



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – REGULAR MEETING

Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060-2078

Tuesday, August 28, 2018 – 7:00PM

Mayor

Casey Ryan

City Council

David Ripma
Randy Lauer
Larry Morgan
Glenn White
Rich Allen
Zach Hudson

City Manager

Ray Young

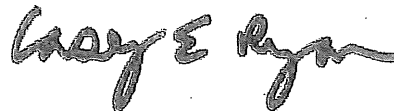
1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
2. **PUBLIC COMMENT:** Public comment on non-agenda and consent agenda items is welcome at this time. *Public comment on agenda items will be taken at the time the item is considered. Public comments should be directed to the Presiding Officer, and limited to matters of community interest or related to matters which may, or could, come before Council. Each speaker shall be limited to 5 minutes for each agenda item unless a different amount of time is allowed by the Presiding Officer, with consent of the Council.*
3. **CONSENT AGENDA:**
 - 3.1 **MINUTES:** June 12, 2018 City Council Regular Meeting; June 26, 2018 City Council Regular Meeting; and July 10, 2018 City Council Regular Meeting.
 - 3.2 **RESOLUTION:** A resolution accepting a perpetual nonexclusive utility easement along NE Harlow Road from BRD Landing LLC.
 - 3.3 **RESOLUTION:** A resolution accepting the right-of-way deed from BRD Landing, LLC for NE Harlow Road right-of-way.
 - 3.4 **RESOLUTION:** A resolution accepting a non-remonstrance agreement from BRD Landing, LLC for NE Harlow Road.
4. **PRESENTATION:** Multnomah County Sheriff's Office public safety contract performance report update. Monte Reiser, Chief of Police/Commander, MCSO
5. **UPDATE:** Multnomah County Roads update. Joanna Valencia, Multnomah County
6. **PUBLIC HEARING / ORDINANCE (Introduced 6/5/18, 2nd Hearing 6/12/18):** An ordinance adopting Comprehensive Land Use Plan Map and Zoning District Map Amendments on approximately 8.82 acres of land located at the intersection of NE 242nd Drive and SW Cherry Park Road. Chris Damgen, Community Development Director

7. **DISCUSSION:** Should Troutdale appoint 2 Council Members to a local cities committee to explore an ordinance banning plastic bags? Ray Young, City Manager

8. **STAFF COMMUNICATIONS**

9. **COUNCIL COMMUNICATIONS**

10. **ADJOURNMENT**



Casey Ryan, Mayor

Dated: August 22, 2018

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 (HD Channel 330) and Frontier Communications Channel 38 on the weekend following the meeting - Friday at 4:00pm and Sunday at 9:00pm.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page www.troutdaleoregon.gov or call Sarah Skroch, City Recorder at 503-674-7258.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Sarah Skroch, City Recorder 503-674-7258.

MINUTES
Troutdale City Council – Regular Meeting
Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060

Tuesday, August 28, 2018 – 7:00PM

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Ryan, Councilor Ripma (via phone), Councilor Lauer, Councilor Morgan, Councilor White (7:02pm), Councilor Allen and Councilor Hudson.

ABSENT: None.

STAFF: Ray Young, City Manager; Sarah Skroch, City Recorder; Ed Trompke, City Attorney; Chris Damgen, Community Development Director and Monte Reiser, Chief of Police Multnomah County Sheriff's Office.

GUESTS: See Attached.

Mayor Ryan asked, are there any agenda updates?

Ray Young, City Manager, replied there are no updates.

2. PUBLIC COMMENT: Public comment on non-agenda and consent agenda items is welcome at this time.

Craig Lichtenthaler, Parks Maintenance Worker III, stated I've worked for the Parks Department for 22 plus years. First off, I'd like to tell Dave (Ripma) to get better. I'm here tonight to see if we could get our contract pushed forward that we are presently dealing with the City. The City has talked about money and I know 3 years ago the Sheriff's Department took over this building and there was quite a bit of money supposedly supposed to be saved by having the Sheriff's Department run things. I mean there's extra money there. I know that Fed-Ex is now in the tax allotment so there's extra money there. We would like to keep our health insurance the same. If you want to keep healthy, happy employees I think we just need to have the City come around and give us a nice contract. Health insurance and a good wage would be very promising to the employees.

Rob Hawks, Troutdale resident, stated I came and spoke before you at the June 26th meeting about a neighborhood nuisance issue that I have going on next door to me. I wanted to update you on that. A couple of years ago my direct next door neighbor decided she wanted to open

a business. And this is not the type of business where somebody works from their computer in their home office. This is a business where they get merchandise, strewn it all over their yard, driveway, backyard and advertise and have people drive into the neighborhood to their house and wander around like it's a store, buy their stuff and then leave. I came and spoke to the City Code Compliance Officer last August. The action stopped after several weeks but this spring it started up again completely as it was before. So I came back and let the City know again that I needed this to stop. It was very disruptive. People were coming and going all hours of the morning, day and evening. Noise, gates slamming, dogs barking and it went on and on and on. I thought the City would address it by putting a stop to it but how they addressed it was by giving them a business license. As part of that the neighbor was sent a letter and I received a copy of the letter telling them what they can and can't do running a business in the City of Troutdale. It was obvious when they didn't have the license they weren't following any rules. When they did get a license they received this letter and I'll read a couple highlights from it. It's talking about the Troutdale Development Code under 5.120B, "No home occupation shall emit or produce noise, smoke, dust, odor, glare, traffic, vibration or other impacts greater than that of a typical residential dwelling." That means that the picking up of merchandise cannot occur on the property or on the street in front of the property. This has continued to go on all summer long and including me documenting this yesterday. So not only has it not stopped, it's continuing to this day. 5.130 states, "Home occupations shall be operated entirely within a dwelling." This means that flowers, once potted, plants and other related merchandise cannot be displayed, staged or stored externally. They must be stored internally. If you've seen the house or driven by it you'll see that there's big metal shelves. I describe it as what you would see when you go into the Home Depot garden center with plants stacked all over them. Plant pots stacked on other plant pots all over in front of the house still to this day. It goes on to say that no retail sale of merchandise shall be made on the premises. Again, continuing to this day. 5.140 says, "Business licenses for home occupations may be revoked at any time for noncompliance with the provisions of this Code." So I ask, when does noncompliance actually become an issue? They weren't compliant last year without a license. Now with a license this year they're not compliant after this was mailed to them in June. I was also sent a letter with it and at the end of the letter explaining what was going on next door, the letter ended by saying, "The speed at which we resolve this matter may not be to your liking." Again, I remind you, I brought this to the attention of the City 1 year ago this August. If any of you had a neighbor that was doing this next to your house and you brought it to the City's attention and a year later it was still going on, do you believe that that's acceptable? How many months or years does it take to decide that a business is noncompliant of the Troutdale Development Code and their business license revoked? When will enforcement action finally happen to stop this neighborhood nuisance activity? What good are codes if they're not followed and even worse, if they're never even enforced?

Bill Eggert, Troutdale resident, stated I'm here today to provide public comment on a non-agenda item, specifically, the Sunrise Park Dog Park. We received a letter in the mail along with some of my fellow neighbors a couple weeks ago informing us of the project along our fence line. Today I'm representing my 6 fellow neighbors whose households border the proposed dog park. Over the past week I've solicited feedback from all 6 of my neighbors and I'm here today to tell you that all 6 of us are opposed to the dog park's current location.

However, 5 of the 6 of us are supportive of a dog park in a more centralized location in Sunrise Park. We hope you consider our feedback and include us in any future development of this project. Today I brought with me our signatures and I would like to submit those for public record (the signature page can be found in the meeting packet).

Lisa Alibabaie, Troutdale resident, stated I also am speaking against the proposed dog park in Sunrise Park. First of all, I think we can all agree what a gem Troutdale is and how lucky we are to live here. Sunrise Park is a unique place in our community that used to be a landfill. Now it's a natural habitat for animals. It's quiet and peaceful and a place you can walk and see the magnificent view. In my opinion, I think the sound of barking dogs would disrupt that original intent of that space. It is also a place where there are lots of wildlife. There are coyotes, foxes, rabbits, skunks, raccoons, possums and all kinds of variety of birds including herons, hawks and an occasional eagle. I believe that having dogs in that environment would disrupt the wildlife that live there. Since the trail has been paved there's been an increase in the parks use and the foot traffic alone has already caused some of that wildlife to come into our neighborhoods. I personally have seen skunks, possums and raccoons in my own yard. I think it's great that the park is paved but I think that we need to maintain the original intent of that park. Not to mention the uptick in missing cats. If you do any walking around you'll see a lot of signs for missing cats. I'm wondering if an environmental impact was done to consider what the impact on this park would be. I truly believe we need to protect this habitat. Once it's gone, it's gone. I'm not opposed to a dog park. I think the 1000 Acre woods is a place where people already go or another park where it's more conducive to the public and not a wildlife habitat.

Dale Pollack, Troutdale resident, stated I also would like to speak on the dog park issue. I'm probably more impacted than anybody. It would literally be butted up right next to my gate. In order for me to go into the park I would have to go through the dog park. There's no other way of getting around it. When I first heard about the proposal I didn't know it was in discussion. I just learned of this the other day. But when I looked at it I just couldn't believe that it was proposed to be put in November. I don't want to walk through a dog kennel to get to the park. I've been here since 1987 and it's been a part of Troutdale and I've seen it grow into a beautiful place. It's not that I'm opposed to it. Just not where it's directly impacting neighbors around it.

Twilla Harrington, Troutdale resident, stated I'm in favor of having a dog park but I'm hoping we can think about maybe another location of where that dog park might go. Some of my concerns are, number one, noise. Already where we live we hear everything that happens in the park. Then also runoff and environmental concerns knowing that we already get a huge amount of water runoff on the back side of the hill. Number two is enforcement of the rules around a dog park. Who will be cleaning up and ensuring that waste and other matters are dealt with? I'm hoping we can reconsider an area that would be fair and just to the people who live below it.

Mayor Ryan asked, can I ask you a question while we have the Sheriff's in here? I walk a lot at Sunrise Park and I've seen some people that don't look so desirable. I think a lot of them probably aren't from our area. I don't know what it is about parks and parking lots but the parking lot there seems to have people who don't seem to be from here. Have you seen any

type of criminal type activity? I've actually called the police and there was some stuff going on. Have you seen an uptick of that?

Twillia Harrington replied I have. I jog through the area all the time and I have seen a lot of people that don't seem to be from the neighborhood. And I know personally we've had people come up through our yards thinking there's a way to get to the park from there.

Paul Wilcox, Troutdale resident, stated I have a few corrections on the minutes on the consent agenda. They're mostly typographical but there is one actual misquote. I made copies of my highlights so Sarah could follow along. For the June 12th minutes on page 1, Jay Marquis should be Marquess. Page 4 of the same meeting I'm being quoted correcting minutes from a previous meeting, there's a line that starts with, "A couple of other items that were removed." It should read, A couple of items that were moved to be removed. On page 6 there should be a space between Damgen and showed. About 5 lines up from the bottom on the far right, it is of the opinion and it should be at the opinion. Page 15 about 10 lines down in the paragraph that starts with my name it says tax pace and it should be tax base. On Page 19, 3 lines from the bottom it says eluded to and it should be alluded. On the June 26th meeting minutes on page 3 the correction got mis-corrected. It should be own home not just home. That's it for the minutes. I do have an additional comment that is unrelated. This is a non-agenda public comment. I'm going to read this because it gets a little technical. It's looking like this November's Council elections will be 2012 all over again; even the day of the month is the same. We expect to have a candidate distribution of 1/1/3 across the 3 positions. The only significant difference is there is only one incumbent rather than the 2 running for re-election. This scenario of 2 unopposed candidates provides further evidence that elect-by-position is not working for Troutdale voters. Under no circumstances should voters be denied, at the very minimum, a say in who doesn't take office. When there are barely more candidates than seats to be filled, voter choice is severely limited, but unopposed candidates within positions leave voters with no choice at all. The present Council had an opportunity following a work session last December to address this flaw in the election process, but declined to act. An alternative method ballot measure could have been placed on the May ballot, which if passed, would now be in effect. It's also noteworthy that the most vocal member of Council opposed to that alternative will now benefit from the current system to the greatest extent possible by running entirely unopposed. I also wanted to respond to some of the people that have come up tonight regarding the dog park. I happen to be the Chair of the Parks Committee and we meet on the second Wednesday of every month. I certainly welcome all those people that have issues with the proposed dog park to come to our next meeting in September.

Ray Young stated I want to make sure that Council understands regarding these minutes. We appreciate Paul's review very much but you need to understand that the law does not require us to have verbatim minutes. The law requires us to just have cryptic notes as minutes and we provide very detailed notes. We have a very good staff who works very hard but they're not trained stenographers. I will just tell you for these kind of corrections I'm not going to ask staff to spend more time catching these unless it really is a strong feeling among you because we do a really good job putting these together as they are but people have so many other duties.

We appreciate Paul coming and mentioning these but these are going to happen because we do provide minutes that are better than what we are required to do.

Mayor Ryan stated we have a big crowd tonight and a lot of Troutdalians here tonight. The staff, Sarah and Kenda, what they do is after this meeting they take this recording and they put these little things on and they sit there and it is a horrible, horrible job. So you guys do a wonderful job. And I talk fast and it's not clear so we do appreciate Paul and his thoroughness but at the same time we appreciate you guys and the amount of work you do so thank you.

Councilor White stated I was thinking the same exact thing.

Breezy Poulin, Community Development Services Coordinator, stated I am a staff and I just want to make sure everybody's really aware that right now the staff is working without contract simply because the City is asking us to put the same amount of money in a VEBA that we're asking be put towards our insurance. In this climate when the United States government is looking at how to make sure that our insurance is held to a standard that doesn't eat at the pockets of those of us that are actually paying our bills and that things don't get worse I find it sad to consider that the City is asking that the local government set a subpar standard. We're not asking for more money, we've been offered more money, we just want our standard of insurance to stay the same. I think it's important that that be recognized. We're not looking for big things here. We just want to continue the standard.

Shirley Prickett, Troutdale resident, stated I want to thank the City for cutting the trees down in front of the school zone blinking lights so that nobody goes faster than 20 mph and gets a ticket because they can't see it but it's also safe for the kids. I want to thank you because you handled it quickly before school started.

3. CONSENT AGENDA:

- 3.1 MINUTES:** June 12, 2018 City Council Regular Meeting; June 26, 2018 City Council Regular Meeting and July 10, 2018 City Council Regular Meeting.
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**MOTION: Councilor Morgan moved to approve the consent agenda and the minutes as amended. Seconded by Councilor Lauer.
Motion Passed 7-0.**

4. PRESENTATION: Multnomah County Sheriff's Office public safety contract performance report update.

Monte Reiser, Chief of Police at Multnomah County Sheriff's Office, stated this evening it's my honor to represent in this annual report the fine men and women of the Multnomah County

Sheriff's Office. I'm here with Chief Deputy Gates and Sheriff Mike Reese and also with me is Deputy DeWayne McQueen. DeWayne is here as a member of the Homeless Outreach and Program Engagement (HOPE) program. I understand that the Council has a very busy agenda this evening so we'll jump right in and begin with a review of some of our accomplishments in this past fiscal year. They include the merging of policing agencies, the Eagle Creek fire post operations, our community academy and our enhanced reserve deputy program. Regarding the merging of policing agencies it's hard to imagine that it's already been 3 years since we began our police services contract. As of August 1st we just completed our first year of police services contract with the Fairview Police Department and I can tell you that a lot of work and collaboration took place in terms of us being successful in these contracts. Our law enforcement division now provides seamless services to unincorporated east and northeast Multnomah County. The police contracting model has provided a number of advantages including safety and efficiencies of deputies responding to a wide variety of different calls, performing very important functions under standardized policies, practices, trainings facilities and equipment. This upcoming weekend will mark the one year anniversary of the Eagle Creek fire. I only mention this event as it occurred early in this past fiscal year and had a significant impact on our operations from early September 2017 through October. This event cost the Sheriff's Office about \$200,000.00 to our operating budget which we are in the process of recovering through application through FEMA. We'd like to thank the City once again for their support throughout the fire 6 week operational period to include the use of this facility as a command center. In 2017 Sheriff Reese implemented a new concept we call the Multnomah County Sheriff's Office Community Academy. This one day academy partnered attendees with a sworn Sheriff's Office member to step into the role of a deputy for the day. Attendees participated in training, facility tours and demonstrations that provided understanding about a wide variety of functions performed by the Sheriff's Office. Training included defensive tactics, realistic scenarios in use of force and Councilor Lauer was Troutdale's participant in 2017 and we're pleased that Councilor Allen will be participating in this year's academy. Last month Sheriff Reese welcomed 18 new reserve deputies to Multnomah County Sheriff's Office. They came from the Portland Police Bureau and many have served for several years in that capacity and we're very thankful and fortunate to have this group join our reserve program. You'll be seeing more uniform presence at special events. Reserves assist patrol deputies by conducting transports of offenders to jail located in downtown Portland and that frees up about an hour and a half or up to 2 hours of patrol time for our deputies that are on patrol. Now I would like to introduce Deputy DeWayne McQueen. In 2017 the Sheriff's Office was fortunate to have received funding for a program called Homeless Outreach and Program Engagement, the HOPE team. For fiscal year 2019 we're fortunate to have this program purchased in our budget. Since we receive a lot of questions about the program we wanted to invite this team this evening.

