would not be allowed without the Plan Amendment.

Sullivan, correct.

Sullivan, read from Policy 3 Plan Evaluation and Amendment. (a) An amendment may be initiated by either the City Council or Planning Commission; (b) An individual or organization of the Director may request initiation of a plan amendment through the Council or Planning Commission. Let me move on if I haven't either dazzled you or confused you.

Councilor Thalsofer stated, I don't think you have, I am following this very well.

Sullivan discussed the 5 Subsidy criteria. (1) meeting overall intent of the Plan - the staff and applicant deal only with that portion of the plan relating to goals and objectives [pg. 3 of Plan]; We are suggesting that you not only look at the goals and objectives of the Plan but the policies in the Plan itself. All policies manifest the overall intent of the Plan [i.e., why shouldn't determination of land requirements for economic development and population growth be considered together? \$Policy 7† Why shouldn't respect for the character of the

already developed area be considered? §Policy 7† If the City's plan already meets housing standards - where's the need for any change? Where's the beef in the applicants argument? - Even looking at the vague goals and objectives, the applicants arguments are make way justifications rather than an analysis of where the City wants to be. [7:19 Tape 4, Side 1]

Sullivan stated that the policy which requires proper relationships among various uses talks about increasing densities along 257th. That density was set in the Plan at the time 257th was proposed to be improved. If there were some conflict between the low density residential uses which either exist now on 257th or are planning for future development along 257th, then the Plan would have been out of compliance when it was adopted. It wasn't out of compliance then, and it isn't out of compliance now.

Sullivan stated it was a mockery of the citizen involvement goals and objectives to have a project which meets with such universal contempt by its citizens and to say in the face of that nearly unanimous opposition that the project should be crammed down the city's throat. [8:30 Tape 4, Side 1]

Sullivan went on to (2) citizen review and comment. Two hearings at the Planning Commission level - a negative reaction by the community.

(3) Input of affected governmental agencies. Sullivan discussed two letters from the School District - concern over affect of new housing on school capacity.

(4) Short and long term impacts. Not evaluated at all by the applicant. The proposal is justified in terms of hysteria for meeting the so called need for multi family housing.

Sullivan stated that they had shown that there is no such need in the Troutdale context. Further, the City population projections and consequent use of transportation facilities are already met in the existing Plan. Where's the beef?

Sullivan, finally additional information required by the Planning Commission of the City Council. The applicant states there have been no such requests. On the other hand, the Council may well ask, Where's the need for a change? Where is Troutdale out of compliance with State law? Why aren't you looking at all candidate sites for additional housing density? Why are we jumping the gun to give one developer a preference? Why indeed?

Sullivan responded to comments by Hathaway, Stivens, Skelte and Cook. [11:13 Tape 4, Side 1] The notion that the citizen involvement goals was met because of the CAC. From talking with Citizens for Sound Planning, almost nobody new about the proposal at the CAC level. When they did find out they turned out in droves. Sitzman's letter from DLCD - Considerable time was given to how this proposal complies with the City's locational criteria. Mr.

Sitzman has no businesses in dealing with what is a City matter. Tonight, Mr. Sitzman added that there may be a problem in dealing with the City's Goal 10 compliance. Sullivan stated he felt if the City analyses the housing density mix - you would find out that you're not out of compliance. There are a lot of things to look at as far as candidates for up-zoning, if that is what you wanted to do but, you needed jump the gun tonight nor do more than is necessary for State law.

Sullivan discussed the locational criteria discussed by Hathaway and Stiven. Those are there to help the City with its initial planning designations for residential properties - not whenever it is convenient for relocating single family land and placing it into a multi family category. [14:47, Tape 4, Side 1] As has been noted, almost everywhere in the City there is a close proximity to some sort of access way or close to commercial facilities. That shouldn't be a criteria.

Councilor Burgin asked about locational criteria. If that isn't an on-going criteria why would it be put into the Plan?

