



# 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

*Mayor*  
Casey Ryan

**Tuesday, January 8, 2019 – 7:00PM**

#### *City Council*

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

*City Manager*  
Ray Young

*City Recorder*  
Sarah Skroch

1. **PLEDGE OF ALLEGIANCE:** Lead by Girl Scout Troop 12380
2. **ROLL CALL, AGENDA UPDATE**
3. **MOTION:** Election of 2019 Council President
4. **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.*
5. **CONSENT AGENDA:**
  - 5.1 **MINUTES:** November 27, 2018 City Council Regular Meeting, and December 11, 2018 City Council Regular Meeting.
  - 5.2 **MOTION:** Approval of an Intergovernmental Agreement with Columbia River Estuary Study Taskforce
6. **MOTION:** A motion accepting the Selection Committee's recommendation for appointment to the Parks Advisory Committee, Citizens Advisory Committee, Budget Committee, Planning Commission, and Historic Landmarks Commission. **Mayor Ryan**
7. **DISCUSSION:** A discussion on City Council appointments to EMCTC, RDPO, and MPAC. **Mayor Ryan**

## **8. STAFF COMMUNICATIONS**

## **9. COUNCIL COMMUNICATIONS**

## **10. ADJOURNMENT**



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**Casey Ryan, Mayor**  
**Dated: January 2, 2019**

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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](http://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.

**DRAFT****MINUTES**

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

**Tuesday, November 27, 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, Councilor Lauer, Councilor Morgan (via phone), Councilor White, 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 Ryan Krueger, Senior Planner.

**GUESTS:** See Attached.

Mayor Ryan asked, any agenda updates?

Ray Young, City Manager, replied no.

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

Paul Wilcox, Troutdale resident, stated I'm going to start off with a couple comments regarding East Metro Media. I noticed they've been getting their videos up a lot quicker than they used to. The most recent council meeting for 11/13 is posted on their website. I really appreciate that. One other thing I've been thinking about for a long time regarding their service is I'd like to request the Council arrange for copies of DVD's of the council meetings to be made available to the public perhaps through checkout at City Hall or the Troutdale Library or both. Some people don't have access to that public channel on Comcast. Just trying to make the council meetings more available to people and more options. I have a comment on the October 23<sup>rd</sup> meeting minutes. When I make corrections or comments on these minutes I like to go back to the source and fortunately MetroEast Media had this video posted. I like to make sure that the quote either wasn't misheard by the transcriber or misspoken by the speaker. In this case it's an accurate transcription but I question the statement which is under staff communication on page 14. It's from City Manager, Ray Young. About halfway through the paragraph he says, on December 5<sup>th</sup> the Citizens Advisory Committee is going to have the rate burdened public meeting. I

don't know if Ray meant to use the word rate or not but somebody reading that or hearing that on T.V. or the audio they might think it's talking rate burden like the double digit increases we've been seeing in the city utility rates, which isn't the case. What it's about is rent burdened which is called for by House Bill 4006 from the Oregon legislature and what they mean by rent burdened is anyone that is paying more than 50% of their income for rent.

Tanney Staffenson, Troutdale resident, stated I'm here on behalf of the Town Center Committee and particularly a valued member, Jamie Kranz who will be joining this body going forward. She's been a member of the committee since its inception last November and is a very valued contributor on that committee. We enjoy having her. The committee has accomplished a number of the steps and we're well on our way to our finished product. Since we've been in this process for a year already it would be somewhat difficult to bring somebody in and to replace that spot. With the Town Center Committee being an ad hoc committee we're not subject to all the same rules that the other commissions and committees are. What the committee has decided and asked me to bring forward to you is a request to have her remain on that committee as a Council liaison where she wouldn't have basically voting powers but she could contribute on the committee. That would also help with reporting back to the Council.

Mayor Ryan stated I think that's good to have a liaisons on most committees.

Council agreed.

**3. CONSENT AGENDA:**

**3.1 MINUTES:** October 16, 2018 Joint City Council & SDIC Work Session and October 23, 2018 City Council Regular Meeting.

**3.2 RESOLUTION:** A resolution accepting the November 6, 2018 General Election results from the Director of Elections, Multnomah County, Oregon.

**MOTION:** **Councilor Ripma moved to approve the consent agenda. Seconded by Councilor Lauer.**  
**Motion Passed 7-0.**

**4. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance to adopt Text Amendments to Chapters 1, 2, 4 and to establish Chapter 14 of the Troutdale Development Code.

Chris Damgen, Community Development Director, stated with me is Ryan Krueger, our Senior Planner and Floodplain Manager for the City of Troutdale. We are here on a first reading tonight to present proposed changes to the development codes specifically with flood management regulations. This is not an easy read. It is not an easy section of code for anybody whether it be the citizens, you, Planning Commission, let alone staff to try to figure out and navigate or do a major change. However, this is something that is before us, we have to do it and we have a very short deadline to incorporate the changes. I don't want to sound sinister here but effectively we have until February 1<sup>st</sup> to incorporate these

changes. February 1<sup>st</sup> is the date in which Troutdale's flood insurance rate maps will be updated. Anytime you have an update to a map you have to have also floodplain regulations that are in line and that are up to code and up to snuff with the feds through FEMA and with the state as well as any Metro based regulations too. Tonight is really the final acts, if you will, of a 5 to 6 year effort to update our floodplain maps and then as a result the needed code amendments that have been asked of us by the state and the feds to do this. I'm going to be going through your staff report which was included in your packet. What's prompting it is new flood maps and the related studies that are coming out. The State of Oregon also performs about every 4 to 5 years what they call community assistance visits (CAV). Troutdale had a CAV visit about 4 years ago and this was also on the heels of our situation with a former member of this body and some of the fallout there. But at that time the State Department of Land Conservation and Development (DLCD) told us that we had some fixes to make in our flood management regulations. They wanted us to incorporate it right away at that time. The staff at that point was able to basically say, we know we're going to have to update our flood maps here in 2018-2019 roughly, can we wait until that point and we can then get a whole update where we would include the federal overview and the state agreed to that. Effectively this year or earlier this year the feds let us know that they had wrapped up their mapping project and they were intending to have the maps go into effect. So at that point that's when this 6 month clock began where we had to get the state requirements up to date and they gave us another visit and further documented needed changes earlier this year as well as have the federal government look at our standards and our proposed standards which are in front of you tonight. There's one other wrinkle to this overall flood management perspective from a regulatory standpoint. We have participated for almost 10 years now in what they call the community rating system (CRS) program. CRS basically allows reductions of insurance rates to people living in high hazard areas but also in non-high hazard areas if the city performs certain steps either through regulation or public engagement or a number of factors basically educating, informing and protecting the public against future flood risk. So right now in the City of Troutdale we have a 15% break for those properties that are in the special flood hazard area and we have a 5% discount for those who aren't. Effectively, we get graded based on the number of activities we perform. We're pretty close to being in a situation where if there was a couple of things here or there that we could do it could kick us to a higher level where you could get a 20% discount for those in the flood hazard areas and a 10% discount for anybody else carrying flood insurance in those non-high hazard areas. This is a voluntary program. Not a lot of cities do it. We're one of the few in the state that do but it has been a policy of the city to do this for quite some time for the past 10 years. Flood insurance rates do go up annually and from our citizen engagement when we talked to folks about their flood risk or they have questions about their policy the number one concern is, how do I keep my insurance rates low? What steps can the city do to help me protect my home and keep my risk low and to also keep rates low for what I'm paying? And unfortunately what we're seeing across the country is because of flood damage, particularly along the Gulf Coast, rates are continuing to go up nationwide. It's effectively a nationally backed insurance program.

Councilor Allen asked, how does the National Flood Insurance Program (NFIP) compare to private programs locally based?

Ryan Krueger replied they're still going to be consistent with the risks that are associated with grading the exposure to such hazards in those areas. The simple answer to that question is they will be similar rates but there may be some differentials in some of the premiums but if they're grading on the scale that you're generally going to see as far as the exposure risk the likelihood that something like that's going to happen, they'll be very similar. A good example of this is the state of Florida. Following a number of instances down there, there was a local insurance provider that was propped up by the state in order to fill some of the gaps. What ended up happening is while they were able to provide maybe a little bit more modest rate reductions the bottom fell out when they had a massive hurricane and then they were not able to pay claims. One of the issues that came as a result of that is they shifted a lot of that risk off into the insurers that were backed by the NFIP and that's what we've tended to see in most of those markets is that they've been reluctant to provide a large scale relief.

Councilor White asked, how much staff does it take to prepare for those audits?

Chris Damgen replied with the CRS there's annual reporting that takes place and there's a pretty considerable amount of staff time to accumulate information. As far as assembling the information providing a response to a company that actually does the insurance rating on behalf of the feds, it's a considerable effort. And then once every 4 years there's a deeper dive to really give you that score that can lock you in for a certain year period. It's a lot of work.

Ryan Krueger stated and I will just follow up on that to say that because there has been a maybe unavailability of staff over the previous 5 year term that encapsulated the CRS review cycle a lot of what our work in the last 2 ½ years was getting that documentation back to a level that would allow us to be able to move forward. At this point the staff time is more minimal than it was 2 ½ years ago when we started.

Councilor White asked, do you know how many people are eligible for flood insurance in Troutdale?

Chris Damgen replied everybody. Historically we think of flood risk as being in a flood zone. But effectively everybody lives in a flood zone. FEMA has been very adamant to say flood risk can occur anywhere. In fact, a good number of claims in Houston came from properties that were outside of the special flood hazard areas. You can have risk even if you're not within that color shaded area of the map.

Ryan Krueger stated to follow up on that we have somewhere between 30 and 40% of the policies that are in effect under that NFIP that are in the zone X areas so they are seeing a discount on their insurance.

Councilor White stated I remember in your presentation that it was only 43 participants in that program so I'm trying to weigh that with staff time. It depends on who you are if you think that's a good deal or not to have increased regulations to save a small percentage on flood insurance that's going through the roof anyway. It's doubling and tripling.

Ryan Krueger stated I would say that increased regulations isn't the most precise way to term that. It's actually more increased documentation rather than increased regulations.

Chris Damgen stated again, because this is something you guys don't normally see there's terminology that's out there so we want to make sure we are all on the same page with you. I kind of just alluded to flood zone. What you guys typically think of the flood zone is what we call the special flood hazard area (SFHA). So if you hear that term or read that term in the documents that's what historically most people think of the 100 flood the area of the greatest risk. We call it the flood management area. Within a special flood hazard area you also have a higher risk area called a floodway. Chris Damgen showed the Council a PowerPoint presentation (which was Exhibit A in the meeting packet). You will see throughout the code proposal we have a higher standard or higher restriction placed on the type of development that can occur in the floodway. The good news for Troutdale is we have very little actual structures. Do you have the actual number?

Ryan Krueger replied in the floodway? None. The floodway is the highest velocity water. Unless it's a legacy structure there's not going to be anything that's really been developed in the floodway other than infrastructure.

Chris Damgen stated so when we're talking about properties or structures that might be in that special flood hazard they might be in this floodway fringe area where there's great accommodation and greater allowances given for developing. That's an important distinction when you see these sections. I wanted to make you aware that there's a distinction between floodway and special flood hazard area.

Councilor Ripma stated everybody in Troutdale is eligible to buy flood insurance. I wasn't clear on this 20% reduction and 5% reduction numbers you were talking about, does that apply across the city then?

Chris Damgen replied so right now if you were not in a special flood hazard area if you choose to just buy flood insurance there's a 5% reduction on that because our community's participation. If you were in the special flood hazard area it would be a 15% reduction. With some additional effort, reporting, and potentially a regulation here and there based on building elevation these folks could move from 15 to 20% and everybody else could move from 5 to 10%.

Councilor Ripma asked, is there a map that shows where the 100 year floodplain is and the floodway and the fringe areas are in Troutdale?

Chris Damgen replied we can pull that up if we could defer that to the end of the presentation we can show you more precisely with that.

Councilor White stated I intended to declare a potential conflict of interest because I do own property in Troutdale that is within the special flood hazard area. I checked with the ethics board and they said it is not a conflict. I don't technically have to declare it but I'm doing it as a courtesy.

Chris Damgen stated we are going to come back to what the actual text amendments are going to be because what we need to focus on, particularly for you guys as with any text amendment, you have to have decision criteria which basically states that what is being proposed in the draft meets certain criteria. We're going to jump to that real quick and keep those criteria points in mind as we go through the sections. We're not going to go line item by line item of all of this but we are going to stick to the notes we provided to you in the staff report. We're going to jump down to that part. These are the findings and these are proposed by staff and were endorsed by Planning Commission with a 6-0 vote 2 weeks ago. The proposed change to the development code does not conflict with the applicable comprehensive land use plan goals or policies. We believe that they are quite in line. Goal 5 and Policy 9 states that the city should notify and coordinate development proposals within natural resource areas with other local, state and federal agencies. We believe we've accomplished that with the draft. Goal 7 speaks to ensure that development in highly hazardous areas will be restricted or prohibited. That's really the floodway we're talking about. Development may be allowed in areas of potential hazard if appropriate safeguards are taken in the design and construction to protect effected persons and property. We believe that Goal 7 and Goal 5 those criterion points have been met with the comprehensive plan. The proposed changes consistent with the applicable statewide planning goals, text amendments are in line with the state land use planning goals. We have had DLCD review our draft several times and the most up to date draft is in compliance so we believe the criterion has met.

Ryan Krueger stated we do have some changes that they've requested that we'll share with you this evening that we'll pass around.

Chris Damgen stated the proposed changes consistent with the applicable provisions of the Metro code really doesn't dabble as much into flood hazard standards. They lean on the state and federal requirements. But there are some water quality and flood management standards in Title 3. We did have to be more specific of when conditions of approval have to be included in a decision for a permit that has to take place in there. We concluded that language and we believe the criterion is met. Public need is best satisfied by this particular change. Flood management is an exercise of protecting property and life from hazardous conditions. Really in this case, we do not have a lot of properties that are in this area that are directly affected. There may also be some financial benefit to the city residents if there's a desire to continue on this CRS program with the current text amendment in place that would reduce insurance costs. We believe the criterion is met there. This is an ordinance that seeks to protect property and life. It does not weaken

already existing standards that would suggest development activities, however, there are opportunities to either clarify or even reduce the application burden on some applicants. We believe the criterion is met. We do recommend approval. Planning Commission also forwarded a recommendation of approval of 6-0 to you. On their iteration and as Mr. Krueger just alluded to, there are a couple of changes from that Planning Commission recommended draft. And here's why, with every iteration that we have to do with a code update we have to get FEMA to review it and FEMA has to sign off on it. We've gone through multiple iterations of our draft with FEMA. We at times have been able to score some things on behalf of the community that we believe the community would value. But there are other things sometimes where the feds just say, no you can't do that, we know better than you. Know that there might be some things in here, some things that had been in the previous code that had to either be clarified or removed. A lot of that had to do with permit exemptions. Some of these are more minor. This is not necessarily taking away a person's right to develop. It just means that permitting requirements may now exist where they may not have previously existed. Understand that staff is in kind of a similar predicament. If you see something that you don't like or see something that seems ridiculous, we don't necessarily disagree. These are changes that we have to still keep in mind to balance the need to protect life and property here in Troutdale and still try to represent the community's greater interest and need. This is not an easy proposition and we certainly have taken a lot of time to try to do this right and to get it as best for Troutdale as possible.