DeWayne McQueen, Deputy at Multnomah County Sheriff's Office, stated along with my partner, Deputy Jeff Schneider and Sergeant Matt Jordan, we are the HOPE team. The Sheriff's HOPE program has a focused mission to establish outreach relationships with the homeless populations in our area in order to link them to social services and stable housing. Although we maintain our outreach approach, the HOPE team still upholds our law enforcement functions while enforcing unlawful camping laws. The HOPE team also conducts and facilitates cleanup

efforts in order to remove significant public hazards from the community. The HOPE team's primary objective is to bring peacekeeping response to neighborhood and business complaints through a process which emphasizes the treatment of all people with dignity and respect. We engage individuals in need and match them to available appropriate human resources such as JOIN, transitional projects and veteran services like the VA and AMVOO which stands for All Military Veterans Outreach Organization. We believe by developing rapport with homeless individuals with a trusted focus approach, homeless citizens will be more receptive to assistance ultimately leading to their shelter. An example of work from the HOPE team that occurred last year is we were notified by the caretaker at Glenn Otto Park about a family living in their car in the parking lot. We contacted the family which consisted of the father, mother and 2 teenage boys. We were able to provide immediate life necessities such as water, blankets and a tent provided by an outreach worker which helped us to build a rapport of trust and compassion with the family. Through multiple contacts and follow up we were able to work with the family and connect them to resources that eventually led them to move from their car to a tent to a family shelter and ultimately to an apartment. I want to thank you for the opportunity to talk about the HOPE team and would be glad to answer any questions you may have.

Councilor Lauer asked, when you find a family, is it more or less that they want help but they just don't know how to get it? Or is it that's a really rare circumstance?

Deputy McQueen replied what's actually rare is that we see full families like that. For families in general, there are a lot of resources that are available and especially emergency type resources. Although there's still a lot of time that it takes to get those resources in line, for families it's easier to get them from their car to emergency shelter and then transitional housing.

Councilor Morgan asked, is this a pilot or is this going to be funded long term?

Commander Reiser replied my understanding is it's going to be renewed next year. The HOPE team program is a program that's been a terrific asset to our operations. Next is a review of our patrol data for this past year in Troutdale. Commander Reiser showed the Council a PowerPoint presentation (the presentation was included in the meeting packet).

Commander Reiser stated I wanted to reaffirm the Sheriff's Office dedication in providing both security and assisting in organizing some of the special events in Troutdale. As you all know, this is a great community and it's our mission to keep everyone safe. The Sheriff's Office believes that the fundamental most important value is that we have a high level of community trust and partnership. Connecting with the community starts with our member's everyday interaction with citizens. Community outreach can take on a variety of forms from deputies stopping and chatting with citizens in a park or an organized special event. So Deputy Jeremy Costello recently chose a more musical route when he entered this year's first annual law enforcement lip synch challenge. Deputy Costello's video has received more than 4 million views since it was released on July 19th. I wanted to share with you a few of our goals and priorities for this next fiscal year. We want to continue to assist the community with livability issues in their neighborhoods. I attended a recent Troutdale Citizen Advisory Committee

meeting and we discussed how the community might appreciate time to discuss some livability issues in their neighborhoods and also learn more about the Sheriff's Office. On October 30th from 5:30 pm to 7:00 pm in this room we will hold our first community public safety forum. This will be an event where the Sheriff's Office will provide some information regarding our agency, some of our programs and then have a conversation about issues or feedback that anyone in the community would like to share. We will be marketing this event more in October. This year we'll also be finalizing the purchase of new computers for deputies which will include full installation of our new e-citation software. I hope to continue a strong dialogue and respond to the terrific questions that I'm receiving from the Citizens Advisory Committee. Finally, local and regional hiring challenges in law enforcement continue so we're continuing to discuss ways to improve our public education about careers with the Multnomah County Sheriff's Office. We'll be working with our communications team and having more discussion with the community at the community forum in October. I would like to thank Mayor Ryan and the City Council as well as the City's management team and their staff. I would like to recognize City Manager, Ray Young, who's been a terrific leader in our shared commitment to deliver exemplary contract policing service to the City of Troutdale. I'd like to thank Sheriff Mike Reese for his leadership as well as Chief Deputy Jason Gates, our command team, civilian workers, volunteers and our uniformed deputies who continue to do so much to keep the City of Troutdale safe. Council members, I think fiscal year 2018 was a very productive and satisfying year as your Police Chief.

Mayor Ryan stated you guys are doing an amazing job.

Councilor Lauer stated we appreciate what you guys do. It's not easy and it shows that you guys do great work. Thank you very much.

Councilor White stated I thought it was worth mentioning that I got to see the tragedy when the young man drowned at Glenn Otto Park but I saw an amazing attempt to save his life. They actually got him out of the water which was incredible. The cooperation between AMR, Gresham Fire Department, Multnomah County Sheriff's Office and even TIP who was on scene to comfort the 3 other gentlemen that were with that person that drown, to see it firsthand was pretty impressive. Thank you for all you did.

5. UPDATE: Multnomah County Roads update.

Joanna Valencia, Transportation Planning and Development Manager for Multnomah County, stated thank you for having us this evening. Joining me this evening is Carrie Warren, our project manager for the projects you'll be hearing about this evening. Again, thank you for the opportunity to come up here. I think this comes out of a request that we heard from a past Council meeting for us to come and brief you on a couple of capital projects that are going live or are live. Also to give an overview on how projects come to be. This evening we will be doing just that. In addition to Carrie and I, I just wanted to recognize two other people in the room. Joining us this evening is our Transportation Director, Ian Cannon, and our Road Engineering Manager, Riad Alharithi. We'll be going over the 238th Drive project and then also the Stark Street project.

Carrie Warren, Project Manager for the 238th Project, stated thank you for having me. This project was originally identified in the 2012 East Metro Connections Plan. Carrie Warren showed the Council a PowerPoint presentation (a copy is attached as Exhibit A to these minutes).

Ray Young stated make sure you check with ODOT on their plan for the Graham Road overpass on I-84 and make sure we don't close both at the same time.

Carrie Warren stated we're in close contact with ODOT. The next project I'm going to talk about is the Stark Street Multimodal Connections project.

Councilor Morgan asked, the design piece in 2019, is there any indication whether there'll be widening involved?

Carrie Warren replied it's still being looked at. We're looking at various options. One of the options is to 4-lane it each way to direct 2 lanes in each direction with the bike lane and the sidewalk. Another option is to keep the existing configuration but widen it and have a center 2-way turn lane. We're looking at different alternatives and trying to figure what's the best for the corridor and what's best for the community.

Councilor White asked, is the road going to be able to stay open during that construction on Stark?

Carrie Warren replied I don't think that that's necessarily been looked at but I'm hoping that it will be. We don't have to do anything to the culvert to make it wider.

Ray Young asked, is there going to be a public outreach attempt and open houses next year during the design phase to get input from Troutdale citizens on what they'd like to see on Stark?

Carrie Warren replied most definitely.

6. PUBLIC HEARING / ORDINANCE (Introduced 6/5/18, 2nd Hearing 6/12/18): An ordinance adopting Comprehensive Land Use Plan Map and Zoning District Map Amendments on approximately 8.82 acres of land located at the intersection of NE 242nd Drive and SW Cherry Park Road.

Councilor Ripma stated I'm wondering if I can get clarification on what's going on.

Mayor Ryan stated we're getting computers set up. I gaveled a little early.

Ed Trompke stated you gaveled open the public hearing on an ordinance introduced June 5th, 2018. Second hearing held June 12th, 2018 the ordinance adopting comprehensive land use plan map and zoning district map amendments on approximately 8.82 acres of land located at the intersection of NE 242nd Drive and SW Cherry Park Road. Now you're going to have a staff report.

Mayor Ryan stated this is a comprehensive land use plan map and zoning district map amendments on approximately 8.82 acres of land. You just read all of this. Call to Order. The public hearing on the comprehensive land use plan map and zoning district map amendments is called to order.

Councilor Ripma stated I don't disagree with what was stated but the actual vote of the Council on the 12th was to deny the zone change with a 5-2 vote. We gave the applicant an opportunity to bring some more information to us which is happening tonight and we are given the opportunity to affirm the vote we took on the 12th and adopt some findings, or not, depending on what we decide. The way you're reading it and the way it sounds to me is that we're starting over and this is an application for zone change. It is that, as far as it is in opposition to the vote the Council took on the 12th. I just want to be clear.

Councilor Morgan stated point of order. Can we read the original motion from the 12th as it states the specific direction to staff? Because the findings in today's report are different than initial findings and the direction that we gave to staff.

Councilor Ripma stated I can read the motion because I made it and it's in the minutes. "Councilor Ripma moved to deny the zone change, tentatively, to be finalized at a future meeting subject to staff preparing suitable findings." That's where we are. Then the applicant asked for the opportunity to bring forward more information. They're doing that tonight and that's fine but the order of business for us is to consider that information and proceed on the motion to deny the zone change or accept it. That's where we are. I just want to make that very clear. We're not starting over.

Ed Trompke stated Councilor Ripma is correct that the June 12th meeting did have that motion and I'm flipping into the meeting minutes now on July 10th which had a slight modification to it but the gist of the June 12th motion was to have staff prepare suitable findings. It's on pages 8 and 9 of 25. Councilor Morgan moved to uphold action on item agenda #4 until date certain which is August 28th at 7:00pm. Councilor Ripma stated plus the rest of what Ed said. Ed Trompke stated somebody should move then to continue this hearing until a date certain and if the matter passes to set the associated land use portion of it into September and direct staff to schedule that as is appropriate. So the immediate discussion before that was that the Council was allowing the applicant to present more evidence and then to proceed with a vote to either adopt the motion initially made by Councilor Ripma which was to tentatively deny but to direct staff to write more findings appropriate to a denial and so staff then wrote findings appropriate to a denial and also wrote findings incorporating the new evidence that the applicant has sent in, both of which are in your packets. There are 4 possible motions after we hear the staff analysis of the new information that was submitted by the applicant. A couple of them are kind of irrelevant but the first one is to deny and the fourth one would be to approve with the conditions suggested by the applicant in a letter that was submitted and is in the packet. How you proceed is a little unclear because there was a motion to tentatively deny. It was not a denial but it said staff should prepare findings and then the applicant requested the opportunity to present more information which was granted. The fairest way to proceed would be to hear all the information and then to either receive a motion to deny or a motion to approve at the

end of hearing first the staff report then from the applicant and then from the public who are in the room and then having a discussion about it. And unfortunately, Councilor Ripma, I have to disagree with you a little bit. We're not starting new again but we do have to go through the whole process again because there is more new information which was acceptable to Council when the applicant requested the opportunity to present it. So we do have to go through whole procedure again.

Councilor Morgan stated to clarify, the motion was to tentatively deny application subject to new findings.

Ed Trompke stated yes.

Mayor Ryan called the public hearing on the comprehensive land use plan map and zoning district map amendments to order at 8:24pm.

Mayor Ryan stated the proposed amendments were last considered at the July 10, 2018 public hearing. Prior to vote, the applicant's legal counsel requested a continuance to a date certain for a further public hearing and waived the 120 day decision requirement in order to submit new evidence. The hearing was continued until August 28th, tonight, and duly noticed. The purpose of the hearing is to take new evidence, listen to public testimony and staff input regarding the new evidence and to deliberate to a decision. Does any member of the Council wish to announce any actual or potential conflicts of interest?

None.

Mayor Ryan asked, does any member of the audience have any objections to the Council's jurisdiction to consider this matter?

None.

Mayor Ryan stated we will now hear the staff presentation by Chris Damgen, Community Development Director.

Chris Damgen stated this is a continuation of a hearing that was introduced on June 5th and on June 12th with the second hearing. You also had deliberation on July 10th. What you are hearing tonight is a map amendment application. The application is tied with a larger site development review application but for the purposes of tonight's testimony and deliberation and if you choose to take action tonight it will be based on the map amendments components of the application.

Mayor Ryan stated I want to make sure that everybody knows what we're doing. It's been blurred because the property owner also happens to be the developer. To make this very clear, pretend the property owner is not the developer and they just want to change the amendment to add multi-family housing. That's it. That's what we have to remember. All we're approving is, can this property ever have multi-family housing. The next thing would be the actual project.

We have to be very clear that we're not voting on a project. We're voting on if this property will ever be multi-family housing.

Chris Damgen stated it is a complex case and it's been stretched over a couple of months. A decision can be made tonight on the map amendments component. Planning Commission did make a fourth recommendation to you back in May when they heard it. It is a non-binding decision. You could also continue the hearing to a later date. The applicant did set a date of October 31st for a decision that could be made for this application. Public testimony must be toward the map amendment decision criteria and we have those decision criteria available if anybody wants to reference back to that. Chris Damgen showed the Council a PowerPoint presentation (a copy is attached as Exhibit B to these minutes).

Chris Damgen stated within the applicant's correspondence they also had exhibits 1, 2 and 3. A particular interest is exhibit 3 which was a supplemental analysis to the original traffic impact analysis. Part of their original application they had issued a traffic impact analysis (TIA). The new evidence that they wish to present tonight is a change to the TIA that they have presented. They are proposing a public improvement be constructed in concert with potential developments and basically the traffic impact study is designed to reflect the consideration of that public improvement. The exhibit 3 that was in your packet had a slight change to it and I believe we have a copy of exhibit 3 that has been handed out to you and I believe the applicant has it in their presentation as an exhibit that they can point to. Effectively, it will show that Cherry Park Road would have a potential second lane heading in the eastbound direction from the intersection and would serve as a turning right lane into a proposed development in that location. What I want to stress before I move on to the potential actions is this, the traffic impact study suggests that if you were to do nothing that intersection as it's currently structured is going to get worse. I think everybody understands that. What the applicant is suggesting through its traffic study is that with this proposed improvement along Cherry Park Road, adding an eastbound second lane to allow for a right turn into the apartment and a small acceleration lane onto Cherry Park heading toward 257th that that improvement will actually do better than doing nothing.

Councilor Morgan stated this is about the zoning application. Why is there exhibit A here on the table if it's just about the zoning piece?

Chris Damgen replied the exhibit A there is not the same exhibit A I'm referencing.

Councilor Morgan stated I agree but it's before us and the issue that's before us is the zoning change.

Ed Trompke stated I think the complex picture was put on the table by the applicant. I did ask the applicant why so this is a little hearsay, they wanted the Council to be aware that they are changing some of the screening the landscaping pieces on it but those are not before the Council tonight and probably should not be talked about any further than that right now. If that comes up at another meeting it would be considered at that time more than now. There is a

second item that was put in front of you which is the project's lane that is supposed to be added by the condition that they've proposed. That one is before you tonight.

Chris Damgen stated to be clear, Councilor, when we're talking about exhibit A we're talking about what was in the staff report.

Councilor Morgan stated I agree but it's distracting. What does the current zoning allow?

Chris Damgen replied the current zoning based on the uses, it's R-5 which is a single family residential zoning district. What that allows for is single family detached homes, just like you have to the south and to the east, single family attached homes like townhomes or condominium type development, accessory dwelling units and manufactured home parks.

Councilor Morgan asked, what are the height restriction currently?

Chris Damgen replied the height restriction is the same regardless. It's 35 feet.

Councilor Morgan stated but there's been conversations about potentially a complex that could encroach on people's backyards and privacy. If this zoning change does go into effect, would it affect at all the height?

