

June 8, 1976

Mr. Fowler stated, "In the last 5 months, "I've been in procedure involvement, instead of zeroing in on land use and proper zoning. Fire Marshall of District #10 was out today to inspect and view uses, and he made me feel C-3 may still be a proper use for my business intentions. Having signatures and support of voters in the area, although not all signatures are from resident owners. Commissioner Mahoney asked the question, "Why did the Planning Commission deny your requests?" Fowler replied it was 3-2 decision, very close. Commissioner Mahoney asked if this same information was given to them, as to us tonight. Fowler yes, except for flammable figures. Mr. Jean stated if Mr. Fowler obtained a written statement from Fire Marshall, as to acceptability of chemicals involved, we would not be opposed, but as yet we have not seen such a letter. Commissioner Mahoney stated building improvements as very commendable, however, I support the Planning Commission's decisions fully. I suggest you resubmit any additional information to the Planning Commission. Mr. Fowler quoted city's legal opinion as being of no conflict with any decision of the Planning Commission on a variance or conditional use. Dr. Packard commented basic concerns of the Commission may be reviewed in future with new additional information, and also a state approved license is required. Mayor Sturges noted phosphoric acid gas as a dangerous element.

Mr. Fowler gave more data in rebuttal. Mayor asked for further questions of the Council.

Motion moved by Commissioner Finegan to refer variance and conditional use back to Planning Commission.

Seconded by Commissioner Dix.

Yeas: 5

Nays: 0 Motion carried.

AGENDA ITEM #10 - HARRISON McKNIGHT REZONE - CONDITIONAL USE

Mr. Jean reviewed history of request and Planning Commission actions. A pre-existing non-conforming use, a fruit stand and fruit processing plant in a suburban residential-according to our Comprehensive Plan, has been operated by Mr. McKnight. Planning denied zone change, but approved a 10 year conditional use, as previously used by property owner, with the provision that he relocate after that period of time and not to rely on a renewal of a conditional use again.

Mr. McKnight submitted 343 signatures collected at the request of the Planning Commission to verify citizen opinion of the established business location. Mr. McKnight noted no agreement for set backs were set forth in the conditional use approval. City legal opinion determined conditional use attaches to land not the applicant.

Motion moved by Commission Dix to accept Planning Commission decision for approving 10 year conditional use, of retail sales of farm produce, to Mr. McKnight.

Seconded by Commissioner Cox.

Yeas: 5

Nays: 0 Motion carried.

AGENDA ITEM #11 - HUSKY REZONE

Staff presented their plan to create parking lot adjacent to present truck stop.

Motion moved to by Commissioner Finegan to approve Husky rezone application.

Seconded by Commissioner Althaus.

Yeas: 5

Nays: 0 Motion carried.

Break at 9:25 PM.

Reconvened at 9:42 PM.

Recorder noted resolution must be passed to set a L.I.D. formal hearing.

Resolution #114 L.I.D. Hearing Date Established. Resolution #114 read in full by Mayor Sturges and twice by title.

Motion moved by Commissioner Mahoney to approve Resolution #114.

Seconded by Commissioner Finegan.

Yeas: 5

Nays: 0 Motion carried.

AGENDA ITEM #16 - LEAVITT NUPACIFIC - SANDEE PALISADES PLAT

During delay to gather presentation materials, Dr. Packard announced citizens advisory committee meets June 12th at 10 AM for the evaluation of questionnaire responses; totaling 133 returns out of 1,000 distributed.

Mr. Phoenix, Superintendent of Public Works, presented staff recommendations. NuPacific has been working with the city and our engineer to achieve a satisfactory development of lot sizes, systems and services for this development. Sanitary sewer system and financing is still unresolved to our satisfaction. These options, for sewer gravity feed system are being explored with NuPacific engineers and Troutdale's city engineer, Mr. Lee. Mr. Lee addressed the Council, as to possible solutions, presented for developers, conformance to the city expectations of a functional, desirable sewer system to add to the city's total systems. As yet, neither party has arrived at a total agreement to the proper system, that will be installed in this development.

Mr. Jean addressed the Council that an approval would be subject to the Interim Growth Procedures availability. Planned unit development history, our ordinance provisions and this proposal are up for preliminary plat approval. L.C.D.C. guidelines and Troutdale zoning guidelines have been resolved.

Mayor Sturges reviewed engineering on drainage and water/sewer systems in this development.

Mr. Leavitt requests Council approval to the preliminary plat Phase I and conceptual design of Phases II and III this evening. Stating they have redesigned development in accordance with the Planning Commission, the Council and Staff's desires.

Phillip Thompson (Leavitt staff engineer) addressed land densities and formulas which reduced the original design of 465 lots to the new design of 454 lots, with average lot size of 9,410 square feet. The park in Phase I called south park (4.6 acres) which has parking facilities, game areas, field play, picnic areas and activities. Whereas, Phase III park (2.9 acres) with a tennis court added to the 43.9 acres open space, donated to the city's totals 51.5 acres, plus the Stark Street 1 acre buffer area. The new design has four 7,000 square foot lots in Phase I, and 2% of these size lots in the total project reduces small lots in the development and increases 12,000 square foot lots to about 48 in the development. Section 8.306 of the city density ordinance formula, leaves 133.55 gross buildable acres, minus 26.95 acres, for street and systems divided by minimum lot of 10,000 square feet, equals a possible 465 lots allowed, which we have reduced to 454 in this new design.

Mr. Leavitt stated we are aware there is a sewer adequacy problem and that the plat is subject to the allocation system. We understand, any plat approval is subject to utility availability.

Mrs. Schmunk addressed the Council, for Mr. Hoover, in favor of the development.

Mr. Robert Johnson requests adequate sidewalks and street widths.

