

**MINUTES
TROUTDALE CITY COUNCIL - REGULAR MEETING
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099**

7:00 P.M. -- OCTOBER 8, 1991

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 Wakeman to lead the pledge of allegiance.

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

PRESENT: Cox, Fowler, Schmunk, Thalhofer, Thompson Wakeman

ABSENT: Bui

STAFF: Christian, Cline, Collier, Gazewood, Raglione, Sorensen
City Attorney, Jennings

GUESTS: Walt Postlewait, Greg Wilder, Dick Riley, Donald L. Bennett, Sue Lackman, Carol Anderson, Stephen C. Lewis, Bob Schmid, Rich Gushman, R.A. Strain, N.J. Strain, Ila F. Holt

PRESS: Steve Amick, The Oregonian

2. CONSENT AGENDA:

Mayor Cox called this agenda item.

MOTION: Councilor Schmunk moved to approve the consent agenda [2.1 9/24/91 Minutes; 2.2 September Business Licenses, 1991]. Councilor Thompson seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhofer - Yea; Thompson - Yea; Wakeman - Yea

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

Mayor Cox called this agenda item.

Walt Postlewait, 1624 SE 28th Court - Addressed the issue of a letter which was sent to Council members that had his name and address typed on it indicating he had authored the correspondence. He stated that he was not the author and had no knowledge of the letter until he received a copy of it from an anonymous sender. He stated it was a piece of garbage. He didn't write it and it appeared to be the same type of trash that the Troutdale Watch was. He stated there could only be two reasons why someone would do this: 1) to discredit his good name; or 2) someone erroneously thought that linking it with his name would bring an uproar of outpouring support. Whoever was responsible was the scum of the earth, had no intelligence and no courage and probably thought it would advance their own ambitions. He asked the Council to direct the Chief of Police to determine who is responsible for the obvious intrusion on his good name. Without aggressive pursuit of this nature, the derogatory comments wouldn't stop that affect the individuals and affect the entire citizenry of Troutdale. He felt there must be some federal, local, and/or state laws which were violated.

Mayor Cox called for Council questions.

Councilor Fowler asked was this letter, did the letter come to Postlewait in the mail, or what? Postlewait stated no. The letter was transmitted to him by a business.

Councilor Wakeman by whom, was it mailed?

Postlewait stated that he would decline at this time to state.

Mayor Cox stated that the Council members had received them at their home addresses.

Councilor Wakeman stated that when he read the letter he was quite disturbed that knowing Postlewait for a number of years it wasn't in his style.

Mayor Cox stated he felt the same.

Councilor Fowler asked for a copy of the letter, he stated he had never seen it. He did not receive anything that came from City Hall.

[A copy of the letter was given to Councilor Fowler.]

Councilor Thalhofer asked if Mr. Postlewait had any idea who? Any clues? He didn't have to say whom.

Postlewait stated that in a situation as this there were questions and ideas.

Councilor Thompson stated he was glad Postlewait had made his comments official and in public.

MOTION: Councilor Thalhofer moved to have the Chief of Police begin an investigation into the author of the letter. Councilor Wakeman seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhofer - Yea; Thompson - Yea; Wakeman - Yea

4. PUBLIC HEARING: De Novo Appeal of Planning Commission Decision -- Conditional Use File #81-92-006 CUP [Conditional Use Permit for Expansion of Wastewater Treatment Plant]. Located on Tax Lots 43 and 107, Section 25, T1N, R3E, W.M. Vicinity Data: Adjacent to the Existing Treatment Plant, South of I-84, North of Columbia River Highway, East of 257th Avenue, West of the Sandy River.

.1: Open Public Hearing - Mayor Cox opened the public hearing at 7:06 p.m.

.2: Declarations, Challenges, Ex Parte Contact

Mayor Cox called for ex parte contact or conflicts to declare or had any Council members visited the site since the conditional use came up?

Councilor Fowler stated that Mr. Bennett had asked for this and he worked for him. He didn't know if he would vote or not now but he didn't want to leave room.

Counselor Jennings stated to Councilor Fowler that he didn't have to leave the room, but he would have to step down from the podium.

Councilor Fowler: I can't participate.

Counselor Jennings stated he could not participate in any of the deliberations.

Councilor Fowler stated he wanted a word for word transcription of this so that I can take it to some places to find some things out. I think I have as much interest in this as anybody else. In fact why did the question come at all, is how could we do 2/3rd planning, borrowing, engineering and so forth and not have the proper _____ to do the job that we are talking about?

Jennings, I'm sorry...don't have what?

Councilor Fowler: This engineering, this planning and study started two years ago. Two years ago is when the property should have been zoned correctly for the job that's being done...instead of the last minute to push it through. I think somebody has failed in their responsibility..

Councilor Schmunk: Mr. Mayor I think Mr. Fowler is out of order.

Mayor Cox: Yes, I think you should step down, now, Harry.

Councilor Fowler, leaving his seat, "I do want that transcript".

Mayor Cox called for the staff report.

.3: Summation by Staff: Cline [Tape 1, Side 1 7:42]

Cline:

Mayor and Members of the City Council. This request which is before you tonight is actually an appeal of a decision by Troutdale Planning Commission for approval of a conditional use permit application. That was approved by the Troutdale Planning Commission on the 21st of August of this year. It is a Type 3 land use hearing. It requires a review and a public hearing to be conducted. It also requires that appropriate notice be provided to surrounding and affected property owners. The appeal from the Planning Commission was filed by two filed: Suzanne Lackman and Donald Bennett. It does require, upon appeal, of a decision of the Planning Commission that it go before City Council for a determination. The request was to hear the case, de novo. The Council did agreed and set the date of tonight, October 8, 1991 as the date of the appeal. We did provide all property owners with notice of this public hearing to be conducted tonight to give the public a chance to get their input so that the Council could receive that prior to making a decision.

The request again, is for a Conditional Use permit approval. It was filed by the department of public works for the City of Troutdale. The Troutdale Development Code defines the sewage treatment plant as a major utility facility. The existing plant is in the area which is designated as being industrial in the City's Comprehensive Plan and its zoned IP [which is an industrial park zoning district classification]. Within the IP zoning district classification a conditional uses permit is required for a major utility facility. The property [Cline going to map] south of I 84, north of Union Pacific Railroad, E of 257th or Graham Road extension. The existing sewage treatment plant off of the extension of N. Harlow Street. This is the Sandy River in this area. Council is aware we recently reconstruction the sewage outfall into the Sandy River at this location. This is the location of the existing sewage treatment plant. It has been the location of the City's sewage treatment plant for approximately 23 years. The original plant was constructed in the late 60's with a major expansion in the late 70's. The City also acquired additional land now owning 9.71 acres which is the proper site of the sewage treatment plant itself. The 9.71 acres in addition there is a small parcel which is leased out to Wastewater Management which is adjacent to the site. The reason that the City did purchase this 9.71 acres or expanded into the nearly 10 acres was to accommodate future expansion of treatment plant as the City grew and developed.

The expansion itself, this site plan is one that was presented to the Planning Commission and is submitted to City Council for their review. We've switched directions here on you, but north would be to my immediate left - this is I 84, the new Columbia Gorge Factory Outlet Stores are located

immediately on this side, the Union Pacific Railroad along here and the Sandy River in the light blue location you can see here.

The actual property that the City owns extends to the river and you can see the property is outlined in the solid brown line. That's the actual area of the 9.71 acres that I quoted to you that the City does own. Part of the existing and proposed expansion site. In addition, the City also owns this area right here which is delineated by the dashed line which is leased out to Wastewater Management Inc. Again, the railroad is [excuse me] the interstate which is to the North, the river to the East, Wastewater Management, Inc. which is basically surrounded by the site, D&D Bennett is located in this area, the railroad immediately to the South and Columbia Crossing Factory Outlet Stores immediately to the West.