Councilor Allen stated when you say the deadline is February 1<sup>st</sup>, does that include us making any changes?

Chris Damgen replied effectively, you have to have development standards in place that pass muster with the feds that you as a body have approved the final version of their approved review and you have to have that in place by February 1<sup>st</sup>. FEMA has been extremely adamant that you have to have those standards in place or you get suspended from the NFIP. That's not something we take lightly.

Councilor Allen stated these are actual code changes that affect people's lives and the timeline in which to make any changes, we really don't have enough time.

Chris Damgen replied I don't know if I would go quite to that level. Flood regulations are there for protecting property and life. But there is a ticking clock and the feds give local jurisdictions 6 months from the time when these maps go into effect to get their regulations in order. So we're now on month four.

Councilor White stated it is really dense material and it has really far reaching ramifications. I think it's fair to point out that the Planning Commission did their vote with a couple saying they were under duress and they were mainly doing it because of the timeframe. It's been my experience that now is the time to make the changes and not after we've passed this thing. It's like pulling teeth after you've passed something to get it changed. I definitely need more time. I made it through Section G which is the biggest

part. I have questions on almost every page throughout Section G. I just ran out of time quite frankly. It effects a small number of people in our city and they've been through the wringer already on regulation after regulation. We have a riparian zone that scientifically was adequate to provide the animal corridors and the clean water. Now we're trying to include the floodplain in addition to the riparian zone and doubling of setbacks and watching waterways get turned into navigable rivers. There's tons of ramifications. In the past we've always had expert help. That's how we met our city attorney. I really think this needs a second set of eyes. We did the same thing when they did this new mapping. We hired Wayne Huber who was able to really help us understand that process a lot better. He caught mistakes that FEMA missed. FEMA didn't calculate the protection we were getting from the pumps that were down in the TRIP property that the Sandy Drainage Improvement Company runs and that was able to lower the floodplain down to where Amazon came in. I'm really pushing for a more thorough process on where we're headed. I think FEMA doesn't want any bad PR. They're still recovering from Katrina. We've been waiting on them to finish the maps. They've delayed it and delayed it. I think it would only be fair that we either try to get it done by February but I think we're going to need an additional meeting to accomplish this.

Ray Young stated what I can offer and I'm offering 2 people's time and I didn't ask them, if there was no more than 3 council members at a time who wanted extra educational discussions and sit down conference room and go through it line by line, staff would provide that for up to 3 councilors at a time between now and the 11<sup>th</sup> to really dive into this information. I don't know if a third party would be a possibility or if it would do any good but we could do that. That's something we could at least look at but we definitely want to provide an opportunity for council to digest it and understand it and ask questions.

Councilor Allen stated this doesn't actually affect me a whole lot but I think that we do owe it to the people that are affected by it to actually give a fair consideration.

Chris Damgen stated certainly we welcome any conversations with councilors. I do think it's only fair for the record to mention we have had this draft, the initial iteration, for the public view since mid-October. We had a work session prior to the Planning Commission hearing on November 8<sup>th</sup> and we also had the hearing on the 14<sup>th</sup>. This is one we knew was going to be tough, we knew it was going to be complicated and we went to a length to get the information out ahead of time. It is well within this body's right to adjust the calendar accordingly and to take great care and consideration of this draft but I do think it's only fair for the record to reflect that we have tried to make those accommodations already and we will continue to make those accommodations moving forward.

Councilor Ripma stated this CRS, you mentioned most cities don't participate. Why? If we weren't participating in the community rates system, would we still have to do this by February 1<sup>st</sup>?

Chris Damgen replied the short answer to the latter part of your question is yes.

Councilor Ripma stated we would still have to have these changes in effect by February 1<sup>st</sup>.

Ryan Krueger stated there are 5 instances in the code that are directly related to the CRS. That's it. Everything else is verbatim, code federal regulation standards that there's no wiggle room on. The feds have said, do it our way or it's the highway. Respectfully, Councilor White, the way that they've been articulated to us by the reviewers is that if we're not done by February 1<sup>st</sup> suspension is the only thing that follows. That's what we've been advised.

Councilor White stated I'm just curious if Ed has a legal opinion on that.

Ed Trompke, City Attorney, stated I can't say that I've read all of the federal regulations on this but I do know that FEMA has been pushed since the rounds of hurricanes beginning with Andrew to upgrade all of their standards and they started back then. They are making it much more mandatory on cities and they're taking a harder line with states and cities to get everybody in line. I can't say that that's absolutely drop dead the truth but I have no reason not to believe it without looking.

Mayor Ryan stated we spend all this time reading it, digesting it and a few people just have an issue with it. Does it really matter? They're not going to change it. These are federally regulated to all cities.

Chris Damgen stated the ones that are currently in this mapping process, yes.

Ryan Krueger stated for the ones that have mapped floodplain areas and that participate in the NFIP, which in our state that's something that certain areas that are mandated to do so and we are one of those, you are required to have verbatim.

Mayor Ryan stated so these text amendments are verbatim. So we may not like them.

Chris Damgen stated with the 5 instances that Mr. Krueger alluded to where there might be, and that's more of a policy decision locally, but effectively any change you make here tonight has to be recycled back to FEMA.

Ryan Krueger stated for example, there are ways that we are changing our code at this point or recommending changes to our code that would allow for allowances for developers that are coming in and the submittal criteria. Previously our submittal criteria was shall do this, you must do that and those types of things. We're making changes with a little more flexibility. The definitions and standards under 14.040 pretty much everything in there, except for the 5 that I alluded to under the community rating system, are verbatim.

Mayor Ryan stated what I don't want to do is spend a whole lot of time and energy on something that is pointless.

Councilor White asked, wasn't there some things like raising the foundation an extra foot that weren't required that we have in here?

Ryan Krueger replied that's in 14.040 which is not a verbatim which is one of the 5.

Councilor White asked, what were the other 4?

Ryan Krueger replied in Section 1.040.89 on page 1-32 in Exhibit B. Changing the substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 49%. So going from 50 to 49 can accrue us up to 20 points. Just for the record, we are currently at 1814 points so we need basically 286 points to get us to a Class 7.

Ray Young stated let's put this in perspective. What I'm hearing you say is that before this was a 50% number and now it's a 49. So here's the reality, if your home gets destroyed now and 50% of it's damaged, you get 50% or less is what you can get away with and rebuild your house without having to do additional things. We're bumping it down to 49% of your existing home has to be left. So we're losing 1 percentage point of how much your house was damaged before you have to do more rules. So I guess in reality what we're saying is, why is that 1% loss going to matter if it gets us enough points and saves 5% on the insurance?

Councilor Ripma asked, what are the points?

Chris Damgen replied when a community gets a score which determines the insurance break they get there's a criteria of things that contribute to an overall score. When you hit a certain threshold your score improves. If you're say a class 1 community you have the most stringent most exceptional floodplain standards. Right now we're at a class 7 which is where a lot of communities are but there are also communities that are a class 6. By these 5 items that we're going through right now that determines whether or not we could get past that goal to get up to a class 6 and therefore get that additional 5% across the board.

Ray Young stated what the rating system is, they take your community and you get points for all the things you do within your community to reduce the risk of flood causing damage to your community. You get points for educational programs, education flyers, points for sending emails to your citizens about stuff like that and making your standards a little more stringent. You take all of this across the board stuff and it's like when your insurance company asks you if you smoke before you get life insurance. It effects your rating and the rate you get. This is just one of the many things that the feds look at to decide what our insurance rate will be.

Councilor White stated it's been my experience in talking to people that they don't want to get the flood insurance but their mortgage requires them to do it. It's very expensive.

The people that have their properties paid for don't choose to buy it. They would rather face some minor flooding and repair that when the time comes than to shell out all that money annually. That's my concern here. One little change like that can make an impact on a much bigger development.

Chris Damgen stated all we're trying to do is let you as a body know where we stand on the insurance break. These are proposals that we're trying to follow through based on previous council policy to seek ways to reduce insurance impact on citizens.

Councilor Ripma asked, where is the one feet thing? You were going to point out the 5.

Ryan Krueger replied we can go back to that and I can give you some more frame of reference on the actual cost associated with one additional foot. That is going to be in Chapter 14 in Attachment E. This is going to be on page 14-22 under Section H1. Making that change we can accrue up to 250 points which would get us across our threshold. The associated cost, just for the public record, it generally costs about \$2345.00 to elevate 1 foot. To go up 2 feet, depending upon the type of foundation that you would use, if you were to use a concrete block piers it could be as little as \$890.00 for an additional foot of elevation and all the way up to \$4400.00 if you were to bring in fill. Generally the average cost of the flood insurance premium built to the base flood elevation (BFE) is going to be \$2100.00. If you build 2 feet above the BFE it's going to be \$730.00. So your savings are substantial.

Councilor White stated you have to assume that if they're in a special flood hazard area they might be 2 feet below the base flood elevation so now they're going to have to build a 4 foot foundation. One, it's going to look really funny compared to all their other neighbors that didn't have to do that rule. Then the costs really go up. And if you're talking a project that could go in at our Urban Renewal or a redevelopment someday of our RV park or the 5 acre property that's for sale right next to the RV park. It would be my preference to say leave that one alone. I don't care about saving a little percentage off 43 people's flood insurance as compared to what that could cost us down the road to losing a great development that could really put our city on the map. We're the only city that hasn't really done much for development of our waterfront. I think we're missing out. I think that's starting to change. Even Oregon City just recently is involved with a huge waterfront development project and I think it's great for all of us regionally. People are attracted to the water and they want to live there and they want to recreate there. I think we should make it as easy as possible for that to happen on a city that's bordered by water.

Ray Young stated it's my understanding the rules require us to have 1 feet above the base flood elevation, correct?

Ryan Krueger replied yes.

Ray Young stated so in your example if somebodies property is 2 feet below that they're still, under the feds, going to have to put a 3 foot foundation there anyway. We're simply suggesting if you want to save more money on your flood insurance you make that one extra foot. I think Ryan was saying the analysis done indicates that that pays for itself in 3.5 years on a single family home.

Ryan Krueger stated to alleviate some of your concerns with regards to the Urban Renewal Area, this is the developed footprint here on the maps. These are the new maps that are coming out. There is a little bit of area down there on the southern section underneath the bridge that's expected to be within the special flood hazard area within the floodway but the majority of the site is outside the special flood hazard area.

Ray Young stated we're likely to have that as being the city owned property for the park because actually that area under the bridge is now currently a sidewalk that ODOT put in that we will match up with.

Councilor Ripma asked, did the Planning Commission get into all of this exact same stuff?

Chris Damgen replied they got into the text. We didn't pull the map up for their benefit. We probably should have.

Ryan Krueger stated we looked at some maps during the work session but I don't know if we got into the URA.

Councilor Ripma stated I was thinking of the 5 discretionary points.

Ryan Krueger stated yes. They were all discussed.

Mayor Ryan asked, can I ask Tanney, I heard that 2 people were under duress, did you feel that during the committee meetings? I hear often how much certain councilors have a lot of faith in certain committees. So I want to make sure how much information was given to the committee. And how sure were they when they voted 6-0 on this?

Tanney Staffenson, Planning Commission Chair, replied I'm not speaking on authority of the Planning Commission. There was a work session done in October with the Citizens Advisory Committee and the Planning Commission on this subject. Planning Commission had an additional work session of their own which was November 8<sup>th</sup> and then the hearing was on the 14<sup>th</sup>. We did raise quite a few concerns. There was a number of them. We chewed on this thing for quite a while and frankly it didn't taste very good. We went through it and I will say that I believe that the vote was 6-0 because of the timeline.

Mayor Ryan stated the time we can't do anything about but there's still some unanswered questions.

Ryan Krueger stated there's 5 things currently that are under the community rating system that are included in the code that we can augment. There are other issues that have been raised during those previous sessions that we may or may not ultimately have as much flexibility over. The same 2 foot elevation is also in there with regards to our flood proofing for our non-residential structures. So we don't necessarily have to go through that verbatim. It's basically the exact same thing. As far as the number of commercial and industrial properties that are impacted those are the areas that are most constrained by development for both the VECO and our steep slope areas as well as the floodplain. Now we are looking at 14.040(G)(5) on page 14-20. This here is the section that I am referring to as all new buildings built on fill in the regulatory floodplain shall be constructed on fill that's certified by a professional engineer and provides protection from erosion and scour. The bigger change is to provide protection from erosion and scour. They're still going to have to certify with an engineer that any fill in the regulatory floodplain is designed and compacted for development. That is not a change. That's a standard. That one would be up to 35 points for that change. This is 14.040(R)(5) on page 14-28. The final sentence, roads built in the floodplain shall be built at or above the base flood elevation to provide access to emergency vehicles during a flood. That one gets us up to 100 points. The final one is 14.040(U)(3) on page 14-29. This is regards to critical facilities which includes hospitals and other medical facilities having surgery and emergency treatment areas, fire and police stations, tanks or other structures containing housing or supporting water or fire suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures. The tanks and other structures do not include city water distribution facilities. Emergency vehicles shelters and garages, structures and equipment and emergency preparedness centers, standby power generating equipment for essential facilities, structures and equipment in government communications centers and other facilities required for emergency response or other facilities as determined by the floodplain manager or designee. I can tell you the Planning Commission weighed whether or not to include a little bit more specificity to Section H there which is the other facilities and ultimately determined that the floodplain manager was a reasonable enough authority to determine what else might fall under that that may be necessary for a critical facility. That being said, critical facility not only represents an area where we would ultimately want to see the health and the welfare of the population be protected but also represents generally a smart investment for our tax dollars. So this standard here requires that any critical facility constructed within the special flood hazard area shall have the lowest floor elevated one foot above the height of the 500-year flood level. That's going to be the change there, the one foot above the 500-year flood level. For the majority of the properties it's not going to be different than the boundaries for which you are going to see for the special flood hazard area. There's going to be modest changes in those boundaries. The points on that are up to 40 points. So we're looking at a total with those changes up to 445 points which gets us to just 2250 points which is very well into the class 6 which gives us 20% discount on flood insurance for properties within the special flood hazard area and 10% across the entire city.

Councilor White stated we could still get into the class 6 though if we removed the one foot requirement. Not from the hospital one. I'm not worried about that one.

Ryan Krueger stated we would be really close. We would be basically 9 points over.

Ray Young stated but there's other options. Is 18 inches an option?