Mr. Lee states the city's staff feels the street widths are adequate and he would not encourage extra arterial traffic thru development.

Mr. Bob Bouneff, representing Mr. Chapman who's property is below development bluff, requested adequate input to his client on storm drainage effects.

Mr. Carl Anderson opposed development, in view of L.C.D.C. goals, water problems and has filed a preliminary petition against growth in this area. Mr. Anderson has outlined a new condensed Urban Growth boundary, not encompassing this acreage, but rather leaving it to be an open farming area.

Mrs. Joe Callister opposes, voicing fears, for Jackson Road springs are feeding her property and others. Noted possible conflict of interest on Commissioner Mahoney's position in this development.

Mr. Glenn Otto addressed Urban Growth boundaries set in 1969 under CRAG, who ordered us to oversize the proposed sewer trunk line to 21" (called Beaver Creek), for expected growth in these areas adjacent to the trunk line. Mr. Otto questioned the adequate use of the sewer plant capacity, as administered now. Mr. Lee and Mr. Otto hotly debated capacity figures.

Mr. Jean read P. D. (Planned Development) code, steps outlined in our zoned ordinance, supporting Leavitt's request for conceptual approval of the plat.

City Attorney, Brian Freeman, questioned P.D. concept without proper outlined procedures.

Commissioner Dix questioned the sewer financing. Mr. Lee replied that not enough input is yet available to address the final solutions to the sewer problem and the financing.

Council members questioned final approval of plat, whereby, Mr. Lee explained their approval can be subject to any conditions they set forth.

Commissioner Mahoney stated that passing the April 12, 1976 Realtors Examination, after serving 20 years as 1st National Bank credit officer and assisting the city in obtaining the best financing possible during that time, has not ever nor will in the future cause a conflict of interest.

City Attorney, Brian Freeman, reported that Ethics Commission provisions declare that any conflicts of interest should be so stated by any government board member, but does not bar any member from voting, but record should indicate any conflict of interest possible.

Commissioner Althaus stated her mother sold land to Mr. Leavitt and that estate, to which Miss Althaus is heir, is still in probate, but she does not feel that this in any way causes her a conflict of interest in this vote.

Commissioner Finegan stated, "that as a property owner and possible land developer in that land, I do not feel that under the present Interim Growth priority list, which lists my land, that I have any conflict of interest with this Leavitt parcel being on the bottom of the said list.

Commissioner Dix also mentioned the priority list and his ranking of his farmland on that list, as not in conflict of interest and would make the motion on this issue.

Commissioner Dix moved to accept this preliminary plat subject to storm, sewer, financing and drainage approval of Council and the staff.

No second.

Mr. Leavitt spoke, directing his understanding of a proper motion and procedure.

The Staff and the Council discussion of provisions they desire for approval of this concept and plat plan, with exceptions noted as expressed by Mr. Leavitt and staff to the Council, such as repeated reviews of the plan by the Council.

Mr. James Cox, attorney for Leavitt, reviewed Planning Commission's concerns and direct procedures of sub-division ordinance, as they have completed steps required.

Mr. Jansen questioned sewer capacity limits, with such a large development, on the floor for approval. Discussion ensued, with Mr. Lee reviewing city's expansion of sewer facilities and financing of new plant possibility in future with G. O. Bonds. Mr. Leavitt and staff explained development procedure and city requirements.

Commissioner Dix rescinded his motion.

Commissioner Mahoney moved we accept approval in Principle of General Concept of Phases I, II, III, subject to meeting necessary staff requirements of the city, concerning sewer and storm drainage.

Yeas: 5

Seconded by Commissioner Althaus.
Nays: 0

Motion moved by Commissioner Mahoney to approve Phase I preliminary plat subject to the following conditions:

1. Road widths shall be pursuant to the City of Troutdale letter dated April 12, 1976; street sections such as depth of pavement and sub-base shall be subject to the approval of the City Engineer.
2. Sidewalks shall be installed as recommended by the Planning Commission and as outlined in the City of Troutdale's letter of April 12.

3. Water lines shall be designed and constructed as required by the City Engineer. (These water lines shall be constructed to details also provided by City Ordinance.)
4. Storm sewers, including appurtenances and detention basin, shall be designed and constructed in a manner that will minimize damage to downstream property as a result of runoff from the development. (It is my understanding, after considerable discussion, that the City Council further conditioned their approval on the storm sewers subject with a specific request that the final details of the storm sewer design be resubmitted to the Council for final acceptance.)
5. Sanitary sewers, including offsite sewer construction to connect the sewage system of the development to the existing City of Troutdale sewer facilities, shall be subject to the approval of the City Engineer and shall further be subject to adequate financing and with regard to the sanitary sewer system, that the Council also requested that the details of this subject matter also be resubmitted to the Council for final approval.)
6. The approval of the Sandee Palisades Subdivision shall also be contingent upon adequate sewage treatment of the raw sewage effluent from the subdivision.
7. The developer will be required to provide details for the park development and associated parking.
8. Landscaping of the park, buffer zones, storm water detention basins and other features will be required and are subject to the approval of the City Staff.
9. Deeds approved by the City Attorney will be required for the common spaces, including the park and open spaces along the bluff.

Seconded by Commissioner Althaus.

Yeas: 5

Nays: 0

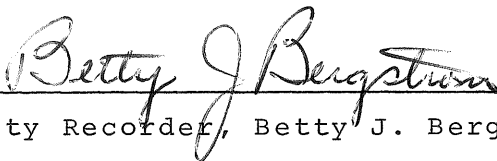
Unanimous motion to adjourn and seconded by all present until June 22, 1976, continuation of agenda.

Adjourned at 11:45 PM.



Mayor, Robert M. Sturges

ATTEST:



City Recorder, Betty J. Bergstrom