Chris Damgen replied correct. The height restriction is 35 feet. Based on the current zoning district a single family house could go up to 35 feet in height.

Councilor Morgan asked, on the zoning change, if not approved, there is no way for the Council then to prevent some of the other potential development that you mentioned?

Chris Damgen replied it would really have to be a situation where an application would be appealed. So effectively if it was a single family subdivision, if it was a manufactured home park, if it clicks on all the design criteria and things that are in the development code, Council doesn't get a swing at it. The Planning Commission in certain situations might if there's a variance or if there's a request from the applicant. But really it doesn't go to Council unless there's an appeal.

Councilor Morgan asked, has there been any other conditional applications applied for in the event that the zoning change is not approved?

Chris Damgen replied I can confirm that we have received a pre-application but we do not have a formal land use application other than the one that's before us.

Councilor Morgan asked, for what development?

Chris Damgen replied it would be for a manufactured home park.

Councilor Morgan asked, so there's a pre-application in the works that could be a manufactured home park.

Chris Damgen stated I will just leave it at that, Councilor. Staff had a pre-application meeting with an applicant and at this point it was last week and we have not had any chance to produce follow up information to that potential applicant. But I will say it's pretty common to have pre-applications and applications never materialize. Mayor, as I close up, just 2 more items for you.

Councilor Ripma asked, the current zoning is R-5 versus the proposed high density zoning would allow for many more units and many more people to live on the land. Is that correct?

Chris Damgen replied that's generally the spirited intent of the zoning district and the land use classification, yes.

Councilor Ripma stated so the number of people and the traffic generated would be greater.

Chris Damgen stated not necessarily because traffic studies have shown and traffic studies are done with the assumption that apartments or multi-family condos typically, because you have a fewer number of people per residential unit, generate less trips. And often times they are located in areas where there may be opportunities to walk, bike or take transit. That's why that assumption is made.

Councilor Ripma states it doesn't make sense to me. And particularly in an area like this that isn't served by transit and not transit lines.

Ray Young stated Mr. Mayor, I would like to remind you to instruct the audience that reaction to testimony is inappropriate, everyone who wants to testify will get an opportunity to but grumbling and sounds and laughter is not appropriate in this room at all during testimony. It's disrespectful to those who are testifying and those considering the issues.

Chris Damgen stated to quickly wrap up my slides we do have the decision criteria for the land use plan map amendment shown here on the screen.

Councilor White stated the developer was proposing concessions because it's R-5 and they wanted to do multi-family, if we change the zoning to allow multi-family can we expect to see those concessions go away? They had greater setbacks, they were proposing additional parking spaces, improvements to the street and the traffic flow.

Chris Damgen replied whenever we have a map amendment application tied with a development proposal staff reviews it in the prism of what the new zoning district would be.

Mike Robinson, Land Use Attorney on behalf of the applicant, stated Councilor White, for the benefit of those in the audience and your fellow council members, this is in the nature of a procedural objection. If I understand what the Mayor is saying and what Council is saying, you don't want to look at that map. That map is before you solely for the purpose of addressing one

of the potential findings advanced by Councilor Ripma for denial of the comp plan map amendment visual effect. We have a legitimate evidentiary right to show you how visual effect can be mitigated by what we're proposing. That's the only reason it's before you. We don't want you to consider the layout or parking or access or anything else.

Mayor Ryan stated I just want to make sure it's clear on what we're voting on tonight.

Ed Trompke stated zoning (map) and comprehensive plan (map) amendments. That's all we're voting on.

Councilor Allen asked, on the HDR, are we able to do such a thing with special consideration or it's that zone or not?

Chris Damgen replied to clarify, HDR is the land use designation, high density residential. Basically, in order to have that HDR designation you have to accompany it with that A-2 apartment residential. In other words, that is the only zoning district that can be paired with that land use application. R-5 is not HDR.

Mayor Ryan stated the Council will now take public testimony on the hearing topic. I will recognize those wishing to speak and any questions should be addressed through me. When you come to the table, state your name and address for the record. Presentation times for all speakers will be limited. The applicant may have 15 minutes for presentation for new evidence. All individuals speaking after that have 3 minutes. I ask the public testimony to be new information, not information that we've already heard. It's new information based off the new findings tonight. Please confine your remarks to the topic of the proposed map amendments and the applicant's new information and avoid repetition and irrelevant information.

Mike Robinson stated we have 2 large exhibits (copies of the exhibits can be found in the meeting packet).

Councilor Morgan stated point of order. Why is it back to an apartment complex?

Ed Trompke replied the applicant just said that one of Councilor Ripma's concerns for denying the comprehensive plan amendment was the effect on adjoining adjacent properties and it was the visual effect so you are directed to look at the trees and landscaping I think especially around the outside edge. Not at where the location of the driveways and all are. Those are site development issues which while they are still a pending issue aren't under consideration until and unless we get passed this step to and if you were to adopt the zoning amendment then you can ask all the questions you want about the layout of the site, the parking adequacy and screening directly. But there is visual impact as an issue tonight for the comp plan amendment. That's really the only reason. Is that why you brought this, Mike?

Mike Robinson replied yes, Mr. Trompke. May I say one other thing on the record so not only Council hears this but our neighbors hear this? Councilor White asked about representations made by the applicant. Whatever we have said during these proceedings we will abide by. My

name is Mike Robinson and my mailing address is: 1211 SW 5th Ave, Ste. 1900, Portland, OR 97204. As you've already guessed, I'm here tonight on behalf of the applicant but we also have other folks here tonight. Sitting with me at the table is Chris Brehmer. Chris is a registered professional engineer and does traffic analysis in the state of Oregon. We have Andrew Tull, the planner. We have Matt Bell also with Kittelson. We have Ray Moore with Tri-County Design and the owner and applicant, Carey Sheldon. The reason we're all here is to answer your questions. I want to say thanks to the Council for re-opening the public hearing. I agreed with the City Attorney's characterization and I appreciated Councilor Ripma's questions about what we were doing tonight. This is your opportunity to vote to approve the comprehensive plan map amendment to HDR and the zoning map amendment from R-5 and R-7 to A-2. You're not bound by your tentative vote that you made on June 2nd. There's a lot that we can say tonight but I'm going to try and keep it relatively brief. What you're considering tonight is not the site plan or the variance or any of that, it's do you want the site to be zoned for HDR and it's implemented in the A-2 zone? That's what the issue is. If you decide that you do then we'll come back in another publicly advertised hearing and talk about the various applications. First, I thought it would be helpful to remind you about what your main concerns were at the June 12th hearing when you voted tentatively to deny this. Clearly the biggest issue for everyone was traffic impacts. Our solution to the traffic impact and I believe the Multnomah County traffic representative is here tonight and my understanding is that the County agrees with our condition of approval. The applicant is essentially committing as a condition of approval to construct that turn lane that frees up capacity. I think your Planning Director got it absolutely right, without this this is going to continue to get worse. You heard tonight, public projects just by their very nature while they're very good, they take time. We're going to do ours. One of your issues on June 12th was a lack of a timetable. We are committing to a particular timetable, we're committing to the improvements, it's at our cost, it's not public money and by doing this improvement you maintain a level of service D or better which is your standard. In other words the intersection does not fail either because of our applications trips or because of background traffic growth. Without this improvement and if the public improvement isn't made within a sufficient amount of time the intersection just gets worse and it eventually fails. We're providing an opportunity through the applicant's funding in association with this zoning map and comp plan map amendment to make the improvement and we've given you a condition of approval. I think Councilor Ripma's proposed ordinance includes that. We're committing to fund and make that improvement on a specific timetable. You had some other questions with livability which had to do with the approval criteria in the zoning map amendment. I'll just say, I think you can find that the public interest in approving this outweighs an impact on livability. I think the code language asks, does this project interfere with livability? The answer that we're going to explain more fully in a moment and that we tried to explain in our August 20th letter is it does not interfere with livability. I also want to talk about 3 issues Councilor Ripma identified on July 10th which is noise, property valuation and visual impact. All of those are properly addressed. Before talking and concluding my part more specifically about the evidence you can rely on, this site really doesn't make sense for LDR zoning. It makes sense for the proposed HDR zoning. It's across from a shopping center on the north and it's on a couple of busy streets. If you look at your map and you look at my letter, noted a number of instances where high density residential is adjacent to LDR. It's a perfectly acceptable zoning district. But what you want to do is mitigate the impacts and the principal impact to mitigate here is traffic and that's what the

applicant's condition of approval does. Conversely, single family housing at this intersection doesn't make sense. I think if it did it would've been built by now. We've been in a very robust housing market. There's a documented demand for housing. I think it's tough to put single family housing at a busy intersection like this. The other thing I want to note is density, in and of itself, is not a reason to deny an application. It's the impacts of density. Councilor Ripma is exactly right. You're going to have more folks, more families and more units here. But what our job to do is to show you that the impacts under your code would significantly adversely affect the adjacent neighbors who live in the single family homes. And that's what I'm going to talk about now. Let me talk about the comprehensive plan map amendment criteria, there was only one that was not met, that was E. That requires that uses in the proposed map "not significantly adversely affect existing or planned uses on adjacent lands." In our letter we tried to give you some assistance with defining what significantly means and we also described what adjacent means. First note, it allows some affect. I think what the Council's required to distinguish between is affects that you normally get any time you have use to use differences versus something that's dramatic, something that really impacts how folks live their life. That's not going to occur when you put this HDR/A-2 next to the LDR/R-5. Density alone is not a basis for denial. I've also heard the testimony about spot zoning. This is not spot zoning. Black letter Oregon law is if you're doing something consistent with a designated map it's not spot zoning. We simply don't recognize that concept as other states do. The point about visual impact is all 3 zone districts are involved here and all 3 comp plan map designations that implement the zone districts all allow the same height. It's 35 feet. So the fact that this development can have a maximum 35 feet is no different than an R-7 zone or an R-5 zone. And you can have 3 story dwellings and they're quite common. We offered the map showing the landscaping to show the significant exterior landscaping buffer. That is a visual buffer combined with the setback. That, I think, mitigates the impact of visual impact that Councilor Ripma suggested was found. There is no noise impact that significantly adversely affects the single family homes. You're going to have noise but it's going to be the same kind of noise that you have anywhere. If you get noise that is not what you would expect from this area that's why you have a noise code. The point is, you have noise from families and cars but it's not noise that's going to significantly adversely affect the adjacent uses. It's the kind of noise that's to be expected and you can have anywhere. Lastly, there's no property valuation or privacy impact. It's not my place to tell Council what to do but I would suggest that you not go down the road of suggesting that impact on privacy or property valuation as a basis for a plan map denial. There is not a single hearing I've ever been to where that issue has not come up and conversely very few hearings recognize that as a legitimate reason to deny an application. But I will tell you there's no substantial evidence that that's going to happen here. Folks can suggest that it might and they might speculate it but we don't have an appraisal report or anything that actually constitutes evidence. So we don't think that's a basis for you to act on denying the application. As Chris said, the reason that you tentatively denied the zoning map amendment is that you couldn't find that the comprehensive plan map amendment as satisfied. Here I think you can find the comprehensive plan map amendment approval criteria are satisfied, therefore, you can find that the zoning map approval criteria are satisfied. And keep in my mind we ask you if you approve this to impose the condition we've requested which requires us to make the traffic impact improvement which mitigates the traffic impacts. That's the real result of density. We're dealing with that and we're

addressing that and we're accepting the responsibility to make sure that it doesn't affect the intersection.

Chris Brehmer, Kittelson & Associates, stated what I want to do is just pick up briefly with Councilor Ripma's question regarding trip generation. We put together a traffic study back in April. That traffic study from a rezoned perspective looks at what's the reasonable worst case amount of traffic that can come out of a single family housing subdivision compared to what could be developed reasonably under the proposed zoning. And what that shows is an increase in trips that would result from the zone change. What that traffic study showed is from a pure code compliance perspective there was a list of mitigations recommended and those mitigations were sufficient to satisfy the Oregon Transportation planning rule as well as Multnomah County's standards. Based on the feedback that was received through the hearing process the applicant is offering and volunteering to make additional improvements above and beyond what are required from a code specific perspective. Specifically they are proposing to dedicate right-of-way along Cherry Park Road that will allow for an additional eastbound lane across the intersection. It will provide a second travel lane. It will also ensure provision of a bicycle lane and sidewalk. To do that we're going to have to rebuild the traffic signal that's there. One of the poles will have to be replaced and reconfigured. Chris Brehmer showed the Council slides of PowerPoint presentation (a copy is attached as Exhibit C to these minutes).

Chris Brehmer stated this is a voluntary measure that the applicant's putting forth to provide additional capacity as a condition of approval in lieu of paying fees. Working towards an ultimate improvement delivers part of that long term capacity now. That significantly improves the operations of the intersection in the long term. Before you were looking at level of service E this would restore the intersection to level of service D. I'm going to turn it back to Mike.

Mike Robinson stated we want to thank you for listening to us tonight. If you have any questions that you haven't asked us, please ask us before the record closes tonight. We ask that the end of tonight when you close the hearing in record that you approve the comprehensive plan map and zoning map amendment to HDR and A-2 and that if you do that that you please include the applicant's request of conditional approval requiring us to construct at our cost the traffic improvement.

Councilor Lauer stated the only question I have is on the letter from the County dated May 29, 2018 on the conditions of approval. Have you initiated work with the City of Gresham?

Mike Robinson replied yes, Councilor Lauer. We were on the phone with Multnomah County and Jim Geller, I think, from the City of Gresham last week. So they're aware of what we've proposed. My understanding is he was fine with the condition we proposed. We have the benefit of the Multnomah County representative and she can give her own opinion.

Councilor Morgan asked, how many units were proposed in your pre-application?

Mike Robinson replied my understanding is that my client had a pre-application meeting for a manufactured home park. I do not know the number of units and there has been no application submitted.

Councilor Morgan asked, so you don't know the answer?

Carey Sheldon, Sheldon Development, stated I believe 72.

Mayor Ryan stated we are now going to open it up to public testimony. When you come up please say your full name and city that you live in or your address. Mr. Young will be limiting it to 3 minutes. I do ask to make it pertinent to the information that was presented this evening.

Rich Shepard, Troutdale resident at 2404 SW 22nd, stated I've been provided a lot of written testimony on a lot of the details. They're looking at the big picture rather than the little picture. The elephant in the room is traffic. I think we've all agreed on that. The big issue is traffic and we've heard a lot about what the traffic impact of this high density residential on this corner might be. I've lived here for 25 years and I've seen traffic and development building all over. I think the major issue is that a lot of the staff report, a lot of the applicant has proposed, a lot of what the County is that there's a lot of intention. We intend to do this, we intend to do that. There's no guarantee that it would actually happen. Conditions can change, other things can change and it doesn't happen. If a decision's made to say yes, let's go ahead based on the intentions and it doesn't come through it's not like we can say take it down and reclaim the land. We're stuck with it. Look across at the old McGill farm. Now it's the Gresham Vista Business Park. They're building huge warehouses and distribution centers and more up on Stark. So far they're pretty much empty but there could be 1000's of employees working in that place plus the heavy traffic going back and forth. The other point is the decision to be made. I would suggest that the decision is not binary.

Paul Charpentier, Troutdale resident at 2120 SW Sturges Lane, stated I volunteered to take a survey around Cherry Park and the Woodale neighborhoods on a weekend. I didn't get to everybody. People were just gone. I found 2 people who were for this, 5 people that said they don't sign petitions but I did find 175 people that want to keep it residential. They were really adamant about it. There's a lot of people who are not happy with the Planning Department and City Council. I think the people don't want it.

Mayor Ryan asked, would they be happy with a mobile home park there?

Paul Charpentier replied I don't know. That was never brought up.

Mayor Ryan asked, would you be happy with that?

Paul Charpentier replied I don't know. It's a residential neighborhood for homes. That's what Troutdale is. We're not a business community or industrial community.

Councilor Morgan asked, do you see the quagmire from the zoning standpoint, currently? What the usage is currently permitted versus the appeal or the challenges being proposed?

Paul Charpentier replied I've asked all of these people. I asked them, would you like to keep it R-5 or R-7 with no changes? I've had people invite me in for lunch. People were hugging me and thanking me for doing this.

Ed DeFranco, Troutdale resident at 1401 SW 11th, stated more or less have a question and I don't know if it's appropriate but I thought that the issue was that it was an R-7 and an R-5 and that they were trying to make it one lot instead of 2 lots.

