

REGULAR MEETING
November 26, 2001

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, November 26, 2001, at 6:20 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Fred Ruby, Dennis Doyle and Forrest Soth. Couns. Stanton and Brzezinski were excused. Also present were City Attorney Mark Pilliod, Human Resources Director Sandra Miller, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Library Director Ed House, Development Service Manager Steven Sparks, City Transportation Engineer Randy Wooley, Senior Planner John Osterberg, Captain Wes Ervin, Senior Planner Margaret Middleton, Senior Planner Don Gustafson, Project Engineer Jim Duggan, and City Recorder Sue Nelson.

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the Council move into executive session in accordance with ORS 192.660 (1) (h), to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed. Couns. Doyle, Soth, and Ruby voting AYE, the motion CARRIED unanimously. (3:0)

The executive session convened at 6:22 p.m.

The regular meeting reconvened at 6:40 p.m.

CITIZEN COMMUNICATION:

Mayor Drake welcomed Boy Scout Troop Pack 872 from Hiteon School.

Pavel Goberman, candidate for Commissioner of Oregon Bureau of Labor and Industries (BOLI), said he was concerned about children's education and crime. He said he felt that it would be better for the community if the Library had regular hours except for holidays. He said that would occupy teenagers and keep them off the streets.

Francine Kaufman, Beaverton, said she was concerned about the lack of lighting on Alger Street. She said the second streetlight south of Ninth Street on Alger had not functioned for seven days. She said she reported it to the City of Beaverton and also Portland General Electric (PGE). She added it had been fixed but was now not working again.

Mayor Drake confirmed that Ms. Kaufman had talked with the Operations Director Steve Baker, who would schedule the repair.

COUNCIL ITEMS:

Coun. Doyle announced that the City Holiday Open House was December 11, 2001, from 5:00 p.m. to 7:00 p.m. He concluded there would be refreshments, music, face painting, and Santa Claus.

STAFF ITEMS:

There were none.

PRESENTATION:

01361 Fanno Creek Greenway Trail Action Plan

Bob Bothman, Chairman of the Fanno Working Committee, announced he would talk briefly about a program that was underway to complete the Fanno Creek Greenway Trail. He explained the make-up of the committee and the direction and gaps in the trail (in record). He said the purpose of this meeting was to impress upon the Council the extensive 15-mile trail that they were in the process of building and would complete. He said the City of Beaverton would see the central piece completed rather quickly, which would give the trail a nice loop. He said they had completed six projects, paved six sections of the trail in the last three years and had four sections under way. He noted the four sections were: (1) Portland, (2) the section between Scholls and Greenwood Inn, (3) the project between Greenwood Inn and 105th and (4) the section in Tigard just south of Woodard Park.

Coun. Soth asked how Bothman involved property owners and the neighbors with projects that had not been completed.

Bothman replied the working committee was not involved other than through the Neighborhood Association Committees (NACs). He noted he was taking his presentation to all of the NACs and the Citizen Participation Organizations (CPOs). He said neighborhood involvement would be developed as projects were identified.

Coun. Soth commented the section of the trail between Scholls Ferry Road and the Greenwood section had been controversial. He emphasized it was best to get people involved as early as possible in order to resolve any differences.

Bothman said he agreed because the Garden Home neighborhood had some difficulty. He noted they asked the neighbors who were opposed to the trail to be on the design committee so they could contribute to the design of the trail. He said that gave the neighborhood choices such as fencing, landscaping, and whether to move the trail away from the property or closer to street connections. He added that allowed them to participate in all of the issues.

Coun. Doyle said he felt that was the best solution. He asked if the Park District indicated where the funding for the trail would come from.

Bothman said the section at Scholls Ferry was funded last month with T21 Federal Funds, which he estimated was about \$880,000.

Coun. Doyle asked if that would be enough to construct the trail.

Bothman replied that amount was enough for the section. He noted the City of Beaverton project was funded by Federal and City funds.

Coun. Doyle indicated he felt Bothman was managing the project well.

Coun. Ruby commented that he enjoyed using the trail and felt it opened up access for bicycle riding. He said it was now easy for a cyclist to go from downtown Beaverton to downtown Tigard. He added that he felt it was a wonderful contribution to the community.

Bothman added access for the Fanno Creek Trail was a high priority for the green ribbon committee at Metro.