The proposed expansion, again there is an existing sewage treatment plant here on the site, the proposed expansion would include a new storage and maintenance building, additional parking in through this area - this is the existing aeration base which would stay, the techniclarifier/primary clarifier, digesters in this location and the major change to the site is the addition of a new sewage lagoon. The proposal, now - existing on site if any of you have been out there - there are two actual sewage/sludge ponds in this location. Outlined on this map. Those two comprise .6 of one acre total in size. The proposed new sewage lagoon, which is a much different type facility is actually .9 of an acre so we are looking at that being an increase in size. That is the greatest physical difference between what is currently out on the site and what would be proposed to be developed.

In addition, we have the reconstruction of what is being referred to as the Northwest Kendall Avenue. There is a dedicated public right-of-way which extends through the Columbia Gorge Factory Outlet stores. The main entrance into that facility is designated public right-of-way. That extends through the parking lot and back to the North. Council is aware that eventually the City, or the State, will be abandoning that 5. intersection which exists at the intersection of Frontage Road at 257th. That one access road which extends from that 5. intersection is now currently the only way to access that site. That will be re-routed into the Columbia Gorge Factory Outlet stores and that 5. intersection would then be abandoned. As part of the construction of this project this section which you see identified in gray will be a new street, to City standard, which would extend along the perimeter of the site immediately behind the existing Factory Outlet mall and then turns from the right-of-way adjacent to railroad and extends back to D&D Bennett in that area.

The site does contain, and one of the conditions which was from the original approval of the Planning Commission included a fence providing security around the site to address issues of concerns about people coming into contact with this proposed lagoon, which will be constructed on the site. With the elevation of the road, the lagoon happens to be - or the water surface is actually over 3' below the actual surface of the road so its lower to reduce the visual impact. Additionally, there is a berm which Planning Commission had recommended that the area be landscaped to provide additional screening into that lagoon. Again, the shift from the two existing sewage sludge ponds to the lagoon is the biggest physical difference from the existing and what is proposed. These are ponds which the sludge is actually up to the top surface. In the case of the lagoon by the design, it would be covered with a cap

of anywhere from 3-5' of clear potable water on surface to help control odor to also help concerns about the aesthetic appearance of that particular type of facility.

Because this is a Type 3 hearing and does require a conditional use permit it requires that certain criteria be addressed. The use would be permitted within the zoning district classification provided that certain conditions are met. Those are outlined in the staff report which has been provided to Council. Those criteria, the Development Code are listed on the board immediately to my left. I would refer you to those as I run through these briefly.

First of all, the Development Code would require that the use be listed as a conditional use in the underlying zoning district or, as it was approved by the Planning Commission for consideration as a conditional use...In this case under the IP zoning district classification, major utility facilities which specifically reference sewage treatment plants are allowed as conditional uses within an IP industrial park zoning district classification.

The second criteria is that the characteristics of the site must be suitable for the proposed use considering the size, shape, location, topography, the existence of improvements and natural features . In this instance, on this site, the City purchased property to accommodate the original construction and proposed expansions. The expansion is reference in the City's Public Facilities Plan and has been since the Public Facilities Plan, since at least 1983 - which is the first one that I am aware of. A large portion of the site is undeveloped but the City has maintained it and held on to the property for sole purpose of expansion. Geographically the plant is in an area which is ideal to serve the sewage treatment needs of the entire community. Its one of the lowest physical points in elevation in the City; its adjacent to the river close to where the outfall is; and with existing investment that we have, not only in developments on this site but of our whole treatment system of treatment system there is a substantial amount of public investment and the site is appropriate in terms of providing adequate sewage treatment facility for the entire City.

The third criteria is that the proposed use of site is timely considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use. The staff report does go through and analyses the timeliness of the expansion of the sewage treatment plant. Again, this is mentioned in our public facilities plan and the times the City has proposed to expand the sewage treatment plant. We're currently at a point where demand and reserve capacity are fast approaching or exceeding the total capacity of the plant. We could be in a situation soon where we would have at least difficulty in terms of meeting DEQ requirements for the treatment of sewage here in the City of Troutdale. In addition, without the expansion we would not be able to fully accommodate the anticipated proposed growth forecast for the City. There are, currently, in order to have this facility and to adequately serve the facility itself in terms of the needs of transportation and other utilities, facilities and services -- they are in place to adequately serve this proposed expansion.

Most importantly on this issue, in my opinion, that without the expansion there is a real distinct possibility that the City of Troutdale could be looking at a moratorium on future permit issuance within the City because of the lack of capacity within the plant.

The fourth criteria is that the proposed use will not alter the character of the surrounding area in a manner substantially limits, impairs, or precludes the use of the adjacent surrounding properties for the primary purposes listed in the underlying zoning district. Now, all of the property adjacent to this site is zoned IP [industrial park], including the Columbia Gorge Factory Outlet stores. In addition, that entire area is designated as being industrial on the City's Comprehensive Land Use Plan Map.

The character of the area has been established by the existing uses. We have the sewage treatment plant, which has existed on the site for some 23 years. There is other industrial and manufacturing uses. There is also the Wastewater Management facility which is there. They have set the tone for what the development is in that area.

In consideration of a conditional use permit, the Council - in this case - would have to weigh the effects of what is proposed on the adjacent surrounding property. Is this, in fact, going to preclude or impair the use of those other properties for those industrial uses that they were designed for. After reviewing the site plan [as I did a moment ago], you will notice that the largest single change to the site is the elimination of 2 sewage sludge ponds and the creation of 1 sewage lagoon. The design is completely different. We're talking about removing what have been viewed as being an aesthetic nuisance with the sludge floating at the surface and what has been an attraction and what has been a concern about odor and creating a larger but a clean water capped lagoon which is landscaped and bermed set lower than the road this has been designed to eliminate, again - concerns about odor and to reduce any unsightly appearance there on the site. Access to the site will be greatly enhanced. Currently the property owners which own the adjacent facility, one of them does access through the center of the sewage treatment plant operations. This would provide alternative access into those areas through a street constructed to city standards. In terms of the actual generation of traffic by this actual facility itself... the ITE traffic generation manual lists different types of uses which could go on that site. This is an industrial zoned property, certainly a manufacturing use could go on that site. The traffic which would be generated by this operation of the sewage treatment plant is substantially less than the uses which would normally be permitted outright on this site if the property were to develop with industrial use.

The next piece of criteria is the proposed use provides adequate open space landscape and aesthetic design to mitigate any possible adverse impact on the surrounding properties and uses. Most of the site, as you can see on the site plan up there, is not impervious surface. It is about 20% impervious from the area which is indicated in the gray. Most of it will be open space. The City's Development Code would even include that the lagoon itself would be counted as some type of an open space in terms of calculations. The Development Code would also require that this site plan be reviewed by the SDRC for compliance and conformance of all the other applicable provisions of the Development Code. And the largest single site feature is that sewage lagoon which is there on the site but because of its design, its irregular shape, the watercap, it has been designed at least to mitigate any possible adverse impacts which may be caused to the other properties.

The next piece of criteria is the proposed use will not result in the use of the land for any purpose which may create or cause to be created any public nuisance including but not limited to air, land, or water degradation, noise, flare, heat, vibration or other consideration which may be injurious to the

public health, safety, or welfare. Again, the expansion should not have a negative impact of creating degradation of any of the conditions listed above. These issues were taken into consideration during the design of this site so that would not create a problem on the adjacent, or for the adjacent, properties. The design standards of the lagoon include its shape, the watercap, fencing, landscaping, screening and the elimination of the two sewage sludge ponds which - instead have a positive affect on actually enhancing the site and reducing the negative impacts which are currently existing.

Criteria G lists that the proposal satisfies the goals and policies of the Comprehensive Land Use Plan which applies to the proposed use. The first is that of citizen involvement. This is the second actual public hearing - this is de novo - but it is the second hearing, or so it is at least the second opportunity in which this specific site plan has had some type of review where public has had opportunity to comment. Staff did provide public notice to all surrounding property owners in accordance with applicable law. In addition, the expansion of the treatment facility has been in the City's Comprehensive Plan, part of the Public Facilities Plan, since the inception of that document and over the last 2+ years the City Council has discussed expansion of the sewage treatment plant and the various options. So, there has been substantial amount of public input, at least the opportunity for public input has been available.