Chris Damgen stated the current situation of the properties, there's actually 2 properties that this application would consider. There's a larger property which is zoned R-5 and there's a smaller, narrower property that is zoned R-7. The proposal would be to have both properties become zone A-2 and then through a development application, if approved, would be to do a lot consolidation to turn it into one property.

Keith Glick, Troutdale resident at 1773 SW Daybreak Way, stated yes I would rather see manufactured homes there. When it comes to the height restrictions and that, I'd rather see 3 story single family homes there than massive apartments. It's pretty disingenuous when engineers say that when you have 216 units and 3 storied that there's not going to be an increase in noise pollution. It's a fantasy. The mitigation of the traffic, it hasn't been talked about the traffic going west and turning into the apartments and the impact that it creates there. Plus, there hasn't been anything said about the turning into and coming out of the property onto 242nd. There's nothing been said about that. There's no mitigation. And when it comes to mitigation, the word mitigation only means we're going to give you lip service about a problem that probably is never going to be resolved. When you talk about the traffic on Cherry Park, is there going to be restrictions on left turn into the land? Changing the zoning on this is opening up a Pandora's box that we who live here will have to deal with forever. A developer will make whatever he does, earn his money and leave. And leave us with the continuing problems that this change in zoning will create. Nobody has said anything that there will not be any problems.

Sandy Glantz, Troutdale resident at 4450 SE Sweetbriar Lane, stated I have some comments a little bit along the same line. Having an improvement for a couple hundred feet on a lane is just pushing it down into an area that's residential and where you have high schoolers that are walking along that path. You're not really mitigating the traffic impact. You're just pushing it into possibly a greater public safety impact situation. I don't really see how a couple hundred feet on one side mitigates that traffic impact. I also wanted to speak to people in A-2 housing using public transportation and therefore not having as great a transportation impact doesn't really apply given the level of service we have for public transit. Third, Troutdale's parking requirements are very high so having single family homes in there, I don't see that as becoming a parking issue because of our high standards. Fourth community need, I believe it's best served keeping this single family. There's over 550 multi-family units going in in Fairview and that's part of our community. Yet there's maybe a dozen R-5s. Even if those are mobile homes, they're sitting on 5000 to 7000 square foot lots. They can look pretty nice and that also

addresses some of our housing needs where we need some of that lower income that can help people get into those kind of situations. Last, I wanted to agree on the height where it's very different having 3 story townhomes with setbacks and breaks in between them from large multi-family units that A-2 housing addresses.

Wayne Schulte, Troutdale resident, stated I wanted to clarify a little bit on that trips per day for apartment dwellers versus homeowners. According to the highway capacity manual 7 trips per day are the average trips out of an apartment unit. It's 10 trips per day out of a residential single family home. With the apartment, the 216 units, that would equate to about 1512 trips per day. 10% of which would be during peak hours. We also heard about 48 residential units. At 10 trips per day that's 480 trips per day, 48 per hour. One other item, what about the northbound to westbound traffic? We've got a lot of big 53 foot cargo trucks in the area now and a lot more will be coming as they develop that property in the industrial complex. I think we need something to take care of that heavy additional truck traffic load.

Joy Lunneborg, Wood Village resident at 630 NE 241st Place, stated my main concern with this is not the zoning in regards to high density housing. I grew up in a home that was surrounded by something that was zoned high density. That had multiple families and multiple units. There was deep impact on my childhood. There was a lot of crime, a lot of noise, people polluting my home. I moved away from that area to the East County in hopes to get away from that. To see it come in and have them badgering consistently to do this, it threatens my family, my life and the way I have always looked at East County. Where there was more low density housing there was a more stable environment. When high density housing came in there was a less stable environment. This is asking too much of a local community.

Paul Wilcox, Troutdale resident, stated since traffic was the basis for denial I'm going to just address those. I did want to point out under Exhibit 3 from Matt Bell & Associates, they say at the bottom "Multnomah County, in coordination with the City of Gresham, has proposed to widen SW Cherry Park Road to provide a continuous 5-lane cross section through the intersection." That should be Glisan Road I think instead of Cherry Park Road. I just wanted to point that out. Also, I'm questioning the benefit of the added lane on Cherry Park to the south. I don't see that much traffic impact of the people turning into the complex coming from the west. If they're coming from the south they're going to turn in off 242nd. I don't see the benefit of that entire lane from 242nd to 18th. Another point I want to make is, Mayor Ryan, you made a distinction about this not being about this development specifically but this isn't Metro coming in and saying, hey Troutdale, this would be a great place for A-2. This is this particular applicant saying if anybody develops as A-2 this is what they need to do to mitigate the traffic issues. Also, there was the issue of the pump station as well. So they're coming in and saying whoever develops this as A-2 has to do these things whether it's them or somebody else down the road.

Brent Kusisto, Troutdale resident at 1863 SW Daybreak Way, stated to me it appears like traffic is still the issue. My understanding is that the burden of proof is on the applicant to show that all these questions are mitigated. It just seems to me like we haven't quite done that yet. I urge a no vote in this case. I want to thank you all for all your service to the community. You do a lot of work.

Taney Staffenson, Troutdale resident, stated I think this is really an interesting one because you have industrial property across the street, commercial property on the other 2 corners, Wood Village, Troutdale and Gresham all coming together. I think it's, what's the best use of the property for the community? Presently, most of it's R-5, 5000 square foot per dwelling and you look at A-2 you're 2000 square foot. I think we need to look at what will work best and long term for that property. Periodically we have to make changes and we debate those things. For the Planning Commission this was one of the toughest ones we've done.

Councilor Morgan asked, did you support the zoning change?

Taney Staffenson replied I did.

Councilor Morgan asked, but it was a difficult decision?

Taney Staffenson replied very difficult decision. I just felt that with the adjacent commercial that it made more sense.

Joanna Valencia, Multnomah County Transportation Planning, stated I just wanted to provide some additional information. There has been a traffic impact analysis that's been completed. There is a 2 step process that usually occurs especially if it's just a rezone. What happens is, in a rezone request we take the worst case scenario. You're saying it's going to be increased in regards to density. One example I use is the Troutdale Town Center area. Do you remember when we were exploring at taking a look at including drive throughs in the town center area? That was just a rezone request. As part of that we looked at what the worst case scenario was and added a 20 year growth rate. So in this instance it's unique because I think the applicant was responding to the concerns that were heard because if you recall the last time we looked at this there was concerns about it increasing the level of service and we didn't know to what extent. And also what that mean in regards to improvements. So there was a lot of unknowns when we first reviewed this about 2 years ago. I think the applicant has tried to address that in regards to providing actually a detailed traffic impact analysis (TIA) in addition to a 2 year growth rate. What the County does is it actually takes a very conservative approach. In addition to the TIA growth rate of 2% we also ask the applicant to take into consideration all the growth that's occurring within the area. So the growth that's occurring around Gresham Vista, the changes that Multnomah County will be doing on 238th and the City Hall improvements that are going on in Wood Village. Because we do know that there's congestion and traffic is increasing. All of that is taken into consideration and we take a very conservative approach. In hearing some of the testimony there was concerns about making sure that we're taking into consideration impacts. I really wanted to share that we take a very conservative approach in regards to how the TIA methodology is put into place. I also want to share that the County is also very limited in regards to what we can require to development. There's case law that's called Nollan and Dolan and it has to be related to and proportionate to the impact of the development. In regards to being able to assess that and try to figure out what the impacts were you can tell in the conditions that there was a payment in lieu of, which is now being converted into the construction of the improvement. Also, there's dedication requirements and

signal improvements that are being required. I'm limited in regards to what exactions I can take from the development. I had shared in my testimony with the Planning Commission that we all recognize there's improvements that need to occur in the transportation system all around. It's not just the intersection of 242nd and Cherry Park. It's just an all-around system that we're looking at here in East County and we recognize that. In my earlier presentation, I bookmarked the improvement that needs to occur on the intersection. It's projected as a conceptual design of about \$3.5 million. We've been working with the applicant and the City of Gresham to identify exactly what improvements would be required. This is proportionate to the impact that they're creating and so there's the contribution that's occurring. There's also the contributions that are occurring through the system development charges that the City of Gresham is collecting for their third of the intersection leg. They have prioritized this in regards to recognizing the impacts of Gresham Vista to the intersection. As Multnomah County continues to monitor it in regards to prioritizing the project it's great that this improvement is going to occur. There will be continued tracking and making sure that we can get the funding. I don't have \$3 million in my pocket right now to be able to build the intersection. There's a contribution that this development is making in order to address the impact it has having to that intersection.

Councilor Lauer asked, so there's money on the table, there's intent, and it's actually allocated towards construction of this intersection?

Joanna Valencia replied there's SDC's that are being collected by the City of Gresham. As I had shared, it's about a \$3.5 million project. The last I heard from the City of Gresham we're barely in the 100's of thousands in regards to dollars. There'll be the improvement itself that this development will be doing instead, in lieu of a payment. That's essentially a reduction in the \$3 million cost estimate that we have right now. It's that contribution.

Councilor Lauer asked, why wasn't the westbound of Cherry Park heading into Wood Village, why were those lanes not identified as needing updated as well? Is it just there's no room to update it?

Joanna Valencia replied this is all proportionate. That's too much of an exaction so in taking a look at what's proportionate and also what's related to development, in taking a look at the study the impact there's going to be improvements to the signal itself. The developer is doing a 10 foot dedication along the whole frontage of 242nd, a 10 foot dedication along the whole frontage of Cherry Park in addition to the improvements construction.

Councilor Lauer stated there might be a conflict of interest. I work for the City of Wood Village as a utility worker. So I don't care if there's 2 lanes or 1 lane. It doesn't make my work day any better or worse. I have no vested interest in that other than I drive this intersection probably a dozen times every day. I feel the traffic. When you first started speaking you started speaking about the original meetings that you guys had about the site development and then the traffic impact. Did you mention something about the projection 20 years out? As the Transportation Planning and Development Manager for Multnomah County, are these improvements within that scope of a 20 year projection for the impacts?

Joanna Valencia stated the widely accepted growth rate is 2.5%. That's widely accepted in regards to what the metro region is expected to see in regards to growth. So when we provide guidance to the engineer that's putting together the TIA, the 2.5% growth rate is the best practices that we apply.

Councilor Allen stated I was on the East Multnomah County Transportation Committee for years. I'm the one who wanted 238th to be 4 lanes and I didn't want truck traffic on 238th. Would you say I was fairly much the minority view amongst the regional leaders?

Joanna Valencia replied there was a lot of decisions that were made as part of that and there was also a lot of technical analysis that was completed as part of that. As part of the technical analysis it was found that the bottlenecks are really at the intersections. There was definitely your comment in regards to needing 4 lanes but I think there were concerns about impacts to right-of-way and making sure that we can accept the future growth. It's a 20/40 growth model. What was found was that it was really the bottlenecks at the intersections and it was operating fine.

Shirley Prickett, Troutdale resident, stated the only thing I haven't heard discussed is mass transit. Those people that want to live in the area especially along Cherry Park, there is no mass transit. They have to either walk clear down to Halsey, Stark or clear to Troutdale Road. It took us a year to get mass transit for overnight shift at FedEx. We need mass transit as part of that connection.

Ray Young stated Mayor, if you recall, the testimony already given in the packets from before is that TriMet does have lines already proposed for east, west, north and south of that intersection. They're just waiting for the people to be there.

Lyndon Johansen, Troutdale resident at 2025 SW Daybreak Way, stated I don't know if this was answered or not, with the proposed widening of the lane going eastbound on Cherry Park into the property, is that contingent on whether it's increased to a high density? Or will that be done no matter whether it stays as it is zoned now?

Mayor Ryan replied my understanding is it is with the high density development. Does staff have any response to the testimony?

Chris Damgen stated the second lane that they're referring to the eastbound lane off Cherry Park Road, I called it turn lane. Effectively, yes, it would provide access into the property but I believe the design as proposed shows a tapering off just beyond the right turn that would go into the property. So it's really kind of an auxiliary lane that could serve those right turn movements but would allow for a tapering off or a merge further down. I want to make sure that gets clarified for the record. The second thing I would say, and this is just a cautious reminder, on the comprehensive plan you have language in that and I'm going to be paraphrasing it because I don't have the language immediately in front of me that talks about that this community would be open to a variety of housing types and that they recognize high density

residential as a valuable and needed housing stock. If you are making decisions one way or the other please keep that in mind. That is adopted policy of the City.

Councilor White stated if we allow the high density to occur the developer's planning on building the pump station. If we keep it R-5, how would that property be serviced for sewer with its current zoning?

Chris Damgen replied I'm not an engineer, Councilor White. My understanding is that previous subdivision proposals when they went into pre-application would've required a lift station or some heavier utility.....

Councilor White asked, would that be the City's responsibility then?

Chris Damgen replied it would depend on what was proposed, but typically a pump station would be dedicated as part of it. The applicant would be responsible for installation and building it and then the City would assume responsibility.

Ray Young stated the difference is if there's a multi-family high density done, they build the lift station and they're responsible to maintain it in perpetuity. We don't deal with it. If a single family goes in there, they build a pump station and then they hand it over to us to take care of it.

Mayor Ryan stated applicant, you have 5 minutes for any type of response.

Chris Brehmer stated there was testimony early in the public comments about whether we accounted for traffic development, particularly the industrial end to the west. Those future developments and approved developments around us were all accounted for in the traffic study. You heard Ms. Valencia testify that's a County requirement that we have to account for other approved and in process development as well as planned growth. There was a question about the timing of the mitigation, the format would be that all the mitigation would be required prior to occupancy. That's a pretty standard approach so that you're assured that the infrastructure is there. There were comments made about the length of the turn lane that we're proposing to add and that it might not be sufficient. It's difficult to tell from the graphic. The lane we're adding is approximately 500 feet long of full width lane and then it tapers back into the through lane. That 500 feet is a pretty common scenario that you'll see around the metro area where 5 lane roads intersect with 3 lane roads on the other side of the intersection. The 2 lanes are typically very well utilized during the peak hours and then in off peak when traffic is lighter people tend to congregate in the one that goes all the way through. We expect that that will be more than sufficient and it's consistent with what the County and City are planning long term. You heard testimony about the number of trips and that there would be an increase in trips with the apartments. Again, I absolutely agree that a worse-case scenario could increase trips. We've documented that in the traffic study. There's 9 conditions of approval to mitigate that additional trip impact. There were questions about is this additional lane beneficial and what's the benefit of it. We're putting on the ground part of what the County's ultimate plan improvement is, adding eastbound capacity directly benefits the overall intersection. If you think

about this, we're trying to get everybody through a single point in space. If we can move people through eastbound faster that gives us more time to allow westbound left turns to turn so you get east/west efficiency and from a County perspective with that east/west efficiency they can then reallocate to north/south green time and move the overall corridors faster. So that is a real tangible improvement and that's why you see the change from level service E to level service D. The last thing that I'll leave with is really this kind of notion that what we're putting forth is a portion of the ultimate improvement that is planned here. The reason that we chose the lanes and the reason that it's laid out the way it is, is because we can take advantage of the property we're working with now and the frontage that's there and get the dedications from them and put in that first part of the equation. Yes, there are other alternatives that need to happen and as you've heard there's a whole intersection improvement that needs to get there. This is a down payment, if you will, of the ultimate improvement that mitigates the impact of the potential increase in trips with the rezone.

Mike Robinson stated your comprehensive plan recognizes the value of high density development. We have to meet the approval criteria and I think if you look at the record we've made tonight we've met that. Keep in mind this is an appropriate housing type. It's still residential. It's just a different way for families to live and your plan acknowledges it's appropriate. Traffic was the main focus of testimony tonight and Chris did a nice job of explaining it. The condition of approval if you choose to approve our application with the condition binds us to make that improvement. The only way we wouldn't be able to do it is if we came back and asked you not to do it. We're committing to do and you're requiring us to do it. One other fact, our making this improvement not only frees up capacity in the intersection, it frees up public money for other Troutdale improvements. We're taking care of our impact which is what the law requires. So I think at the conclusion of tonight's hearing you have an evidentiary record that allows you to find that all the approval criteria are met. We've addressed our traffic impacts with mitigation and you can approve this application with the conditional approval that we've requested.

Mayor Ryan asked, does the Council have any more questions?

Councilor White stated my question has to do with you guys are voluntarily committing to more concessions with the project. If the zoning change goes through and you decided to sell the property with the new zoning, what happens to those concessions?