Ryan Krueger replied unfortunately it's not in the way that this is written. There are other ways to do it as far as getting additional points. For example we had reached out during our previous recertification cycle to our partners with the Multnomah County Drainage District including internal departments with the Public Works Department and our Building Department to try and have more rigorous documentation for inspections that were being conducted for example and unfortunately the bandwidth really isn't there right now for them to be able to partner with us. So we recognize this as a way to be able to look at mechanisms by which we could help get across that threshold and then look at even further options in the future. The other reason for this was diversifying. If the recertification criteria changes we want to make sure that we're ultimately spread evenly across a number of different areas so that if we lose a bunch of points in area we don't fall back down to a level below which we already are at. This offers us a chance to diversify the point score for which we would be able to classify ourselves and be able to maintain that insurance coverage and discounts.

Ray Young stated staff has been operating for a decade under direction from council. We need to do everything we can within reason to improve our insurance ratings and within reason. As you know, we don't have to have these ratings. We could live without a 6 or a 7 if council wanted that. But they've worked really hard and Ryan has done an excellent job. They've worked all around the code to get points to add up to get us to level 6. Lower insurance rates is the mindset we've been operating under. It's not that we want more regulations but we believe that the savings in insurance rates justifies these types of changes to get us the extra points across the board.

Ryan Krueger stated I would like to add one thing on top of that. The particular framework by which we're proposing this here ultimately can be changed during future discussions on policy or under this framework as well. But we've heard from the folks and we keep a record of everybody that comes to us throughout the year and ask us questions and we do hear time and again that they want to save money on their insurance. They want to save money across the board on the things that they're able to do on their property and that's one reason we put some of the specific follow-ups in here with regards to submittal requirements and standards that are necessary. We had some of our property owners say that want this more in line with what the expectations are across multiple jurisdictions. I want to be able have more understanding of what's going to be expected of me. But in this particular instance we have heard time and again that folks want to save money and this in one way we thought we might be able to help them.

Councilor Allen asked, do we know what the 500-year flood level looks like in Troutdale?

Ryan Krueger replied in some locations, yes. The orange on the map is the 500-year.

Chris Damgen stated and keep in mind, the existing maps have that layer too. What you're looking at is the February 1<sup>st</sup> map. There isn't major shifts in the 500-year floodplain.

Councilor Ripma stated I recognize that most of the changes proposed to the code are moving things around into the new floodplain section or chapter 14 and no real change there. You did mention that some of the changes that we're making were required by FEMA. How long is that list? I couldn't tell from the staff report and looking through the code. If it's 25 things I don't want to go through them all. I would like them to be identified to us before we vote. Do you have that? All the others that are just moving things around and have no change really in our actual code, those don't bother me.

Ryan Krueger replied the short answer is that there is a way to generate that as far as what those changes are. We have that from the community assistance visit from our CAV. We have a number of changes that are required there. Broadly, the definition section, great example. All the definitions, we moved some of the stuff from our previous chapter 4 to the definition section and then all the definitions are now verbatim code of federal regulations. So every definition that's in there that's from the flood hazard zone, VECO and floodplain are in there together, all the floodplain specific definitions. Let's just say 75 to 85% of the definitions in chapter 1 are now verbatim FEMA. So that was one big change. It had to be verbatim code of federal regulations definitions.

Chris Damgen asked, in preparation for the next hearing, are you looking maybe as part of your packet maybe an exhibit saying of the changes that are to occur, what's been FEMA mandated and what is community rating system suggested? Is that kind of what you're looking for?

Councilor Ripma replied you've identified those 5. But yes. I'm just kind of throwing this out to the council but if we could have that and some maps, detailed maps, that show these areas that are really affected. My modest proposal is that we get one more packet for the next meeting and not vote on the next meeting. Do one more iteration on this so that we can study those and understand them better. That would be my preference is to request that staff reformulate the packet or at least the listings and identify which ones were FEMA mandated so we know what they are.

Councilor Lauer asked, is that what Councilor White and Councilor Allen are also asking?

Councilor Allen replied I think that understanding goes a long way.

Councilor White stated that would work for me. That would be adequate.

Councilor Lauer asked, is that doable with staff?

Councilor Ripma stated if we had the first reading not tonight but December 11<sup>th</sup>.

Chris Damgen stated from a scheduling perspective the 11<sup>th</sup> would be the next meeting.

Ray Young stated gentlemen, it's up to you. You could have a meeting on the 18<sup>th</sup> to do a final vote on it and just have a short meeting that night.

Chris Damgen stated for the sake of staff preparation we do have a couple questions for what council would be expecting.

Ryan Krueger stated so we want changes mandated by FEMA, not reorganizational changes that we have put into place. So basically you want to know precisely where a FEMA mandate was expected versus, for example in the first section of chapter 14, I just want to point something out so you can get a better idea of what I'm referencing here. In attachment E, the purpose section there has been consolidated to align with FEMA requirements as well as some of our local requirements but it is a consolidation that we just basically said we're going to put all of this under a purpose. How would you like to see that? Do you want us to call out under the purpose all the ones that are mandated by FEMA versus local inclusions? How would the council like to see those call outs versus FEMA call outs versus some reorganizational?

Mayor Ryan asked, that sounds more reorganizational, doesn't it?

Ray Young stated right but it's also just the purposes. These aren't the actual rules.

Mayor Ryan stated I think Councilor Ripma is looking for the things that actually affect our code. That would be good. And then the 5 things we went over to get to the rating system and any detailed mapping that would show that.

Chris Damgen stated the one thing we do have to stress to council, we have the ability within reason to look at the text. The maps themselves are a product of FEMA through their contractor. We do not have the ability to change a map. We want to be 100% clear with you. We do not have the editing pen for the map.

Mayor Ryan stated I guess what we're looking for is an executive summary. These are the things that you have to have no matter what. These are the things that we're looking to change because of the rating system and the insurance. And then Councilor White mentioned some Metro stuff. For the most part, just give it to us that way because we're not the experts.

Chris Damgen stated part of the issue when they create the maps is they have a certain cut-off date for when they actually look at what they call letters of map change so there have been actions that have occurred after this cut-off date that are just not shown on this map.

Ray Young stated I think we understand what council wants and we'll get it to you as quickly as possible. I'll make sure that the maps are easy to read and see.

Councilor White stated since we have someone on staff that's so knowledgeable on this subject, would it be possible to get Ed to chime in on a quick review of this as well at the next meeting?

Ed Trompke replied sure.

Councilor White stated a lot of this stuff that you're saying is mandatory changes was stuff that we fought hard for in Title 13 and Goal 3 and Goal 5 as this progressed. And now to see us be forced to change that is pretty upsetting. One little word change can make a major difference on what that means to a developer.

Ryan Krueger stated Councilor White, if you have specific examples from the areas that you feel like were ultimately as a result of those other actions that are now being changed, because from what I understand, most of those were related to the VECO standards which are only part of the definitions section. If they're actually directly related to our floodplain code that's news to me and I would like to learn a little bit more. The only area that I'm aware of is the Metro Title 3 maps which were adopted by reference only, they're not regulatory and that is in our chapter 14 but it ultimately just guides us so that if someone comes in says they have questions about where the '96 flood was on my property we can give them that reference information but it doesn't regulate they have to develop to that standard. So that's the only one that I'm aware of at this point.

Mayor Ryan stated I strongly encourage councilors who have direct questions to meet with them.

Chris Damgen stated and just for the record, Mr. Krueger won't be available after the 18<sup>th</sup> of December.

**Mayor Ryan opened the public hearing at 8:42pm.**

Diane Castillo-White, Troutdale resident, stated the planners did a really good job. I understand a lot more and I appreciate all their work. As we're talking about different things for the CRS that are above and beyond what's required, is there anything in the old ones that were passed that are highly restrictive for development or improvements of the property that we could possibly look at and say, this just inhibits and like let's say from Depot Park to the Sandy River and I don't recall what the right word is. It's called sheeting or sheathing the water. That was something that went above and beyond so I don't know how that applies like if it's so many feet from that you can't maybe improve or you can't develop or whatever. My question to the planners is, was there anything that maybe we could look at that was only a few points but that would help us to be able to improve and make that area as part of the Halsey Corridor more desirable and improved upon? Again, the area between Depot Park and the Sandy River Bridge. That's one thing I have.

Chris Damgen stated I'll defer a little bit to Mr. Krueger. One of his earlier points in the presentation he talked about some middle standards for certain types of applications. The current code talks about shall, you shall submit this documentation with this particular type of approval and he brought up the example of the outdoor heat pump where we can be more cerebral as far as what the actual submittal requirements might be. We have that flexibility in certain cases. We do have certain flexibilities built into this draft where we didn't have them before. In our mind it makes it somewhat clearer and in some cases less burdensome for people to do certain things to their property.

Ryan Krueger stated I pulled up our recertification standards from the 2017 recertification cycle which talks about our higher regulatory standards. We have 7 of them in here that we got points for. The development limitations we have one that talks about hazardous materials stored indoors above the base flood elevation, that's remaining and hasn't changed. We talked about the freeboard this evening, that's something that is an extension and advancement of the other one. Lower substantial improvement threshold, this is one that is in line with what we've talked about this evening as well. Without getting too far into the weeds on these next two, this is called building code 1 and building code 2 which basically means that we have adopted the Oregon structural specialty code and we have received a certification for our building permit review. Then I also have local drainage protection which is in regards to ORS standards and the building department standards and then we employ me as a certified floodplain manager. We don't have anything in here about sheet flow or any other additional regulatory requirements that we are currently getting credit for nor is there anything in the code that speaks to that at this point. There aren't very many sheet flow areas within our jurisdiction.

Paul Wilcox, Troutdale resident, stated I don't have any comments on the language specifically but I first ran across this before it went to the Planning Commission's work session so I saw the redline version. I didn't go through that one because I figured in the work session the Planning Commission would be making changes to that anyway. I did read the clean version that came out Wednesday. I did read the clean line version word for word and I met with Ryan this afternoon for about an hour making some minor word and punctuation corrections. Also, he answered quite a few of my questions where I wasn't clear on some of the language. I would encourage councilors to meet with Ryan if you have specific problems. I thought Ryan did a really outstanding job and it looked really comprehensive to me. There weren't any red flags in my mind when I read it. I don't see problems with the enhancements that are being called for. I just think Ryan did an outstanding job.

Tanney Staffenson, Troutdale resident, stated I want to thank staff. Those gentlemen put in a lot of time and have done an immense amount of work to get the document where it is. This is some really hard stuff and you're dealing with FEMA and the Corps and Metro and there's a lot of things I'd rather do. We spent some time on this and one of the things I think about when I hear about saving money on insurance I think about a television ad. How easy it is to save so much on your insurance. There's nothing about this that's easy. I'm very respectful of trying to keep the insurance rates down but it's very painful usually

for a lot of parties. I look at a few things, I don't know how you address some of these and some of these are things that I brought up at planning. We were talking a few minutes ago about roads and if we were to elevate roads, how would we elevate Jackson Park? We already have one. We have the off-ramp for I-84 that is below the floodplain. How is it that some of those things would get addressed? Another concern, this is where it gets kind of interesting because talking about development permits, I was in exhibit G in the redline version requiring development permits. The reason I bring that up is most of the work that is done on the levees is charged to the Sandy Drainage Improvement Company. Some of the requirements are going to make their job more difficult and add more cost. They're also charged by the same government agency that's doing this and it makes me think that maybe somebody needs to pop the 500mg reality tablet because you're not really thinking. I know there isn't much we can do about it but the government really isn't thinking about the people. You've got somebody on the 8<sup>th</sup> floor making a rule that affects somebody on the 9<sup>th</sup> floor and the 2 floors aren't talking to each other but yet at the end of the day the real work that gets done for flood protection ends up being more difficult to do and costs more money. And I really can't see a great reason for it. Another one that I was looking at and I kind of had a personal thing with this from the '96 flood, talking about emergency tree removal. One of the things that you can do is you can cut down a tree if it's threatening something which actually happened in '96 but after that you have to go in and get a permit and show erosion control and those types of things. That again is kind of a reality thing. After an emergency flood, is anyone really going to do it? Don't we have bigger things to worry about? My last concern is if we work to get rid of invasive species and plant things that are going to withhold the bank better and things like that and so the blackberry grows pretty well around here but if you cut the blackberry to the ground, that's a no-no. Those are just some of the things that I noticed. I don't know that there's an easy solution. Planning voted on it kind of because we had to but certainly I wish at a higher level this would be looked at in a more comprehensive manner. There's been a lot of public meetings over the years. I went to one that the County had where some of our residents were there and FEMA told them their property is going to flood and you can't do what you want to do on your property. I know we have better data but sometimes it's pretty hard when we tell people things like that.

**Mayor Ryan closed the public hearing at 8:55pm.**

Mayor Ryan stated we're going to table this to December 11<sup>th</sup>.

Ed Trompke stated technically not tabling it.

Chris Damgen stated we have a handout of a tabulation of changes from the Planning Commission recommended things. This is for your disposal.

Councilor White stated I just want to make sure that the Port's aware of these changes that we're looking at.

Ryan Krueger stated they have been in communication with us. We have received no public comment from the Port and none from the Drainage District either. I don't disagree with much of what Tanney said. If this is an issue that the city council sees as relevant I would encourage us in 2019 to see about the possibility of bringing this to a higher level whether it's our regional policy makers or state policy makers or even our representatives at the national level. The NFIP is up for reauthorization on the 30<sup>th</sup> of this month. They're likely just going to have another continual resolution. We probably need to see some fundamental changes to the program. More voices adding to that can't hurt.

Councilor White stated I have another question on the Multnomah County Hazard Mitigation Manual. How did that come into play on this FEMA?

Ryan Krueger replied in the action items identified under the Multnomah County Natural Hazard Mitigation Plan one of the action items identified for Troutdale was inclusion in updates to codes, ordinances, comprehensive development plans, those types of things. So the inclusion there is as a result of that action by this body and as a part of that action item under that framework.

## **5. STAFF COMMUNICATIONS**

Ray Young stated next Tuesday evening we have our half-yearly budget meeting. The Budget Committee will be here and the 2 new Council members have been invited also. Next Wednesday night we have the rent burden meeting on December 5<sup>th</sup> that will be in this room if you would like to come to that. Next Thursday night is the committee interview night. We have plenty of interviews for you and we will have dinner for you at 6 o'clock and we'll start the interviews at 6:30. Then Friday, December 7<sup>th</sup> we have the Tree Lighting Ceremony at 5:30. The week after we will have the December 11<sup>th</sup> regular council meeting but from 6:00 to 6:45 we are honoring Councilor Allen and Councilor Morgan and then the meeting starts at 7 o'clock. Just in case you missed the news, last Friday all of the Historic Columbia River Highway is open. Our new web page is up and if you see anything that needs changing, please let us know.

