

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale City Hall – Council Chambers**  
**219 E. Historic Columbia River Hwy.**  
**Troutdale, OR 97060**

**Tuesday, September 13, 2016 – 7:00PM**

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**

Mayor Daoust called the meeting to order at 7:01pm.

**PRESENT:** Mayor Daoust, Councilor Ripma, Councilor Morgan, Councilor White, Councilor Allen and Councilor Wilson.

**ABSENT:** Councilor Brooks (excused).

**STAFF:** Craig Ward, City Manager; Ed Trompke, City Attorney; Saran Skroch, City Recorder; Chris Damgen, Planning Director; and Erich Mueller, Finance Director.

**GUESTS:** See Attached List.

Craig Ward states there are no amendments to the agenda.

**2. CONSENT AGENDA:**

**2.1 MINUTES:** February 9, 2016 City Council Regular Meeting; February 23, 2016 Joint City Council & Troutdale Solid Waste Community Enhancement Program Advisory Committee Regular Meeting, May 24, 2016 Regular Meeting and June 28, 2016 Regular Meeting.

**MOTION:** Councilor Wilson moved to approve the Consent Agenda. Seconded by Councilor Morgan. The motion passed unanimously 6-0.

**3. PUBLIC COMMENT:**

Sharon Ezzell, Troutdale resident, states I have some comments regarding the last meeting that we had. There was a lot of discussion at the beginning of the meeting on agenda item 2.4 which was regarding Councilor Morgan filling in as the alternate on the MPAC Committee. I listened to the comments again this afternoon before I came tonight because the whole comments and the way they were battled back and forth concerned me because it would've seemed to be a real simple thing to have just done consent by having a vote. Mayor Daoust, I understand that according to the policy that Mr. Trompke read and said that Troutdale does not have to do that and evidently you have the ability or authority to appoint. I understand that and I don't necessarily have a problem with that however I do believe that if another agency has the policy that there has to be a vote then that should override what Troutdale's policy is because to me that makes it sound like

we're holding ourselves to a different standard than any other agency or City. I don't feel that that's correct. I think that we need to fit in with everybody else. Towards the end of the discussion Councilor Ripma said, "Well, let's just solve this. Let's have a vote". Mayor Daoust, you got very upset by that and said we shouldn't be pushing a rope up a hill. I feel like the vote should have happened. I'm not saying Councilor Morgan shouldn't be on the committee. It was just the way it was done that I have a little bit of a problem with. The other thing that was said, a comment that was made throughout that discussion, came from Councilor Wilson. You made a comment, and I quote, "Well, I guess this is the way it's going to be through November, Doug". I realize that this is the political time of year where there is several of you that are running. This particular building right here in this room when we're having meetings is not the forum to bring forth political comments. This is a Council Chamber and you are all here to conduct business for the City. Those kind of comments should not be made. At the time the comment was made there was gasping from the audience and actually, Councilor Wilson, you kind of looked at us like, what? I personally felt that was a comment that maybe didn't necessarily need to be made. The other comment I would like to make is when we have a Councilor absent such as Councilor Brooks is this evening, when you say that he is excused, Mayor Daoust, for me personally, I would like to know what that excuse is. I know we don't have to know but I think it would be nice to know why.

Ken Anderton, Portland resident, states I also represent the Port of Portland here. I'm the Program Manager of the Troutdale Reynolds Industrial Park. I have a brief comment and request for the Mayor and Council to consider. We are nearing completion of Phase II construction at TRIP. As part of our transition we've been looking at the Municipal Code in terms of what areas would be helpful for making a better development for our industrial customers. One area that we have come across, which was an issue with the FedEx development, is the requirement that you can only have 25 foot high limitations on lighting poles. FedEx had to go in for a variance for 40 to 50 feet. My simple request is that Council or Planning Commission consider changing the ordinance around the TRIP and freeway area for both industrial and commercial properties to explore changing the height of the poles to 40 to 50 foot height.

Sam Barnett, Troutdale resident, states Mr. Mayor, I respect and understand your reasoning for not running for Mayor again and I thank you for the service you've given to the City of Troutdale. It's not an easy job. I respect that you took it on. I wish you the best of luck. I understand that you want to consult and be a part of the process in the future but to do that you're going to need to be completely open minded and see eye to eye with our next Mayor, Rich Allen. That probably won't be easy due to the history but I hope that you find a way. Councilor Wilson, it was quite a cute letter you wrote to the Outlook throwing Councilor's Allen, White and Ripma under the bus for leaning towards something other than wood for the new playground structure at Imagination Station. While you shared the same sentiment as recently as Summerfest when we discussed the subject I stated that I'm a supporter of wood while you advised that there's too much maintenance involved and how much has been spent over the years on maintenance with wood. Further you advised that the Mayor take wood completely off of the table. You were clearly at that time in favor of composite wood when we spoke at the finish line of the parade. You did your own research to see where the public opinion stood and we said that the

opinion was overwhelmingly wood. Then you jump on the public bandwagon for wood. So there's 3 relative factors here. You seemingly flip flopped to public opinion. You conducted a semi-public survey without the guidance of the Council or the Parks Advisory Committee (PAC). I think this should have been considered and conducted by the local parties involved, the Council and the PAC. If it wasn't already, Councilor Wilson, your part in the Outlook totally confirmed and turned the rebuild of Imagination Station into a political issue. You did that on your own. This should not be a political issue. Your intentions are equally questionable. I assume you're campaigning for Casey Ryan over Rich Allen, our next Mayor. It seems that way and that's okay. I want you all to know that it's okay to agree with each other at these Council meetings.

Councilor Wilson states I feel that you are totally wrong with what you said about me. I feel that the article was written because the PAC had decided that it should not be wood. Everybody is saying that they're listening to everybody but wood was off the table. I didn't throw anybody under the bus.