Sullivan stated it was there to give text direction for formulation of the Map.

Councilor Burgin, if it weren't required for an on-going guideline then it would be a procedural issue in telling us how to draw a map and Plan.

Sullivan stated and that is what it did. It was there to help you draw the original Plan Map in 1983.

Councilor Burgin stated it still didn't explain why you would include it in our Plan unless its a guideline.

Sullivan stated it was a criteria, what you use to draw the original Plan Map. Before you had the map you had to have some reasoned explanation how you would locate various categories of residential densities. It carries out the guideline - the re-edification of the text.

Sullivan then address the glorious proposal that site design is looked at as a way for figuring out all the complications that this use might create for the residential area around it. Sullivan stated that this way a land use decision and not a design decision. Mr. Hathaway and Mr. Jennings should know that whenever you have an application of discretionary criteria you have to hold a public hearings, and let people get involved in how those discretionary criteria are plotted. You can't deal with design, density now. It may be legal but what happens when someone comes in and sees A2 on the Zoning Map and doesn't know that they can't get the full compliment of multi family dwellings? What does that do for compliance if you have all these Rube Goldberg devices in the Plan or Zoning Map for deciding how many dwelling units are really allowed?

Sullivan stated that Shelte had a very limited testimony to give. What I heard him say was, we didn't find very much as a result of down grading single family home property values by a Zone/Plan change to multi family. He didn't say that the development of that property won't have an affect on property values. That is a very limited statement. Sullivan stated that Troutdale was neither Tigard nor Gresham and had its own character. [1:04 Tape 4, Side 2] The issue is what it can be and one of the concerns is what it can be - no matter what's on the map which is the only issue before Council. By deferring the issue of design to another time the Council may loose site of the real issue which is once you get the designation its really all over.

Sullivan stated that LCDC says is that you can't use design as a way of lowering density substantially. Once granted, that is what you deal with. The Plan deals with criteria or change but more importantly it makes decisions about the allocation of land for residential, commercial and other uses as well as densities in that residential category, and an element of stability. By allowing a process which allows change too quickly the Plan gets undermined.

Sullivan stated that Stiven discussed looking at the hospital open space transit access in looking at new lands to be designated for multi family purposes. That is a Periodic Review consideration when you can look globally at all lands in Troutdale to see whether you want more density and where it should be. Stiven also stated that livability is a zone change consideration. Indeed it is on the zone change criteria. However, if you grant the Plan the Zone Change must necessarily follow. You have to then deal with, so long as service is available, with granting the zone change at the same time. The zone is there to carry out the Plan designation. You can't have a conflict.

Sullivan stated that a question raised by Councilor Fowler was 'what about mixed density on the subject property?' It is possible that one lot deep you could have multi-family but to have the rest of the property all re-designated multi-family puts a knife in the single family residential neighborhood behind 257th. It is possible to 'cut the baby'. [5:45 Tape 4, Side 2]

Sullivan stated that Wolsborn mentioned if the applicant takes this case to LUBA they will win. Sullivan stated, I'll accept the challenge. I don't know if Wolsborn has an interest in the property but the property need not be re-designated for multi-family use. The market isn't the issue, its whether or not the City wants to re-designate it or is under an obligation to do so.

Sullivan ended by saying that Periodic Review is the time to deal with this matter. LCDC will look at the Plan, Sitzman is correct

this application if appealed would go to LUBA. If the City were to undertake Periodic Review it would go to LCDC rather than LUBA.

Sullivan summarized his points. 1) The City is now in compliance with its housing obligations; 2) the City now can meet and will be in compliance with its housing obligations until Periodic Review; 3) The proper time to consider this application is at Periodic Review with all the candidate properties; 4) the applicant has miss-read the City's obligations under the Metro Housing Rule; 5) both procedurally and substantively the applicant doesn't meet the City's standards for a Plan Amendment - it doesn't meet the State's either which include: compliance with post acknowledgment processes and the state-wide planning goals which weren't addressed.