## **6. COUNCIL COMMUNICATIONS**

Councilor Ripma stated I'm responding to Paul's request for DVD's available for the council meetings. I just wanted to say that if you call MetroEast they will make DVD's available.

Sarah Skroch, City Recorder, stated I believe MetroEast will provide that. There may be a cost associated with that.

Councilor White stated I want to welcome Apollo Plumbing. I had the pleasure of going to their grand opening. It's a nice family owned business with living wage jobs. I just want to welcome them to the community.

## **7. ADJOURNMENT**

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

Meeting adjourned at 9:03pm.

**Casey Ryan, Mayor**

**Dated:** \_\_\_\_\_

**DRAFT**

**ATTEST:**

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**Kenda Schlaht, Deputy City Recorder**

# CITY OF TROUTDALE

## **City Council – Regular Meeting**

7:00PM

# Tuesday, November 27, 2018

# PLEASE SIGN IN

**DRAFT**

**MINUTES**

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

**Tuesday, December 11, 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, Councilor Lauer, Councilor Morgan, Councilor White, 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; Fred Ostler, Public Works Director; Ryan Krueger, Senior Planner and Ryan Largura, Environmental Specialist.

**GUESTS:** See Attached.

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

Bruce Wasson, Troutdale resident, stated I want to put this on the public record that I'd like to thank Councilor Morgan and Councilor Allen for their service and to say that this city has demonstrated that our founding fathers when they built this country, this is what they envisioned. Citizen involvement and without pay. I think this city exemplifies that and I'm happy to say that I'm a part of it. I think Councilor Morgan has a bright future and Councilor Allen will bring his wisdom to the Budget Committee.

Paul Wilcox, Troutdale resident, stated something that I've been doing the last 2 election cycles is I do a summary of how Troutdale voted in comparison to the larger population, specifically in relation to the County of Multnomah and the State of Oregon. I prepared a spreadsheet that kind of spells it out (a copy of the spreadsheet is attached to these minutes as Exhibit A). I'm going to touch on some highlights that I found especially interesting. What I've discovered is nothing new actually. It's a pattern that's been followed the last 2 election cycles and it's been repeated this past November. I'll refer to some numbers to kind of give you an idea of what I'm talking about. Under Oregon Measure 102 related to a public/private partnership between state and private as far as

the funding affordable housing units. That was the only measure of all the state measures that Troutdale favored and that passed in Troutdale 51% and statewide it was just under 57% and Multnomah County voted just under 72%. So you can kind of see a pattern there. I'll go to one that the vote was against the measure. The constitutional amendment to prohibit taxes on groceries. Troutdale voted against 51% the state voted against 57% and Multnomah County voted against 73%. This is a consistent pattern all the way through every single item on the ballot actually from top to bottom. And if something is favored it's favored more strongly by both the county and the state than it is in Troutdale. Another one I wanted to cover also was the Metro measure for affordable housing. That one was opposed by Troutdale voters 56% and it passed in the county by 65%. I also researched that a little more closely and discovered that all the East County cities also voted against that measure. So it's essentially Portland that carried that Metro measure. Then on the elected officials Troutdale didn't do so well. Troutdale went with Buehler over Brown 48 to 45% and they went with Hwang for State Representative over Gorsek 49 to 47% roughly. In that particular one I also discovered that Troutdale is the only city in East County that went against Gorsek. I thought that was kind of interesting.

Diane Castillo-White, Troutdale resident, stated just an hour ago we got to celebrate 2 councilors and their time served here. I'd like to do a little bit of a memory lane with Rich Allen. I have a couple of different things here just to give you a little insight into the person he is because I believe history matters and all the contributions he did and also some of the fun things we did along the way (a copy of the handout can be found in the meeting packet). One of the papers that has a little sign that Rich made and it says, Rich Allen, Troutdale City Council Our Town. He silk screened that himself and he was quite proud of it. One of my first memories of Rich was him at a corner just waving to the citizens with his little sign not quite when it was bright enough to see him. He loved Paul Thalhofer and in one of his posts he mentioned that he had a long commute to work and he said it wasn't worth it after making it through all my collection of audio books. It was time to search for a home closer to work. I contacted City Hall to find out more about Troutdale. It was Mayor Paul Thalhofer that answered my call and met with me at the old City Hall. The quaint little town with the berry fields I remember from my youth had an attracting charm that lured me in. At the old City Hall I remember the hardwood floors reminiscent of a dancehall and the unique setting full of memories. As I would sit and listen to Council meetings. Paul supported me in my first run for City Council and he drove into my soul the following words, "It's about the people. It's always gotta be about the people." I miss his words of advice. I sure could use them now. Troutdale hasn't ever let me down. I appreciate all of you who watch over me and offer your friendly advice. Although I may lead, I don't ever do it without listening to you and taking your words to heart. The best attribute of a leader is to lead in the right direction. I would just like to say that Rich is humble, kind, fair, a man of integrity, he's always positive, informative, mentoring and leading by example. He thoughtfully and cheerfully did his homework for council meetings. He met with regional volunteers and appointed officials and most important, the citizens of Troutdale, to do his research. He was a West Columbia Gorge Chamber as a member and the board member of the Troutdale Historical Society. Rich loves his family, community and is invested in Troutdale's future. Rich, I want to thank you for all your dedication and your unseen

struggles and the accomplishments that you have done for our town and helping to make Troutdale what it is today.

**3. CONSENT AGENDA:**

**3.1 MINUTES:** November 13, 2018 City Council Regular Meeting

**MOTION:** **Councilor Morgan moved to approve the consent agenda. Seconded by Councilor Ripma.**  
**Motion Passed 7-0.**

**4. RESOLUTION:** A resolution extending the Frontier cable services Franchise Agreement with the City of Troutdale.

Ed Trompke, City Attorney, stated this is a 4 year renewal of a franchise with Frontier that was negotiated by Mt. Hood Cable Regulatory Commission (MHCRC) which negotiates for the 4 cities and part of Portland on the east side. They did it for a couple of reasons to spread out the terms under which cable franchises expire, 4 years isn't the norm. Instead they often would expire all on the same year which would tax their staff unmercifully and needlessly so this stretches them out so they're not all coming up at the same time. It will also extend the existing contract pretty well other than adding in the 8 new high definition channels. Other than that it continues pretty much as things have been going on at a time when there is some uncertainty with what the FCC is doing and regulating cable. It brings some stability and I think that the regulatory commission and Norm have done a good job in bringing that stability at this period of uncertainty.

Norm Thomas, Troutdale Representative for Mt. Hood Cable Regulatory Commission, stated the Frontier franchise actually covers 4 cities. It covers Troutdale, Fairview, Gresham and Wood Village. We have 2 land based cable providers here in the city, Comcast and Frontier. All other competition would be satellite. It does help us out tremendously on both sides, both Frontier and us, by not having to go through the costly process of negotiating all new franchises. Things are changing possibly at the FCC. We hear that every year and have been hearing that for the last 20 years. When we come to you in a few months with the budget presentation I'll have more information. We ask for your approval for the extension.

**MOTION:** **Councilor Morgan moved to adopt the resolution extending the Frontier cable services Franchise Agreement with the City of Troutdale. Seconded by Councilor Allen.**

**VOTE:** **Councilor Lauer - Yes; Councilor Morgan – Yes; Mayor Ryan – Yes; Councilor White - Yes; Councilor Allen – Yes; Councilor Hudson - Yes and Councilor Ripma – Yes.**

**Motion passed 7-0.**

## **5. REPORT: A report on the Metro 2030 Regional Waste Plan.**

Ryan Largura, Environmental Specialist, stated I was asked by Ray to give you an overview of Metro's upcoming draft of their 2030 Regional Waste Plan. There is no action to be decided tonight and nothing that needs to be voted on. This is merely for informational purposes because it's currently in a public comment period which closes December 21<sup>st</sup>. I'm not with Metro, I haven't designed the plan myself, I've read some of most of it but I'm going to give you best of a take that I can. Metro started rolling out their Regional Waste Plans in 1998. This is now the fourth iteration that's currently under review. They have been doing this for mandates for various statutes and rules that are requiring them to do this. The 2030 plan is, in general, a blueprint for how the region will be managing their products over the next decade. These plans last about 10 to 12 years on average. They update the plan every decade or so. The 2030 plan will establish their policy direction, set their goals, outline the roles and responsibilities and identify specific actions to take in the region. Metro and local governments share the responsibility in implementing the plan in coordination with DEQ, private and nonprofit organizations involved in different areas of the system. The general system has 2 kind of over-arching systems. A materials management system which is about reducing the environmental impacts of products throughout their entire life from extraction of raw materials through manufacturing, using them as consumers and discarding them. And the garbage and recycling system which is about managing the materials at the end of their life through our collection, transfer, recycling, composting and disposal systems. Frameworks that have helped shape their plan has been the life cycle approach which really addresses the life cycle of products from cradle to grave as well as equity issues that they at Metro Council approved in a strategic plan to advance racial equity diversity and inclusion in 2016. This 2030 plan really tries to put those 2 frameworks in the plan. Other than that the actual nitty gritty of the plan boils down to values, principles and visions and how those work together in order to create their goals. There's about 19 goals and a little over 100 actions related to those goals and how the plan will be carried forth. The approach to carrying out the plan and measuring the progress will be reflected in certain indicators that they have identified as well. The goals fall under 5 categories. One is shared prosperity and the others are product design and manufacturing, product use, product end of life management and disaster resilience. These actions help address the gaps that are currently identified in the recycling and solid waste management system to improve and make sure everyone has similar services across the board in the regional growth boundary area. The next steps is to have this brought forth between the Metro Council at the end of February at which point they'll vote on it and then it goes onto DEQ for their vote as well. Really for the City of Troutdale I've identified about 7 actions that are directive actions that are going to be some of them that are existing already that have already requirements attached to them and some will be new that will be worked out in the years to come in order to inform municipalities in the region of what are going to be requirements. Nothing has been implemented yet and nothing has been solidified or ironed out in details. That will occur as the implementation is rolled out with these actions. If you want to get a good sense of what Metro's trying to do, the appendix is a really good summary of those actions and plans.

Councilor White stated I know tipping fees are increasing. We have a transfer station and we also get a community enhancement fund. Is there any plans to increase the amount Troutdale receives from that?

Ryan Largura replied that's kind of captured in the waste load allocation that Metro's currently reviewing. There is a potential for Troutdale Transfer Station to actually get an increased amount of garbage at that transfer station which would potentially increase our tipping fees amount.

Councilor White stated we've had a lot of success with that program and I think it's really made a difference throughout our city.

Councilor Allen asked are they going to be doing any improvements with separating the recyclables?

Ryan Largura replied really right now we're looking at just trying to get the message out to reduce contamination at this point. I haven't heard anything about removing any items from what's acceptable so far in comingle recycling.

**6. PUBLIC HEARING / ORDINANCE (Introduced 11/27/18):** An ordinance to adopt Text Amendments to Chapters 1, 2, 4 and to establish Chapter 14 of the Troutdale Development Code.

Chris Damgen, Community Development Director, stated with me tonight also is Ryan Krueger our Senior Planner and Floodplain Manager who you heard from 2 weeks ago as well. We're going to pick up where we left off with just a couple of reminders before we go into what has been asked of us and some additional information that you may not be privy to since last time you heard about this item. The first thing I would like to start out with is a reminder that this is a text amendment and as a result of that you are required to adopt findings which have been outlined in the draft ordinance that was in your original packet in Exhibit A. A reminder that we do have the criteria here on the screen that we can refer back to if needed but no discussion or no changes have been proposed at least thus far to the criterion draft that staff prepared that Planning Commission also endorsed to you. So those are still on the table for your consideration tonight and you're welcome to make amendments to that in addition to any proposed amendments you wish to make to the text itself. The best way to go about this is to remind the Council of the instruction that you last left us and that was basically to identify those sections in the proposed amendments both in Chapters 1 and 14 which should have been in your packet for tonight, what changes were required by FEMA, what changes were required by the State or Metro and then what changes could be positively impacted if approved to the city's community rating system score to afford us some breaks to the flood insurance situation. I would also like to remind you that we have a memo for you where we outlined that. Again, for the benefit of the draft consideration items highlighted in yellow were the FEMA mandates that FEMA had required through language either in the code of federal

regulations or compliance with the National Flood Insurance Program (NFIP). Any type of amendment you wish to propose to anything that is in yellow would have to go through the full cycle of FEMA review. That is something that staff strongly advises you against. We've been through several iterations with FEMA as well as the State. We believe we're at a point now where we have a comfortable draft that is approval for you all. Items in green were from the State through the community assistance visit and their guidelines from that item. You'll see additional regulations that came from State comments. There's a few items in pink and those are related to a Metro Title 3 compliance with the urban growth management functional plan. A lot of the Metro stuff is also kind of wrapped in with the State stuff so therefore the State would supersede any additional requirements that Metro would have. Then the items that are highlighted in red are staff recommendations from the NFIP community rating system (CRS) like we talked about. There are also staff recommendations that are related to the Multnomah County Natural Hazard Mitigation Plan and another one from the Oregon Biological Opinion. We have a letter from a coalition of partners from the Oregon Homebuilders Association, Oregon Farm Bureau and Oregon Association of Realtors. They provided a formal correspondence to us earlier today. They are questioning about some of the insertions that were included that they came from what is called the BiOp or the biological opinion and I'm going to defer to Ryan here in just a moment to explain what those situations are. The reason why we wanted to hand that additional memo out is this is a big issue and a complicated issue and kind of the direction we heard from you was to focus on really the CRS and the color coordination of that. In doing so, we had in the original memo which we just handed out to you some discussion of the biological opinion and some language that related to that. It just so happens that these groups called it out. In your packet you had an abridged memo because we were trying to focus the conversation on what was truly actively discussed at that point. It's basically our way of saying, this has been anticipated that we were expecting to talk about but based on the direction we are trying to focus the conversation. We weren't trying to cover up anything but we did want to let you all know that we had been considering including that information to you ahead of time but in light of this letter we felt it necessary to walk you through what those additional items were. Mr. Trompke as well as is familiar with the correspondence and can answer any questions as far as that is concerned. One additional note, at the last meeting you had a handout from city staff, it was not color coordinated, it had a series of non-substantive and substantive changes to you for your consideration. If you do decide to take action tonight or if you defer it to another point what we would ask you to do is to include this document as an amendment to what the prepared draft is because that way we can incorporate that language which FEMA has said we need to insert into the document that's ultimately passed by this Council and would be adopted. Any proposal to adopt code language tonight should include this memo with the needed amendments as directed FEMA and DLCD.