The second is that of land use. The proposed use is in an area which is designated by the City's Land Use Plan as being industrial. Public facilities such as this - major utility facilities - are encouraged to go within the industrial designated areas in the City.

The third is that of open space. Scenic and historic areas and natural resources. One of the issues which has been raised is that there was a potential wetland on the site. There was, at one time, on the U.S. Fish and Wildlife Map an identified wetland which did encroach into an area owned by the City. The layer of control that the City has in place through the Development Code and through our Comprehensive Plan it follows multiple layers. First of all, the City references the U.S. Fish & Wildlife map. If there is an identified wetland on that map, an additional analysis must be performed and that must be referred back to the Division of State Lands for approval of some type of mitigation of the fact that some type of wetland was found to exist. In this particular instance, we had a particular wetland which was identified on the U.S. Fish & Wildlife map a number of year ago. This wetland area was the subject of additional analysis provided by a biologist, Susan Foster [working for Mt. Hood Community College] this was when the City was working on the update of [through] Periodic Review. That was referred to DSL [Department of State Lands] and a 404 permit was actually issued to Ginsberg Craig last September [a year ago September] for the filling of wetland and construction of the pond which you see as a part of the Columbia Gorge Factory Outlet stores. That was the mitigation approved by DSL therefore resolving the issue of the wetlands for this area. There are no other wetlands identified on this site.

The next criteria of Air/Water Land Resource Quality. Expansion of the plant should improve the qualities of these resources over the current levels. We're looking at an improvement of air quality by reduced odor in vicinity of the plant; water quality should be improved due to better treatment of waste and land quality should be improved because of reduced sludge application.

The next is that of natural disasters and hazards. There is no anticipated impact that this proposed expansion would actually have on this goal except that in conjunction with this expansion the City has contacted the Army Corps of Engineers about concerns of stabilization of the bank of the Sandy River and in conjunction with this expansion The City will be looking at eliminating erosion problems within area.

In terms of recreational means, areas along the Sandy River will be reserved for hiking and bicycling trails. There will be no development from this side encroaching along the banks of the Sandy River. All of the improvements you can see are colored and identified there on the map so there is actually no new construction adjacent to the River.

Next would be that of Economy. Expansion will allow the City to ensure that we can continue to grow and develop and allow economic expansion throughout the City of Troutdale.

Housing Approval should not have any direct impact on the potential housing units except that without the expansion there is a possibility that the City would have to put a moratorium on issuance of building permits. We do need the additional capacity which has been called for in the City's Comprehensive Plan over the years, in order to accommodate our anticipated growth rate. We are at, or exceeding, capacity in some areas for sewage treatment.

Next would be that of Facilities and Services. As has been mentioned, the City currently does have all the facilities and services in place to adequately serve the proposed expansion.

Next is that of Transportation. With the proposed reconstruction of Kendall Street, access should be greatly improved. The impacts of traffic that are generated by the proposed expansion are actually substantially less than what would normally occur if this property were to develop as a typical industrial use permitted outright.

Finally, that of Urbanization. The City is required to make all lands within its boundaries available for urban level of land uses. Without expansion, we would be looking at stopping growth within the community. We would not be able to accommodate the urban level land uses. The project is in compliance with the goal of urbanization.

And, finally, the last condition is that all property owners within the 250' the subject site have been notified. That condition has been met.

In terms of the approval, the City Council can add conditions which are deemed to be necessary based upon findings to help reduce the impacts and to ensure that the site as developed is compatible with the adjacent and surrounding properties. These conditions have to be reasonable and I listed straight from the Development Code what those different conditions can actually deal with.

There are 16 recommended Findings of Fact in the staff report. Those include: [Staff Report - City Council Hearing 92-006 pg. 11, 12 IX. Recommended Findings of Fact 1-16]

After reviewing this application for this, again, de novo review, it is staff recommendation that the City Council approve this request for a conditional use permit for expansion of the Wastewater Treatment facility subject to three conditions [pg. 13 Staff Report - City Council Hearing X - Recommendation]. Those conditions being: 1. The use must comply with all provisions of the Troutdale Development Code, related to landscaping, parking, and exterior site improvements as approved by the SDRC; 2. A minimum eight high security fence shall be constructed along the east side of the proposed access road as indicated on the site plan; 3. An evergreen landscape buffer will be installed to screen the east, west, and south sides of the sewage lagoon. This buffer shall be as approved by the SDRC.

With that I would be happy to answer any questions City Council may have concerning the application.

Mayor Cox called for Council questions.

Councilor Wakeman: You mentioned the possibility of a moratorium on building and business. Is there going to be any time when this would have to take place?

Cline: In some regards we are near that point. There are some areas in the capacity of the Plant where we are at or exceeding capacity. WE could be receiving some requirements on mandates from DEQ in terms of the treatment of our existing sewage we are receiving there at the plant. If we are not found to be in compliance, then we could be looking at that as a realistic possibility because we are already at capacity. I have no numbers in terms of when we actually reach that point. One of the concerns is with the existing with existing sewage receiving capacity -- what we are treating right now with the existing sewage that we are receiving sewage that we are receiving and treating -- plus what has been reserved as capacity, that we would have to allow someone to tap into the system upon demand, we are at or near, in some cases, exceeding capacity at this point.

Christian: Mr. Mayor, the City's consulting engineer will be following as the applicant and he can probably specifically answer your questions.

Mayor Cox: Any other questions?

Councilor Thalhofer: Yes, I have some questions, Mr. Mayor. I am taken by the insertion that the odor will not be as strong as it is now with the lagoon. I guess that is based on scientific research and _____ basic projects elsewhere, is that correct?

Cline: That is correct. The applicant, I know, will be addressing those issues a little more specifically with the information that is also provided to Council. He is a little more familiar with the technical aspects of that.

Mayor Cox: Any other questions?

Councilor Thompson: I have some questions, but I will defer until the engineer.

Mayor Cox: Again, I want to asked if there is anyone that wishes to sign up to give testimony. for this. I know several people have come in since I originally asked. If you do, out in the lobby are sign up sheets and they should be done immediately.

Mayor Cox: Next, we will have the applicant presentation.

Mike Sorensen: Mr. Mayor, Members of Council. I am Mike Sorensen, STP superintendent I would like to offer testimony on the operational history of plant. We have recognized since about 1985 that we had a shortfall capacity in our sludge handling process. At that time, we began studying how short capacity we actually were.

In our research we found that the capacity of sewage treatment plant digesting system was at about 700 ERU's. Currently, we are approximately 3000 ERU's in the City. So, you can see trying to treat sludge in 700 ERU digesting unit with 3,000 ERU's is becoming a bit difficult. In 1988 we delayed our project study to study impacts of the proposed 503 regulations that are soon to be coming from the EPA. These deal directly with wastewater sludge and how they are treated and disposed of. We delayed to be sure that we covered all our bases of being sure that we didn't go forward with something that was not going to be in these regulations. I think we found what we need.

If the expansion doesn't take place, we're going to be in violation of permit in a very short time. I could not give you exact numbers but I can tell you that right now its a waiting game until this occurs. We currently store sludge in virtually every processing place in an effort to deal with what we've got to generate. Along with those permit violations could come possible fines by DEQ or EPA. During high flows we could also see a solid wash out of the system due to the large inventory that we are currently storing.

To address the odors, the vast majority of the odors that are at the Sewage Treatment Plant and the surrounding area are generated by the under capacity of the aerobic digesters. We are treating a sludge in there that is not decomposing to its fullest. With the proposed system, that would occur. Currently we are only getting about 18% reduction volatile solids and State requires 38%. Solids that we are generating come from the raw suspended solids settling off as well as BOD being removed. BOD is the pollutant that we are trying to treat.

Along with all that you have other issues such as a sludge that is not stabilized and therefore certain additional treatment practices must be performed before we can continue with our land application program that we have in place.

Finally, from an operational standpoint the site is going to be much enhanced with new construction once it is done. We will be less cluttered, more aesthetic to the area because of our support building and the lagoon being of the design that it is. I would like to turn the testimony over to our consulting engineer, Dick Riley from Gibbs & Olson.