Sullivan stated that he said a lot and had an obligation to make sure his case is presented completely in this de novo hearing. He stated he would respond to any questions.

Sally Wakeman, 1209 SW 26th, Troutdale - Discussed Goal #1 - Citizen Involvement [Comments on file with City Recorder's office] [11:17 Tape 4, Side 2]

Councilor Schmunk asked if Wakeman had ever received a City newsletter? Wakeman stated yes, she had received them but no notices of CAC meetings. Councilor Schmunk stated that the notices of public meetings are in the newsletters. Wakeman stated notification of a meeting, but not what was going to be discussed. Councilor Schmunk asked if she had received notification of meetings. Wakeman stated yes.

Bruce Thompson, 2640 SW Abbott Ct., Troutdale - Member of Planning Commission, Member and Chairman of Citizens Advisory Committee - Discussed Goal #2 - Land Use [Comments on file with City Recorder's office] [15:00 Tape 4, Side 2]

John Densem, 229 SW 26th Circle, Troutdale - Discussed Goal 6 - Air, Water, and Land Resources Quality - Aesthetics and Community Appearance [Comments on file with City Recorder's office] [4:47 Tape 5, Side 1]

Councilor Burgin asked if Mr. Densem minded pollution in his neighborhood, why didn't he mind it in other neighborhoods? Mr. Densem had stated that apartment dwellers are likely to dump dirt, detergents and chemicals and oil -- if that's bad in the neighborhood, why isn't it bad everywhere?

Mr. Densem stated that in his working experience with apartments, they are on sewage systems, the water is treated. He stated he was certainly opposed to any kind of pollution.

Councilor Burgin asked 'stormwater is treated'?

Mr. Densem stated that stormwater in the City of Portland goes through the same system as the sewage does. Only the overflow of drains into the Willamette River and you see it in the newspaper every time it happens.

Councilor Burgin stated that is the sanitary sewer system not the stormwater system.

Mr. Densem stated that stormwater is combined in most areas of the City.

Councilor Fowler stated that drywells as well as the pollution from drywells into the soil - the surface drainage of rainwater, crankcase oil or whatever into the ground isn't going to go into a stormsewer but into a drywell.

Mr. Densem stated that he was on a storm sewer system where he lives he didn't know what the City did about treating the water that comes off the storm system he had. If it is directed into the ground and it isn't rapidly carried away, it could work its way into an aquifer which was the point he was trying to make.

Mr. Densem presented slides.

Bob Johnson, 1933 SW Laura Ct., Troutdale - Discussed Goal 7 - Areas Subject to Natural Disaster and Hazards [Comments on file with City Recorder's office] [17:35 Tape 5, Side 1]

Mr. Johnson expressed his opinions on the Comprehensive Plan change that is about to happen if you grasp this. He worked on the original Comprehensive Plan for Troutdale, years ago when there was first a mandate from LCDC. This downgrading was purposely put in for zoning A2 to 4, 7, 10 etc. He wished that this not be messed with. He then continued with his comments to Goal 7.

Mr. Johnson objected to the sign up sheets - only allowing persons arriving early to sign up for testifying. He thought it was unfair for persons having to work late.

Shirley Prickett, 2617 SW Indian John Pl., Troutdale Discussed Goal 8 - Recreational Needs [Comments on file with City Recorder's office] [25:21 Tape 5, Side 1]

C. Roderick Crocker, 2627 SW Abbott Ct., Troutdale - Discussed Goal 10 - Housing prefaced his remarks with an observation regarding apartments. He felt some of the persons speaking had the feeling that those opposing the request for a change for a large development are against apartments. He wasn't against apartments nor rental dwellings. [Comments on file with City Recorder's office] [27:45 Tape 5, Side 1]