Ryan Krueger stated the biological opinion was ultimately issued as a result of litigation against the feds by a number of different non-profits and what happened is that the FEMA lost that lawsuit 7 times and then settled the 8<sup>th</sup> one. This biological opinion which has already been put into place in Washington is something that we're seeing now the first

formative actions following that decision in the RPA as they talk about in this letter which is a reasonable and prudent alternative. This particular inclusion as the letter calls out are not necessarily requirements at this point but more of us looking over the horizon to see the fact that these are going to be coming and trying to get our code to a place that is passable through a mechanism that is likely to be afforded to Troutdale which is 1 of 3 doors. If you pick door #1 it's highly prescriptive, pick door #2 it's less prescriptive and door #3 they're going to be ad hoc more of an individualized response. At least that's what we've seen in Washington. Inclusion of the language that we have in here makes us think that we will be able to squeeze through door #3 without too much trouble at all. So we wouldn't have to go back to this once the RPA comes out we're not going to have to look at arduous adoption processes, more restrictive code language, we've already got Metro Title 3 and 13 that are regulating our riparian areas. As a result, these are some of the inclusions and specifically the ones that they speak to are verbatim pretty much the ones that we felt like were the most reasonable to assume to be necessary in order to get us over that hump. The recommendations from local staff and ultimately are some that were indicated as changeable but again if we don't include them now there is the possibility that there may be more requirements than what we have right now. We may be able to be pretty well along that road. I would say 75 – 90% done with what would be necessary as a result of those changes.

Councilor Morgan stated I see this letter from the associations. Were there any other associations that either gave letters of support or opposition?

Ryan Krueger replied we have only heard from a couple. Willamette Partnership did not provide direct testimony but they were ones that collaborated with us in order to identify the lowest hanging fruit for the City of Troutdale in order to determine how we might forgo future regulation that's going to be passed down from the state level. They did not provide testimony but they were consulted in order to craft the particular inclusions that we have in our local code.

Chris Damgen stated it should also be noted that this coalition here informed us of this letter today. For the record, the City of Troutdale as well as other municipalities have some grave concerns about the biological opinion. The reasonable and prudent alternative in some cases may not be so reasonable and prudent but in this particular case for the types of regulations that are being alluded to here and regulations that have not been alluded to here but have been coming passed through the state because the state has already positioned itself in some of its comments to prepare communities for this biological opinion. We believe we've done the best we could to mitigate concerns and to reduce the barriers for development potential and development activity where it happens. In some ways we're with them in the spirit of reducing the burden on cities and on citizens from the biological opinion. These folks are just saying maybe you should wait to incorporate some of these items. We're saying, if we don't incorporate them now the hammer could be harder for us later and down the path. If we are proactive now to a degree where it's still reasonable for our community it's going to be less punitive in 12 - 24 months when the actual mandates from the feds come down.

Ed Trompke stated I do agree with that and having looked over this letter the second one on the second page it says the proposed section requires development permits are issued in the special flood hazard area. That's pretty much in accordance with what code already has been here in the City of Troutdale even with the negotiated settlement that we did with Metro when Metro threatened to sue the city 5 or 7 years ago. That one's pretty well built in. The first one, it is a new definition of high hazard areas. I don't foresee that being very big in the City of Troutdale. What it does is it says these high hazard areas are the upland fringe of the floodplain, floodway area and they're already subject to development restrictions. This might increase the restrictions somewhat but not a great deal. Correct me if I'm wrong but I don't remember seeing any large increases in the restrictions on that particular area.

Ryan Krueger stated this is a great first shot to write our own policy, to write our own way through that door. If we're able to go through door #3 as we anticipate it's going to present itself then we're going to be a lot more allowable in what we can create here as a local solution rather than looking at a larger state solution that's maybe hoisted upon us.

Councilor Ripma stated this letter is dated today. Have we given all the proper notices to anybody that's interested in this? Why are we getting comments at the last minute like this?

Chris Damgen replied speaking to the first part, we are required by law to give what's called a Measure 56 notice. That notice went out in October to all property owners that were affected by these regulations.

Ryan Krueger asked, could you pull that up so we can show what that looks like? It's very blunt. It says that this regulation can impact your property values and if you're interested in what that means, come talk to us. I think it's important for the public record that we show exactly what that is.

Councilor Ripma stated this letter says the city has no obligation to implement any provisions from BiOp in this round of code updates.

Ed Trompke stated I think what I've been trying to say is that there are a few things that can be traced into the BiOp in the code document but they also have other sources. They're in the code because they're traced to other sources even though they can also be traced to the BiOp. These things are unbearably repetitive sometimes.

Chris Damgen stated also, particularly the sections in green that was the DLCD commentary when they had our community assistance visit this last go around earlier this year in 2018 when they prescribed their mandates for what you needed to include in the code. A lot of the work that DLCD has commented on, even though they don't have a draft code that takes every BiOp mandate in, a lot of their feedback goes into preparing communities for future BiOps. So some of the provisions that the letter from the coalition

did not point out may already be within the document just within green commentary. Because the BiOp has had those delays we don't have a document at moment that has every provision of the BiOp in place. Our attempt here was to do the best we could with as much local decision making where we could to prepare for it one day and hope that our positive efforts through DLCD review and our CRS participation can help mitigate that and lessen the blow for a future text amendment.

Ryan Krueger stated I wanted to also add that the reason for the redundancies, FEMA was writing a lot of the response to the biological opinion. So FEMA is writing the NFIP standards and the response to Oregon's biological opinions. So hence, redundancies because they're copy over that language. We have also gotten mixed messages from the feds. We had initially heard this fall, late summer early fall, that we were going to have 90 to 180 days to get new code language into effect or we were going to be found non-compliant with the biological opinion. There's been a number of correspondences now between state agencies and the feds and they have moved that back but we still have a big question mark as to when that's going to move forward. The NFIP is up for re-authorization and there may be components of the biological opinion that are included in there but we have not yet at this point been advised that they are going to impact a timeline for implementation within the State of Oregon. Going back to the comments that Mr. Damgen made, because of our already authorization of Title 3 and Title 13 through our vegetated corridor standards and through our participation in the community rating system significant progress has been made on that road in order to be compliant with an RPA. That was that relationship that I spoke with Councilor Morgan about working with Willamette Partnership. They had advised us that if we simply tick a few more boxes then we're likely going to be through that door without doing much else at that point. So that's the reason that those were included in here in order to help get us those last remaining check boxes that build on our previous successes. I think that's really important to point out in this instance.

Chris Damgen stated these text amendments are being done because of updated maps not because of a pending biological opinion. I think it's important to understand that that in a perfect world it would be nicer if we would've been able to align both processes at the same time but we are under the gun because of new floodplain maps that are going to be in effect for our community.

Councilor Hudson stated I wanted to recap everything and make sure I had it straight and you can stop me as soon as I say something wrong. We have to make some changes because the maps are changing. Are there new federal regulations too? Or we just need to come into compliance with existing regulations and new maps?

Chris Damgen replied when you update maps you have to be up to date with NFIP standards as well as state compliance and Metro compliance, yes.

Councilor Hudson stated we're working on compliance with a bunch of different levels of government and then at the same time we're putting in some extra changes which we

don't technically have to do but they're good for a couple reasons that we may well have to comply with them in the future anyway. And then also it gets property owners better rates and that's something that we can do for them by passing these regulations on.

Chris Damgen stated correct.

Councilor Hudson stated the concern, it sounds like, is that they could create an expense or barrier to certain development. So either certain things couldn't be built or they would have to be built a certain way which could add expense. Essentially the reasons they're even being proposed is that that they're good ideas anyway from a disaster litigation point of view.

Ryan Krueger stated yes, I think that's a fair characterization of the overall perspective in here. As we pointed out in the memo, there are some that are required at the federal level, there are some that are recommended locally and then there are some that are ultimately going to be sort of an in between there that do offer us a little bit more peace of mind as well as better insurance rates for our community members.

Councilor Hudson stated while it's possible that we go back through and take out a few of these we could very well find ourselves in the future wishing we had them in place. Even developers who would have been happier not to have some of these extra regulations may find that their property survived better because of an unforeseeable natural event.

Ryan Krueger stated I would say in some situations absolutely. I would also say in this situation your initial point there about how some property owners or some of the members of development community might be more happy in the long term if we're able to get through relatively unscathed without someone else coming in telling us how to run our house I think they're going to be happier with the local perspective rather than having someone at the state come in and say you have to do it this way.

Mayor Ryan stated one thing too, I did some research to find out how many people are benefitting from flood insurance in the area and it was over 60 homes I believe is what we came up with. We did have a conversation with some of them and they would obviously be very happy to save another whatever percent on their flood insurance. And also some of the comments made from some of the people down there was that development is going to happen. There's not a lot stuff that's going to happen down there anyways. There are some people down there obviously self-insured but there's more people I believe down there that are benefitting from this.

Councilor Ripma stated I like the way Zach summed it up. The recommended changes here are the result of some regulations and good ideas and not that burdensome. Is there anything these groups could do to object and render our efforts moot? Or is it just a request?

Chris Damgen replied they could appeal a decision because it is a land use decision.

Councilor Ripma stated I was just wondering if it would be prudent for now to take out the things they specifically identified for whatever reason.

Ryan Krueger stated as far as the follow up to it I would also say the other reason that they might appeal as if we had errored in our procedure.

Councilor Lauer stated this would be something to worry about if you guys didn't do everything that you needed to do make sure this was on the up and up. Is there any development in the pipeline? Is there potential development happening right now? Is there something happening that this is going to affect someone if we change this right now?

Ryan Krueger replied there is development proposed right now. There are a number of projects that are in. Because this code has not been adopted they're currently coming in under the current development code standards. As we talked about here about high hazard and erosion hazard areas those are already subject to regulation. So there would not be a change there as far as what they would be subjected to. Broadly, no this will not have a significant impact on any development that is current or proposed because they're right now pretty much subject to all of these standards.

Councilor Allen asked, how many of us have lived in the South? Just a few of us. They had a lot of flooding down there and it was almost like a way of life. When I look at Troutdale I don't get the same feeling. Usually if we have some kind of flood occurrence here it's some kind of dam mismanagement problem or something like that. We just don't see a whole lot of it. I can understand them wanting to put code in and I can't help but think that they're going to have a terrible time when they get to these other states. I wonder if the pushback from there is going to change things in the future.

Councilor White stated I have a handout (a copy of the handout can be found in the meeting packet). For point of order, I neglected to declare a potential conflict of interest. I do own property in Troutdale that is attached to floodplain. In the past I've been clear. The second page is probably the one you should look at first. In December of 2011 a pineapple express came through and it was really bad timing for the City of Troutdale because we had the 2 old I-84 bridges in place. We also had 2 temporary bridges in place. The river jumped its banks and went 5 miles off course up on Lolo Pass and it left properties basically on an island. The roads were gone and it was a major thing. I was panicking to say the least. If you look at the front page that's taken from the Troutdale Bridge and that's where the water level peaked. It's really hard to see in this photograph but there's a white line on one of the trees and that's where the water reached in '96. That was considered a 500 year flood event. I show you this just to give you an idea that I feel the floodplain is exaggerated. We don't have a re-occurring flood problem. I feel really safe after surviving that. I talked to one of the hydrologists that was hired by FEMA to do the original mapping and they said to get the water to go up like that again without those

4 bridges in place it would take a biblical type rain to recreate that. I hope we keep that in mind. Most people feel like I do that if you don't have a mortgage you don't get the flood insurance. It would be cheaper to do repairs yourself if there ever was minor flooding. But you're stuck with it. If you have a mortgage you have to buy it year round and it's really expensive. For me it would be just under what my property taxes are for the year. So it would be like paying double property taxes. It's quite extensive. The other thing is if you own your property you can buy the flood insurance seasonally so you're not paying for it year round in the dry season. People with a mortgage have to do that. One of the charges with FEMA was to get more customers. There seems to be a lot of that drawn into their thinking. I find it really frustrating too in a town that's so close to buildout, what it really hurts are the few big pieces of property we have left that could actually put Troutdale on the map. If you look at every other community in our area, they're developing their waterfronts. And Troutdale just seems to hand it over to regulation. I think we're making a mistake. We saw how impactful the apartments are for our SDC's how much revenue that's going to bring over the years. It's the type of stuff that we need to keep our town alive. We're making it so expensive to develop. Someday I would hope that the RV Park would redevelop because that property is too valuable to be an RV park in my opinion. We need housing in Troutdale. If we keep piling on the regulations stuff like that will never change. Troutdale is probably the biggest shareholder of undeveloped property. I do want to compliment the planning stuff. Their workload has been incredible this past year. I think we should look at our Sandy Drainage Improvement Company. It's going to be an extra burden on the SDIC. It's almost like we're telling the Army Corps of Engineers how to do their job when they know their job better than we do. It's going to create a burden for them and added costs. That's one thing I would like to see changed. The other one was adding the extra foot. That was something we put in ourselves on residential to get the better insurance rate. I feel because of this photo that I showed you guys and the fact that the floodplain in my opinion is exaggerated, I think it's something we could pull out of the code. We're still going to get the discount. It's going to be close.

Ryan Krueger stated it's not going to be close. We're not going to get there with that one. As far as the SDIC, you're absolutely right, Councilor White. We're frustrated and we've been frustrated. We know that there are ways that we can reduce that impact, an IGA is one of those, and that's going to be the highest priority for this department moving forward is getting an IGA in place that allows them to continue to enjoy the flexibility in the permitting requirements that are associated here in Troutdale. It's a national mandate that's coming down and impacting us in a way that locally doesn't make sense as far as that allowance for SDIC. So an IGA will allow us to be able to mitigate that impact but it's not a long term solution. Going all the way up to the national policy level, looking at changes to the NFIP would be something that would really be the most effective in how we can do local administration with the SDIC. I will say that we're on the same page as you all. We're frustrated. A couple of points I wanted to make there in regards to flood insurance specifically. Yes, we do have only 43 properties that are currently enjoying flood insurance coverage but many of those flood insurance policies are new policies. We are hearing from new property owners that are coming in that the ability to get a discount on their flood insurance is making the decision for them easier to buy the property here in

Troutdale versus going somewhere else. And those other jurisdictions that aren't doing it, they're losing business. They're losing private property owners that come in.

**Mayor Ryan opened the public hearing at 8:35pm.**

Paul Wilcox, Troutdale resident, stated after Councilor White raised the issue last meeting, I took a closer look at the raising the elevation of the foundations by an additional foot. It sounded like Councilor Hudson was kind of on the same wavelength as me. I'm thinking the extra foot is a good idea. If you've got somebody that's at the minimum and the flood goes above that one foot, without the extra foot it not only affects that property but if that upstream property with the one foot elevation gets swept down river it might take out their neighbor. The main thing I noticed just this evening was on page 14-22, it says the minimum finished floor elevation including the basement floor for all new or substantially improved residential structures, then it refers to the additional one foot elevation. The question raised in my mind was, what's meant by substantially improved? Then I discovered a definition of sorts on page 14-24. It says, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. Then it goes on to say substantial improvements include and it talks about the 49% of value. That first paragraph on that page sounds like if you add a floor or any interior wall that would qualify as substantial improvement. So my main issue is, what's meant by substantial improvement that calls for that extra 12 inches of foundation?