Ryan McNaughton, Troutdale resident, states I agree with most of the public comment from everybody. You cannot say that it hasn't been politicized because it has. There were some attacks in the paper and I believe they were completely unfair. I worked extremely hard with others on this and very closely with others. And they were attacked in that article. There's no agenda in the PAC and we looked at everything. We looked at everything given to us and we gave a recommendation. It's been highly politicized and that's disappointing to me. There were articles and the Facebook posts asking people to come to these meetings. Nobody showed up to any of them. They write posts on Facebook but they don't participate in the process. I don't believe a social media post is the same as attending a meeting and participating in the process.

Zane Sparling, Gresham Outlook, states I wanted to clarify one thing. I think Councilor Wilson, as you guys know, is an employee of the Pamplin Media Group. He left a comment on an article that I wrote asking, what do you think about the playground and what should it be built with? He did not share that comment on Facebook. It was shared on the Gresham Outlook's Facebook page by the social media department. I think calling it an informal poll is not the most accurate description.

**4. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance vacating segments of SE Kibling Avenue and SE 7<sup>th</sup> Street rights-of-way at the Troutdale Elementary School site.

Chris Damgen, Planning Director, states we will be giving a presentation and you are welcome to ask any questions. I would ask that you save them until the end of the presentation and we'll do our best to answer those questions. This is the Troutdale Elementary School property and it is located at 648 SE Harlow Ave.

Chris Damgen showed the Council a PowerPoint Presentation which outlined the overview for the ordinance vacating segments of SE Kibling Avenue and SE 7<sup>th</sup> Street rights-of-way at the Troutdale Elementary School site. (Attached as Exhibit A to these minutes).

Councilor Allen asks, for Ed Trompke, is there a conflict here because I'm on the School Advisory Committee?

Ed Trompke responds if there were a conflict you're disclosing it at the right time.

Councilor Ripma asks, do both the findings have to be met in order to approve?

Chris Damgen responds that is correct.

Councilor Ripma states it says that the land goes to the adjacent landowners. Is that the school district entirely for the whole thing?

Chris Damgen responds if you're talking about real property, yes all 4 quadrants of that are school owned property.

Councilor Ripma asks, the school district would get it all?

Chris Damgen responds everything in the red, yes.

Councilor Ripma states when 6<sup>th</sup> Street was vacated in the 1980s, did they observe a public utility right-of-way along that yellow line?

Chris Damgen responds the horizontal yellow line shows the property boundary. I don't believe there was any easement reserved for that area.

Councilor Ripma asks, where would it go on the red? Down the middle?

Chris Damgen responds no, the area is basically whenever the red area touches the thicker yellow lines. Strictly peripheral easements off the thicker yellow line.

Councilor Ripma asks, does the fact that they weren't vacated back when in any way give the school some sort of right to continuing non-conforming use?

Ed Trompke responds no. It's a pretty common problem especially with public entities like schools. Back in the day people didn't bother to vacate the rights-of-way.

Chris Damgen states regardless of the current building or the future building, it is a non-conforming situation for all the properties. It needs to be cleaned up in order for us to accept an application.

Councilor Ripma states I'm wondering why. Vacating a right-of-way is giving away something that belongs to the citizens of Troutdale and it shouldn't be done lightly. I want to make sure we've explored all the options. Why do we have to give up City owned property to them before they can apply for the school?

Ed Trompke states lawfully the property belongs to the school district. The City only has the right-of-way. All this does is vacate the right to use the surface for public use.

Councilor Morgan states consistent with what Councilor Allen said, I'm unfamiliar with the type IV quasi-judicial. I advocated for the bond. We have talked about the right-of-way so I don't know if declaring that conflict or potential conflict is being neutral to this decision.

Ed Trompke responds you disclosed the contact. That's what is needed.

Councilor Morgan asks, do we know the life expectancy or the life of the building when we talk about future development? Is it a 50 year building or 70 year building?

Chris Damgen responds I'll defer it to the school district to clarify that.

Councilor Allen states when I look at the condition of the building I think about staff and our children being in it and it makes me nervous about delaying the project. Is that what would be the cause and effect if this is not removed?

Chris Damgen responds I'll let the school district talk about their timeline. My understanding is based on our conversations with them on their land use application for site design, it's pretty tight. I think there could be a risk but I'll let them disclose it.

Councilor White states I watched the Planning Commission meeting and one of the points was that there was value to that right-of-way. What's your opinion on that?

Chris Damgen responds I would say that if you have a right-of-way that you are planning future capital improvements on, absolutely. If you look at how close Kibling is to Sandy Avenue, that alignment, even if you were to preserve that right-of-way it could not be effectively utilized because of the terrain and how close it is to the cliff. I think it's a perfectly legitimate and fair request to evaluate it from a fiscal standpoint. This is an uncommon situation.

Councilor White states I appreciate your thoroughness. Good presentation.

Mayor Daoust states I think since the Planning Department and Public Works didn't have a problem with this at all, it's pretty clear that there's no infrastructure there existing right now. And there's no infrastructure planned for the future. That's pretty clear. Thank you.