Ronald R. Wells, 2802 SW Hewitt Ave., Troutdale - Discussed Goal 11 - Public Facilities and Services. [Comments on file with City

Recorder's office] [11:36 Tape 5 Side 2]

James Wakeman, 1209 SW 26th, Troutdale, - Discussed Goal 12 - Transportation Mr. Wakeman stated that the single family residential area due west of the proposed zone change has two members of the CAC, 1 member of City Council, 1 member of Budget Committee and 2 Planning Commission members and as witnessed by the numbers in the audience, opposition to the zone change should be obvious in that the single family residence lifestyle was chosen by them. [Comments on file with City Recorder's office] [14:54 Tape 5 Side 2]

Carol Chace, 2701 SW Abbott Ct., Troutdale - Discussed Goal 13 - Energy Conservation [Comments on file with City Recorder's office] [21:00 Tape 5, Side 2]

Susan McAdams, 2634 SW Abbott Ct., Troutdale - [Comments on file with City Recorder's office] [23:11 Tape 5, Side 2]

James C. Gardner, 2611 SW Laura Ct., Troutdale - [Comments on file with City Recorder's office] [27:46 Tape 5, Side 2]

Guy F. Bennett, 1227 SW 26th, Troutdale - [2:53 Tape 6, Side 1] Addressed to Councilor Burgin that Mr. Fowler [Mr. Wolsborn] from the Planning Commission does have a linking impact. His relatives own interest in a part of that property. So, there could be a little conflict just to bring you up to speed.

Councilor Burgin asked for clarification that Mr. Wolsborn has a personal, financial interest in the property?

Mr. Bennett stated a linking personal, financial interest - within family ties. So there could be some conflict I don't know how great it is, I don't check into that.

Al Newman, 1930 SW Laura Court, Troutdale - [7:33 Tape 6, Side 1] [Comments on file with City Recorder's office]

Marilyn Stockham, 2713 SW Abbott Ct., Troutdale - Passed so she didn't repeat information and she was tired. [9:25 Tape 6, Side 2]

William Hesselbacher, 259 SW 26th Circle, Troutdale - [9:47 Tape 6, Side 1] [Comments on file with City Recorder's office]

Ron Norman, 320 SW 26th Circle, - Troutdale [21:26 Tape 6, Side 1] [Comments on file with City Recorder's office]

Hazel Lunday, 825 SW 28th, Troutdale - Left before testifying. [23:50 Tape 6, Side 1]

Kathy Delaney, 2722 SW Indian John, Troutdale - Left before testifying [23:56 Tape 6, Side 1]

Sullivan gave closing remarks as stated in his summary earlier in the testimony and opened for questions, he was aware of the lateness of the hour and wanted to make sure his opponents could make a response.

Councilor Thalsofer asked how improper this appeal procedure was, since Mr. Sullivan had stated that the appeal was improper?

Sullivan stated that jurisdictional.

Councilor Thalsofer asked if this was an exercise in futility in that case?

Sullivan stated that he had to put on his whole case and raise the jurisdictional issue, however, it was for Council to decide.

Councilor Thalsofer asked if Council as judges was to determine if it was a jurisdictional question?

Sullivan stated that would probably come first.

Councilor Thalsofer was concerned about it and didn't quite know how to proceed but he would like to know if there was a way to decide it, or if they couldn't how do they decide a jurisdictional question?

Sullivan stated decide it, I'll move to dismiss it on the grounds that the City Council doesn't have jurisdiction over the matter.

Mayor Cox asked if there were any other questions from Council?

Councilor Thalsofer stated 'we have a motion I guess, haven't we'?

Sullivan, no, but your motion is made but I have asked for.

Jennings stated that he assumed the opponents testimony was concluded. Council should entertain taking a recess before rebuttal, etc.

Jennings stated that he had comments on the question of jurisdictional as well as whether or not Council wanted to conclude this evening or continue the hearing.