**Mayor Ryan closed the public hearing at 8:38pm.**

Ryan Krueger stated the substantial improvement occurrence would be basically similar to what starter construction would be. It's going to help us determine when it's actually taking place. If we go to page 1-32, substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 49% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. So the definition in chapter 14 would refer to when that has commenced. This is where we would refer to as the actual standard. If you go down below it says, any project for improvement of a structure that needs to come up to correct violations of state or local health, sanitary or safety codes would ultimately not be included in this as well as any alteration of historic structures. Those are ones that allow us some leeway in how we're administering that substantial improvement. A historic structure would be one that is determined by the National Historic Registry but ultimately in this case it would allow for some leeway in how we were looking at those redevelopments. And as Mr. Wilcox pointed out, it's not just necessarily impacting what happens on your property. It's impacting the properties around you if you're not elevating.

Councilor White stated I don't understand how that would impact a neighboring property by going an additional foot. They're also going to have to have the foundation vents and

it could be more than a foot because you have to assume they're below the base flood elevation to begin with. They may have to build 3 feet to get to where everyone else is. That's why I'm so concerned about that additional foot. It would also impact somebody if they had damage to a portion of their home and now they have to jack the whole house up and increase the foundation on the entire home another foot to repair it.

Ryan Krueger stated let me see if I'm hearing you correctly. Your question was, how would the elevation alleviate the flood concerns for neighboring property owners?

Councilor White asked, how would that impact a neighboring property?

Ryan Krueger replied if it's built according to the standards in the NFIP, what that's going to do is it's going to have a more designed foundation, more a designed articulation so that when flood waters were to impact that property they would be less likely to be pushed to an adjacent property. If we're talking about a house that's not built to those standards, they could be pushed to adjacent properties because they are going to be below that base flood elevation. So it's a barrier. If you have an additional foot of elevation with all the other requirements that are associated with that elevation, the likelihood is that the impact to an adjacent property owner is going to be lessened.

Councilor White stated at the first reading of this you did the math and calculated it would be close but we'd still qualify for that next savings in the flood insurance program.

Ryan Krueger stated and as I pointed out, there are other ways to get there. But we really need some help if we're going to get across that finish line if it's not going to be this way.

Councilor White stated if I remember right, just by not doing anything else and removing that one we still qualified.

Ryan Krueger stated possibly. The likelihood is that we would fall just short. We could be 3 points over but we're more than likely to be a few points under. These are best guesses according to frameworks that have been established. I can tell you that the way that we proposed our credit under that last recertification cycle, we thought we were going to be well beyond that class 6 category and they nickel and dimed us back down to just above where we were under the previous cycle. So using experience I would say that we would be close but I would think that we would ultimately fall just short. But it's possible we could be across that finish line by somewhere between 3 to 9 points out of what we would need. It's also possible we could be 50 to 100 points short. It's hard to know at this point without actually going through that recertification.

Chris Damgen stated it's important to know that they say up to that amount of points could be earned on that. It doesn't mean you would.

Ryan Krueger stated this one particular standard goes up to 200 points so that's going to get us well over that threshold regardless of whether they nickel and dime us.

Councilor Lauer stated but we know that you've tried for over a year and we know that this gets us there right now the way it's written.

Councilor White asked, is there concern by having the taller foundation of the house that it would cause the house to float? You might have a bigger problem because of the air gap under the house that can push the house up.

Ed Trompke stated we had to deal with that in the settlement of some litigation for a non-dwelling at this point but was a dwelling at one time. It was built in the floodplain and there are requirements that calculations be done that the dwelling won't float away. If the basement and the crawlspace area is sealed it can't float away. It also has to be hydrostatically stable enough not to collapse. All of that is requirements for the engineers to work through before they can get approval from the building department.

Councilor Lauer stated I think you guys have done a fantastic job and again, thank you for color coordinating it and making it easier to go through this second time around. I don't have a problem making the motion.

**MOTION:** Councilor Lauer moved adoption of the ordinance to adopt text amendments to Chapters 1, 2, 4 and to establish Chapter 14 of the Troutdale Development Code. Seconded by Councilor Morgan.

**Councilor Ripma stated point of order, Mr. Mayor. I thought we were not adopting it tonight.**

**Mayor Ryan stated no, we left that open. This is our second hearing. If we felt comfortable with the information they provided we did not have to have another meeting.**

**Councilor Ripma stated my comment is, we learned quite a bit tonight about background and benefits. I was not expecting that we were going to vote on it tonight.**

**Mayor Ryan stated I don't know what else we can talk about.**

**Councilor Ripma asked, Councilor White, are there specific things you want to take out?**

**Councilor White replied the extra foot on the foundation I would like to go without that because I'm familiar enough with the floodplain that across from the Harlow House and the Red Barn Museum, that whole side of the road is along Beaver Creek starting with the Troutdale Arts Center and it's in the floodplain by 2/10 of a foot most of it.**

**Councilor Lauer asked, is that true?**

Ryan Krueger replied without having that precise information available to us to demonstrate this evening, it's not quite that close. It's not quite 2/10 of a foot. It's probably going to be closer to a foot and 3/10 below the base flood elevation.

Councilor White stated there was actually a group of residents along there that did a survey during the mapping process. I know that the Arts Center was able to get a letter of map amendment because it was so slightly in the floodplain that FEMA acknowledged that and gave them a letter of map amendment. It is extremely close but I consider that a really important part of our town because it's part of our town center overlay. We're pretty much maxed out on both sides of the road with the marina block being developed along the Halsey Corridor. There's 2 groups working on projects considering that part of town. There's a 3 city Halsey Corridor project that I'm the liaison on that group and it's getting a huge amount of attention from multiple agencies. They're all excited that we're collaborating with the 3 cities approach to do something to improve that part of town. We also have our own Town Center Committee that would love to see some redevelopment happen along that part of town.

**Councilor Ripma asked, how would going from 2 feet to 1 foot help?**

Councilor White replied it's a major cost burden when you're already raising the foundation up. It's not required. It's just in there for one purpose to save 43 people on their flood insurance and I believe we can still get there without doing that. It sounds like they may have changed since the last meeting.

Ryan Krueger stated I wouldn't say it's changed. I think I was precise in that last meeting when I said that it would be close and ultimately that we would recommend in order to ensure that we were across that threshold that this remain. As far as the characterization of that being a substantial cost, for a 2000 square foot home if you were to build an additional foot it could be as little as \$890.00 for that additional foot if you were to build it on concrete block piers. If you were to go with fill it would be approximately \$4400.00 in order to do that.

Councilor White stated I'm going under the assumption that we can get that savings without adding this regulation.

Mayor Ryan stated I'm not comfortable. Honestly, there is a conflict of interest because at some point you want to develop your property, Councilor White. I get what you're trying to do. What I don't want to do is take away 20% savings for our residents. We can't kick the can down the road and assume another 5 or 10% savings is just 43 people. It's 43 people. So I don't care how we get there but we have to get that savings. If Councilor White is comfortable with us kicking that down and we can't get there and there's 43 people that don't get the savings, I'm

not going to be happy. It's not right. I don't have property down there and I don't have any plans to develop any property down there. I have zero conflict of interest other than the interest of our citizens which is to save money. If Councilor White wants that gone, that's good but then I have to get reassurance from you guys and Councilor White that we're going to get there. Because it's not right.

Councilor White stated that's what was on the record from the last meeting.

Mayor Ryan stated I get that but I want to make sure because you would benefit by developing that property by not having to do the extra foot. I also understand that I'm a banker. Most people don't own their properties. I don't know where all these people down there that are living free and clear in these million dollar homes, most people have mortgages.

Councilor White stated it would be more because the simple fact that it's required now. That's a new ruling.

Ray Young stated all that I would add is that staff can only give you their best estimates based on their extensive experience. We cannot guarantee what the feds are going to do when we turn this stuff in. When staff is telling Council if you go with our recommendations we pretty much, as best we know, can guarantee you'll get the savings. If you take anything out you're flipping a coin as to what's going to come back to us and there's a risk that you won't get any of the savings. We're giving you one route guarantees as best we can of savings and the other route is saying you better pray because we don't know what the feds are going to do when it gets there. It's your call.

Mayor Ryan stated you have to make a decision one way or the other.

Councilor Lauer stated I think we have and I think this gets us there. I think this is our opportunity right now.

Councilor Morgan asked, how many houses are we talking about that may exceed 40% of their value? In order to meet this new threshold it says specifically 49%. How many households will be affected by this one change of the one foot?

Ed Trompke replied none if nobody renovates a house.

Councilor Morgan stated correct. And in a worst case....

Ed Trompke stated in a worst case it's all of them.

Ryan Krueger stated I can tell you how many properties are included in the floodplain area. Without knowing exactly how many of these are redundancies it looks like there may be a couple, somewhere around 173-175.

**Councilor Morgan stated so 173 properties in the City of Troutdale may be affected by this change.**

Ryan Krueger stated if they had damage to their property that exceeded 49% or they conducted improvements on their property in those floodplain areas that exceeded 49%. It's also important to point out, these are properties, not structures so if they did an improvement on an area of their property that was outside of the special flood hazard area they don't trigger these standards.

**Councilor Morgan asked, how many households will likely see a reduction in their flood insurance rate as a result of this change?**

Ryan Krueger replied everyone in Troutdale.

Chris Damgen stated you do have an additional exhibit here tonight that was in your packet. This captures the most up to date recent edits that FEMA required and the state required since the Planning Commission approved the document that you have. All the changes that we've been talking about tonight, all the ones that are color coordinated are in effect captured by this exhibit as well. If you are going to pursue with adoption tonight the staff would request that an amendment or a friendly amendment be entertained to include that exhibit with its incorporated changes.

**Councilor Morgan stated so amended. Seconded by Councilor Lauer.**

Councilor White stated it doesn't sound like I'm getting very far on the one foot issue. There's lots of things in here I don't like but we apparently can't change them. They seem very pre-emptive on future regulation yet to come. There's also the Housing Authority and those 3 agencies. They have an attorney that's working on reviewing this code. I think it's important to realize that we'd be the first ones passing this. It's only for the cities effected by this new map so it's Gresham, Wood Village and Fairview and then Troutdale. And then Portland is somehow exempt from even having to do any of this. It would be my preference to give ourselves 2 things on this motion. If the lawyers find something that we missed or planning staff missed the ability for us to correct that prior to February 1<sup>st</sup>. I would also like if it passes to only go into effect as of February 1<sup>st</sup> to buy us that needed time period. It's just a safety precaution.

**Councilor Morgan asked, is Portland exempt from this process?**

Chris Damgen replied this particular text amendment comes because of the maps changes to the Sandy River Drainage basin basically.

**Ed Trompke asked, is it January 31<sup>st</sup> February 1<sup>st</sup> when the new code amendments need to be in place, if we're going to get the insurance rate reduction?**

**Ryan Krueger replied the insurance rate reductions will have to go through a review during the next cycle. But in order to be compliant with the NFIP requirements, that's February 1<sup>st</sup>.**

**Ed Trompke stated that's what I meant. What Councilor White is asking is if there could be a delayed effective date. There can be a delayed effective date to February 1<sup>st</sup>. That's not problematic. The problem comes if you're going to move it up from 30 days from adoption. It has to be by a unanimous vote with an emergency declaration. That's not required to postpone it. If you wanted to postpone it to February 1<sup>st</sup> you would simply move to amend the motion to make it effective February 1<sup>st</sup> and with a Council consensus that if you or any other Councilor or staff is approached or receives information from the attorney that you are talking about that it would then be up to the City Manager to put it on the agenda to talk about making possible changes to the matter in January.**

**Mayor Ryan stated if we find a way to get there without having to do the foot. I'm okay with that. I don't care about the foot. I care about saving the residents. If we can find a way to get there before February 1<sup>st</sup>.**

**Chris Damgen stated to be clear, February 1<sup>st</sup> is not the effective date when these insurance premiums go in effect, it's our deadline.**

**Councilor Allen stated we're saying hand it over on February 1<sup>st</sup> and it's due on February 1<sup>st</sup>. Do you need a bit of a buffer there?**

**Ed Trompke replied I think that he would be turning it in in the ordinary course just with a cover letter that says it's effective February 1<sup>st</sup>.**

**Ryan Krueger stated if we adopt this tonight I plan on sending this out tomorrow and have it be reviewed by FEMA for the last section for their last checkoff and then the same thing with DLCD.**

**Ed Trompke stated and then if any changes came about in January, because it's a change to an ordinance, there would have to be 2 readings of it and there would be a 30 day lag time before it becomes effective. So there might be a few weeks where the code as written if it's adopted tonight would be in place and then the tweaks would go into effect.**

**Mayor Ryan stated I think that's completely reasonable. I'm comfortable with that.**

**Councilor Morgan stated there's a motion and a second on the current.**

Ryan Krueger stated just as a point of clarification, we would have no problem with it being effective February 1<sup>st</sup>. Leaving it open to additional pieces of evidence is a little trickier because it's going to be hard to know exactly what rises to that level and I would refer to Mr. Trompke on that.

Ed Trompke stated and I think at that point the Council would bring it to the City Manager and put it on the agenda either as a discussion topic or as a proposed ordinance amendment. It would be a new matter at that time. I think in order to get to February 1<sup>st</sup> we would have to adopt it tonight.

**MOTION WITHDRAWN:** Councilor Lauer withdrew his motion and Councilor Morgan withdrew his second.

**MOTION:** Councilor Morgan moved adoption of an ordinance to adopt text amendments to Chapters 1, 2 and 4 as well as Exhibit E to establish Chapter 14 of the Troutdale Development Code to take effect February 1<sup>st</sup> 2019. Seconded by Councilor Lauer.

Councilor White asked, is there any thoughts on the 1 foot? Do we want to try to exclude that or are we going to keep it in? If that's a lost argument then I want to make a statement prior to voting.

Councilor Morgan stated my motion was to keep it in so if you want to make your statement you can.

Councilor White stated I'm kind of torn because that 1 foot I think is unnecessary. But I don't want to take the chance on the insurance as well given the timeframe. I think similar to some of the planning members, I'm going to vote for this but I'm doing it under duress of us potentially losing our flood insurance. I don't feel there was really adequate time to really get anywhere and given the season and time of year it was almost impossible to make contacts and get information. Had we had this sooner, we were at the League of Oregon Cities where we could've met with our representatives and gotten a lot of work done during that period.

**VOTE:** Councilor Lauer - Yes; Councilor Morgan – Yes; Mayor Ryan – Yes; Councilor White – Yes; Mayor Allen – Yes; Councilor Hudson - Yes and Councilor Ripma – Yes.

Motion passed 7-0.