**Mayor Daoust opens the public hearing for the applicants at 7:52pm.**

Glenn Schnaidt, Project Manager, DayCPM Services, states I wanted to address some of the questions regarding the proposed new school building. As Chris mentioned, the new school is planned for the area that's shaded in yellow. The area below that where the existing facility is right now will be used for play fields, parking and drop off areas for parents for a safe location. The existing Troutdale Elementary School was constructed nearly 90 years ago and it's showing its age. Although the facility continues to serve as a neighborhood and community hub for kindergarten through 5<sup>th</sup> grade education, after

school activities and other public events the District's master plan calls for the structures replacement. In 2015 voters within the Reynolds School District passed Measure 26-164 authorizing the District to construct 3 new replacement elementary schools and numerous other capital projects. Among the new schools to be constructed is Troutdale Elementary School. Reynolds School District has made a good faith effort to keep the Troutdale community informed and engaged with the planning and design process with current updates on its website and extensive community outreach program. Throughout the course of the new schools planning phases, the District has reached out to the public on several occasions for community planning sessions. Public and staff were invited to each session. Enthusiasm and support were high at these meetings and at no time were any protests to the new construction made. Many of the public's comments solicited from these meetings were incorporated into the building's design. Community connection with the natural beauty of the Columbia Gorge and Sandy River has served as the design inspiration for the new replacement school. The District is committed to replacing the Troutdale Elementary School however funding to purchase new property for this school was not included in the budget should the street vacation request not be passed. Reynolds School District respectfully requests that the Troutdale City Council approve the vacations of SE 7<sup>th</sup> Street and SE Kibling Street to ensure that students from many generations to come will benefit from this community wide project.

Rachel Hopper, Chief Financial and Operations Officer, Reynolds School District, states we appreciate this opportunity to have this hearing as well as the conversations that have happened thus far. In terms of life expectancy of the building, it's been 90 years since the building was built. We have another school that is over 100 years old. We believe we're building a school that could withstand the test of time for at least 90 to 100 years. The intent is for the property to continue to be used as school property. It's a very tight site and with the slope to the east it makes it difficult and not all the property is developable. For us we need every inch of that property to be able to develop what we need to.

Councilor Allen asks, is there an earthquake resistance difference between the old and new school?

Rachel Hopper responds absolutely. As part of the master plan process that was completed the reason that Troutdale is one of the 3 elementary schools that is going to be replaced is because after seismic testing was completed it was identified as a 100% collapse rate.

Councilor Allen asks, if we don't vacate these right-of-ways does it affect your timeline to build a new school?

Rachel Hopper responds yes, based on the way the code is written.

Councilor White states one thing I've noticed about new schools versus older ones is the amount of windows that children have in their classrooms. I think it's important for kids to have access to nature. They're almost built like jail cells now.

Rachel Hopper responds one of the grand features is this open space that overlooks to the east towards the Sandy River with natural lighting.

**Public hearing open to public comment at 8:03pm.**

Sharon Ezell, Troutdale resident, states as a parent of a 9 year old 4<sup>th</sup> grader at Troutdale and as a handicap parent I am very in favor of the new school being built. I would highly recommend that you all approve this vacation. As a handicapped person you all know Troutdale was built many years ago and is not handicap accessible as far as getting in and out of the building. What they have done to make it handicap accessible is they have installed little lifts that will take you downstairs and back up. But in order to get to those lifts you have to walk the length of the building, go into the gymnasium door, go to the first set of stairs and then take the lift. There are so many reasons why Troutdale needs to be rebuilt and I say go for it. Thank you.

**Mayor Daoust closes the public hearing at 8:06.**

**Mayor Daoust calls for a break at 8:08pm.**

**Mayor Daoust calls the meeting back to order at 8:21pm.**

**5. REPORT: Flood hazard analysis presentation.**

Chris Damgen states I would like to make note of the new map that is on the wall along with a corresponding table (a copy of the map and table can be found in the meeting packet). That map will be supplemental to some of the items Dr. Huber will be discussing tonight and it shows basically where in the past 20 years the City's had letters of map change which may or may not affect the flood maps that pertain to Troutdale. The other thing I want to emphasize in tonight's presentation is a technical analysis of the draft Flood Insurance Rate Map (FIRM). The map that is on display shows the current, or the effective, flood map. If there is any members of the Council or citizens who have any questions about their situation, staff will be available after the meeting to answer those questions.

Dr. Wayne Huber, Ph. D., PE (FL), Oregon State University, states I want to acknowledge the fact that several people in this room helped me tonight and I acknowledge these people in my report in tab 5 of the council binder. Especially Chris Damgen.

Dr. Huber showed the Council a PowerPoint Presentation on the flood hazard analysis. (Attached as Exhibit B to these minutes).

Councilor White states I saw in your presentation that you compared this new mapping to the adopted panel map in 2009. I was assuming we were still using the 1988 panel map.

Dr. Huber responds the 1988 panel map is exactly the same as 2009 but it stops at the corporate limits that existed in 1988. There is a table in the report which shows the extent of that. What happened in 2009 was that the study was extended upstream.

Councilor White asks, how was that 2009 map able to be adopted without the public process?

Dr. Huber responds I don't know.

Councilor White states I wanted to thank you. Ed Trompke explained to me that you caught a mistake that was in the floodplain map concerning the TRIP property where they weren't aware of a pump station that existed down there. You saved a big section of land from being possibly labeled as flood plain.

Councilor Allen asks, you worked with the affected property owners?

Dr. Huber responds no I don't. The City does.

Chris Damgen states our level of working with them was notifying when FEMA had their public meeting, notifying them at the time the draft maps came out in late March, we sent notifications out and we also sent very recently a packet of information as part of the annual activity we knew from the community rating system program which included a postcard about this presentation this evening.

Councilor Allen asks, can we make this information available to them? And actively share with the public?

Chris Damgen responds sure.

Councilor White asks, if a property owner has photographic evidence of where the water level was, how much weight does that carry with FEMA? For some people that's all the scientific information they have.

Dr. Huber responds I doubt that it carries very much. It's significant to the property owner but I don't think it contributes to the basis for an appeal. I can't say for sure.

Councilor White asks, were you able to figure out what caused the rise downstream that's going to effect the RV Park?

Dr. Huber responds I believe it was the crossing at the bridge. It's probably a new survey at the Union Pacific Railroad Bridge. There is quite a drop underneath that bridge.

Councilor White states that's a shame. I know RV parks are typically placeholders until an area becomes more desirable and they usually redevelop into something that pays more taxes. It is such prime land and I hate to see it go in the water.