CONSENT AGENDA:

Coun. Doyle MOVED, SECONDED by Coun. Soth, that the consent agenda be approved as follows:

01362 Traffic Control Board Issue 469

01363 CUP 2001-0025 Truax Gasoline Station at 14975 SW Walker Road
Conditional Use Permit

01364 Bid Award – Traffic Signal Modifications, Denney Road at King Boulevard
and Brockman Road at Bridletrail Avenue

01365 Declaration of Surplus Equipment to the City's Needs and Authorization to
Trade Surplus Equipment to the City of Sherwood

Contract Review Board:

01366 Ratify Work Performed and Authorize Contract Change Order – Legal
Assistance for *The Round* At Beaverton Central

Question called on the motion. Couns. Ruby, Soth and Doyle voting AYE,
the motion CARRIED unanimously. (3-0)

PUBLIC HEARING:

01367 APP 2001-0017 Sterling Park; Appeal of Subdivision Modification Approval
(SB 2001-0002)

Joe Grillo, Community Development Director, read the legal statement.

Grillo asked if there were any challenges.

There were none.

Grillo asked if there were any Councilors who wished to abstain regarding
to impartiality.

There were none.

Grillo asked if there had been any exparte contact.

Coun. Soth said he had no exparte contact. He noted he visited the area
in question.

Mayor Drake stated Ms. Prentice called him, but he advised her not to
discuss the matter, for in the case of a tie vote, he would be voting. He
noted he had visited the site.

Grillo stated the letter dated November 19, 2001, from Senior Planner
John Osterberg responded to the points raised in the appeal by the
Prentices. He asked if the Council had any questions.

Coun. Soth referred to the area maps and said it appeared that the Urban Growth Boundary (UGB) was at the border between Tract E and the property to the west.

Grillo said that was correct.

Coun. Soth asked if Alvord Lane ended at the UGB.

Grillo said it ended at the UGB in the east, and to 175th to the west.

Mark Pilliod, City Attorney, advised the Council that he had spoken with the attorney representing the applicant in this matter relative to the City's statutory requirement to complete the hearing process and adopt a final order within the mandated 120 days. He stated the 120 day time frame expired on December 7, 2001. Since the City Council was not currently scheduled to conduct a regular meeting on Monday, December 3, 2001, he asked if the applicant was willing to waive the 120 day period to allow the Council to adopt a final written order on Monday, December 10, 2001. He said he understood that the applicant was willing to do that. He asked Mr. Junkin for clarification if his testimony was not correct.

John Junkin, Attorney representing *Matrix Development*, confirmed that they were agreeable to an extension to December 10, 2001. He said the appellant's concern with allowing the modification was if it was in compliance with the classification plan and with the UGB issue. He said the larger issue was the events of 1998 regarding this property. He expressed he appreciated City staff's position but disagreed with some of the statements in the staff report and the purpose for the public hearing. He said in the report staff stated that they were seeking to modify the 1998 modification by removing certain conditions on the property. He clarified that was not why the conditions were there. He stated they were there because the City required a Tract M in 1998 with a modification.

Junkin explained Tract M was a sliver of property that fronted Blackbird Drive, at a portion of Tract E. He said Tract M was there to allow for utility and pedestrian access, allowing connections on either side of Tract E, within the subdivision and along the cul-de-sac of Blackbird Drive. He said when *Matrix* took ownership of Tract E they wanted to develop it into lots. He said they could have seen it as a partition; however because Tract M was there, they want to remove Tract M, which required a subdivision modification. He noted that was why they were doing a subdivision modification rather than a partition. He said what they tried to accomplish was to remove Tract M and modify a couple of lots and create three new lots for the subdivision on Tract E.

Junkin specified referred to the staff report was that they were not seeking to remove certain conditions set out in the 1998 modification. He said staff referred to Condition C, five through eight, and had requested those conditions removed. He said the appellant's position in the appeal was that Ms. Prentice believed that *Matrix* was obligated to provide an extension of Blackbird Drive to Alvord Lane outside the UGB and that as a condition of the application, *Matrix* should be required to provide the extension. He commented the City's Facility Review Commission, the City's Planning Director, and the Planning Commission were unanimous in their position that *Matrix* cannot be obligated at this time, nor were they obligated earlier to provide an extension of Blackbird Drive. He referred to a letter that gave a history of property (in the record).