Mike Robinson replied they run with the land. That is common practice in Oregon.

Councilor White asked, on the signal upgrades, is that going to be the flashing yellow and green arrow?

Chris Brehmer replied yes. That's one of the mitigations that we identified.

Mayor Ryan asked, at this time, does any member of Council have anything you want to discuss?

Councilor Ripma replied I appreciate the letter from Schwabe, Williamson and Wyatt and the testimony given tonight and I wanted to respond. I think we're in a case where the public clearly does not want this zone change and the Council is able to follow up on the motion I made in June to deny the zone change. I need to address some of the issues raised by the Schwabe letter and the testimony of applicant. In the end I'm going to move that we deny the zone change and adopt the findings of Exhibit A and here's why. My most significant reason is the public doesn't want it, the public most affected by it doesn't want this zone change but I also think it does not meet the criteria. In the letter from Schwabe it talks about a significant adverse effect versus a nonsignificant adverse effect. Basically the letter says that the Council could well find that these effects are not significant. Well, we also could find that they are significant. One of the livability and visual aspects is the potential for more full height 35 foot buildings. As we heard from public testimony and as anyone thinking logically about it would agree, apartment buildings at 35 feet do not have the same visual impact as single family homes that are 35 feet. There is a potential for a significant visual impact and I would urge the Council to find that that is the case. The traffic impact in particular I'll focus on the applicant has agreed to do one modest thing, add a lane along their property line. But what they're agreeing to in the conditions is that they will agree to the County conditions, one of which is the one Councilor Lauer brought up, condition #9. If the applicant needs to work with the County and the City of Gresham to basically widen 242nd and that is simply talk. They need to work with the County and the City of Gresham to talk about future improvements to 242nd. Gentlemen, in the staff report under tab B is an August 2018 from the City and the County, Marlee Schuld and Joanna Valencia who appeared before us tonight indicating on the second page that the project for widening 242nd as a high priority. However, given the number of transportation related issues throughout the County, the project is currently identified as #8 on the County's capital improvement plan. Only the small portion of the approximately \$1.1 million needed to fund the project is available. Folks, that means it's #8 on a project that the County can change later. It is far from a definite improvement that is needed at that intersection. We have ample grounds for denying this zone change under the criteria E uses allowed in the proposed designation will not significantly affect existing or planned uses on adjacent lands. It will. We have a reason to deny this and I'm happy to make a motion. I do point out that if my motion passes we're done with this issue for tonight. Am I allowed to make a motion?

Mayor Ryan replied no, you're not.

Mayor Ryan closed the public hearing at 10:15pm. The public testimony portion of the public hearing on the Comprehensive Land Use Plan Map and Zoning District Map amendments on approximately 8.82 acres of land located at the intersection of NE 242nd Drive and SW Cherry Park Road ordinance is hereby closed.

MOTION: Councilor Ripma moved to deny the zone change and adopt the findings of Exhibit A in the staff report supporting that motion. Seconded by Councilor White.

Mayor Ryan asked, is there any Council discussion on this?

Councilor Morgan asked, so this is the motion that passed in June before the amendment changes? So a yes would deny the application permanently?

Mayor Ryan replied yes.

Ed Trompke stated a yes vote denies and a no vote does not deny.

Councilor Allen stated I want to express some of my thoughts on this. I'm seeing regional leaders directing us to densify. I'm not a real fan of that. I've lived in some pretty terrible places and I've paid attention. I looked at why those were terrible places. One of them was quality of development and the other one is there's basically 2 philosophies with high density. One is, you stuff it all in one particular area and the other is you spread it out. I'm a fan of not densifying it in one particular area because I've found that that's where you get more problems. It reminds me of the projects of the 70's. They didn't work out then and probably never worked out. I prefer them spread out. And I know people don't want them near them but it seems to be less trouble overall. The other thing I'd like to avoid is I really am not a fan of densifying in the neighborhoods. I'd rather leave the neighborhoods the way they are. The reason for it is, is your typical person isn't going to be able to afford a home right off the bat. They're going to often times move into an apartment as a first place or the last place, save up their money and may eventually buy a home and it's nice that they can do that and they can have these varied lifestyles that they can choose. That's why I don't want to densify everything. I'd rather have the distinct possibilities for the freedom of choice.

Councilor Hudson stated I am convinced as to the traffic development which will occur should we rezone this. I think it seems that it's something that we would agree to right there on paper and that any developer whether it's Sheldon Development or not would then be held to and I've heard from the County that that would be sufficient to mitigate the traffic impact. So what I would be more focused on is Point E and whether there would be a significantly adverse effect from making the zoning change. Again, whatever development would end up coming in there whether making the zoning change would significantly adversely affect the surroundings. Considering that as R-5/R-7 as it is right now allows for single family attached accessory dwellings and manufactured homes, in comparison to all possible future development I don't see the higher density development as being significantly more adverse than other development possibilities that could exist at the moment.

Councilor Ripma stated just in response to that, Zach, but the neighbors do see it being adverse and that's who we represent.

Councilor Hudson stated there is definitely a visceral reaction among those who testified tonight to dislike the proposed zoning change. Remember that we're hearing specifically from the people who have that adverse reaction and we're needing to look at our community as a whole. In fact, Point A says when taken into account the needs of the community as a whole, which do include high density housing as put forth in our

comprehensive plan. I would like to concur with Councilor Allen on the benefit of putting high density zoning in more spaced out arrangements so that it does not all end up next to each other in one part of the city.

VOTE: Councilor Hudson - No; Councilor Ripma – Yes; Councilor Lauer – No; Councilor Morgan – Yes; Mayor Ryan – No; Councilor White - Yes and Councilor Allen – No.

Motion failed 4-3.

Ed Trompke stated anyone can make a motion or if no one makes a motion then I presume we would table it at least momentarily.

Mayor Ryan stated but if we make a motion for Option 4 then we're agreeing to that and then with the concessions.

MOTION: Councilor Hudson moved to approve the ordinance with modifications from the prior June 26, 2018 version, with a section requiring satisfaction of two traffic improvement conditions before issuance of any certificate of occupancy, and with findings based upon new evidence and further consideration, attached to the staff report as Exhibit B and supplemented by the two conditions stated on page 7 of the applicant's letter of August 20, 2018. Seconded by Councilor Lauer.

Mayor Ryan asked, any discussion?

Councilor Allen replied part of the reason why I'm for this is it's next to 2 commercial centers and an employment center. It really doesn't get much better than that for this type of development. There's a need for it.

Councilor Morgan stated so you're in favor of the zoning changes for this to be zoned to HDR.

Councilor Lauer stated when we first were approached with this I was originally for it and the reason why we can talk at later date. I just feel like it's needed right now. I was against the zoning change last meeting because I don't think that the traffic impacts were answered and I think there was a big question as to how we were going to mitigate or that we even looked at the impacts of the traffic. I feel now after discussing this and speaking with Mrs. Valencia and everyone else from the County that I feel that they've not only mitigated, there's money on the table, it's working, it's going to work, there's a deadline and there's also a 20 year projection of this area. I feel like we're doing a service by doing this. I can support it now.

Councilor Morgan stated I didn't like the process. I was a yes coming in today and now I'm no.

VOTE: Councilor Hudson - Yes; Councilor Ripma – No; Councilor Lauer – Yes; Councilor Morgan – No; Mayor Ryan – Yes; Councilor White - No and Councilor Allen – Yes.

Motion passed 4-3.

7. DISCUSSION: Should Troutdale appoint 2 Council Members to a local cities committee to explore an ordinance banning plastic bags?

Councilor Morgan stated I move to table item #7 until the next regular council meeting.

Mayor Ryan asked, everybody good with that?

Council agreed.

8. STAFF COMMUNICATIONS

Ray Young stated Imagination Station is rolling right along. We're looking at a soft opening probably the end of September and we're likely to do an open house, hard opening the first of October. The election cycle has been closed. Councilor Ripma is unopposed, Jamie Kranz is running for position unopposed that Councilor Morgan currently holds and then there are 3 individuals who are running for the 3rd that's being vacated by Councilor Allen. We are closed on Monday for Labor Day. At the Urban Renewal site we have big trucks and bulldozers and we are moving forward with surveys so that will be getting cleaned up quickly. Amazon actually is going to start bringing in product and working on Monday. They are up and running and probably full occupancy by the 1st of October I think. I've talked to you about this before and I've talked to the businesses downtown and all the people downtown were given notice of this but now that the slurry seal was done on Harlow and Dora we have all the signs ready to go and in the next month we will see Harlow and Dora for one block be one-way streets which will increase our parking in downtown. You'll see that probably in the next 30 days.

9. COUNCIL COMMUNICATIONS

Councilor Ripma stated I wanted to thank you, Mr. Mayor, and the Council for the flowers and gifts you sent me when I was in the hospital. I'm now in a nursing home rehabbing and this is going to take a while. I do appreciate all the kind words from numerous Troutdale residents and others. I'm working hard to get back there.

Councilor Lauer stated we're all pushing for you, Dave, to get better. Take it easy and come back stronger than ever.

Councilor White stated the second annual Bigfoot Festival was a huge success. A concern that's kind of growing and it's outside of our city limits but it's on Jordan Road. As soon as you cross the bridge, that's Jordan Road with a lack of a crosswalk in the summer time and people

trying to get to the river. We're starting to have a problem with the second parking lot becoming a problem area.

Councilor Allen stated I have a statement to read. I realize this has probably already been a long City Council meeting so I'll keep this brief. For those of you watching close, you realize by now that I am not re-election to the City Council. I do not see how I can use my limited resources of time and money to battle a lawsuit from Eastwinds Development, LLC and run an effective campaign.

10. ADJOURNMENT

MOTION: Councilor White moved to adjourn. Seconded by Councilor Lauer. Motion passed unanimously.

Meeting adjourned at 10:31pm.



Casey Ryan, Mayor
Dated: October 10, 2018

ATTEST:



Kenda Schlaht, Deputy City Recorder

CITY OF TROUTDALE

City Council – Regular Meeting
7:00PM

Tuesday, August 28, 2018

PLEASE SIGN IN

Name – Please Print	Address	Phone #
Richard Shepard	2404 SW 22	503-667-4517
Edward DeFranco	1401 SW 11th St	559 355-9597
MICHAEL ROBINSON	1211 SW 5th, SUITE 1900 PORTLAND, OR 97204	503-796-3756
Shirley Prickett	2617 SW Indiana John R Troutdale	503-667-5912
PAUL CHARENTIER	2120 SW STURGES LN	503-253-5946
Robert Hawks	4800 SE Viewpoint Dr.	503-667-5660
Robert & Terrie	2200 SW 18 way	503-665-0056
Angela Debony	1389 SW Napokon Pt Troutdale -	
Cheryl Sanders	2225 S.W. Larsson Ave	503-665-5684
PAUL WILCOX	TROUTDALE	
Bill Eggert	2225 SW Kendall Ct	619-972-7320
Jwillia Harrington	2301 SW Kendall Ct	503-780-0933
Deeley Pollock	2209 SW Kendall Ct	971-300-9540
Lisa Al'babane	2218 SW Fox Ct.	503-974-5472
Janel Billets	2240 SW Fox Ct	503-780-6869
Susan Johansen	2005 SW Dunbrock Wy.	503-703-4110
Lynne Johansen	"	"
Wayne Johansen	2003 S.W. Sturge	503-666-5759
GARY DUNN	1527 SW BEATRICE PL	503-618-7088
NAWETTE SCHRADER-RICHARDS	1593 SW NORTH STAR LP	503-516-6911
Jennifer McGuirk	7625 NE SACRAMENTO 97213	503-577-8790
GREG & KAREN ANTON	2147 SW LARSON AVE	503-312-5085

Name – Please Print	Address	Phone #
Breery Paulin		
Jon Hughes	Troutdale	
Brent & Rosemary Kurito	1863 SW Daybreak, Troutdale	
Noel DeM	19849 NE Halsey Apt 102	
Dena Mcelister	Troutdale	
Tatjana Heinze	Troutdale	
Ryan Heinze	Troutdale	
Sally Saindgo	11	
Carolyn Flaherty	Cherry Ridge, Troutdale	
Ryan Lagura	Canas, WA	
Jay Lurneborg	630 NE 2nd St, W.V. 9706	503 502 1277
Ricard Alhar. Mi	Mult Transp	503 985 015
Fan Cannon	=	↑
Carrie Warren	=	
Susan Huwe	Tdale	503-674-7232 ☺
Heidi Timberman	Troutdale	503-666-6948
Tom & Shirley Angell	2339 SW 23rd Troutdale	971-230-4531
Paul Clift	12250 Historic	
Peter Probasco	1522 SW North Star Loop	971-409-8006
Sandy Glantz	4450 SE Sweetbriar Ln.	971-344-4240
TANNY STAFFORSON	1820 Hist Ge Pva Hm	503-319-9732

Meeting Date: 28 August 2018

Page #: _____

Name – Please Print	Address	Phone #
Eugenia Tenzis	210729 SE Stark	

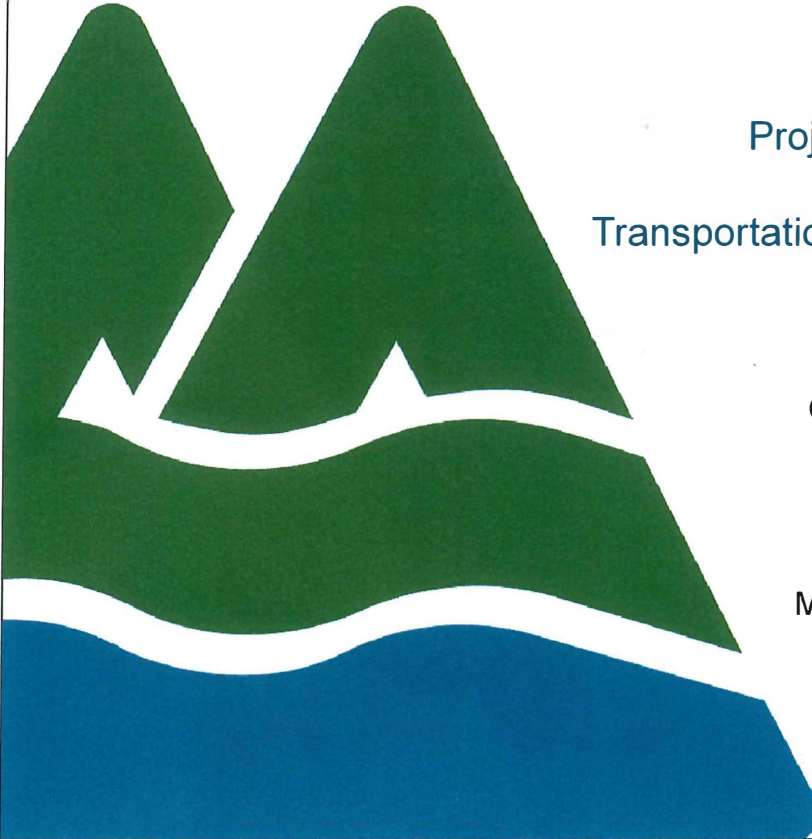
Meeting Date: _____

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Exhibit A

August 28, 2018 Council Meeting Minutes

MULTNOMAH COUNTY



Project Updates on 238th Drive and Stark Street Projects Transportation Project Prioritization and Funding

August 28, 2018
City of Troutdale Council Meeting

Joanna Valencia, AICP
Riad Alharithi, PE
Carrie Warren, PE
Multnomah County Transportation

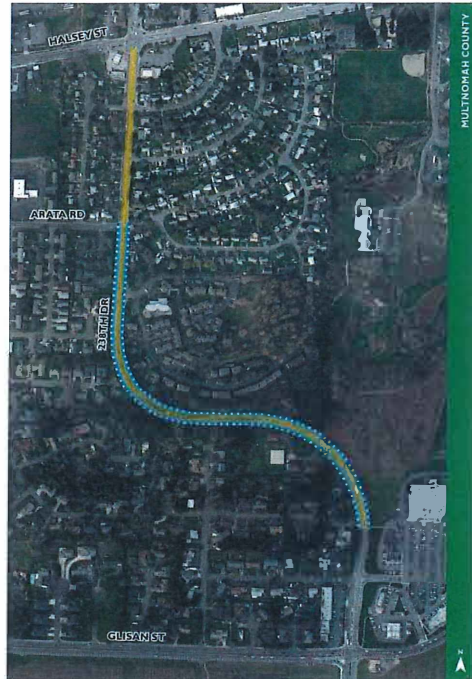
Agenda

- NE 238th Drive
 - Design updates
 - Noise Analysis
 - Cost Challenges and Mitigations
 - Roadway Closure Concerns
- Stark Street Project
- Transportation Project Prioritization and Funding Overview
- Questions / Comments