**7. PRESENTATION:** A presentation on Housing Needs Analysis and associated studies.

Chris Damgen stated this is an information bit for you. For those of you who will be on Council in January you will see this again, likely. This is in regards to what we call Housing

Needs Analysis (HNA). This is a tool that planners and cities have used to justify land use planning decisions when it's talking about housing. The term comes from the Statewide Land Use Planning Goal 10 which is part of our comprehensive plan as well. We have to address housing needs in the city. The last time we did this was roughly 10 years ago when the city began its process with periodic review. The state no longer does periodic review however a lot has changed since those 10 years and it's really important that we get a fresh housing needs analysis to help advance some of the cities goals but also to get a better understanding of what the true housing need is. Chris Damgen showed the Council a PowerPoint presentation (attached to these minutes as Exhibit B).

Councilor Allen stated it seems like what we need is balance. We have jobs but without housing it just creates a low vacancy rate in which housing prices go up. It makes it hard for many families. Will this report actually take a look at vacancy rates?

Chris Damgen replied it's definitely one of the factors. They look at everything from building age and condition, vacancy rates, cost of construction, it's a pretty full comprehensive document. It's a big lift.

Councilor Allen stated we do have some vacant land in which there's not an intention to sell. Do they look at that?

Chris Damgen replied yes and that's important because especially when Metro or DLCD looks at our spot and they see all this acreage, why isn't it being developed? Maybe there's local interest as to why it isn't being developed. Not suggesting or trying to reveal any cards but often times these reports can speak more to the local truths. Basically that testimony because it's then memorialized in the document provides the city greater leverage and greater argument for why maybe an urban growth boundary expansion is in the best interest not only for us but for the region.

Councilor White stated I was kind of the driving force on increasing the urban growth boundary. I wanted to scream that out during the rent burden meeting that we had. I see that as a big issue. The process has been so hard and I kind of gave up on it. My thought is, it's only 800 acres that we have any potential of ever getting and rather than piecemeal this at \$48,000.00 to get 180. Maybe the idea would be to look at the whole 800 acres and go all the way to Division and see if we shouldn't shoot for that.

Chris Damgen stated I think the scope of it would look to it to the extent practical.

Councilor Ripma stated I ask this Council including the new person coming onto the Council to think about what we're asking for that's going to do something for the citizens of Troutdale. You're talking about expanding the urban growth boundary and Metro is not going to let us expand the R-10 area that's adjacent to it. It's going to be higher density stuff. That's the only way they'll let it come in. We're not just going to be able to expand the Barlow School District housing and we will have little or no say in that. So what exactly does expanding Troutdale do for the citizens of Troutdale? We've never had this

discussion. There's a few property owners down there that will make out like bandits and I contend the rest of Troutdale is going to be sorry we did it. Or at least, we should have the discussion whether we might be sorry we did it. It has nothing to do with this housing needs analysis. Quit trying to sell it on expanding the urban growth boundary when I don't think as a policy we've had the discussion that we should or that it's a good idea or that it's good for the citizens of Troutdale. I frankly haven't heard a reason why it would be good for the citizens for Troutdale to build apartments next to the R-10 that we have down at the urban growth boundary and destroy some of the finest farmland in the world. It's time somebody spoke up for the citizens.

Ed Trompke stated we need the consensus of Council to come back with a proposal or not.

Mayor Ryan stated yes, we're good.

## **8. STAFF COMMUNICATIONS**

Ray Young stated this is our last meeting of the year. Our next meeting is January 8<sup>th</sup> and there will be a swearing in at 6:00 for a couple people. The city is closed on December 25<sup>th</sup> and January 1<sup>st</sup>.

## **9. COUNCIL COMMUNICATIONS**

Councilor Lauer stated thank you to Councilor Morgan and Councilor Allen. You guys were mentors to me. Good luck in what you do.

Councilor Morgan stated folks have asked me what I'm going to do and on Thursday I'm going to Disneyland. It's been an honor and a privilege to be here, serve here and serve with Mayor Daoust and Mayor Ryan and the councilors. It's very fond memories that I will have and look back on and I can't thank you enough.

Mayor Ryan stated this is the last meeting with this Council. It's been an absolute honor to be the Mayor of this Council and we have tackled a lot of really big issues. I appreciate the civility that we've had and the good discussions. I look forward to having Nick Moon and Jamie Kranz on here but I'll miss your thoughts and what you brought to the Council.

Councilor White stated I'm particularly distressed over losing Rich just because of the circumstances in why we lost him. I think you were a big asset to the city and you're one of those guys that really paid attention and listened when you speak. I had the luxury of sitting next to you and I'm really going to miss having you on Council. Larry, I wish you the best with whatever you do. You've got a gifted mind and I think you'll do well in whatever you do. I promised the Troutdale Historic Society I would give them a shout out for the team that has decorated the Depot Museum and the Harlow House and they have added the Barn Museum as well this year. I want to thank Kelly Broomall headed up the effort. He had help from Tom Miller and his wife, Linda Miller, Len Otto, Morgan and Home Depot contributed to some of the lightings and Orient Electric lent them a boom truck. It

really makes our town very charming and welcoming and warm and I appreciate their effort. That was a lot of work to do.

Councilor Allen stated one thing I've learned on Council is you really want to be respectful of everybody because sometimes you're going to be on the same side of an issue and sometimes you're going to be on the opposite side. When you're on the opposite side of an issue, that's when you really find out the true character of an individual. I want to give special appreciation to Commander Jason Gates who was very honorable in his actions when we were on opposite sides of an issue. I appreciate him. Mayor Ryan, we ran against each other and we resolved any differences we may have had and you're doing a fine job. I appreciate you as well. So Chief Lewis, Gresham Fire, there was a significant increase in costs with Gresham Fire and our city all in one year and I kind of raked Chief Lewis over the coals on not getting any increase in service and he really took that well. I appreciate him. I wish this Council well. We need to appoint somebody to the RDPO.

Councilor Hudson stated thank you everyone for a great year. Enjoy your holidays and see you next year. Thank you to both councilors retiring. I also wanted to take a moment to thank Multnomah County Sheriff's Office, specifically Deputy McQueen. I got to go out with him today and see the work that he does with the HOPE team.

Councilor Ripma stated I want to wish everybody a Merry Christmas, Happy Holidays and Happy New Year and my best wishes to Rich and Larry.

## **10. ADJOURNMENT**

**MOTION:** Councilor Ripma moved to adjourn. Seconded by Councilor Morgan.  
**Motion passed unanimously.**

Meeting adjourned at 9:34pm.

**DRAFT**  
\_\_\_\_\_  
Casey P., Mayor  
\_\_\_\_\_  
**Dated:** \_\_\_\_\_

## **ATTEST:**

**Kenda Schlaht, Deputy City Recorder**

# CITY OF TROUTDALE

## **City Council – Regular Meeting**

7:00PM

**Tuesday, December 11, 2018**

# PLEASE SIGN IN

**Exhibit A**

12/11/18 Council Mtg. Item #2

		County/District	State	Troutdale
County Auditor				
McGuirk		57.44%	NA	56.00%
Learn*		42.04%	NA	43.36%
U.S. Representative, District 3				
Blumenauer		76.77%	NA	51.18%
Harrison*		15.51%	NA	40.32%
Oregon Representative, District 49				
Gorsek		51.26%	NA	47.40%
Hwang*		44.82%	NA	49.63%
Governor				
Brown		73.89%	50.05%	44.97%
Buehler*		22.09%	43.65%	48.03%
Metro Measure 26-199#	YES	65.75%	NA	43.75%
Local housing bond	NO	34.25%	NA	56.25%
Oregon Measure 102#	YES	71.72%	56.92%	50.95%
State housing bonds	NO	28.28%	43.08%	49.05%
Oregon Measure 103*	YES	26.81%	42.58%	48.71%
No grocery tax	NO	73.19%	57.42%	51.29%
Oregon Measure 104*	YES	20.74%	34.73%	38.92%
3/5th vote to increase taxes	NO	79.26%	65.27%	61.08%
Oregon Measure 105*	YES	18.25%	36.46%	42.89%
Repeal sanctuary law	NO	81.75%	63.54%	57.11%
Oregon Measure 106*	YES	16.98%	35.43%	40.66%
Prohibit abortion funding	NO	83.02%	64.57%	59.34%
Troutdale % for precinct 4904 only				
*Precinct 4905 voted in favor				
#Precinct 4905 voted against				

## **Exhibit B**

12/11/18 Council Mtg. Item #7

# Housing Needs Analysis

TROUTDALE CITY COUNCIL

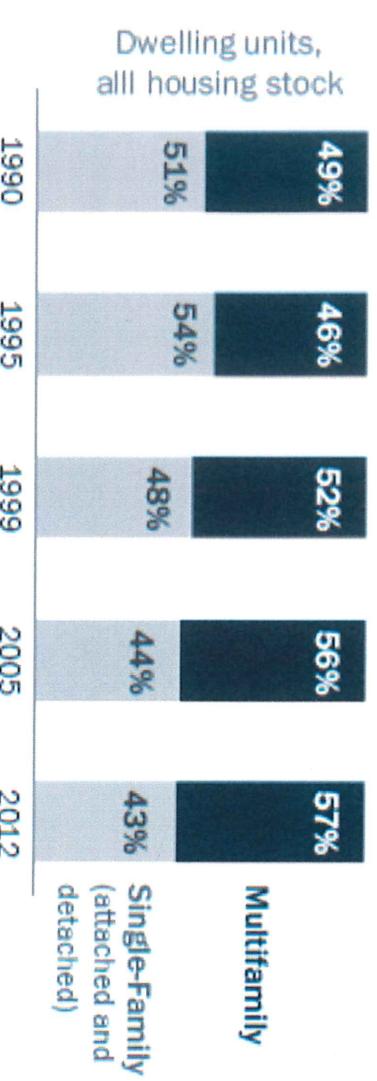
December 11, 2018

# What is a Housing Needs Analysis (HNA)

- A tool to justify land use planning decisions related to residential development
  - Statewide Land Use Planning Goal 10 (Housing)
- Provides up-to-date data on existing housing supply
- Highlights future housing needs to respond to development pressures
- Provides legal justification when communities
  - evaluate changes to development code,
  - review re-zoning requests,
  - review residential development projects (Staff & Planning Commission)
- Apply for urban reserves / expansion of urban growth boundaries

### CHANGE IN HOUSING MIX, WILSONVILLE, 1990-2012

Source: 1990: Annual City housing inventory report, 1995: Annual City housing inventory report, 1999: Comprehensive Plan, 2005: 2005 Wilsonville Housing Study, 2012: Annual City housing inventory report



The amount of multifamily housing in Wilsonville increased over the last decade.

Two-thirds of units permitted during the 2000-2013 period were multifamily housing.

### PERCENT OF WILSONVILLE HOUSING UNITS THAT ARE RENTER-OCCUPIED, 2007-2011



Homeownership and housing type are related.

Although most single-family housing is owner occupied, 12% is occupied by renters.

Single-family detached  
Single-family attached  
Multifamily

## DEFINITIONS

Buildable residential land:  
Unconstrained suitable land designated  
for residential development.

## LOW CAPACITY SCENARIO

**3,390 dwelling units**

Single-family detached:

**1,622 / 48%  
units**

Multifamily:

**1,768 / 52%  
units**

Dwelling unit: Any type of residential structure. Wilsonville has an average of 2.3 persons per dwelling unit.

Capacity: Number of dwelling units that can be accommodated on buildable land at planned densities.

Housing density: Number of dwelling units in an acre of land, with 43,560 feet to 1 acre.

Housing density can be expressed as the number of dwelling units per net or gross acre.

Gross acre: Includes rights-of-way (land used for roads and streets).

Land used for rights-of-way is not buildable.

Net acre: Does not include rights-of-way.

## HIGH CAPACITY SCENARIO

**4,229 dwelling units**

Single-family detached:

**2,016 / 48%  
units**

Multifamily:

**2,213 / 52%  
units**

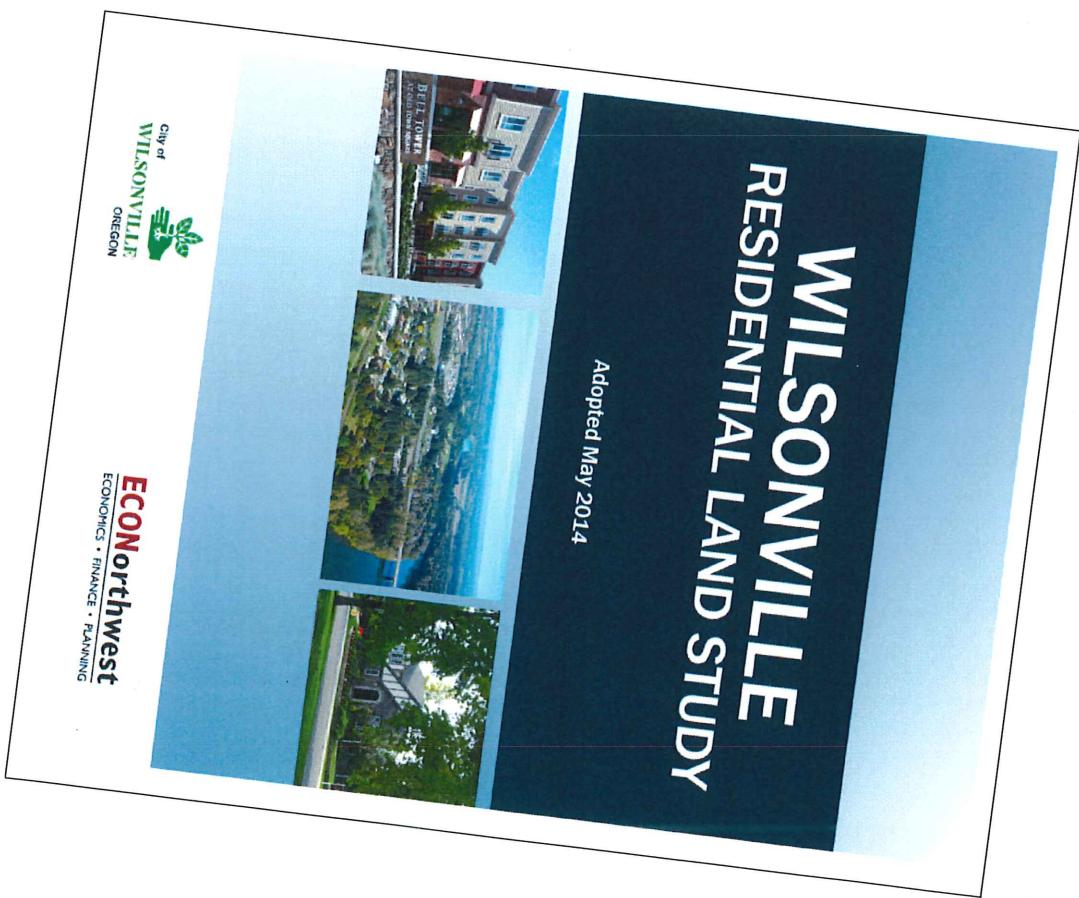
7.1 dwelling units per gross acre  
(citywide average)

8.9 dwelling units per gross acre  
(citywide average)

- The low-capacity scenario results in an overall density of 7.1 dwelling units per gross acre or 8.8 dwelling units per net acre.
- The high-capacity scenario results in an overall density of 8.9 dwelling units per gross acre or 10.5 dwelling units per net acre.