Junkin stated the modification was not to remove any conditions from the 1998 approval but to address the Tract M issue. He noted his client spent approximately \$150,000 based on City approval for the rock wall, the grading, and the construction of Blackbird Drive. He reported four lots of the nine lots were sold but would be impacted by changes to Blackbird Drive. He noted there was a house under construction on one of the lots. He said if the City came back and wanted to revisit the decision of 1998, the allowance of consideration of viable alternatives to the north would impose a condition to the improvements to Blackbird Drive. He added the cost of extending it would be another \$250,000 to reconstruct it, plus the loss of the lots. He said the bottom line was they could not do it. He said a decision was made to allow Blackbird Drive to be constructed.

Junkin reported in 1997 the property was inside the UGB and was intended to be serviced inside the UGB. He distributed a handout that showed the nine lots that would be affected and the location of Blackbird Lane. He commented the rock wall would have to be removed and additional property acquired two feet on each side, which would impact the lots. He said the other major issue that Ms. Prentice addressed was whether the City was conforming to the classification plan by not being specific as to the location of the road. He said *Matrix* agreed with staff that the classification plan was not a specific plan for the location of a road.

Coun. Soth said it appeared on the plat that they had been approved for the Sterling portion. He asked if one of the reasons for the 46-foot wide, rather than the 50-foot wide street, west of Siskin Terrace, was because the applicant did not own Tract E at the time the plat was presented and had to provide a sidewalk area for public access.

Junkin answered he felt that was correct. He said the applicant did not own Tract E at the time. He said Ms. Crist owned Tract E and one of the reasons they had Tract M along the front of Tract E was to provide for the access so they would not be abutting Tract E. He added Tract M was owned for sidewalk and utilities purposes.

Coun. Soth asked at the time when the plat was submitted had there been any indication that Ms. Crist would relinquish ownership of Tract E to the applicant.

Junkin replied Ms. Crist's son testified on the record before the Planning Commission that she had considered construction of a house on the property. He added he did not know when she changed her mind.

Coun. Soth commented it appeared that the grading that took place west of Siskin Terrace, had leveled the area to the north side of Blackbird Drive, extending up to where the rock wall was now located.

Junkin said Ms. Crist gave *Matrix* permission to go on her property to grade, so it could be completed at the same time. He added all of the grading of Tract E was done under the grading permit.

Coun. Soth asked if the rock wall was constructed because of a precipitous slope.

Junkin replied that it was a steep slope.

Coun. Soth asked if the slope was steep was before it was graded.

Junkin replied that it was after the grading.

Mayor Drake asked if there was anyone who would like to testify on behalf of the applicant's position.

There was none.

Alan and Ashetra Prentice, Beaverton, related they were there to ask for consideration of the extension of the Alvord/Blackbird connection before dividing it into three lots in Tract E.

Ms. Prentice stated Alvord Lane did not provide fire access to residents. She said the Fire Department agreed to a fire access through Alvord Lane at Murray Ridge. She said the only reason it never went through was because they would need to upgrade Alvord Lane and bring it up to code. She said the developer of Murray Ridge found out it was costly and agreed that Alvord Lane was a bad road.

Ms. Prentice stated she did not feel it precluded future connectivity, because \$2,000 would upgrade the road. She noted the retaining wall issue caused a lot of concern because that was directly on her property line. She said the retaining wall was not in the original plan submitted and approved by *Matrix* but subsequently was added to the site development plans that were approved by the City. She stated the only way she found out about it was by severe grading on her fence line, which came very close to her property line.

Ms. Prentice explained the grading cut the cliff side before they had approval by the City to cut it. She noted they did it before they had approval for the retaining wall, which was a structured, engineered wall. She said the City approved the wall because *Matrix* came back and told the City that they had cut the wall and with the rains in Oregon the hillside would fall, so the wall was required. She said when they looked at the specifications for the wall they discovered that the wall made a portion of their property unbuildable because of a slide zone and that was when they brought it to the City's attention. She explained the area was graded first and then *Matrix* went to the City and said there was a potential erosion problem. She said subsequently the viability of the northern option was not even mentioned until after the wall was built. She said they talked about an October or November time frame. She said the wall was approved in September. She said there was mention that Blackbird Drive would be a steep street and that was one of the reasons it was precluded from connection to Alvord Lane. She said Whitebird, which was close to Blackbird, was a very steep street, so within the development there were streets already with the type of steep grading.