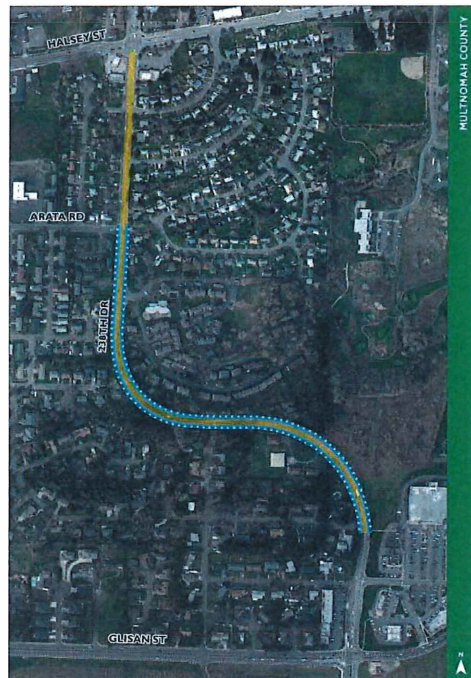
NE 238th Drive Background

- Project identified in 2012 East Metro Connections Plan
- Scope: Widen lanes, multi-modal and Storm water management from NE Oregon St. to NE Arata Road



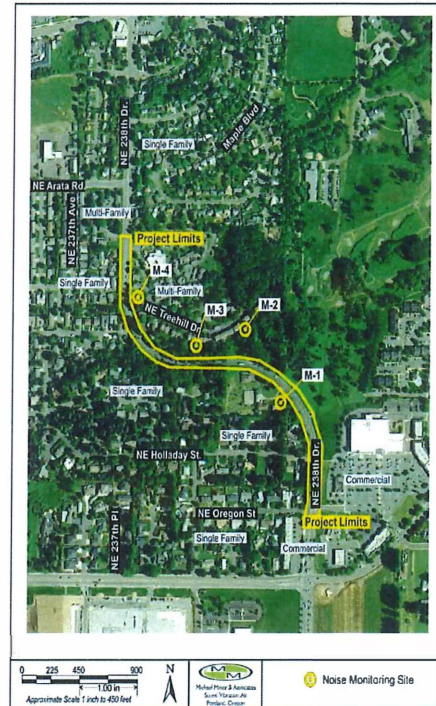
Design Updates

- Design at 50% completion
 - Project footprint (needed ROW) are identified,
 - Stormwater management plan is identified,
 - Retaining walls types and locations are identified,
 - Environmental impacts are identified, and
 - Working on details to 90% design.
- Schedule
 - Design (2017-2019)
 - Advertise (Fall 2019)
 - Construct (2020)



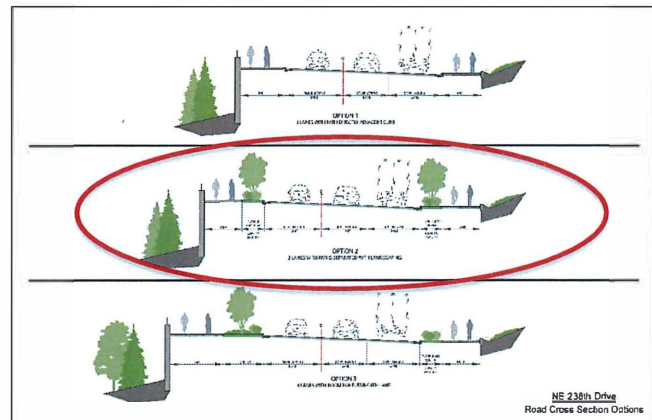
Noise Analysis Highlights

- Traffic noise predicted to change by -1 dB to +2 dB when compared to the existing noise levels.
- Average person requires a 3 dB or more increase in traffic noise levels.
- People won't notice any difference in the overall traffic noise levels - with or without the project.
- The project will not add noise walls.



NE 238th Drive Challenges

- Design changes due to safety needs and public input:
 - Planter strips added for safety and Stormwater management
 - Wider cross section



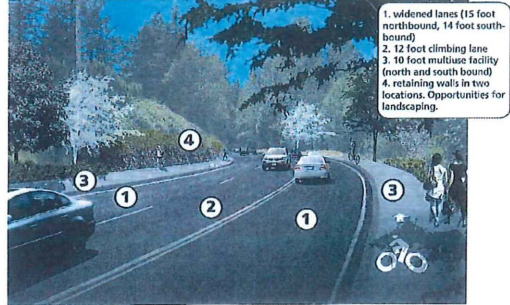
NE 238th Drive Cost Challenges

- 2012 original project cost was at \$8M (\$800K County match). Estimate was done by ODOT, Metro & consultant
- 2012 budget based on conceptual level info
- 30% design estimate is \$1.5M over 2012 budget
- Biggest cost drivers are retaining walls in middle of project and Stormwater management facilities.

Existing 238th - looking north



Refined 238th - looking north widened travel lanes, widened bicycle and pedestrian facility for safety



NE 238th Drive Cost Mitigation

- Road Closure
 - Larger work zone cuts cost of walls and construction time
 - Saves \$1.3M
 - Improve safety during construction
- Asphalt (not concrete) sidewalks saves \$200K more



Rhododendron Multi-Use Path - City of Florence, OR



Roadway Closure Concerns

- Issues to study - **23K** vehicles/day use road
 - Impact to the communities: Cities of Wood Village and Troutdale
 - Impact to businesses on Halsey St. and Glisan
 - Impact to Ped/ bike users
 - Impact to through traffic
 - Duration of road closure
 - Public comment on traffic plan



238th Drive Questions and Discussion

More Information:
multco.us/roads
[@MultCoRoads](https://twitter.com/MultCoRoads)



Stark Street Multimodal Connections

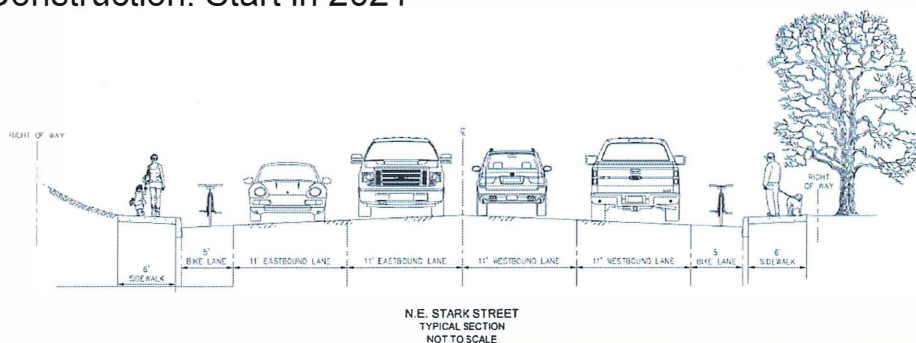


From left to right: (1) Looking eastbound near intersection of 257th Ave; (2) Looking eastbound where Corbeth Lane and Mount Hood Community College driveway intersect, and (3) Looking westbound from intersection of Troutdale Road.



Stark Street Multimodal Connections

- Scope of project:
 - Close the existing east-west gap in bicycle and pedestrian travel
 - Work may include sidewalk, bike lanes in each direction, ADA curb ramps, curb and gutter, and drainage improvements.
- Anticipated Schedule
 - Design: start in early 2019
 - Right of Way: start in Spring of 2019
 - Construction: Start in 2021



Life Cycle of a Transportation Project



A Transportation Project “Life Cycle”

1. Birth of a project: Where do projects come from?
2. How do projects get prioritized?
3. How are projects funded?
4. What are the processes to implement/construct a project?



Developing a Project

A. Local Policies

- Based on community desires and needs

B. Transportation System Plans (TSP)

- Includes project list reflecting community desires/needs

*Fairview (1999) Troutdale (2014)
Gresham (2013) WV (2012)
Mult. Co. (2016) Port (2015)*

C. Sub-Regional Plans

- Refined list of projects from TSPs that support sub-regional desires/needs

*East Metro Connections (2011)
CCRD Plan (2009)*

D. Regional Transportation Plan (RTP)

- Project list consistent with TSP project list
- Based on projected growth

*Every 4 Years
Next RTP (2018)*

E. Statewide Plans

- Project list based on state's desires/needs, including projects listed in TSPs, RTPs



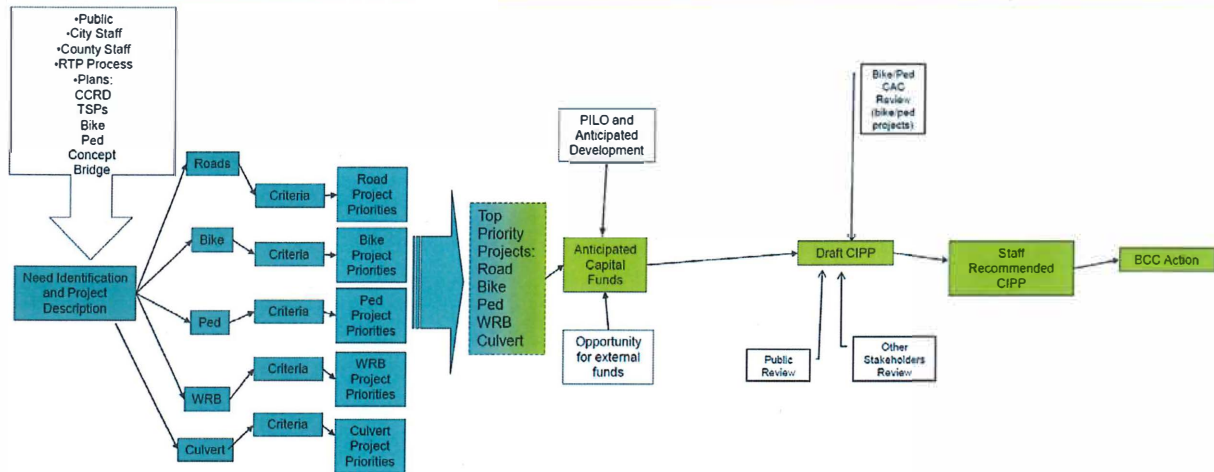
Capital Improvement Plan and Program



Multnomah County Capital Improvement Plan and Program

Plan – 20 year Needs

Program – 5 year Funding Strategy



Prioritizing Projects

A. TSP/RTP Project Lists

	Timeline	RTP List	Local CIP
– Near-term projects →	0-5 yrs.	Constrained	Funded
– Mid-term projects →	6-10 yrs.	Constrained	Unfunded
– Long-term projects →	11-20 yrs.	Unconstrained	Unfunded

B. Funding Opportunities Arise

- Criteria varies
- Funding amounts vary

C. Coordination

- Sub-regional / EMCTC
- Regional
- State



Processes to Implement a Project

- A. Secure Funding
- B. Integrate into Capital Improvement Program
- C. Prospectus and IGA
- D. Design
- E. PE
- F. Construct

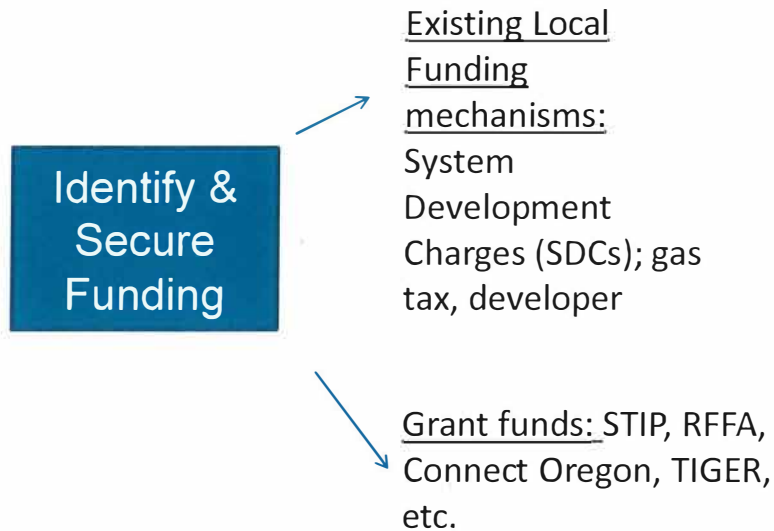


How are Projects Funded?

- A. Local Funding Sources
 - System Development Charges (SDCs)
 - Transportation Utility Fees
 - Gas Tax and Vehicle Registration Fee Revenues
 - Bonds
- B. Regional Funding Sources
 - MTIP (Metro. Transportation Improvement Program)
- C. State Funding Sources
 - STIP (State Transportation Improvement Program)
 - Connect Oregon
- D. Federal Funding Sources



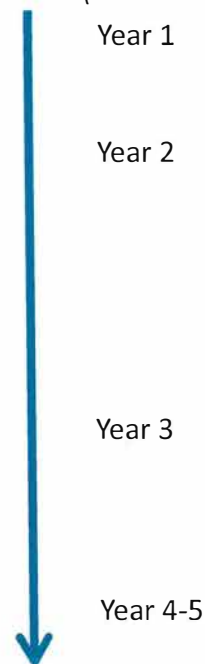
Funding



After a project is funded, now what

- Project is moved forward to ODOT for adoption into STIP
- Project programmed into local jurisdiction Capital Program
- Local jurisdiction works with ODOT in developing IGA to receive Notice to proceed (can start spending money and charging to grant award)
- Local jurisdiction Planning, Preliminary Engineering and Design process occurs. Includes public outreach.
- 100% design completed and go out to Bid
- Construction

Typical Timeline
(illustrative only)





Questions and Discussion

More Information:
multco.us/roads
[@MultCoRoads](https://twitter.com/MultCoRoads)



18-017

Eagle Ridge Apartment Homes

Application for Map Amendments | Type IV Procedure

Public Hearing: Tuesday, August 28, 2018

Troutdale City Council | Troutdale Police Community Center

Staff Presentation

Public Testimony

Order of Testimony

1. Applicant
2. Proponents
3. Opponents
4. Neutral Parties / Clarifications
5. Requests for Additional Time

Reminder:

- All issues raised by a participant must be sufficiently clear and specific to allow PC and other parties to respond.
- Failure to raise an issue during this public hearing may invalidate a future appeal based on that issue.

Application & Applicable Criteria

What is being considered first...

- **Comprehensive Land Use Plan Map Amendment** to re-designate both properties to High-Density Residential (HDR)
- **Zoning Map Amendment** to rezone both properties to A-2 apartment residential
- These actions to be approved by **ordinance**

If the above is approved, what will be considered at next the next hearing...

- **Site Development Plan approval** for a 216 unit apartment complex
- **Variance** for front setback line (20 feet to 10 feet)
- **Variance** for landscaping requirement (25% required, 24.7% proposed)
- These actions can be approved by **order** – only if amendments are approved

Tonight's Hearing

- **Decision on amendments can be made tonight**
 - Planning Commission's recommendation for approval from the May 30th hearing is ***non-binding***
 - City Council could vote to continue the hearing to a future meeting date
- Receive testimony during public hearing
 - Applicant's presentation – new evidence to be shared
 - Public testimony
 - Testimony must relate to the decision criteria **ONLY** the map amendments
 - Previous testimony remains part of the record
- Review the decision criteria only for the map amendments
- Review draft findings (Exhibits A, B, C) and discuss amendments
- Take action or continue the hearing to later date

Clarification of Staff Report Exhibits

- Exhibit A – draft findings for **denial** of the application
 - stemmed from the 5-2 vote to disapprove findings on June 12, 2018
 - originally presented at July 10, 2018 Council hearing during deliberation
 - Reflects amendment proposed by Councilor Ripma at the meeting and clarified thereafter
- Exhibit B – draft findings for **approval** of application
 - drafted in case the new evidence presented by the applicant tonight satisfies Council concerns
 - first time it is being considered
- Exhibit C – draft findings for **approval** of application
 - Findings as originally drafted and recommended for approval by Planning Commission
 - Presented at June 5 and June 12th hearings
 - Voted down 5-2 at June 12 hearing
- Exhibit D – **Applicant Correspondence**

Exhibit D – Applicant Correspondence

- Response to Council deliberations from July 10 meetings and proposed Exhibit A
- Introduction of new evidence
- New proposed condition to address traffic improvements – page 7

- Exhibit 1: Dictionary Definition of “significantly”
- Exhibit 2: Map
- Exhibit 3: Supplemental Analysis to the Traffic Impact Analysis
 - Applicant has submitted a revised Exhibit 3 for the record since the Council Packet was published
 - The revised exhibit has updated road improvements shown; no changes to conclusions were made

New Proposed Condition

The Applicant shall construct a roadway improvement at the intersection of SW Cherry Park Road and NE 242nd Drive as shown in the attached exhibit, “Street and Striping Improvements”, prepared by All County Surveyors (the “Intersection Improvements”) and shall comply with conditions of approval 1-9 in the May 29, 2018 Memorandum from Multnomah County (the “County Conditions”).