Dr. Huber states the only thing I could suggest is a survey.



Councilor Ripma states the orange area up there, you were saying orange is bad and more likely to flood.

Dr. Huber responds yes.

Councilor Ripma asks, did all the areas in Troutdale that were A change to AE?

Dr. Huber responds yes all along the Sandy River. It's better because it's cheaper insurance.

Councilor White states, question to Chris, I would like a follow up answer to how that 2009 map was adopted without any public process. I know we have additional regulation that's lowered the flood insurance premium by 15%. Did any of those regulations effect how the floodplain is calculated?

Chris Damgen responds we will get back to you on those questions.

Councilor Allen asks, will anybody check the final maps that come out to make sure that the changes that should be made are in fact made?

Chris Damgen responds yes, typically FEMA will release the intended final draft, take in the information it receives in an appeal process, produce a final draft, and then at a period thereafter establishes it and makes it effective.

**6. RESOLUTION:** A resolution authorizing a City Official to negotiate and execute an agreement for professional recruitment services for the City Manager position.

Erich Mueller, Finance Director, states this is a follow up to a process in which Council will direct the staff to move forward with proposals for a recruitment for a successor City Manager. We received 5 responses and 3 of them were from firms that I'm not familiar with and 2 were well known firms of Prothman and Waldron. Council can choose to not make a selection if they decide they want to talk about it more. We should award not necessarily to lowest proposal but best fit.

Councilor Ripma states I thought the RFP was very good. I was initially attracted to Exhibit B because they had a lower fee and they had a cap on it. In the end I liked Prothman, Exhibit D, and it's a better fit because of their familiarity with the Northwest and the recruiting they've done in the Northwest. Their fee also seemed to me to be comparable to the others. I think in the end Prothman struck me as the best and that is the one that I will pick. I would prefer that we go forward and not have a Work Session on it. We all had a chance to read it.

Mayor Daoust states I agree that Council can make a selection this evening or delegate to staff to make the selection. I did go through and looked at each of the proposals and I ended up looking closer at Exhibits D and E, the Prothman Company from Issaquah, WA and Waldron from Portland. We used Waldron last time and I was around when we went

through that process and it worked well. Waldron did a good job. I had the opportunity of talking to the Milwaukie Mayor about who they used and it was Waldron. They had used Prothman in an earlier selection for City Manager and I did notice that they switched from Prothman to Waldron this last time. That talked to me a little bit that Waldron has good local experience. They've been involved with Milwaukie, Wilsonville, Salem and Sherwood. If we were to pick one tonight I personally would give the edge to Waldron, Exhibit D.

Councilor White states I'm leaning towards Prothman as well. I met the West Linn City Manager and they did a good job of finding their City Manager.

Councilor Morgan states I'm interested to see what Councilor Allen and Councilor Wilson have to say but I would make a motion for Prothman.

Councilor Allen states I'm hearing 2 senior Council people going through B, D or E with good statements. I would be willing to go with D, Prothman, myself.

Councilor Wilson states I have narrowed it down to Prothman and Waldron.

Mayor Daoust asks, does the Council wish to make a decision tonight?

**MOTION: Councilor Morgan moved to approve the resolution and authorize staff to use Prothman for the City Manager position. Seconded by Councilor Ripma. The motion passed unanimously 6-0.**

**7. RESOLUTION:** A resolution approving the real property acquisition on NE Harlow Place and authorizing a City Official to execute the transaction.

Erich Mueller, Finance Director, states this is a follow up. One that started further back in July and goes back to last fall and we've had a couple of different meetings where there were discussions about lots along the Sandy River and north of the I-84 bridge. There were discussions from a billboard company. We had a resolution in October of 2015 that the Council had before them and a public hearing regarding that. There was also a proposal that evening from the billboard company regarding 1 of the 3 lots that was under consideration under that resolution back in November of 2015. We had provided the full 74 page appraisal that was done for the 3 properties in that packet. I did provide just the relevant pages tonight. There is Exhibit A which identifies the subject property and the billboard lot is the smallest lot on there. The red dot identifies the subject property that we're speaking about tonight. Exhibit B is the real property appraisal and outlines the 3 different tax lots of 100, 200 and 300. This middle lot, tax lot 200, is appraised at \$3,300.00. In November, Council was considering acquisition of all 3 lots as part of adding to the Parks Master Plan providing connections to the 40-Mile Loop trail. These properties are immediately north of the I-84 bridge which then would tie into the trail that would run across the Urban Renewal property and on up to Depot Park. These are locations that have been identified as desirable to add to the property for the trail. It's one of the 3 parcels that we'll need to acquire to complete that section. The property is the riverside property and then the property immediately to the west of it across the road both of those

parcels are currently owned by the Columbia Ridge Community Church who has entered into some form of agreement with a party to acquire that larger property for a future development. As part of that they're selling both parcels to that developer and the intent is that that developer and the broker are trying to secure the City's desire to acquire that property upon them closing on both parcels from the church. That's part of why the timeline talks about the transaction not actually happening until April. Essentially we're committing to acquire it for that appraisal price of \$3,300.00 and it's subject to them actually acquiring the property from the church. It is somewhat contingent on that transaction occurring. They're needing the commitment from the City in order to know that they're going to be able to go forward with this overall deal that they're in. There are going to be road improvements necessary along that piece of NE Harlow related to 3 different developments that are occurring on larger lots to the west of Harlow Place. By the City acquiring this piece of property we'll also then be obligated for any representative portion share of those street improvements. The alternative would be to not acquire the property and requiring the new developer to pay for all those street improvements for both sides of it and then for the City to proceed down the path of doing condemnation after that developer has already spent considerable money doing the street improvement which of course isn't going to sit well with the developer. Effectively, I think it provides a benefit for the developer as they're moving forward with their intended project on the west side of the street and it's a benefit for the City to acquire as part of their desire to fill in the gaps for the trail.