Dick Riley: Good evening Mayor and City Council, my name is Dick Riley I am with Gibbs & Olson Engineering, Longview, Washington. Our firm was hired in 1989 to start working with the City in developing concepts and ideas for treating and handling sludge at the Treatment Plant.

What I would like to do tonight, is to run through again, the approval criteria that Scott has already discussed with you. There may be, and undoubtedly will be, some duplication of what I am saying and what Scott and Mike have already said - but, I will try to go over that quickly when I hit those points. The first criteria on the list that Council must consider tonight is the one of Zoning and whether this is an appropriate use. Scott has already handled that.

The second one, Characteristics of the site that make it suitable for the proposed use, are many. The site is approximately 10 acres in size and is owned by the City of Troutdale. It has been reserved for the Treatment Plant, the construction of the Treatment Plant and future upgrades of the Plant in order to handle all wastes treated within the City now and in the future. Its shape is ideal for the proposed existing facilities as well as the future facilities that will need to be constructed in an estimated time of about the year 2004. Its location, as has been previously mentioned, allows virtually all the wastewater within the City to flow to the Plant by gravity. Also its location is at an elevation above the 100 year flood of the Sandy River which precludes any need for flood prevention. The topography of the site is essentially flat with the south part of site rising. That's the area where the sludge lagoon would be constructed. It allows us to berm the northern end of the lagoon and essentially put the lagoon down into the ground so that it will be a little bit hidden from view. The City has substantial investments in the existing Treatment Plant which was originally constructed in the 60's and expanded with a major treatment plant expansion in the 70's. The facility and the Plant expansions have been identified for construction at this site for many years. This site also utilizes an improved outfall into the Sandy River. That outfall and its _____ were improved this summer and approved by DEQ. The idea that the site is the home of the original treatment plant site, coupled with the upgrade history and planning history within the City essentially marked the site as a permanent site, if you will, for this proposed use.

The third item is that the proposed use of the site is timely. The existing sludge treatment and handling system at the treatment plant is severely undersized to adequately handle and treat the existing sludge, let alone handle and treat the demand that is currently in place in the system and the proposed future connections over the next 10-20 years. The fact is that if Troutdale is going to continue provide waste treatment for the City these improvements need to continue and must be made now.

In 1989-90 a pre-design study for sludge _____ was completed for City of Troutdale and the City Council selected the proposed alternative that is being presented tonight as the most cost effective use and the proposal that is most compatible with the existing treatment facilities. 1990-91 authorization by given by the Council to proceed with design of those improvements and in 1991 the City began investigating methods of financing improvements. The financing arrangements have been completed and final design of the aerobic digester and control building and the storage and maintenance shop will be completed this month with construction scheduled for next year. The design of the sludge lagoon will be complete this winter with construction of the lagoon scheduled for

completion during summer and fall of next year. Finally, the design of access road will be completed in 1992 with construction slated for 1993 after the first two projects have been completed -- contractors are out of the way -- then we'll go back in and build the new road so that road won't be disturbed or torn up. The point of this is that from the beginning of the process to its final completion the process will take an approximate 4-5 years.

It is imperative that we continue to move forward in the time and manner since the capacity that we're discussing now, in terms of sludge treatment needed _____. Also timely, as it relates to the proposed improvements is the fact that the City will be changing from an aerobic sludge treatment process to anaerobic sludge treatment process. This is timely because the EPA is currently drafting new regulations that are due to be out the first of next year covering sludge treatment and disposal or utilization. The proposed facilities took those new regulations into consideration and in our discussions with both DEQ and EPA experts in this field...they feel that the proposed, and we feel that the proposed facilities have the highest probability of meeting all aspects of the new regulations. Also, the preliminary cost estimate was completed to estimate the cost of relocating the entire treatment facility at a different site. What was discovered was that the estimated costs were approximately twice as much as retro fitting the existing site.

The next item 4- The proposed use is an expansion and upgrade of an existing facility. It will not alter the character of the surrounding area or substantially limit, impair, or preclude the use of the surrounding properties for the primary uses listed in the underlying district. The factors that contribute to that statement are: 1) the expanded facility will operate more quietly, produce less odor, be more attractive, and the new road will provide a higher level of access to both the adjacent property and the existing site. The new sludge digesters will be 45' diameter tanks and will have a floating cover...unlike the existing digesters that are open to the atmosphere and thus open for obvious odors to be released into the air. Also, rather than be filled with sludge right up to the surface of the lagoon, as is the case with the existing sludge lagoons [and I hesitate to call them lagoons, they are more like sludge pits] the new lagoon is anticipated to be about 13' deep and it will have a 5-6' deep water cap overlying the underlying sludge. Furthermore, the new lagoon will be lined with an impervious liner to prevent liquids from entering the surrounding soil. Liquid from the lagoon will be recycled back into the plant for further treatment. The sludge will be recycled back to nearby land and farms to be tilled into the soil as a soil supplement. The new lagoon [to give an idea of how much additional lagoon capacity is being added within an area] will be approximately 12,000 sq. ft larger than the 2 existing sludge lagoons. In general terms, about 1 to 1/2 times the size of the average residential building lot.

Riley then showed a slide which was to demonstrate what the sludge lagoon would 'kind of look like' when done. The particular lagoon was in Corvallis, Oregon. It was a sludge lagoon, and functioned exactly like the one that was proposed to be used in Troutdale. The liquid is a clear liquid just as would be. This particular one is near some property that's in the back, lots of vegetation around it; the liquid is clear. It is not covered with floating debris that you might envision that a sludge lagoon would have in it.

As a part of the overall project, there is a new storage and maintenance facility that is being built on the site that will allow the existing sludge truck and standby generator, other rolling stock down there and other equipment that now is stored outside, to be stored inside which is going to reduce the clutter of the site and improve the aesthetics.

Item 5 - The area will be landscaped [landscaping indicated on there is not meant to be all inclusive, just to indicate general area that would receive landscaping] but the area will be landscaped to provide both screening and improve aesthetics; and in addition, the area will be fenced to preclude casual entry onto the site. As mentioned earlier, much of the site will remain as open space and even after the future improvement are made in [what is estimated to be] 2004, approximately 40% of the site will remain as open space. The buffer strip that runs along the bank of the Sandy River will be maintained to provide for future biking and hiking trails -- if those come to pass.

The next criteria - except the periods of construction of proposed expanded upgrade will not create any additional public nuisance as it relates to air, land or water degradation, noise, glare, heat, vibration, or other factors. The expanded facility and the treatment methods being proposed are going to improve overall aesthetics of site. Odors, of course, our primary concern. Odors from the existing facility, as Mike mentioned earlier, primarily come from the aerobic digesters in which we have organics that are undergoing decay. The organics undergoing decay are the primary source for odors in a treatment plant. Those solids are going to be pumped into two new enclosed tanks, and therefore those odors are not going going to be such that they can escape into the air. In addition, the proposed sludge lagoon will be 13' deep with only the bottom 7-8' used for storage of sludge; the watercapping on top will preclude odors from coming up from that sludge. I might add too, that the sludge in those lagoons will be well digested sludge unlike what is being handled down there now. Therefore, just from the digestion process alone, that's going to reduce the odors. The lagoon itself will be somewhat irregular in shape for more of a natural appearance and we're trying to, rather than build large embankments up above the ground, they're trying to put the lagoon into the ground. The land around the area will be landscaped to improve aesthetics. In fact, these type of facilities, lagoons, it isn't uncommon to find wild water fowl making a home in there. I do not expect anything other than that to happen, quite frankly.

Tape 3 00:00

It will be recycled in nearby open areas and the decamp water will be returned to the plant. There will be no additional noise, glare, heat, vibration or other impacts that may be injurious to the public health, safety, welfare that will be created. We believe that the staff report adequately addresses our compliance with the goals and policies of the Comprehensive Plan and the applicable provisions of the Development Code.

With that, Mike and I will be open to questions.

Mayor Cox asked if there were any questions from Council?

Councilor Thalhofer asked when this would be completed?

Riley: We are estimating in the Summer 1993.

Councilor Thalhofer: Its going to be good until the year 2004, is that it? Until there would be another expansion necessary? Is that what I heard you say?