Mr. Prentice stated they were there to appeal the Planning Commission and Planning Director's decision to approve the division of Tract E into three lots without allowing for an extension between Blackbird Drive to Alvord Lane. He said they felt an adequate right-of-way had not been provided and the conditions of approval were very clear. He said section six of the Facilities Review, Conditions of Approval, required installation of a type three barricade between lots 203 and 204 with phase five of the Sterling Park subdivision. He noted that coincided with the end of the cul-de-sac. He said through the years they had talked with the City several times and had always been told by the City that roadway extension was a requirement of the subdivision.

Ms. Prentice cited the reason they were told that nothing would be done right now was because it was a separate tract. She said when the modification for that tract was brought before the City that was when the requirement was effective. She said they felt the proposal did not conform to the Comprehensive Plan section 60.60.35.1 function classification plan map. She stated the map was very specific and required connections between Blackbird Drive and Alvord Lane. She noted these were the only two roads that were close to each other and would provide a future connection if the boundary changed. She read from page 14 of the Comprehensive Plan (in record). She said they were told that the street would be extended when Tract E was subdivided. She said they had the Comprehensive Plan, the Functional Classification Plan, and the Conditions of Approval for Sterling Park in 1998. She said they all specifically stated a connection from Blackbird Drive to Alvord Lane.

Mr. Prentice read from the Development Code 60.60.15.1 (in record). He said they felt the Directors were wrong in accepting a small tip of right-of-way in the corner of Tract E. He noted it did not address the Blackbird to Alvord connection. He said they felt if Tract E did not change ownership, a stub street would have been required. He said it wasn't because *Matrix* didn't own the tract of land in 1998. He said Tract E had the ability to provide for the majority of Alvord Lane to Blackbird and should be required to do so without imposing on neighboring properties in the future. He noted the proposal was to the north through Tract B of Murray Ridge. He said the development was platted at that point with no new rights-of-way dedicated to the northern route. He added if the northern route had been agreed upon early, he felt it would be in the Murray Ridge development and a right-of-way would have been dedicated.

Ms. Prentice noted they submitted a letter from Project Engineer Jim Duggan regarding the pedestrian pathway. She said it showed that the cul-de-sac requirements of a pathway connection through Sterling Park would be required of the developer because of the large length of that street. She said one of the things they were asking for was a pedestrian pathway and that was a project they were told would happen.

Coun. Soth asked if their property adjoined on the West.

Mr. & Ms. Prentice said that was correct.

Coun. Soth noted they were outside City limits and the UGB.

Mr. & Ms. Prentice said that was correct.

Coun. Soth asked in their view if this connection made between Blackbird Drive and Alvord Lane provided additional access to their property.

Ms. Prentice said it would provide access to Alvord, which was to be developed.

Mr. Prentice said they currently do not have any right-of-way dedication for a future connection of Alvord Lane, anywhere to the East.

Coun. Soth noted *Matrix* did not own Tract E at the time they submitted their application for subdivision. He asked whether or not they could make requirements on property they did not own.

Mr. Prentice noted the requirement of signage and said this road would be extended in the future.

Ms. Prentice said they were able to severely grade the property, build a retaining wall, and connect utilities.

Coun. Soth replied that was with the permission and desire of Ms. Crist.

Coun. Doyle asked for more information on the pedestrian pathway.

Ms. Prentice stated they were putting in a pedestrian pathway in Murray Ridge Tract B, which was a beautiful area, dedicated to mature trees and dead-ended at a cliff. She said it was then moved to abut Alvord Lane because Sterling Park had created a cliff. She said City Engineer Jim Duggan told her due to the cul-de-sac links, they would be requiring the pathway to link through Tract E of Sterling Park. She said there were actual plans submitted by the applicant that showed how the pathway would be connected. She added they took it out, saying that this was a small portion of the development and therefore did not require a pedestrian connection. She added there were a lot of people in Sterling Park and Murray Ridge that would use the pedestrian paths. She said they would like to see it connected and provide access to the school in Sterling Park.

SUPPORT OF THE APPEAL:

Robert Brooks, Beaverton, stated the discussion with Alvord Lane had been going on for years and it was astounding to him that it had not been resolved. He said originally it started out to be an emergency vehicle access, then a secondary emergency vehicle access. He said there were several statements made about the fact that the properties along Alvord Lane were not in the UGB but at one time they were. He said that area was annexed into the UGB and they had received bills from the United Sewage Agency's (USA) for services the agency never intended provide. He said the neighbors got together and asked to be removed from the UGB because they were billed for services that were not provided. He said Alvord Lane could not end where it ended now and not go anywhere.