Councilor White asks, which parcel is the one that is going to have the billboard?

Erich Mueller responds it's the smallest parcel, Tax Lot 300 in Exhibit B.

**MOTION: Councilor Morgan moved to adopt the resolution approving the real property acquisition on NE Harlow Place and authorizing a City Official to execute the transaction. Seconded by Councilor Allen.**

**VOTE: Councilor Wilson – Yes; Councilor Ripma – Yes; Councilor Morgan – Yes; Mayor Daoust – Yes; Councilor White – Yes; and Councilor Allen – Yes.**

**Motion passed 6-0.**

## **8. STAFF COMMUNICATIONS**

Craig Ward, City Manager, states I have some items about scheduling. I heard there was some interest in trying to minimize the number of Council meetings from now until the end of the year. By City Code, we have to have at least one regular Council meeting a month. My hope is that you can provide the staff direction and we can then go ahead and proceed with scheduling meetings and putting the agenda items forward to the dates that the Council prefers. On a side note, I'll be attending the annual International City Manager's Conference on September 27<sup>th</sup>. That's no reason for the Council not to meet. I encourage you to meet. On October 25<sup>th</sup> we currently have scheduled an annexation action by the Council that really does need to occur on October 25<sup>th</sup>. There are statutory revisions regarding the timely acting upon this proposal.

Mayor Daoust states I looked at our schedule and I don't want to hold a Council meeting if we don't have much to discuss. I was thinking we would not want to meet on November 8<sup>th</sup> because it's election night because we all have things to do that night. If we didn't meet on November 8<sup>th</sup> it would probably be best to meet on October 25<sup>th</sup>. I would propose to drop the September 27<sup>th</sup> meeting and drop the October 11<sup>th</sup> meeting and then have the October 25<sup>th</sup> meeting. Also drop the November 8<sup>th</sup> meeting because its election night and then pick it back up in November. I'm flexible if things come up that need our attention. We could call for a meeting.

Councilor Allen states I'm concerned about the meeting in 2 weeks because we talked about not delaying Troutdale Elementary School. I would like to know for sure that that's not going to delay the school.

Chris Damgen states the school district had intended to submit to Planning Commission their conditional use and site design review application in October. The Planning Commission would hear either on October 12<sup>th</sup> or October 26<sup>th</sup> but that schedule hasn't been set yet. Those dates have been penciled in.

Ed Trompke states it isn't final until 30 days after the action is taken on an ordinance because there is a possibility of a referendum fee circulated or petitioned by the voters. Technically it won't have gone into effect yet.

Mayor Daoust states we can have a meeting in 2 weeks.

Councilor Allen states I would prefer to meet.

Mayor Daoust states we will have the meeting 2 weeks from now and then not have meetings on October 11<sup>th</sup> and November 8<sup>th</sup>.

Craig Ward states the next meeting will be September 27<sup>th</sup>.

## **9. COUNCIL COMMUNICATIONS**

Councilor Wilson states as most people know I work in communications and there are many different types of communications and social media is a growing venue for people to make comments, express views, run advertising and write newspaper articles. I think we as a Council have to consider all the different ways we get communication to formulate our opinions. I appreciate people coming to the meetings. A lot of times people can't make it. With that being said, on social media there are people that have had their names or family members names engraved in pieces of wood at the park (Imagination Station) who have either requested they get returned to them when or if we decide to disassemble the park or honor the structure as it is now and take those pieces of wood and make park benches out of them if possible.

Mayor Daoust states when we go out for requests and if we choose to build in a composite wood those could be re-attached to the new play structure. If the play structure will take wood.

Councilor Allen states these name plates are memories for people and we need to develop a process for those who contact us and want them back. And for those people who don't want the plates back or we don't know if they want them. We need to figure out how to use them so those memories are still intact. We need someone in charge of developing a process. We shouldn't be collecting that information. We need somebody in the City collecting that information.

Councilor Wilson states we could decide to give them one of two options. Either return it to them, build it back into the structure or make a park bench.

Councilor Allen asks, are we all okay with that?

Council agrees.

Councilor Ripma states I understand that you, John Wilson, are the liaison to the West Columbia Gorge Chamber of Commerce (WCGCC) and have been for a while. Which is supposed to be liaison supportive between the Council and Chamber to foster good relations. The Chamber has decided to set up a political action committee (PAC) that endorses City candidates and might even support them financially and you have been supportive of that all along as an ex officio member of the Board of the Chamber which I find astonishing. Furthermore, the Chamber PAC has endorsed and the Chamber Board has voted to endorse removing all the Councilors running this time except you. You received an endorsement from them. The Chamber is free to do what they want. I'm troubled that they're getting into this. I think it's crazy. It's not in the best interest of Troutdale citizens for the Chamber to be doing this. They're supposed to be promoting business. Most of the businesses that I've talked to don't want anything to do with the election. They are just trying to make money. I think you have totally failed as our liaison and what you did was totally self-serving. You stepped down into the audience during the discussion and vote.

Councilor Wilson states the last Thursday meeting I was there for their regular meeting. As soon as they said they were going to talk about the PAC I said that I was going to step down so there wouldn't be any confusion of why I was there. I was there to support the City as an ex officio during the regular meeting. I was not there for the other. I just happened to be there. There were 3 other Councilors there which made us to have a quorum there. I was supposed to be there. The other 2 are members so they have a right to be there. But we had a fourth member that was there that showed up. I was supposed to be there. I did not support the PAC. I was at a meeting where they asked a couple of questions of me of other cities and I answered that. There was an article by Councilor Allen that was a total lie that I was there to start a government action committee. They asked me to be on it and I said that I wouldn't be on it.