The Intersection Improvements shall be complete by the earlier of the time that the Applicant seeks the final residential building certificate of occupancy, or December 31, 2020. The County Improvements shall be completed according to the terms of the County Conditions. ‘Complete’ for purposes of this condition shall mean that the improvements are installed but shall not require acceptance by the relevant governmental entity, or completion of an improvement punch list.”

Potential Action Items

1. **Deny** Approval of the Ordinance – Adopt the **Exhibit A** findings
2. **Approve** the Ordinance – Adopt the **Exhibit B** findings
 - With modifications from the prior June 26, 2018 version of Ordinance
 - With Findings based upon new evidence presented tonight and further consideration
 - No condition that the street improvements be made.
3. **Approve** the Ordinance – Adopt the **Exhibit C** findings
 - Original findings as presented at June 5 and June 12 public hearings
 - Does not reflect new evidence presented tonight
4. **Approve** the Ordinance – Adopt the **Exhibit B** findings **with added conditions**
 - With modifications from the prior June 26, 2018 version of Ordinance
 - With Findings based upon new evidence presented to tonight and further consideration
 - Supplemented by two conditions stated on page 7 of Applicant letter (Exhibit D)

Comprehensive Land Use Plan Map Amendment Decision Criteria

- A. Compliance with the Statewide Land Use Goals and related administrative rules has been met.
- B. Consistency with the applicable goals and policies of the Comprehensive Land Use Plan.
- C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation, and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands.
- D. The Plan provides more than the projected need for lands in the existing land use designation.
- E. **Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.**
- F. Public facilities and services necessary to support uses allowed in the proposed designation are available, or are likely to be available in the near future. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060.

Zoning District Map Amendment Decision Criteria

- A. The proposed zone is appropriate for the Comprehensive Land Use Plan land use designation on the property, and is consistent with the description and policies for the applicable Comprehensive Land Use Plan land use classification.
- B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
- C. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment has a significant effect on the transportation system pursuant to OAR 660-012-0060.
- D. The amendment will not interfere with the livability, development, or value of other land in the vicinity of site-specific proposals when weighed against the public interest in granting the proposed amendment.
- E. The amendment will not be detrimental to the general interest of the community.

Public Testimony

Comments should be directed towards the City Council

Please have comments relate to the decision criteria
for the map amendments

Public Testimony

Order of Testimony

1. Applicant
2. Proponents
3. Opponents
4. Neutral Parties / Clarifications
5. Applicant Rebuttal
6. Requests for Additional Time

Reminder:

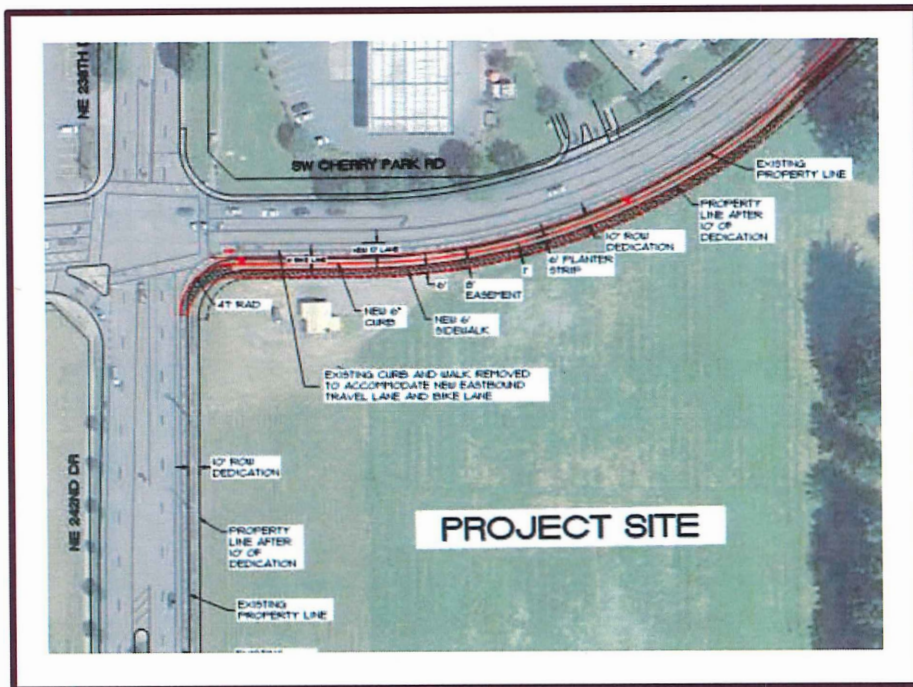
- All issues raised by a participant must be sufficiently clear and specific to allow City Council and other parties to respond.
- Failure to raise an issue during this public hearing may invalidate a future appeal based on that issue.

EAGLE RIDGE APARTMENTS

DESIGN REVIEW AND
COMPREHENSIVE PLAN
AMENDMENTS



EAGLE RIDGE APARTMENTS



- Developer Proposes to Improve the intersection at Cherry Park and NE 242nd to include:
 - Frontage Improvements
 - Signal Modifications
 - Signing and restriping.
 - New 12' Travel Lane
 - New 6' Bike Lane
 - New 6' Sidewalk & 6' Planter

TRAFFIC IMPACT ANALYSIS SUMMARY

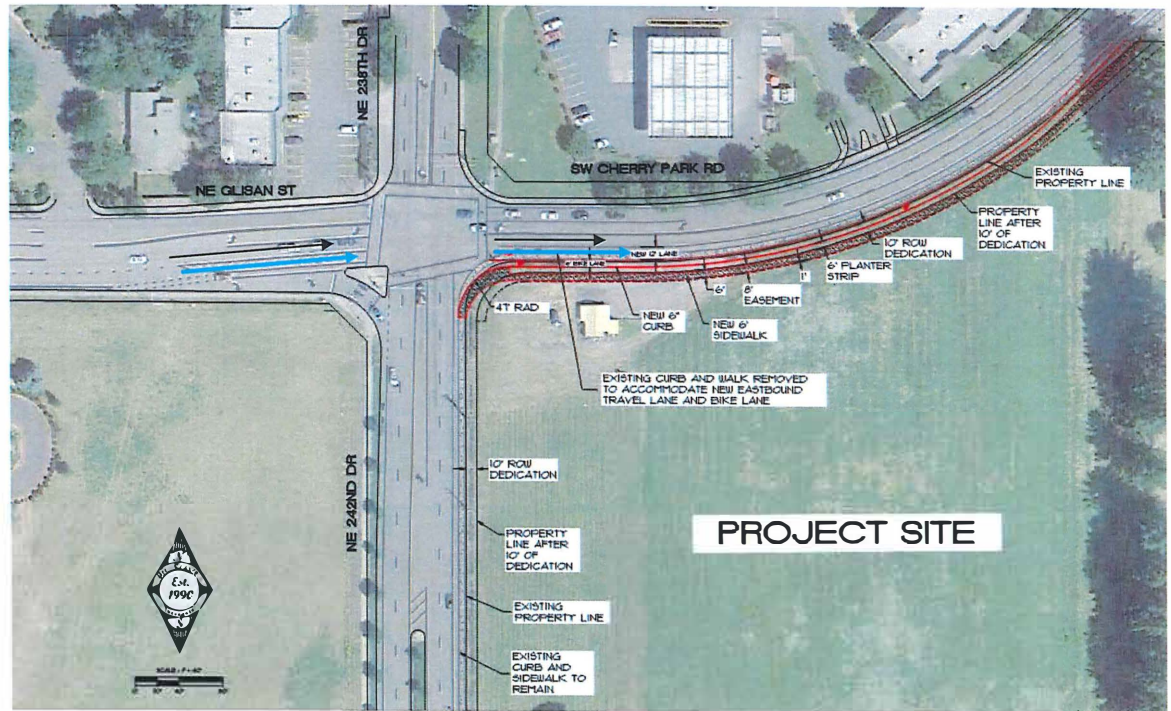
- Identifies transportation issues and recommended mitigation measures
- With mitigation the application satisfies approval criteria, including the Oregon Transportation Planning Rule (TPR)
 - Conditions 1-9 from May 2018 County letter

APPLICANT VOLUNTARY MITIGATION MEASURES:

- Dedicate Cherry Park right-of-way frontage
- Developer Proposes to Improve the intersection at Cherry Park and NE 242nd to include:
 - Frontage Improvements
 - Signal Modifications
 - Signing and restriping.
 - New 12' Travel Lane
 - New 6' Bike Lane
 - New 6' Sidewalk & 6' Planter
- Modify the traffic signal
 - With mitigation, intersection is projected to operate acceptably in 2040 with proposed zone change and comprehensive plan amendment

EAGLE RIDGE APARTMENTS

- Additional Lane Creation at Cherry Park



EAGLE RIDGE APARTMENTS

- Landscape Planting Plan:
- Frontage Improvements
- Enhanced buffering along property boundaries



EAGLE RIDGE APARTMENTS

- 216 Unit Multi-Family Homes
- Applications have been submitted for Site Development Review, a Comprehensive Plan Map and Zone Change, and two Variances.
- The proposed Applications meet all of the approval criteria and the Applicant accepts all proposed conditions of approval.



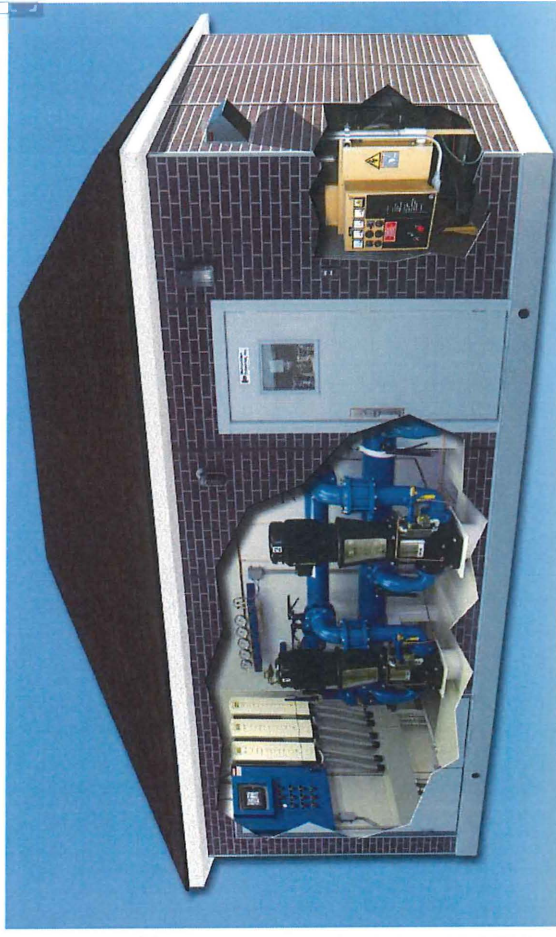
EAGLE RIDGE APARTMENTS

- The land is zoned R-5 for single family homes.
- Single family homes do not work on the site because this project does not provide sufficient opportunity for a gravity sewer connection.
- The land was on the market for more than 5 years and no one was able to complete a deal for a single family project.



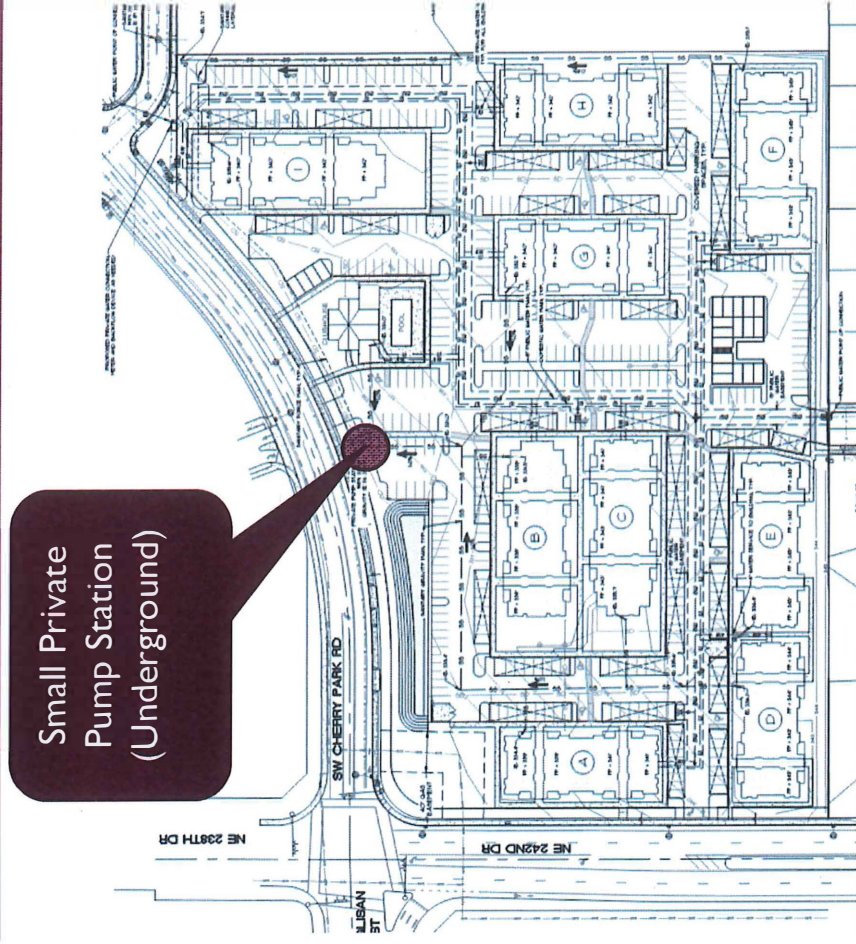
EAGLE RIDGE APARTMENTS

- Public Pump Stations are not desirable by the City's Engineering and Public Works Department.
- They are expensive to construct and expensive to maintain.



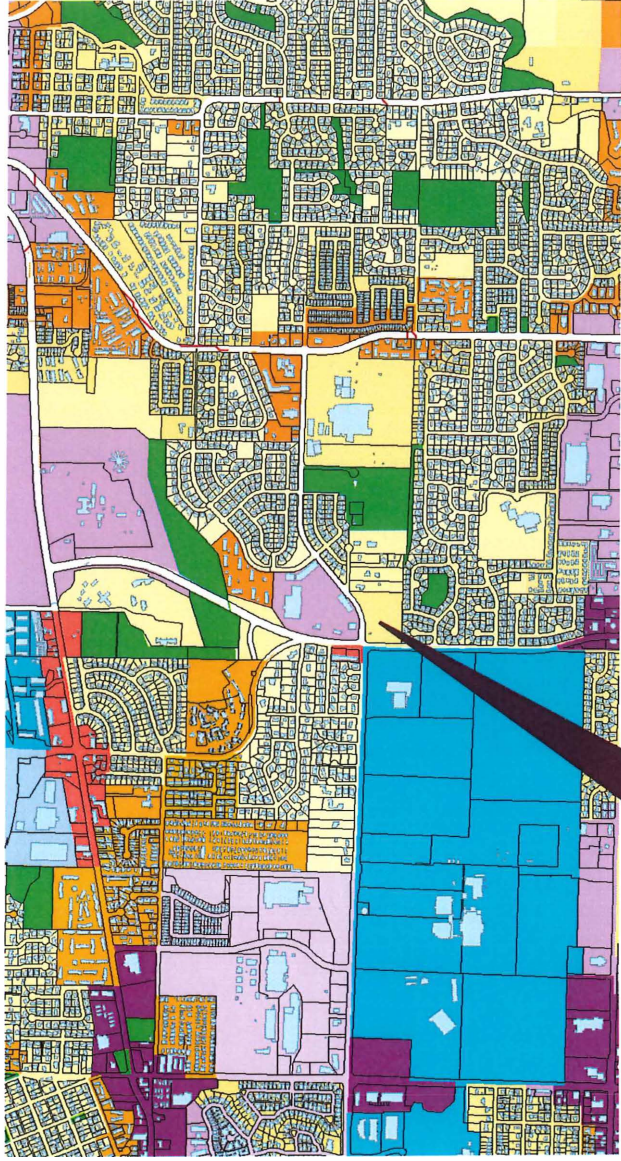
EAGLE RIDGE APARTMENTS

- The development of the site as a private apartment complex removes the need for the installation of a public pump station as a private pump station can be installed and maintained by the developer.
- A much smaller system can be installed and maintained.