Riley: The expansion necessary in 2004 would involve totally different aspects of the Treatment Plant. The facilities that are being proposed for construction now should serve the City of Troutdale clear up to saturation of capacity of existing boundaries. That's what we attempted to do.

Councilor Wakeman: You say this will meet EPA DEQ rules. Do you have a definite, it sounded like these were possible rules.

Riley: There will definitely be rules. Exactly what the nature of them will be is up in the air, somewhat.

Councilor Wakeman: Somewhat. Then your design of this plant is going to comply? I mean how can you tell if those rules are still in the air?

Riley: In 1989 EPA published a draft set of what is called the 503 regulations both the City and our firm spent considerable time evaluating, reading and attending conferences to study the impact of those rules. I guess, the feeling in talking with DEQ, EPA is that the final regulations will be very similar to what the draft regulations are. That doesn't mean that it would be exact. In knowing what the draft regulations say, this system will meet the draft regulations, if they don't change something. I don't have any guarantee of that, no one does. But, it will have the highest probability to succeed an anaerobic digester, followed by a sludge storage lagoon both EPA, DEQ and us in our firm, feels that it will have the highest probability to succeed of any of the treatment systems that are out there today.

Councilor Wakeman: You're sure that DEQ agrees with that? That it will be able to meet...

Councilor Thompson: The current sludge ponds are the primary source of odor and the current treatment plant would eliminate that by this new design?

Riley, and aerobic digesters.

Councilor Thompson: Those sludge ponds will be eliminated by this new one?

Riley: Yes.

Councilor Thompson: Do you have any idea what the population capacity would be after ...if we put in this new addition?

Riley: It was designed for 20,000 population equivalents. Which is defined as 20,000 population with the population equivalent being the waste that is discharged from one person per day.

Councilor Thompson: How far ahead do we normally plan for something like this? You mentioned 2,004 which is 12 years...

Riley: Yes. I'm afraid I've kind of confused things by throwing that number out. The 2004 expansion is a totally different expansion on other aspects of the Treatment Plant. The sludge treatment system is being proposed for what is estimated to be the saturation capacity of the City of Troutdale within your ... total build out. So essentially what is being designed is for the _____ of the City.

Councilor Thompson: City of Troutdale shouldn't need another sewage treatment plant?

Riley: It shouldn't need another sewage sludge digester.

Councilor Thompson: I guess that's all.

Mayor Cox: Any other Council questions?

Councilor Thalhofer: Yes, just one more, Mr. Mayor. There are situations now where we have raw sewage going into Sandy River at certain times, is that correct?

Sorensen: That occurred last year during the power outage, yes.

Councilor Thalhofer: Alright, but only during the power outage.

Sorensen: Yes. That was a rather unusual situation that occurred there. But, we are currently, through the budget process rectifying any possibility of any unusual situation of occurring like that again. Back up power supply, et cetera. Which none of that affected the actual solids at the Plant. But to shut down the power, we weren't able to move the water coming into the Plant.

Councilor Thalhofer: Thank you.

Councilor Thompson: One other question. The consequences if we don't do something now are that within a few years we would have to have a moratorium on building because we couldn't handle the initial population?

Sorensen: I'm not familiar with building and planning type issues but, as an operator I would say that something would have to stop, and most likely it would be development. We are at a point right now where we're under capacity with what we've got coming in now.

Riley: I would like to say that is so much simpler in a few years working with a regularly agency not necessarily just DEQ, but others and my experience is that if the community is working towards solving their problems they have a relative high degree of cooperation as long as they see that you are making some progress. If you were just to stop and say we're not going to do anything, I'm sure you would see a moratorium much more sooner than three years.

Mayor Cox: Thank you. Next we will have the testimony from proponents and opponents. You will be limited to three minutes and you'll be notified of the three minute time and you can have a brief closing statement at that time.

.4: Public Testimony: Proponents

F. Greg Wilder, 3612 SE Stott, Troutdale. I'm a homeowner in Troutdale, a voting citizen in Troutdale, and an owner of downtown commercial property in Troutdale. Looking forward to continuing to invest and develop business in downtown Troutdale. I look forward to the construction of this facility to mitigate the problems that it is currently faced with and hope that you will review this project favorably. I also reserve a right to make additional comments in the rebuttal if I choose.

.4: Public Testimony: Opponents

Jennings: Mr. Mayor, I believe that a particular order be followed. Now, I'm not sure what order but I believe the orders involves Mr. Lewis or Mr. Schmid going first, is that correct? Maybe you could advise the Mayor what order that is.

Suzanne Lackman, okay, Mr. Schmid and Mr. Lewis first and then Mr. Bennett and then myself.

Mayor Cox: Alright. Mr. Lewis first.

Jennings: Mr. Mayor, since there are two witnesses speaking in conjunction, I suggest the Council accord six minutes.

Bob Schmid: I won't take that long. Mr. Mayor, my name is Bob Schmid. I'm the owner and plant manager of Wastewater Management. Mr. Steve Lewis is our corporate attorney and he will speak on our behalf.

Steve Lewis: Mr. Mayor and Council persons, my name as you know is Steve Lewis. I am the attorney for Wastewater Management. Wastewater Management has been located adjacent to the Troutdale Sewage Treatment Plant since 1985. I've asked to read this statement on behalf of my client. I would like to address specifically item "G" of the conditional use permit criteria which states that this proposed use should satisfy the goals and objectives of the Troutdale Comprehensive Plan thereby meeting the requirements of this state-wide planning policies. #11 of the Comprehensive Land Use Plan's goals and objectives clearly requires the following "to continually involve the citizens of Troutdale in the planning process and to encourage maximum neighborhood participation within the constraints of city-wide concerns and interests". According to the notification requirements a notice of public hearing is to be mailed to property owners within 250' of the proposed land use. Wastewater Management falls within that category of distance but, since we lease the property from the City of Troutdale and don't own the property, my client did not receive any notification of the previous meetings on this project. My client does not feel this procedure is in the spirit or intent of the Comprehensive Plan or the state-wide policies even though the City was not required to notify us

based upon the technicality. Since D&D Bennett Inc, the Columbia Gorge Factory stores, Union Pacific Railroad and Wastewater Management Inc. are the only properties within the 250' that does not appear to have been an imposition to have given my client notification. It is our belief that the process could have been improved by involving the adjacent properties from the onset of this project. Possibly, even this appeal could have been found unnecessary. According to the Comp Plan a citizens involvement program was adopted in February 1986. In order to implement this program the citizens advisory committee was created. The CAC was designed to consist of 14 regular members and other alternate members, as needed. But, we have recently learned that this committee has been allowed to dwindle down to three members. Since this proposed project carries a 20 year impact on a City wide basis, we feel the CAC should have been made an integral part of this process but was not. For these stated reasons, we do not believe this conditional use permit process has met or satisfied citizen involvement requirements for the Troutdale Comprehensive Plan nor the statewide planning goals. Therefore, we would ask for a delay in your decision so that all components of this application can be examined more thoroughly. Thank you. Mr. Schmid has copies of these comments for your record. [Copy for the record included in City Council packet 10/8/91.]

Mayor Cox: Next we have Donald L. Bennett.

Donald L. Bennett - Mayor Sam Cox, City Council. My name is Donald L. Bennett, I reside at 19404 SE Foster, Boring Oregon 97009. I am here tonight as a representative of my wife, Marie Bennett who holds title to a large portion of land which abuts the current plant and the proposed expansion as referred to in Exhibit C of the staff report and displayed on our handout.

We don't question the need for sewage treatment and periodic plant expansions, but we are diametrically opposed to a sewage lagoon, especially when it is located in the downtown core area.

During the August 21st Planning Commission meeting, Mr. Wilder referred to a lagoon in Corvallis which he stated is constructed similar to the lagoon proposed in this conditional use permit application.

I drove down to Corvallis plant and found one very distinct difference between the two plants. The Corvallis lagoons are not located in the downtown core area but are situated at least 1/2 mile away from the central business district.