Councilor Ripma states you shouldn't be on it.

Councilor Wilson states don't tell me what I should and shouldn't do. I didn't go on it.

Councilor Ripma states as our representative, the Council does have a right to say what you're supposed to do. Are you saying you did not support the idea of having a PAC and you do not accept their endorsement and you're not going to accept any money?

Councilor Allen states the Government Affairs Committee is the one that makes the suggestion. The Board is the one that approves them and the PAC is a separate entity that has a similar name. I wanted to make sure the information was correct.

Councilor Ripma states I shouldn't have used the word PAC. Are you saying you did not advocate for endorsement of candidates or consideration of endorsement of candidates by the Board of the Chamber? You don't want their endorsement?

Councilor Wilson responds I have the perfect right to get anybody's endorsement I want.

Councilor Ripma states yes you do. I'm just saying it's very self-serving of you and I would request that we eliminate the position of Council liaison or we at least vote to replace Councilor Wilson at the next Council meeting, if I have enough support for doing that. I think you have misused that responsibility.

Councilor Wilson states everybody else has had the opportunity to apply also. They elected not to.

Councilor White states you're speaking for other Councilors.

Councilor Ripma states you were the liaison and you wanted the Chamber to start endorsing candidates and you advocated for it and you were endorsed and the others that didn't go weren't endorsed.

Councilor Wilson states you weren't there.

Councilor Ripma states exactly, I shouldn't have been. Whether I was there or not, what I'm saying is true.

Councilor Wilson states that is your opinion.

Councilor Ripma states I request that we vote on a decision at the next Council meeting if there's enough support for it that we either replace John or eliminate the Council liaison to the Chamber. I'm happy to discuss both.

Councilor Allen states I believe you have the right to put that on the agenda.

Councilor Morgan states we're going into an election cycle and there's a lot of anger nationally. I know that debate and dialogue is healthy but I don't necessarily know how effective this type of debate and dialogue is. I know that we all talk about being neighbors

and it's discouraging that we are at this point. I hope we get through it. At the end of the day we're going to have to come back next year in January and work together. We have a lot of things we have to get accomplished. To me it's unfortunate that the town is already this visceral and we're talking about a more optimistic future of the City.

Mayor Daoust states I didn't expect to talk about this tonight. I had a talk the other day with Ed Trompke about the PAC and maybe a position that the Council could take, should take or shouldn't take. The Chamber of Commerce has every right to set up the PAC. We all know that. A lot of Chambers have PACs in the state of Oregon and other states. It's not uncommon. Councilor Wilson has every right to accept monetary donations from anybody that's willing to give it to him. We all know that too. I think we all agree on a lot without having to argue about it. I do plan on talking with Ed Trompke to see how we can lower the tension about this particular subject when it comes to the PAC and the Chamber and their relationship with the City. Continuing on, I did have a question related to the Port of Portland's request about the height of the lights and I wanted to follow up and see how their request is going to be processed or handled. Is that something that has to go before the Planning Committee?

Craig Ward responds yes. It would require an amendment to the zoning code. We will need some direction either from the Council or the Planning Commission to entertain that as a topic.

Councilor Allen asks, what about the relationship with the airport?

Craig Ward states every development near the airport is required to get a federal permit dealing with height. That hasn't been a problem because we've had several variances requests over the years regarding this exact subject and they have gotten the federal permit to allow that.

Chris Damgen states we can add it to the Planning Commission agenda. The only thing I would add too is that we have a number of properties beyond the Port boundaries where they have existing light poles which are currently non-conforming that are over 25 feet high where there is a lot of need to replace the fixtures to more energy efficient fixtures. The Port wouldn't be the only property owner or developer that would be coming across this problem. It's a larger issue.

Councilor Ripma asks, are there other non-conforming poles in the industrial area?

Chris Damgen responds most of them are north of the railroad tracks.

Councilor Ripma states I think the change in height limit should be limited to those areas if that takes care of the problem. With that I'm all for it.

Chris Damgen states we as staff are not aware of any other locations.

Mayor Daoust states just a few things. I'm on an Urban Growth Task Force with Metro and we're talking about expansions of the Urban Growth Boundary and a new process

on how to do that. We've had quite a few meetings already and our next one is September 21<sup>st</sup>. I have continually brought up Troutdale's willingness to look into expansion of our Urban Growth Boundary south of the City. It's not an easy subject and it's not a simple subject. It's very difficult to work this through Metro. I want you to know that I have brought it up numerous times.

Councilor Allen states there are property developers to the south that want to develop their property and there are others that don't want the property developed. It's going to be interesting as you go south and advocate that.

Mayor Daoust states Mt. Hood Community College is turning 50 years old and because of that they've named 50 outstanding alumni from MHCC. I don't know who else is named but I'm one and my wife Marianne is one. We're being acknowledged on September 29<sup>th</sup> at MHCC for being 2 outstanding alumni's from the college. As a reminder, September 30<sup>th</sup> is the start of the Fall Festival of the Arts. A very good festival that we have in our area.

Councilor White states I wanted to personally thank Dr. Huber for his effort. I think with the turnover we had in our Planning Department Chris really would have had his hands full. Not that he's incapable but there was a lot going on in that department with code revisions and I really appreciate their expertise and the work you did for the City of Troutdale. I would also like to address the audience. Something that's been brought up is getting a P.A. system in here. I constantly hear that it's difficult for the audience members to hear.

I got the memo from Steve Gaschler to Craig Ward saying that the cost of underground of the powerlines has gone up by \$1 million since 2015. It's no secret that PGE is not a fan of having the underground powerlines and I would like to get a little more in depth as to how could it go up \$1 million in 2 years. Is there a way we could get PGE in the room and look at this further? That was really disappointing news.

Craig Ward states I'll be happy to send along that request to Steve Gaschler and see what he can pull together.