Mayor Cox asked Hathaway if he could give an indication of how long he thought the rebuttal would take.

Hathaway stated some of the information was new matter that hadn't been discussed. The number of people testifying and raising issues it could be speculated to be as long as 1 hr or 1 1/2 hrs.

Jennings stated regarding the jurisdictional question that Mr. Sullivan had his interpretation, Mr. Hathaway had his, and he [Mr. Jennings] had his. Council decides whether or not they want to entertain Mr. Sullivan's motion for dismissal. Mr. Jennings

[Mr. Jennings] had his. Council decides whether or not they want to entertain Mr. Sullivan's motion for dismissal. Mr. Jennings said that can be done either in the form of a motion or by making a decision on the whole issue. [29:25 Tape 6, Side 1]

Jennings stated that this issue now was whether or not Council wanted to continue now or continue at a later date.

Councilor Schmunk asked to poll the Council for their wishes.

Councilor Fowler stated that he wanted to hear the rebuttal to keep all the information in context.

Jennings stated that it wasn't uncommon to have land use hearings continued over more than one meeting.

Councilor Schmunk stated that she wanted to take a ten minute break, hear the rebuttal and then break until the next evening.

Councilor Fowler agreed.

Council Burgin agreed.

Councilor Thalhofer would not be able to attend a later meeting. He wanted to take a 10 minute break then hear the rebuttal and meet at a time when he would be able to attend.

Mayor Cox called for a 10 minute break.

[1:59 Tape 6, Side 2] Rebuttal

Greg Hathaway re-introduced Terry Cook who wanted to make a statement in response to testimony received.

Terry Cook, 31825 E. Crown Point Highway, Troutdale, OR. Stated that when he came into the City a few months back it was driven out of a sense of vision for what he felt Troutdale was, where Troutdale was headed and really what the future of Troutdale and the whole East County could be. He wasn't unaware of the political choices that faced Council. He was elected to the Corbett School Board and they had a series of wars they had to deal with in Corbett. They were difficult things to deal with but managed to pull the community back together again in a course of about 1 1/2 - 2 years a lot of the hard feelings had been healed. He was grateful for that because he felt the kids needed to go to school in that kind of a positive environment.

Cook then stated that he came to the City with a vision for what he thought could happen in the City. He did not come with any malice, he didn't come to site a jail facility, a nuclear waste dump or a transfer station for garbage. It was just an apartment house, that's all. A place for people to live - bedrooms, bathrooms, kitchens, dining rooms - a place for families to get together. It wasn't really meant to be construed as a place to house felons. We've heard it all, I think and it is unfortunate that we have. But, my vision for Troutdale is based on a dozen

years that I have lived in this community. I don't want a community torn apart over a silly land use decision. It's just not worth that. If I see neighbors in arms against neighbors. Life is just too short to go through that. I have been through wars like that myself and, it's just not worth the price.

Cook stated that he had spend considerable time and money to bring the project this far but, in light of the overwhelming opposition by the community, he wasn't convinced that the time is right to pursue the project any further at this time. Cook stated that he wanted the best for east county. He stated that he lived here, a member of this community and he intended to stay in the community. He didn't blow into town and blow back out [as had been characterized] with a pot full of money. That wasn't his intention.

Cook then stated that at this time, he was going to withdraw his application for a zone change and a comprehensive plan amendment. He would love to have it go but wasn't so sure that even if he won, he'd win. I thought it was important that the community knows where it is going and develop the vision for what the City can be. A lot of argument about the Periodic Review has been heard, he felt that was some basis to it, not entirely genuine but, it is an opportunity for the City to look at the issue and the whole issue of where we're headed. And, probably better than anything that can happen is to say where are we going as a City? What are we going to look like in five years, in ten years? Do we want growth? Is Troutdale closed for business? Do we want to welcome people in. There is a new shopping center coming in downtown, the factory outlet mall, the truck stop, two new companies coming into the industrial area. But folks, you have to put them someplace. If you don't provide schools, or housing, industry is not going to come here. It doesn't matter if you have one thousand acres of beautiful land they aren't going to show up on the door. You've got to have the whole thing.