Historically speaking, as land owners in Troutdale for many years and original developers of Columbia Crossing, we have been aware of the sludge lagoons. But during the seven years of developing the Columbia Crossing property, we were told on more than one occasion by Troutdale city staff that the next plant expansion would totally eliminate the lagoons. We now know this is not the case. Instead the two lagoons are planned to be replaced by an even larger lagoon.

Due to this fact, we do not believe this permit application meets the Troutdale Land Use Comprehensive Plan's Goal #9 titled Economy. This proposed lagoon will not only have a direct bearing on our properties but also will have a negative impact on the other downtown businesses as well.

A sewage lagoon will also not meet the following downtown goals which are a part of the Downtown Concept Plan of 1984 and the Downtown Implementation Plan of 1987 of which both are included in Goal #9 under the Central Business District.

#1. A sewage lagoon will not enhance the downtown goal as a center of consumer services and a premier attraction for community visitors; nor provide an atmosphere conducive to investment.

This application does not encourage the use of design elements on public land that will promote the downtown as the Gateway to the Columbia River Gorge and the Sandy River Recreation areas. Nor does this site design encourage a unifying relationship with the overall design characters of downtown.

As stated in the Comp Plan there are symptoms of decline in the core area but it also retains the potential for rehabilitation. I think we all would like to see this downtown business district develop to its highest and best use and we plan to be a part of that rejuvenation of this historical part of the City. But, in order to accomplish this goal it is going to take foresight in its planning.

Troutdale has a destination shopping center that now can serve as a draw to the rest of the downtown area. This has been part of the plan. We're at a very critical junction right now and if the wrong path is chosen then the negative results will possibly have a long term irreversible impact on the economy of this community.

You, as the Mayor and City Council members, were elected by the voters to serve as the policymakers for this City. In that role tonight you have the opportunity to make a positive determination in the fate of the downtown business district. Therefore, before granting approval of this application, we request you delay your decision so that an alternative method of storing sludge may be addressed. Thank you.

Mayor Cox asked if the Council had any questions?

Councilor Wakeman: Mr. Bennett, you went to Corvallis and looked at the pond that they have down there?

Bennett: Yes, I sure did.

Councilor Wakeman: What was the general impression of the area? Of the pond itself?

Bennett: Oh, I think I would admit to it possibly not being as horrible looking as these existing sludge ponds. The odor still existed. It didn't smell sweet.

Councilor Wakeman: Was it the same level that we occasionally have?

Bennett: Well, it was to me. It was a nice bright sunny afternoon... I don't know if the sun would have some bearing or not.

Councilor Wakeman: You asked us to possibly delay this and look at other options. Do you have any suggestions of what those options might be?

Bennett: Well, I think we could continue some negotiation with possibly Gresham, who certainly has eliminated all their sludge ponds. I think our government very soon is going to stop the land distribution of sludge as we now know it. I believe Troutdale is only allowed to dump sludge on the Airport and other areas may be 2 or 3 months out of the year. I notice the sludge ponds filling over to the brim and going over and the truck standing there week after week after week and evidently they can't dump the stuff. Now, that's the case in Corvallis. They've only got a 3 month window down there to dump their sludge. So, I think we're building something that's going to be outdated within a year or two or three years. What are we doing that for? That's one alternative to ...well, maybe Wastewater Management is an alternative. My gosh, you've got a system that works right in your back yard that eliminates any sludge lagoons of any kind. It's right there, for the asking. So, yes, I think there are some alternatives. I can't speak with some of the eloquent words I possibly should because I'm not educated. But, I can sure look. If Gresham is eliminating all their sludge ponds, what are we doing out here? Putting one that's 300' from development. I don't understand. I think we have some alternative and let's look at it as citizens, and let's make another study with another engineer. I mean this plant was designed ten years ago without sludge ponds.

Councilor Wakeman: Thank you Mr. Bennett.

Mayor Cox: Are there other questions by Council?

Bennett: Thank you.

Jim Jennings Mr. Mayor, if I might interject for a moment. You will remember that in my memorandum to City Council I pointed out that the issue of alternative technologies had been raised at the Planning Commission level. I simply would like to point out that in fairness to the applicants and to the opponents the issue is whether or not this particular site plan is appropriate under these conditions. Not what alternative technologies might be available. That broadens the scope too far for both the Planning Commission and for you. Your scope of review is limited to the issues which you see before you there. Thank you.

Mayor Cox: Next is Suzanne Lackman.

Suzanne Lackman: Mayor Cox and Council Members, my name is Suzanne Lackman and I live at 3217 SE 177th, Portland 97236. There is no doubt that sewage treatment is necessary in order to preserve the quality of life. It is also understood that treatment plants must be expanded periodically to meet anticipated demand. These facts are not being contested.

Our main objection is the planned construction of a sewage lagoon in downtown Troutdale. To this end, we are requesting the City Council to carefully consider this conditional use permit due to the concerns we will outline which generally fall into three categories.

1. Applicable criteria for a conditional use permit were inadequately addressed by staff;
- 2) Compliance with the Troutdale Comprehensive Plan was not supported by the evidence in the record;
- 3) There is reason to believe that the current plant expansion design as previously submitted to the City Council and Planning Commission is not necessary at this time.

Under conditional use, as stated in the Troutdale Development Code, the purpose is "a conditional use permit may be considered provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan." Since we have short time here, I won't list each criteria but I'll go by A: a major utility facility is listed as one of the conditionally permitted uses that may be approved in an Industrial Park district. But that does not preclude denial of an application if criteria has not been met, regardless of historical usage in that location.

As far as B. The characteristics of the site being suitable, again we must address this usage in an historical context. The staff report reflects that this project meets this requirement but the main evidence seems to be the substantial public investment in this location to date and the cost to move it.

Even though the plant was constructed in 1968, expanded in 1978 and has been identified in the Public Facilities Plan, we strongly question the suitability of its location due to its proximity to the downtown core area and I-84.

According to the Troutdale Comp. Plan's goals and objectives, #5 states, the City plans to "significantly improve the appearance of the community, particularly along I-84 and in the downtown core area as one means of recapturing the individual and distinct identity of the Troutdale area." We do not feel a sewage lagoon will accomplish this goal. Since the costs may be prohibitive to move the plant, then a concerted effort by the City should be made to decrease the plant's prominence in the downtown business district which could occur by the elimination of the lagoon.

Under C as far as being timely, there is reason to question the timeliness of this proposed engineering expansion plan since it is our understanding the City of Troutdale has already paid Lee Engineering for this design phase during the previous expansion process in 1978.

A complete soils engineering study for the total site was done along with a phase design that did not include a lagoon for downtown Troutdale.

According to our research, the City of Troutdale is contracting with Gibbs & Olson, excluding the pre-design study for \$626,900.00. This will not include a soils engineering study which will be contracted out to another engineering firm to be designated by the city staff. This should raise two questions for you to consider: 1) Is this proposed design the only one suitable for this location which

will meet the anticipated demand on the treatment plant? 2) Are there justifications for the duplicity in ratepayers' costs for engineering designs and studies?

Mayor Cox: Your three minutes is up. Do you want to make a closing statement?

Lackman: Closing statement. Alright, I'll read one thing here. As far creating any kinds of hazards or degradations I would like to state that the lagoon, according to Dick Riley from Gibbs & Olson, did state that there is no guarantee that the odors will be removed. And, according to Gibbs & Olson report one of the disadvantages they relate to does contribute to time and use as a gravity thickener and they admit that it does contribute to the to production of odors. In fact David Mann from PGE told me today that a gravity thickener does stink. Since there is a concern about Troutdale relies solely on wells for drinking water that has been a concern of mine that I raised previously. I noticed in the Gibbs & Olson pre-design study, it does say "potential for the pollution of ground water in nearby surface water was cited as one of the disadvantages of the lagoon.

In summary, since you all have copies of my full report, I'll just say in closing with all due respect to the Council, I observed that there were no questions asked by the City Council members according to the minutes of July 23 and August 13th and I might add I'm glad to see the questions coming out tonight. We feel this appeal process tonight provides you with yet another opportunity to closely examine this project which will have a wide range of impact on this community for years to come. As elected officials of Troutdale it is ultimately your responsibility not the staff, to ensure that this plant expansion meets all the community needs without creating undue hardships and adverse affects. Therefore, in light of the concerns that you have before you, we would like to request that you delay your decision of approval until the full ramifications have been studied and ultimately result in the benefits of the taxpayers and the community of Troutdale.