Councilor Allen states I don't know if it's too late but we have the Heroes With Heart event coming up this weekend Saturday, September 17<sup>th</sup> at 5:00pm. It's a very worthy cause and when you need somebody there, they're there. There seems to be misunderstanding out there on the RFP for the play structure for Imagination Station. I remember from the meeting that we had that we did not actually limit the material. I wanted confirmation that that's correct.

Ed Trompke responds that's my understanding. Steve Gaschler has prepared it in drafts I think we need to review so I'll be doing that tomorrow.

## **10. ADJOURNMENT**

**MOTION: Councilor Ripma moves to adjourn. Seconded by Councilor Morgan.  
The motion passed unanimously.**

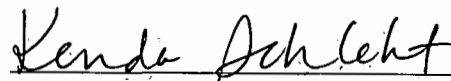


Meeting adjourned 10:02pm.

  
\_\_\_\_\_  
Doug Daoust, Mayor

Dated: 10/28/16

**ATTEST:**

  
\_\_\_\_\_  
Kenda Schlaht, Deputy City Recorder

# CITY OF TROUTDALE

City Council - Regular Meeting

7:00PM

Tuesday, September 13, 2016

## PLEASE SIGN IN

| Name - Please Print | Address        | Phone #      |
|---------------------|----------------|--------------|
| Wayne Huber         | Portland       | 541 231 3944 |
| Ken Anderson        | Portland       | 502 415-6525 |
| Eugenia Terris      | 26729 SE Stark | 491-1604     |
| W. BRUCE WASSON     | TROUTDALE, OR  | 503 661-1092 |
| Randy Hopper        | Fairview       | 503-661-7200 |
| Sandra Florence     | Danvers        | 503-661-7200 |
| Glenn Schnaidt      | Gresham        | 503-754-0282 |
| Sam Barnett         | Troutdale      | 503-213-0846 |
| Ryan McNaughton     | Troutdale      | 503-482-4129 |
| Carol               | Troutdale      | 503-701-8979 |
| Diane Castillo      | Troutdale      | 503 885 1405 |
| PAUL WILCOX         | TROUTDALE      |              |
|                     |                |              |
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16-036

# Troutdale Elementary School

Vacation | Type IV Quasi-Judicial Procedure

Initial Public Hearing: Wednesday, August 24, 2016

City of Troutdale Planning Commission | City Hall

## Public Hearing Procedure

### 1. Staff Presentation

- The Property & Applicant
- The Application
- Applicable Criteria
- Review Procedure
- Notification & Comments
- Analysis
- Decision Criteria
- Staff Recommendation & Conditions of Approval

### 2. Public Testimony

- Applicant
- Proponents
- Opponents
- Neutral Parties / Clarifications

### 3. Raising Issues

### 4. Requesting Additional Time

### 5. Close Public Hearing

# Staff Presentation

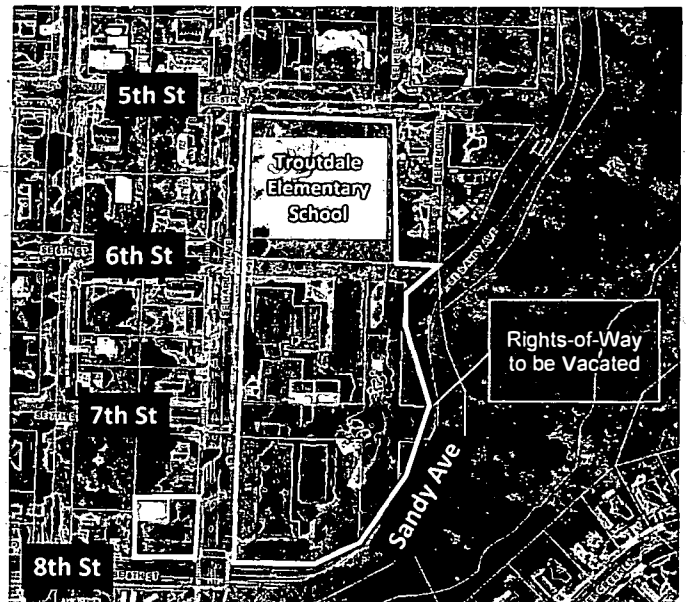
## The Property & Applicant

- **Location:** 648 SE Harlow Ave
- **Status:** Developed
- **Size:** 3.57 Acres (Not including ROW to be vacated)
- **Zoning:** R-5 Single Family Residential
- **Applicant:** Reynolds School District (DayCPM as consultant)



# The Application

- Issue:
  - School District wishes to build new facility on existing property site
  - City rights-of-way (ROW) cut across existing (and proposed) facility
    - Creates a non-conformity with Code
    - Application would be denied outright
- Recourse:
  - Vacate the rights-of-way, thus allowing the District *the ability to apply* for a site & design review



# Applicable Criteria

## City Standards

- Comprehensive Land Use Plan
- Construction Standards for Public Works Facilities
- Troutdale Development Code (TDC)
  - Ch. 1 (Introductory Provisions)
  - Ch. 2 (Procedures for Decision Making)
  - Sec. 5.300 Nonconforming Uses
  - Sec. 6.100 Vacation
  - Ch. 7 Land Division
  - Ch. 16 (Public Deliberations & Hearings)

## State Standards

- Relevant provisions in the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)

# Review Procedure

## Type IV Quasi-Judicial Procedure

- Public Hearing
- Planning Commission review / recommendation
- **City Council is decision-making entity**

*If there is an appeal:*

- State Land Use Board of Appeals

## Timeline

- June 16: Pre-Application conference
- August 4: Application acknowledgment
- August 4: Notice & Request for Comment sent
- August 16: Staff Report with Comments
- August 24: Planning Commission Hearing
- **September 13: City Council Hearing**