Brooks said the original plan had a logical flow for the end of Alvord Lane continuing into the new neighborhood that would provide an east/west connectivity from the neighborhood to 175th. He said he could not see how they could do it with the new proposal; now that there was a wall with a 14-foot drop off. He said he couldn't see how they would curve the road to the north and make it work without tearing up the greenway. He noted he had the survey stakes along the front of his property from a 1998 survey for road improvements, which never took place. He added he was not pleased with the way things turned out and supported the appeal.

Coun. Soth asked if Brooks had talked to the County about Alvord Lane.

Brooks said he had some conversations with Washington County regarding the condition of the road.

Coun. Soth asked if Washington County had indicated that they would improve the road.

Brooks replied they were less than enthusiastic about doing anything about the road. He noted that he understood that Coun. Soth had been out to Alvord Lane recently and knew the condition of the road.

Coun. Soth asked if it was a private road.

Brooks said he believed it was called a public road. He said that was the County terminology. He said the public could use the road but the residents maintained the road.

RECESS:

Mayor Drake called for a brief recess at 8:10 p.m.

RECONVENED:

The meeting was reconvened at 8:20 p.m.

REBUTTAL:

Junkin said that Alvord Lane was not a safe route for emergency vehicles. He said the issue of providing fire safety vehicles to Alvord Lane was more than fire safety because the facility was outside the UGB. He said it was his understanding that in electing the northern route as a viable design, they looked at the need to improve Alvord Lane. He said if Alvord Lane was extended across Tract B to the north, there was a fairly even level of topography. He noted if Alvord Lane were brought down into Sterling Park subdivision, it would be a down grade. He said he felt there would be an issue with the County with working on improvements outside of the UGB to service properties inside the UGB. He stated that was asking the rural area to do a development to service areas within the UGB and that was not permissible. He said it was clear in the staff report that a connection was not needed at this time. He explained they were not disputing that on the classification plan there was anticipation of sometime in the future having an east/west connectivity. He added there was no need for a connection at this time. He said it was difficult to impose a condition for something that was not needed and staff said it was not needed at this time.

Junkin said USA boundaries were not coterminous with the UGB. He said they had assessed people outside the UGB for services, yet by law could not provide services, since USA was basically a municipal type service. He said USA did amend their boundaries.

Junkin said in the corner of Tract E there was an area that would facilitate the extension of Alvord Lane into Tract B. He said that was consistent with viable design going through Tract B. He pointed out that Tract M did have utilities that were approved by the City and utilities were available to service residential development of Tract E, whether it was Ms. Crist's home site or the three other parcels. He said it was always intended to be residential property. He added if the City intended that Tract E be used as a connector to Alvord Lane, all the City had to do was say so. He said in the subdivision approvals in this subdivision there were a lot of stub streets going to the north to Ms. Crist's property. He said if the City wanted a connection to Alvord Lane they could have provided a stub street. He said the City was concerned about having a viable design and in the future providing connectivity. He concluded the decision was made back in 1998, and it cannot be revisited for the purpose of the modification.

Coun. Soth referred to Condition Five and Six of the Facilities Review on page 226 (in record). He said it was unclear to him which way the signage would point or whether the signage was ever installed.

Junkin said he had the same confusion. He added he could not answer that question.

Coun. Soth referred to Condition Seven (page 226) and asked in the client's view, if the possible future connection by way of Siskin Terrace or one of the other stub streets would provide a viable connection.

Junkin said that was correct.

Coun. Soth clarified that it would serve as a viable design rather than a requirement to connect Blackbird Drive and Alvord Lane through the curved route.

Junkin replied that was correct. He said if Siskin Terrace was extended to Ms. Crist's property the condition would be satisfied. He stated that in 1998 when it was imposed, there was on paper a roadway from Siskin Terrace. He said he had been informed that the paper road was vacated by the County, but in 1998 that was a road which would have had a logical connection to the east and west.

Coun. Soth said he understood that Tract B was a pathway or utility easement rather than an easement for a road or a dedicated right-of-way. He added if Tract B was used for a public road, then someone would have to remove those conditions or a future applicant would need to vacate those particular requirements.