Mayor Cox: Thank you. That concludes both the proponents and opponents and now we will go through the applicants rebuttal of staff and the applicants and the opponents.

.8: Rebuttal

Riley: Ms. Lackman did mention in the report we indicated that a lagoon had a potential for surface water ground water contamination _____ and we recognize that in the report. That is why the lagoon is going to be lined with impervious liner to prevent that and that is why the liquid portion will be returned with the ability to flow back into the treatment plant for additional treatment. Overall, I think that we have tried in the proposal to decrease the problems with STP on the immediate area by putting the lagoon into the ground and by providing landscaping, screening. I think we've met that goal.

I guess I would like to say that in closing we think that our proposal is an appropriate use for the site and a much needed improvement. Since the additional capacity is needed now. The proposal is cost effective proposal and environmentally sound to improve the City's sludge treatment and handle the system.

Sorensen: I would like to address some of the issues that Mr. Bennett brought up. Specifically our sludge land application program. It is currently, and is expected to be for some time an accepted practice to land apply properly stabilized sewage sludge on land. It acts as a soil conditioner and a fertilizer. Our sludge application _____ plan allows us, in that plan we haul sludge to the Portland-Troutdale Airport clear zones. That is an area of high ground water during certain times of the year. So we are only permitted to dump there August and September when the ground water is at an acceptable level for us to land apply sludge. This is approved by DEQ. Other times of the year there are sites out there that can be hauled to all year round. We have some of those sites available to us. But, due to our equipment and the size of that equipment, it is not feasible for us to do that because of transportation problems on those fields. Again, with Dick, in closing, I would like to say that this expansion is needed. It will solve the problems of the City throughout the growth of the City and will significantly lower some of the problems that are now being experienced down there.

Mayor Cox: Any questions on this of Council?

Councilor Thalhofer: Yes, I have a question. Regarding the odors again. It was stated that there was no guarantee that the odors would be removed in the lagoon process. Is that what you stated, or not.

Riley: I don't think that I stated it in exactly those words. The odors are going to be significantly reduced below what there is now. There may be times when there are odors just by the very nature of what the process is there is bound to be odors from time to time. But, the technology that is going into this, even though the lagoon is a very simple system the technology that is going into the entire system is sound and we feel it will meet with the uses of the land and the surrounding area.

Mayor Cox other questions? Is there any of Staff?

Cline: As staff, more for clarification of some of the issues that did arise from public testimony tonight and the advise of our legal counsel. I would recommend, as staff, that the original recommendation be followed with the exception that the recommended findings of fact numbers 6, 7, 14, 15 be modified to include the following wording:

- #6. Access to the site and adjacent properties will be substantially improved with expansion of this facility as proposed. Due to the reconstruction of Kendall Road and the elimination of the five point intersection at 257th and the South I-84 Frontage road
- #7. The proposed use of this facility will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district. Sewage Treatment Plant has existed on this site for some 23 years. The existence of the STP and the adjacent businesses have determined the character of this area. No change to this character is proposed.
- #14 The nuisance levels of the existing facility will be reduced by the elimination of the sewage sludge ponds and the creation of an improved sewage lagoon. The proposed use will not cause air, water, or land degradation, nor increase noise or generate heat or vibration.

#15 The proposal does not violate the goals and policies of the Comprehensive Plan in that expansion of the plant has been a part of the Plan since acknowledgement and the design of this expansion addresses the potential impact upon the adjacent properties.

With those revisions, and the original conditions by staff [X Recommendation 1-3 pg. 13] would be recommended to be followed. The recommendation from staff would be that the City Council adopt those modified findings of fact and take action to approve this conditional use permit with the original three conditions. With that I will be happy to answer any questions that Council may have.

Mayor Cox: Any questions by Council?

Councilor Thompson: What situation would we be in for non-compliance for the treatment plant at our capacity?

Cline: Non compliance in terms of DEQ, EPA regulations?

Councilor Thompson: Whichever.

Cline: I would think that we could find ourselves into a position where we would have to put some type of limitation on development activities because we couldn't allow anybody else to tap into the system.

Councilor Thompson: Would that type of limitation be dictated by the City?

Cline: I would think that it would be something that we would receive...

Jennings: Historically, Mr. Thompson, limitations have been dictated by the state, by the federal government or self imposed under threat of limitations being imposed by the state and federal government. The usual response is you see a self imposed limitation before they shut door on you. By limitations we are generally talking about building moratoriums or development moratoriums. Something you are seeing, for instance, in California in response to water usage issues.

Mayor Cox: Anyone else from Council? Thank you. Since we had one request from a proponent...

Jennings: Mr. Mayor, that's not appropriate to have a witness testifying for the proponent. Rebuttal is only to be offered by the applicant itself.

Mayor Cox: Alright. We'll go to the opponents then.

Jennings: No. No further rebuttal is offered. Sorry.

Mayor Cox: Alright. We'll close the public hearing process at this time. We have been asked for a 10 minute break, so we'll have that at this time. We'll close the public hearing process.

BREAK: 08:45
RECONVENE: 8:55

5. CONSIDERATION OF APPEAL
Declarations, Challenges, Ex Parte Contact

Mayor Cox called this agenda item.

Mayor Cox: This is #5 - Consideration of Appeal. Are there any declarations, challenges or ex parte contact. On conditional use consider a motion to approve or deny the conditional use application with the designation of finding and conditions.

MOTION: Councilor Thalhofer moved approval of the conditional use application with the addition of modified findings 6, 7, 14, 15 as read. Councilor Schmunk seconded the motion.

Councilor Thalhofer made a statement in support of his motion. I feel we don't have much choice at this stage of our lives, as he views it. It appears to be an appropriate use in that area, industrial park area. As we have heard tonight if we don't do something soon, we could face a moratorium in development of our City both residential and industrial and commercial. We don't want that to happen. One of the things that bothers me the most about sewers is odor. We have heard testimony to the fact that the lagoon system is going to reduce the odors substantially. I sincerely hope that proves to be case. The odors emanating from the sewage treatment at the present time are pretty bad at different times of the day or night. I think we're all familiar with that. If those odors are reduced significantly, that will be a big plus. I don't think its going to impinge all that much on the downtown area. After all, its an industrial zone and I just don't see where its going to be that much of a problem for downtown Troutdale. We can still do the implementation of the Downtown Concept Plan even with expansion of the sewage treatment plant. I don't see where its going to be an obstacle.

I would get into other alternatives but, I guess that's not our charge tonight. We're not to do that. I heard references that Gresham is eliminating lagoons, I'm interested in that. But, I guess that's not relevant or appropriate to even discuss tonight. So, what we are suppose to do is return from the facts before us and this particular design whether it is appropriate or not under our Plan.

One of the things that I feel that I would like to see happen in the future is the Citizen Advisory Committee. I would like to see our Citizen Advisory Committee brought up to full strength, and I would like to see them be involved in almost every aspect of planning life in Troutdale, whether it be residential, commercial, or industrial. I think the Citizen Advisory Committee is very important and I would have preferred that a full strength CAC would have considered this before it even went to the Planning Commission. Of course, it is a type 3 hearing and that wasn't the case. I am a strong advocate of the Citizens Advisory Committee and I find tonight that this hadn't gone to such a committee. I would hope that in the future we can bring our Citizens Advisory Committee up to full

strength and have them be participating in more of what happens in Troutdale. With that, I complete my remarks.

Councilor Schmunk: Mr. Mayor, to follow up on what Paul says and defend my second. This isn't something that the City just did at a whim. We have planned when the Plant was first here property was bought for expansion with knowledge that the Plant would have to be expanded at some time for growth. So its not that the site was not thought about for long time, so I think you need to be well aware that we knew that sooner or later we would have plan expansion of the Plant and this was site. As all the technical people will tell you, there are few places ... you can't put the sewage treatment plant up on the hill because sewage runs downhill and not put. I don't have any more to add.