# What is in an HNA

- Buildable Lands Inventory (BLI)
- Historical and Recent Development Trends
- Demographic & Other Factors/Trends
- Housing Demand and Need
- Residential Land Sufficiency
- Capacity Analysis
- Conclusions & Recommendations
- Public Facing Document



# HNA Proposal for Next Calendar Year

- January: Budget Amendment / Consideration
  - \$48,000 proposal
- February: Selecting Consultant / Preferred Vendor
- February: Identification of project committee
- March: Project Initiation
- March – September: Outreach and Development
- October: Draft Report / Presentations
- November: Consideration & Adoption
- 2020 – Potential next round of UGB / Urban Reserve Updates



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** Approval of an Intergovernmental Agreement with Columbia River Estuary Study Taskforce

**MEETING TYPE:**  
City Council Regular Mtg.

**MEETING DATE:**  
January 8, 2019

**ACTION REQUIRED:**  
Consent Agenda - Motion

**PUBLIC HEARING:**  
No

**STAFF MEMBER:**  
Chris Damgen

**DEPARTMENT:**  
Planning

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**

N/A

**Comments:**

**STAFF RECOMMENDATION:** Approve by consent.

**EXHIBITS:**  
**A:** Intergovernmental Agreement Draft

**SUBJECT / ISSUE RELATES TO:**

Council Goals       Legislative       Other (describe)

Ensuring qualified officials are advising on flood management regulations.

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Need for qualified personnel to review flood development permits and answer internal inquiries on flood risk and hazards.
- ◆ IGA would be in effect until new City staff is adequately trained and certified to perform duties of floodplain management (estimated by end of FY 2018-19, June 30, 2019).
- ◆ Local decision-making on land use applications would be maintained; technical reviews would go to outside agency.

Reviewed and Approved by City Manager:

A blue ink signature of the City Manager's name, which appears to be "R. L. Rupz".

## **BACKGROUND:**

The City of Troutdale recently lost staff person Ryan Krueger, as he took a new position out of state. Mr. Krueger served as the City's certified floodplain manager (CFM), a highly technical role which had the authority to administer the flood management policies of the City.

Having a CFM-qualified individual to review flood development permits and provide answers to inquiries on flood risk or hazards is a critical component of the National Flood Insurance Program (NFIP) and the Community Rating System (CRS), which affords city residents a discount on flood insurance policies.

To ensure that the City maintains (or improves upon) its CRS rating, a professional with CFM credentials should be formally designated to an outside party for an interim period. This allows the City time to identify a staff member who can work toward CFM status and would perform the duties of the floodplain manager. Final decision-making on land use applications will remain with the Community Development Director, though reviews would be conducted by the outside party.

In searching for agencies or third-party providers who are able and willing to perform this duty, the City came across the Columbia River Estuary Study Taskforce (CREST), an Astoria-based public agency that provides this service to several jurisdictions in Oregon and Washington. Despite the distance between the communities, much of the work to be performed by CREST would be done electronically (via electronic plan review or email), and the draft IGA between the agencies allows for in-house scheduling as requested. CREST also was the most cost-competitive option with regards to an hourly rate for services rendered.

## **PROS & CONS:**

Pros:

- Provides time for City to have staff train towards CFM credential.
- Qualified professionals in the field will continue to review plans for flood development permits and advise Staff on flood management topics
- The City maintains its CRS score for ensuring a CFM credentialed professional is tasked with flood management and review, while maintaining local decision-making.

Cons:

- Outsources review of local standards for a limited duration and may cause slight delays in responding to inquiries due to separate location.

**Current Year Budget Impacts:**  Yes (describe)  N/A

Contract services for Planning would increase (also decrease in budgeted Staff salary/benefits)

**Future Fiscal Impacts:**  Yes (describe)  N/A

**City Attorney Approved:**  Yes  N/A

**Community Involvement Process:**  Yes (describe)  N/A

**INTERGOVERNMENTAL AGREEMENT  
Between the City of Troutdale and the Columbia River Estuary Study Taskforce  
For Land Use Planning - Floodplain Permitting Services**

This Intergovernmental Agreement is entered into on the last date signed below, by and between the CITY OF TROUTDALE, an Oregon municipal corporation ("City"), and the COLUMBIA RIVER ESTUARY STUDY TASKFORCE, an Oregon council of governments ("CREST"), pursuant ORS Chapter 190 and the City's home rule charter authority.

**RECITALS**

**WHEREAS**, the Legislature of the State of Oregon has declared it to be a matter of statewide concern to promote intergovernmental cooperation for the purposes of furthering economy and efficiency in local government;

**WHEREAS**, ORS Chapter 190 authorizes local governments to enter into agreements such as this for the performance of any functions and activities that a local government has authority to perform;

**WHEREAS**, City is in need of planning services, specifically floodplain permitting;

**WHEREAS**, CREST can provide said planning services to City;

**WHEREAS**, the parties agree that sharing services promotes cost effective and efficient use of public resources; and

**WHEREAS**, the parties desire to enter into an intergovernmental agreement sharing such services and public resources.

**NOW, THEREFORE**, based on the foregoing Recitals and in consideration of the promises and mutual benefits and advantages accruing to each, the parties agree as follows:

1. **Effective Date and Term.** This Agreement shall be effective on the date it is signed by the last signatory and shall terminate on June 30, 2019, unless terminated earlier by either party pursuant to Section 2.
2. **Termination and Modification.** This Agreement shall terminate automatically on June 30, 2019. Either party may terminate this Agreement sooner, with or without cause, by providing the other party with written notice at least 30 days prior to the effective date of termination. Upon termination of this Agreement, payment will be made for work completed and accepted to the date of termination. This Agreement may be modified only by written instrument signed by authorized representatives of both parties.
3. **Obligations of CREST.** CREST Coastal Planner will provide up to 12 hours per week to the City's Community Development Department to review and process floodplain permits and related land use applications. The majority of this work will be completed remotely from

CREST's office in Astoria, Oregon. The CREST Coastal Planner will be available to travel to the City of Troutdale up to twice per month for meetings.

**4. Obligations of City.** In consideration for CREST's services provided under this Agreement, City shall pay CREST at the rate of \$80.00 per hour for each hour worked by its employee. Travel time to and from the City of Troutdale will be counted as hours worked. Mileage costs for travel will be charged at the current IRS mileage rate. CREST shall provide City with a monthly invoice for services performed, which City shall pay within 30 days of presentment. Monthly invoices shall describe all services performed with particularity and shall itemize and explain any expenses for which CREST claims reimbursement.

The maximum amount of this agreement shall not exceed \$25,000 between January 9, 2019 and June 30, 2019.

**5. Independent Contractor.**

- a.** All CREST personnel to provide services under this Agreement shall be deemed independent contractors and not employees of City. Nothing herein shall alter the employment status of any workers providing services under this Agreement. Such workers shall at all times continue to be subject to all standards of performance, disciplinary rules and other terms and condition of their employer. City shall not be responsible for the direct payment of any salaries, wages, compensation or benefits for CREST workers performing services on behalf of City under this Agreement.
- b.** Neither party nor any worker performing work under this Agreement is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by the other party.
- c.** Each party is solely responsible for claims of its employees for damages or injuries in connection with the services provided under this Agreement and with their employment or arising under workers' compensation law.

**6. Liability and Indemnification.** Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney's fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party. Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

**7. Notice of Claim.** Each party shall provide to the other immediate written notice of any action, suit filed, claim made or notice of claim presented against that party for actions arising under this Agreement, regardless of whether litigation is involved.

**8. Insurance.** Each party agrees to maintain insurance levels, or self-insurance in

accordance with ORS 30.282, for the duration of this Agreement, at levels necessary to protect against public body liability as specified in ORS 30.270.

**9. Tort Limits.** This Agreement is expressly subject to the tort limits and provisions of the Oregon Tort Claims Act (ORS 30.260 to 30.300) and is contingent upon funds being appropriated therefor.

**10. Attorney Fees.** In the event of any action or proceeding to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney fees, in addition to costs and disbursement, at arbitration, trial, and on appeal.

**11. No Third-Party Beneficiaries.** The signatories hereto are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, or is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such persons are individually identified by name herein.

**12. Merger.** This writing is intended both as the final expression of the Agreement between the parties with respect to the terms and subject addressed herein and as a complete and exclusive statement of the terms of the parties' Agreement.

**IT IS SO AGREED** by the parties hereto as indicated by the signatures of their authorized representatives:

**CITY OF TROUTDALE:**

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By: \_\_\_\_\_

Date: \_\_\_\_\_

**COLUMBIA RIVER ESTUARY  
STUDY TASKFORCE:**

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By: Denise Lofman, Director

Date: \_\_\_\_\_



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A motion accepting the Selection Committee's recommendation for appointments to the Parks Advisory Committee, Citizens Advisory Committee, Budget Committee, Planning Commission, and Historic Landmarks Commission.

<b>MEETING TYPE:</b> City Council Regular Mtg.	<b>STAFF MEMBER:</b> Sarah Skroch
<b>MEETING DATE:</b> January 8, 2019	<b>DEPARTMENT:</b> Executive
<b>ACTION REQUIRED:</b> Motion	<b>ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:</b> Approval
<b>PUBLIC HEARING:</b> No	<b>Comments:</b>
<b>STAFF RECOMMENDATION:</b> Approve the recommendations forwarded by the Selection Committee.	
<b>EXHIBITS:</b> None	

### SUBJECT / ISSUE RELATES TO:

- Council Goals       Legislative       Other (describe)  
Committee Appointments

### ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- ◆ Consider the recommendation forwarded from the Selection Committee for appointments to the City's Committees.

Reviewed and Approved by City Manager:

A blue ink signature of the City Manager's name, which appears to be "R. S. Rupp III".

**BACKGROUND:**

Each year the City conducts a recruitment process to fill vacancies on the City's committees. Ads are placed in the Gresham Outlook, the Troutdale Champion, the City's Facebook page, and on the City's website soliciting citizens to apply for a position on one of our volunteer committees. This year we received 20 applications.

The City's Selection Committee (comprised of the Mayor, City Councilors and the Chair of the respective committee) interviewed applicants for all committees.

The Selection Committee is recommending the following applicants for appointment:

**Budget Committee**

Position #2 – Kyle Schwab	Term Expires 12/31/21
Position #3 – Bruce Wasson	Term Expires 12/31/21
Position #7 – Rich Allen	Term Expires 12/31/21
Alternate – Al Polito	

**Citizens Advisory Committee**

Position #1 – Will Knight	Term Expires 12/31/21
Position #3 – Mary Massey	Term Expires 12/31/19
Position #6 – Kyle Schwab	Term Expires 12/31/20
Position #9 – Diane Castillo White	Term Expires 12/31/21
Position #10 – Victoria Rizzo	Term Expires 12/31/21
Position #11 – Sam Barnett	Term Expires 12/31/21
Alternate – Chris Barney	

**Historic Landmarks Commission**

Position #4 – Donna Erwin	Term Expires 12/31/22
Position #5 – Carol Allen	Term Expires 12/31/22
Alternate – Al Polito	

**Parks Advisory Committee**

Position #1 – Todd Jones	Term Expires 12/31/21
Position #2 – David Strohl	Term Expires 12/31/21
Position #3 – Carol Allen	Term Expires 12/31/21
Alternate – Victoria Rizzo	

**Planning Commission:**

Position #2 – Marvin Woidyla	Term Expires 12/31/22
Position #4 – Shirley Prickett	Term Expires 12/31/22
Position #5 – Paul Wilcox	Term Expires 12/31/22
Alternate – <i>Applicant Declined</i>	



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** Discussion of City Council Appointments to EMCTC, RDPO, & MPAC

**MEETING TYPE:**

City Council Regular Mtg.

**MEETING DATE:**

January 8, 2019

**ACTION REQUIRED:**

Information / Discussion

**PUBLIC HEARING:**

No

**STAFF MEMBER:**

Chris Damgen

**DEPARTMENT:**

Planning

**ADVISORY COMMITTEE/COMMISSION**

**RECOMMENDATION:**

N/A

**Comments:**

**STAFF RECOMMENDATION:** Discuss potential appointments, consider motions to nominate Councilors at this meeting or subsequent Council meeting.

**EXHIBITS:**

None

**SUBJECT / ISSUE RELATES TO:**

Council Goals

Legislative

Other (describe)

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Review the assigned responsibilities of each regional committee
- ◆ Determine interest among the Council to serve on these committees
- ◆ Consider motions for nominations of Councilors to represent the City.

**BACKGROUND:**

Several committees are seeking to have vacancies filled by elected officials. These committees are instrumental in setting regional policies in place and driving discussions on planning issues and investment priorities. Listed on the next page are the regional committees that have seats reserved for City Councilors.

Reviewed and Approved by City Manager:

A blue ink signature of the City Manager's name, which appears to be "R. Hayes".

**East Multnomah County Transportation Committee (EMCTC, "E-muc-tuck")**

- Meets on the second or third Monday of the month at 3 p.m. at Gresham City Hall
- Discusses regional transportation issues and is involved in making funding recommendations and prioritizations
- The committee is made up of elected officials from the four cities, the county, and Metro
- A regular member (Councilor) and alternate are to be designated. An alternate can be an appointed person (Planning Commissioner, CAC member, etc.)
- Staff serves on a related technical advisory committee and attends most meetings

**Metro Policy Advisory Committee (MPAC, "Em-Pack")**

- Meets twice a month on Wednesdays at 5 p.m. at Metro Regional Center in Portland
- Discusses regional land use issues and other Metro policy items
- The committee is made up of elected officials across the region – Troutdale has historically represented itself plus Fairview & Wood Village
- A primary and alternate member is to be designated. Historically, another city would have one of their councilors serve in the alternate position.
- Coordination needed with Wood Village and Fairview on whether either community may wish to represent three cities
- Wood Village and Fairview city councils would agree to appointments through a motion at their respective council meetings.

**Regional Disaster Preparedness Organization (RDPO) – *Policy Committee***

- Meets at least three times a year based on member availability
- Discusses regional disaster preparedness
- The committee is made up of elected officials throughout the region
- A regular member (Councilor) and alternate are to be designated. Staff or an appointed person (Planning Commissioner, CAC member, etc.) can serve as an alternate

**PROS & CONS:**

Pros:

- City involvement in regional affairs helps to inform Council at large on regional issues related to planning and funding priorities.

Cons: None

**Current Year Budget Impacts:**  Yes (describe)  N/A

**Future Fiscal Impacts:**  Yes (describe)  N/A

**City Attorney Approved:**  Yes  N/A

**Community Involvement Process:**  Yes (describe)  N/A