Junkin said that was his understanding. He said in 1998 there was a road on paper on Ms. Crist's property, which was east of Siskin Terrace. He stated in addition there was no development of that property.

Mayor Drake clarified with Pilliod that he did not hear anything new under the rebuttal that hadn't been discussed.

Pilliod said Junkin explained his understanding of a possible reason why one of the witnesses had testified to receiving a USA assessment; an issue of the boundaries of USA extending outside the UGB was not previously discussed.

Coun. Soth said in his view it was not directed toward the issues they were considering.

Mayor Drake noted there was speculation regarding the expansion of the UGB, and it was only speculation. He said he thought whether the boundary would or would not be expanded was conjecture only and was not relevant to the discussion. He stated he agreed with Coun. Soth, and said while he thought it was interesting, he felt it had no relevance. He added he had not recalled that the boundary had been expanded and assumed it was a USA extension as opposed to a boundary extension. He questioned what type of rebuttal would be offered if it were rebutted.

Pilliod specified that Mayor Drake could offer them the opportunity to rebut that specific point.

Mayor Drake asked if the Prentices or Mr. Brooks wished to respond to the one specific point.

Mr. & Ms. Prentice and Mr. Brooks declined comment.

Mayor Drake asked if there were any questions for staff or the City Attorney.

Coun. Doyle asked what assurance was given to the appellant that the connections would be completed at some time in the future.

Mayor Drake said he did not feel that the piece to the north was currently annexed to the City.

Grillo said Tract B was in the City and Ms. Crist's property was not in the City. He said one of the issues that they asked the developer to submit was more detailed information that both the City Engineer and the Site Development Engineer could review to be sure that the option that they were offering to the north was a viable design. He noted a viable design primarily looked at the ability of extending it either by the City requiring a property or by someone platting a property. He said the other area that they looked at were the grades because there were different grade requirements for city vehicles and fire vehicles. He added enough detail was provided so both the City Engineer and the Site Development Engineer found it was a viable alternative.

Coun. Doyle said he meant when the community decided that the connectivity was needed; what assurance would they have that they road would be developed.

Grillo said it most likely would happen at some point down the road when the Crist property developed. He stated they would be asked to make connections to the north and to the south to Sterling Park as well as to Murray Ridge. He explained they would be asked to stub to their westerly property line through Tract B and over to Alvord Lane. He added it was an entirely different matter with Alvord Lane to the west and there were any number of scenarios if that property was brought into the UGB by the METRO Council. He said Alvord Road was a public street not a county road.

Coun. Doyle asked how often the City had allowed a cul-de-sac to be developed and then after it was constructed had taken a section to construct a road through it.

Coun. Soth stated there were two particular incidences where that occurred. He said at Lombard Street by the Transit Center was originally a cul-de-sac. He said the other one was Sixth Street west of Murray Blvd., which was originally built as a cul-de-sac and was extended over to 149th.

Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the Council deny the appeal APP 2001-0017 Sterling Park appeal of the subdivision modification approval SB 2001-0002.

Coun. Soth said his reason to deny the appeal was that the appellant had not shown the requirements that he believed an appeal should be based upon. He noted the applicant did not own and was unable to own Tract E at the time the plat was approved because of the on going construction and other proceedings within that phase. He said in 1999 when the applicant got the site development permit for Phases Four and Five, they got the approval to construct the rock wall. He said they did not acquire Tract E until October 26, 2000, so obviously he could not have included it in his subdivision plat without considerable modification of the already approved plat, which would have required a great deal of more time. He said in this case the viable portion as described by Grillo would be the extension of Siskin Terrace or one of the other streets to the north through the presently undeveloped property. He said he appreciated the issues brought to them, particularly that of Alvord Road because it was not a City street, and if it ever would be was a good question.

Coun. Ruby commented in his view the 1998 conditions of approval were not a model of clarity, and he did not interpret them as requiring the extension of Blackbird Drive to Alvord Lane. He added in terms of the UGB issue, he agreed with the Mayor's comments that the issue was too speculative to have much bearing on the street extension issue. He said for those reason he would support Coun. Soth's motion.

Question called on the motion. Couns. Ruby, Doyle, and Soth voting AYE, Motion CARRIED, unanimously. (3:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:40 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this 11th day of February, 2002.

Rob Drake, Mayor