Councilor Thompson: Mr. Mayor, I feel a lot the same way that Paul and Marge do. This treatment facility is a conditional request - conditional use in this area which means basically that you can attach conditions for the use in the area. In fact, its been proposed that additionally that the lagoon is intended to lessen the effects that everybody has noticed in the past and that's primarily odor. So, far from being any adverse impact on the adjoining property on this expansion of the sewage treatment plant... it should be a positive addition, In that it will lessen the impact of that facility. That's all I have to say.

Councilor Wakeman: I feel its all been said.

Mayor Cox: Alright. We have a motion and a second.

YEAS: 4
NAYS: 0
ABSTAINED: 0

Schmunk - Yea; Thalhofer - Yea; Thompson - Yea; Wakeman

Jennings: Mr. Mayor, for the record we will be submitting then at the next Council meeting, the last Tuesday of the month, a Final Order to be signed by City Council along with a Final set of Findings for Council to review one more time. We'll just make it a consent agenda item. It doesn't need testimony simply for Council review before final signing.

6. REPORT: First Annual Waste Reduction Report

Mayor Cox called this agenda item.

Christian stated this was in Council packets to ensure awareness of what is being submitted to Metro as part of the functional solid waste program which Metro has in place in the metropolitan region regarding the recycling program. This is the first annual report. The City is required to do this each year. They will become more complex during this 5 year implementation program for recycling.

A memorandum from Norris, Engineering Tech responsible for the Solid Waste program, has identified the City's progress in meeting legislative requirements during the past 1 - 1½ years. There have been recent discussions by other cities regarding recycling. Due to those discussions, Christian brought to Council attention that since Troutdale is in the Metro area, the City was required to implement plans that offer the opportunity to recycle a variety of materials. The materials list will expand during the 5 year implementation process.

7. DEPARTMENT REPORTS:

Mayor Cox called this agenda item.

- Public Safety - Chief Collier was available to comment to Council concerns. Collier stated he would begin investigating Postlewait's complaint tomorrow morning.
- Finance - Gazewood was available to comment to Council concerns.
- Community Development - Cline was available to comment to Council concerns.

Councilor Schmunk: Asked about information circulated by Norris, Biggs & Simpson. The information included a map depicting fictitious land uses on the County Farm, she asked Cline to expound on the comment [included in his monthly report].

Cline stated that there was considerable interest in purchasing the County Farm. Apparently, the County and Norris, Biggs & Simpson had stepped up the marketing which included circulation of a Fact sheet w/map. This map divides the County Farm into different parcels. The best word to describe the map was 'fictitious'. Cline stated he had no idea where they had come up with the information used. There was no match, and no idea of where they came up with what they were proposing; or marketing of the property in terms of land use zone.

Councilor Schmunk: Was curious but had enjoyed an article in the Oregonian regarding Wood Village wanting property and the price they wanted for it. She then asked how the marketing was going?

Cline stated he had received response from some potential developers that they were very frustrated in dealing with Norris Biggs & Simpson. [Family, retail] They were using some interesting combinations.

- Public Works - Ortega was on vacation. Christian would take questions back to find out.
- City Attorney - Jennings was available to comment to Council questions.
- Executive - Christian was available to comment to Council questions. Information included regarding her involvement in meetings. She stated she would have more at end of month.

Christian stated it would be appropriate for Councilor Thompson to formally accept being on the RGC Steering Committee. Christian had been attending in order to get materials, however it required attendance by elected officials. She stated it was an important committee function which was getting very little press or credibility in terms of what it could mean for local governments in the metro area.

Christian gave explanation of the Committee's function. It was a consortium of all local governments [cities] in the metro area, three counties, and a good portion of the Special Service Districts. Those that decided to participate have agreed that they will reach, as best they can, consensus opinions from local government about what should be written into and proposed for the new regional governing body. Christian was hesitant to say metro charter commission, even though that was what it was named. It was her belief that was what was killing us in terms of acceptance. Everyone was taking their old metro baggage to the discussions, however, what was missing was that local government representatives, elected officials and staff [working at sub-committee level] could help form a regional governing body which would meet the needs. It didn't have to look anything like the existing metro has now. What the governments were in and out of could now be different. She felt that should be pursued. It should be looked at in terms of current needs that individual local governments could not address alone but that would have regional impact, could need regional funding to solve.

8. COUNCIL CONCERNS AND INITIATIVES

Mayor Cox called this agenda item.

Councilor Schmunk discussed the Parkway. The Gresham Council had rejected the Williams route but decided to go ahead with the EIS on the Troutdale Road route. There would be an open house on October 29, 6:00 - 10:00 p.m. at Gordon Russell Middle School.

Christian, for clarification, stated that it had been previously discussed to replace Madeline Regner as a Troutdale representative. Christian had not been able to reach her. She asked if Council wanted her notified that since she was no longer a Troutdale resident, she had been replaced by Ripma? Christian wasn't sure of Regner's current standing on the Committee.

Councilors Schmunk and Wakeman stated that her attendance had been sporadic.

Mayor Cox stated Christian should go ahead because that was Council consensus at the time.

Councilor Thompson stated that the RGC met with subcommittee on land use. They were drafting some land use procedures that should be implemented with charters. All City's were concerned with Metro not having the ability to dictate land uses in cities. Metro being the regional government over the cities caused the concern for a delicate balance between enforcement and advisement. It was a

consensus that Metro be more of an advisory board not an enforcement position. Some areas that regional government should be involved in were: transit, air quality. It was a difficult balancing act not to stray too far from either side when drafting rules that are hoped to be implemented in the metro charter.

Mayor Cox asked to report on the meeting between the cities Friday/Saturday.

Councilor Thompson: Reported on the retreat of elected official and city managers/administrators. The general purpose was to become more familiar with other Councils and Administrators from Gresham, Wood Village, Fairview, Troutdale in order to pool resources in solving problems. To cooperate instead of having turf battles all the time. The experience was very positive and he felt more comfortable with all the others in those cities and should be continued. Discussion involved a plan to meet every other month and to keep in touch. Also, plans for one annual full day meeting sometime during the year with the other 5 monthly meetings were discussed.

Mayor Cox agreed.

Councilor Thalhoffer supported the comments that it was successful and felt the meetings were interesting and useful. They divided into subcommittees which reported to the entire group at the end of the day. Thalhoffer's subcommittee discussed {Casey} City of Portland and the City of Gresham getting together for discussion of consolidation of services and including providing the policing for Multnomah County in order for the Multnomah County Sheriff's Office didn't have to spend money on patrol essentially. The group was told there would be substantial savings for County if Gresham and Portland did the policing. Thalhoffer had brought up Troutdale policing to the east, across the Sandy River as well as the Corbett area to the Multnomah County line -- it was a natural route for our police. They were familiar with terrain and problems with the Corbett area than Gresham. Planning in that area was also discussed. He stated that would allow us to be a player too instead of just Gresham and Portland. Perhaps Wood Village and Fairview could also join in these efforts.

Gresham was very nice and very considerate in their presentation at the retreat. They indicated a willingness to look at issues and be cooperative. It seemed that a lot of progress was made regarding working together.

Councilor Schmunk added that Troutdale equalled Gresham, both having five representatives.

Christian added that Troutdale won't be providing the services out of goodness of heart it would be a contract with the County.

Mayor Cox called this agenda item.

Councilor Thalhoffer added comments in response to the letter in which Postlewait's name was used and his denial of any responsibility. He was getting concerned about the frequency of unsigned letters and comments in the Troutdale Watch all unknown authors.

9. ADJOURNMENT.

Mayor Cox called this agenda item.

**MOTION: Councilor Schmunk moved to adjourn the meeting at 9:20 p.m.
Councilor Thompson seconded the motion.**

YEAS: 4

NAYS: 0

ABSTAINED: 0

Schmunk - Yea; Thalsofer - Yea; Thompson - Yea; Wakeman - Yea

Sam K. Cox, Mayor

Dated: _____

ATTEST:

Valerie J. Raglione, CMC

City Recorder

F:\MINUTES\100891CC.MIN