EAGLE RIDGE APARTMENTS

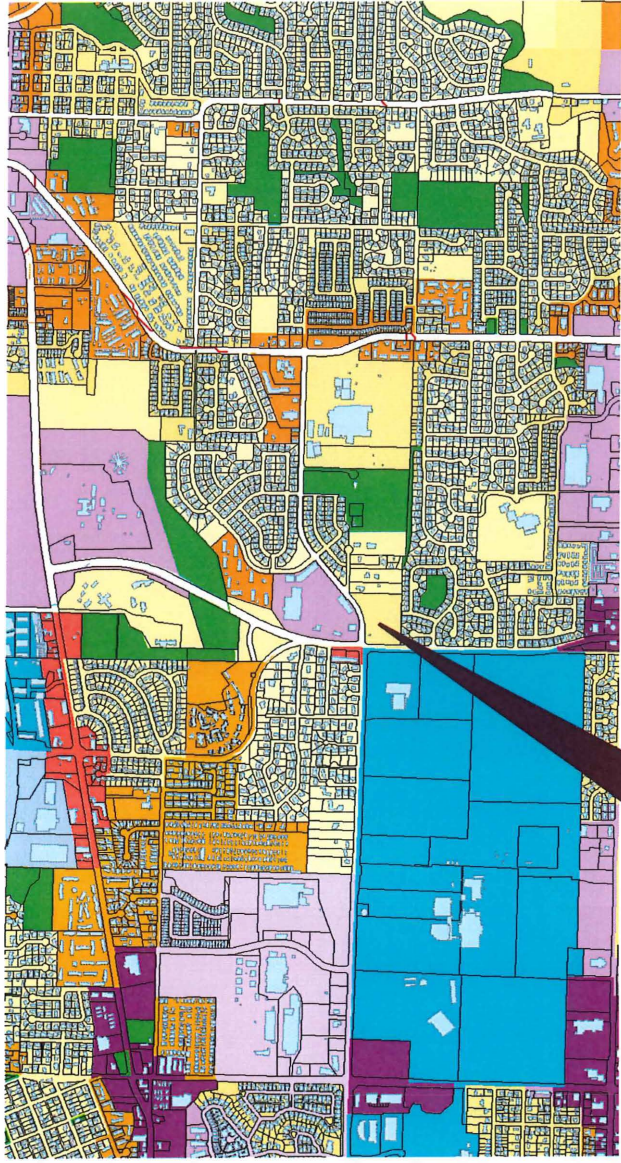
- The site's location makes it ideal for multi-family.
- SW Cherry Park is a Collector; NE 242nd is an Arterial
- The site will have Trimet Service next year



Site

EAGLE RIDGE APARTMENTS

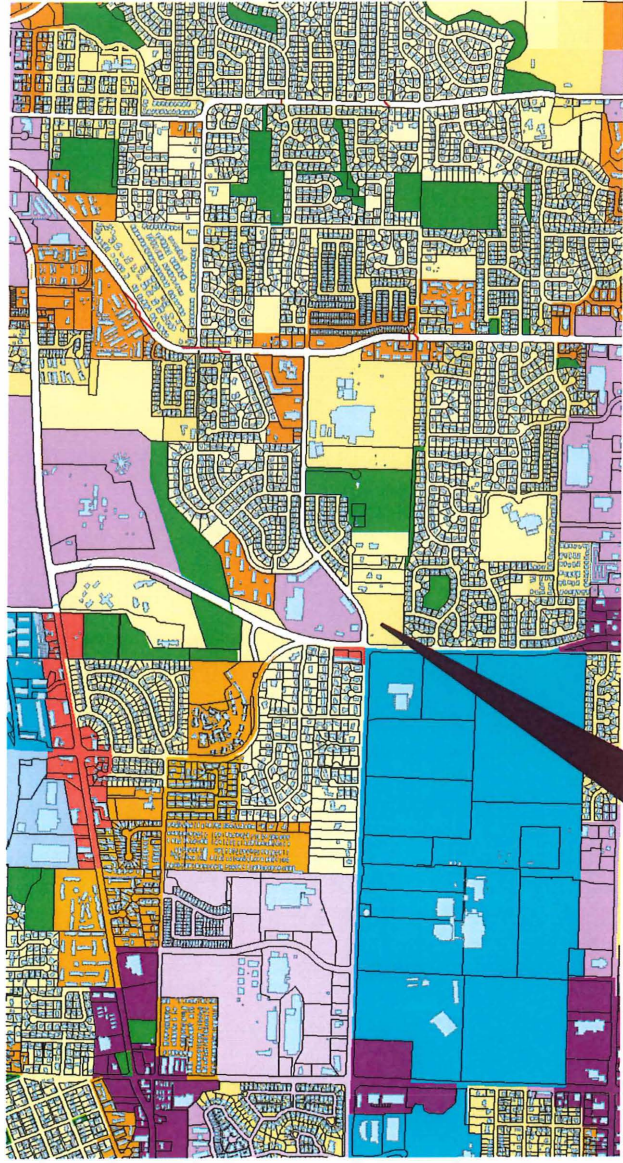
- Apartments are often located on busy corners.
- The site's location provides opportunities to walk to major services, retail, parks, and employment centers.



Site

EAGLE RIDGE APARTMENTS

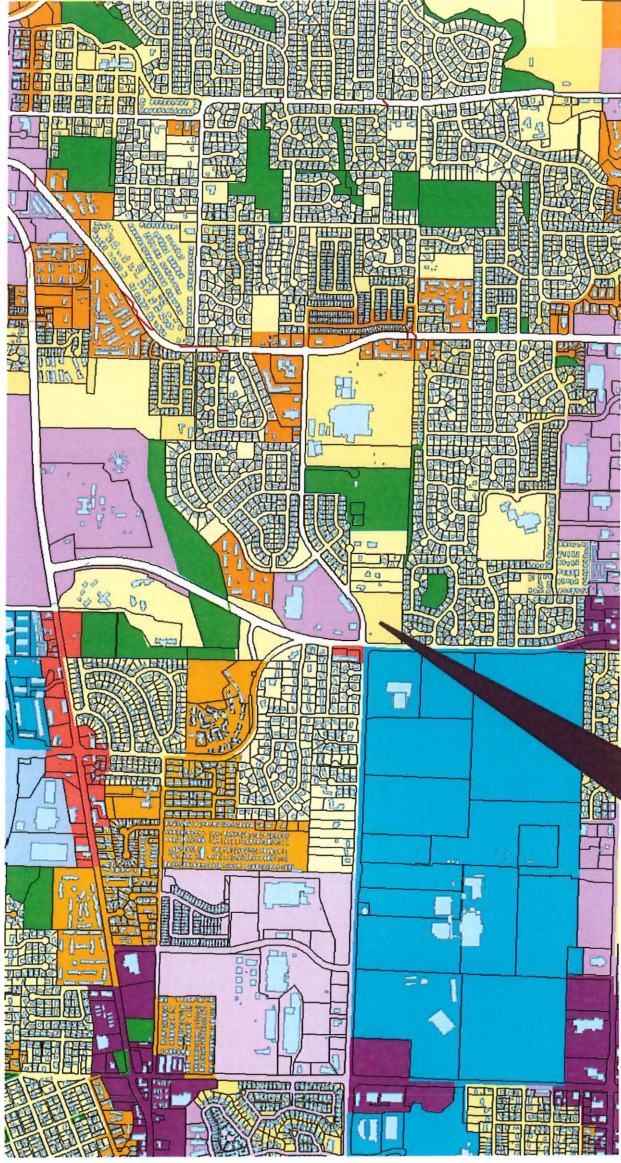
- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
 - This is a proper location for this density due to proximity to existing shopping and employment areas.
 - The development of multi-family homes is not likely to have a negative impact on property values.



Site

EAGLE RIDGE APARTMENTS

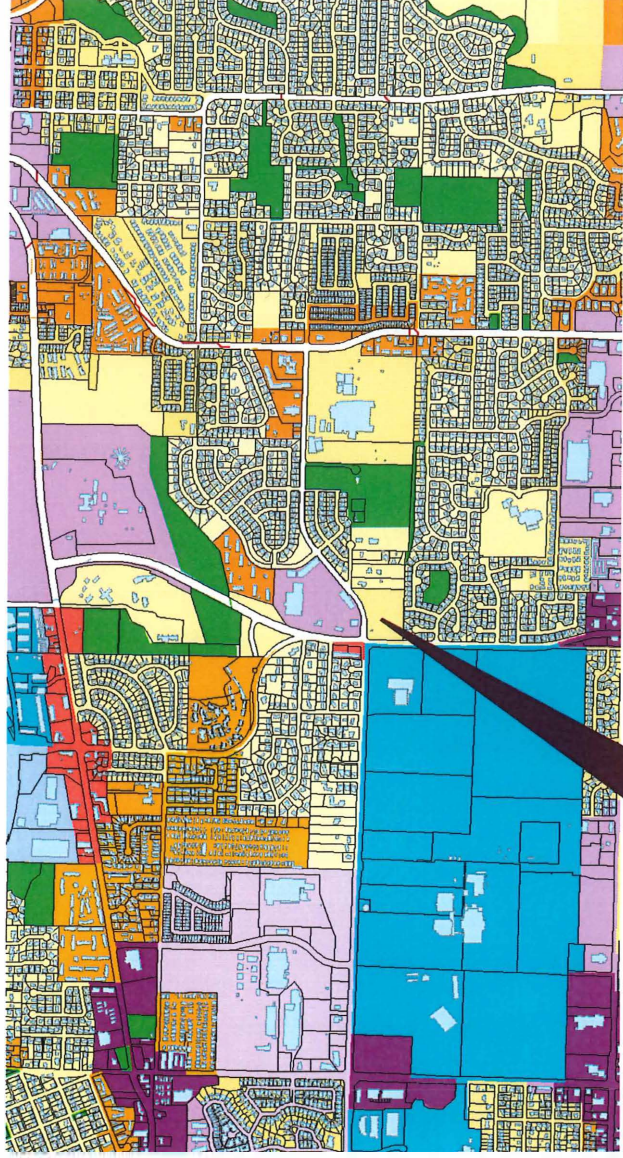
- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
 - School capacity is not likely to be an issue. Enrollment figures have dropped within the District. The impact of multi-family is typically less than single family.



Site

EAGLE RIDGE APARTMENTS

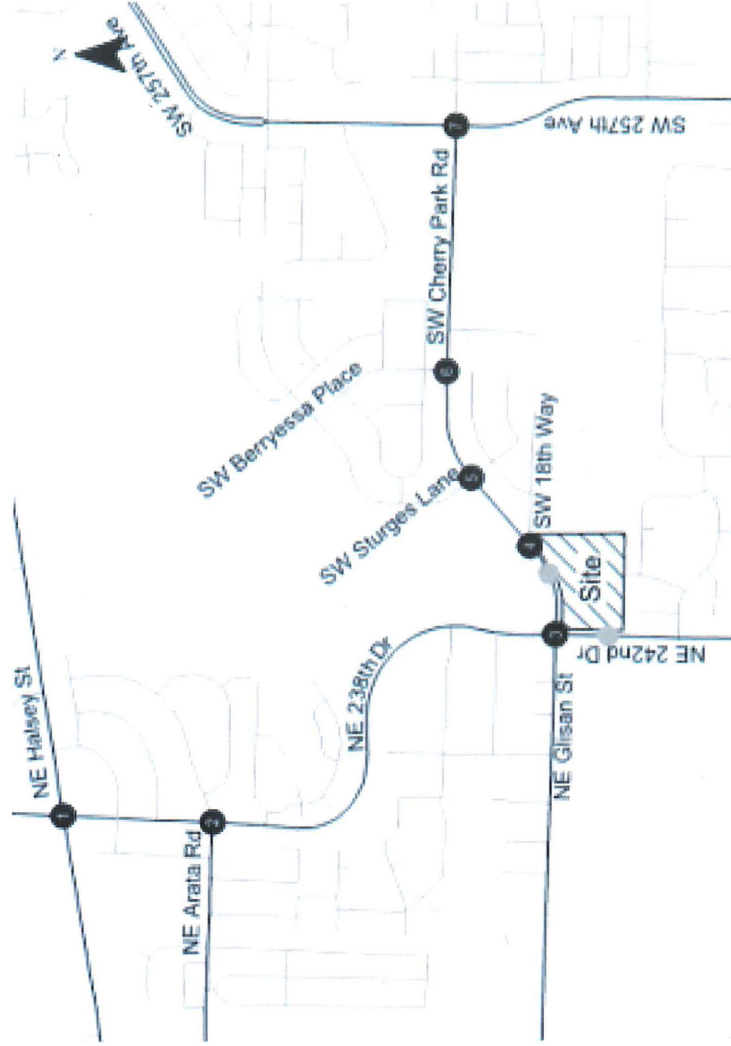
- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
 - Traffic impacts are anticipated to be minimal on the existing neighborhood.
 - The Applicant is proposing signal modifications at NE 242nd and SW Cherry Park.
 - The Applicant is willing to install a Rapid Flashing Beacon at 18th Avenue to address pedestrian crossing concerns at SW Cherry Park.



Site

EAGLE RIDGE APARTMENTS

- Staff has evaluated the proposal and agrees that the proposal meets the City's Approval Criteria. Staff Specifically found that:
 - Multnomah County, the City of Gresham, and the City of Troutdale have evaluated and agree on intersection mitigations, dedications, and improvements.



THE CITY'S COMPREHENSIVE PLAN

High-Density Residential (HDR)

This designation is intended primarily for high-density, multiple-family residential dwellings, including existing developments and vacant land suitable for development at higher densities. Density in this designation is intended to average 21 units per gross acre and 2,000 square feet per dwelling unit. Business and professional offices may be considered appropriate in areas designated HDR given conditional approval. The following areas may be designated HDR:

- **Areas adjacent, or in close proximity, to existing or planned shopping centers, employment centers, transit routes, or minor arterials.**
- **Comprehensive Plans are not static.**
- **Comprehensive Plans are meant to change to reflect changing circumstances. The addition of Trimet, Major Employment, and the Site's walking distance to services makes this proposal ideally suited.**







SUPPORT FROM LOCAL BUSINESSES

- 17 local businesses within the plaza north of the site have signed a petition in support of this zone change and plan amendment.

PETITION FOR ZONE CHANGE APPROVAL

If approved, the increase in new residents to the neighborhood will positively impact your business with increased sales and revenue

Petition summary and background	On property located at the Southeast corner of 242 nd and Cherry Park Road, Troutdale, Oregon, Sheldon Development Inc requests the City of Troutdale to approve a zone change allowing the use for multi-family construction of 216 apartment homes
Action petitioned for	We, the undersigned, support the approval of the zone change request

Printed Name	Signature	Address	Business Name	Date
Pat Connel		2503 SW Cherry Park Rd	Connel's Pizza	6/1/18
Brandon Johnson		2509 SW Cherry Park Rd	Goodfathers Pizza	6-1-18
Kimberly Vancourt		2503 SW Cherry Park Rd	Goodfathers Pizza	6-1-18
Rui Rong		2507 SW Cherry Park Rd	Wu's Garden	6-1-18
Holly Massey		2513 SW Cherry Park Rd	Cherry Park Rental	6/1/18
Jairo Serrano		2521 SW Cherry Park Rd	Cherry Park Subway	6/1/18
Juan Cortez				
Duane Clark		2555 SW Cherry Park Rd	McDonald's	6-1-18
Edmaria Vasquez		2555 SW Cherry Park Rd	McDonald's	6-1-18
Fidel Reyes		2441 SW Cherry Park Rd	Tanario Restaurant	6-1-18
John Breunauer		2459 SW Cherry Park Rd	Perfect Jack	6/1/18
Virginia Schwent		2459 SW Cherry Park Rd	Perfect Jack	6/1/18