Cook stated that the only way to get it is to formulate the vision of where your headed as a City. He stated he had his. Each individual had theirs because there is a certain torch that is carried, a certain banner that is brought in to its own battles. He like living here and he would like to stand up with his other investors in Portland and say, you know we're not red necks, we really aren't. Sometimes we act like it but we aren't. We have a place in the tri metropolitan area and we're not hicks, we aren't just people out lost in east county that like to go out to battle everything. We know where we are headed. We want to get there, and we can only get there together.

Cook stated that he was disappointed on one hand but, on the other hand he looked forward to seeing the City pull together. This isn't worth a city-wide fight and he felt that is what it pretty much came down to. That's the political world.

Cook stated that he was withdrawing his application. He appreciated the time and effort that had been spent. No hard feelings and he hoped in the future something could be put together and make the City a positive place where people want to come to, with good housing, with great apartment facilities, single family homes and where business want to locate, where tourists want to visit and stop when they visit the Gorge. We have to do it together, we can't do it by threatening to go all the way on every issue that comes up and take the gloves off and fight every single issue. He then closed.

Council Thalsofer commented that he felt Mr. Cook was a very high quality individual and would build a very high quality development here. He knew Troutdale needed apartments but didn't know where for sure. He thanked Mr. Cook for going this far and thought it was graceful of Mr. Cook to withdraw his application at this time.

Mayor Cox thanked Mr. Cook and felt all the citizens loved Troutdale. He hoped that everyone could pull together and make it nice and good for Troutdale. He knew there would be apartments in Troutdale, but didn't know where.

Councilor Fowler seconded the other comments made by Thalsofer and Cox.

MOTION: Councilman Bui closed the public hearing. Councilor Burgin seconded the motion. [11:32 Tape 6, Side 2]

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM 7. COUNCIL CONCERNS AND INITIATIVES

Councilor Schmunk - None
Councilor Fowler - None
Councilor Burgin - None
Councilor Thalsofer - None
Councilor Bui - None

ITEM 8. ADJOURNMENT.

MOTION: Councilor Bui moved to adjourn. Councilor Fowler seconded the motion.

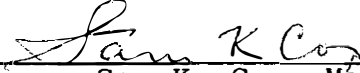
YEAS: 5

NAYS: 0

ABSTAINED: 0

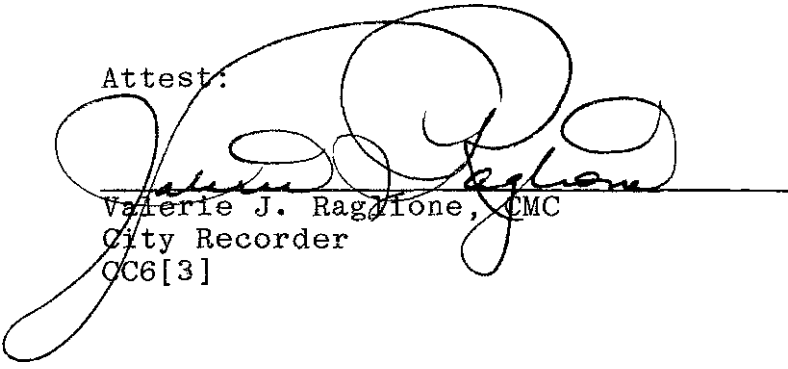
Bui - Yea; Burgin - Yea; Fowler - Yea; Schmunk - Yea; Thalsofer - Yea

The meeting was adjourned at 12:23 a.m., November 29, 1989.



Sam K. Cox, Mayor
Dated: 12/13/89

Attest:



Valerie J. Ragnione, CMC
City Recorder
CC6[3]