# Notification & Comments

## Agency Comments

- City of Troutdale
  - Planning
  - Public Works
- Multnomah County Sheriff's Office

*No Written Response from:*

- TriMet
- Mid-County Lighting District

## Public Comments

- Neighboring Property Owners
  - None received
- Public Testimony (after Staff Presentation)

# Notification & Comments

- No objections
  - Planning Department
  - Public Works Department
  - MCSO
- Most concerns to be addressed at site & design review for specific development proposals
- Nearby property owners
  - No written material
  - One comment at Planning Commission hearing to ask for clarification of the process (neutral comment)

# Analysis

## Pros

- Keeps the intended project schedule on-track allows the District to submit plans for review
- Helps to maintain community service uses in existing area as charged in:
  - Comprehensive Land Use Plan
  - Town Center Plan
- Eliminates nonconformity and cleans up property records
- Removes unused rights-of-way from City jurisdiction
  - eliminates any current or future maintenance and liability concerns

## Cons

- Rights-of-Way can be difficult to obtain once vacated.
  - TDC standards though could mitigate this issue through required public improvement clauses

## Decision Criteria [TDC 6.110]

1. The proposal does not cause a conflict with the Comprehensive Land Use Plan.

*Proposed Finding:* The applicant has shown that the proposed vacation of rights-of-way would be consistent with the Comprehensive Land Use Plan. Staff has reviewed the application and has established that the application does not conflict with the goals of the Comprehensive Land Use Plan.

2. The public interest will not be prejudiced by the vacation.

*Proposed Finding:* City Staff and appropriate review entities have examined this proposed vacation, reaching a determination that the public interest will not be prejudiced by this action. City Public Works Staff have included conditions of approval that require dedication of utility easements along the property frontages to serve the public interest. Written notification of this proposed vacation has been sent to neighboring property owners and other stakeholders prior to this hearing. No comments opposing this vacation request were received from those stakeholders during the comment period.

## Decision Criteria [TDC 6.110]

1. The proposal does not cause a conflict with the Comprehensive Land Use Plan.

- Staff finding: **The criterion is met**
- Planning Commission finding: **The criterion is met**

2. The public interest will not be prejudiced by the vacation.

- Staff finding: **The criterion is met**
- Planning Commission finding: **Unable to determine**



# Defining Public Interest

## Qualitative / Anecdotal

- Approval of Bond Measure: May 2015
  - Expectation of new school facility on site
  - Planned, engineered & budgeted for site
- Land Use (highest & best?)
  - 90 years on site as school – historic legacy
  - Community service uses contribute to strong town centers – Comp Plan, Town Center Plan
  - Little/no public knowledge of ROW existing
  - Infill demand: individual lots on existing streets with established infrastructure.
- Historic precedent: 6th Street vacated
- No public testimony against application

## Quantitative

- Infrastructure
  - No existing facilities or proposed future facilities in this area
  - Provisions for easements along periphery
- Fiscal Impacts / Tax Base
  - ROW preservation for alternative development interest (no competing interests to Staff's knowledge)
  - Related to land use – highest and best use?

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# Staff Recommendation

Staff recommends approval of this application from a land use perspective, subject to compliance with the conditions of approval as outlined here:

## Planning

- Prior to building permit issuance, the applicant shall finalize the vacation procedure with the Multnomah County Surveyor's Office.

## Public Works

- The applicant shall dedicate an 8' wide utility easement along the newly created property frontages within the envelope of the rights-of-way vacated.

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# Public Testimony

## Public Testimony

### Order of Testimony

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

### Reminder:

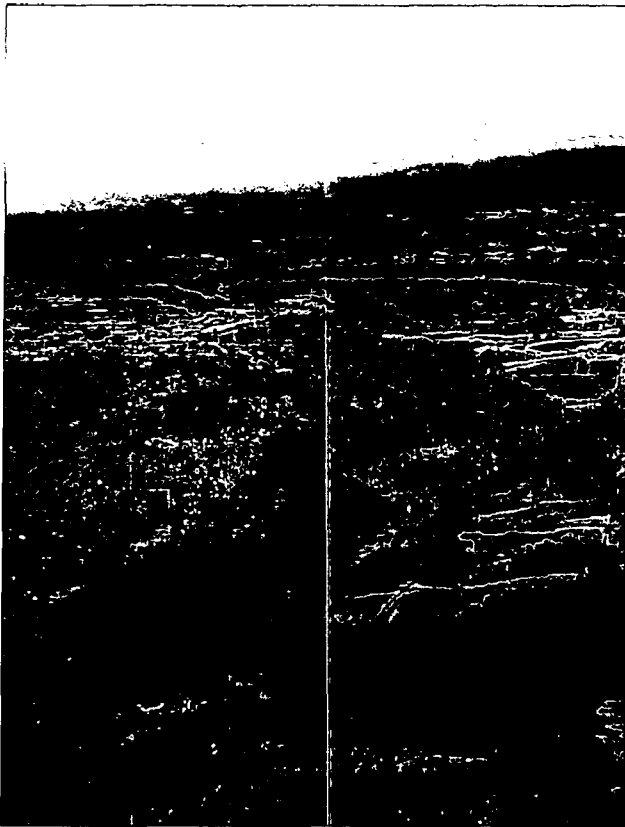
- All issues raised by a participant must be sufficiently clear and specific to allow PC and other parties to respond.
- Failure to raise an issue during this public hearing may invalidate a future appeal based on that issue.

# Requesting Additional Time

- Opportunities for additional evidence or testimony
  - Continuing the public hearing to a future date
  - Leaving the record open for at least seven days
  - If record is left open, any participant may file a written request for an opportunity to respond. PC shall reopen the record to allow any person to raise new issues which relate to the new evidence

## Exhibit B

September 13, 2016 Council Meeting Minutes

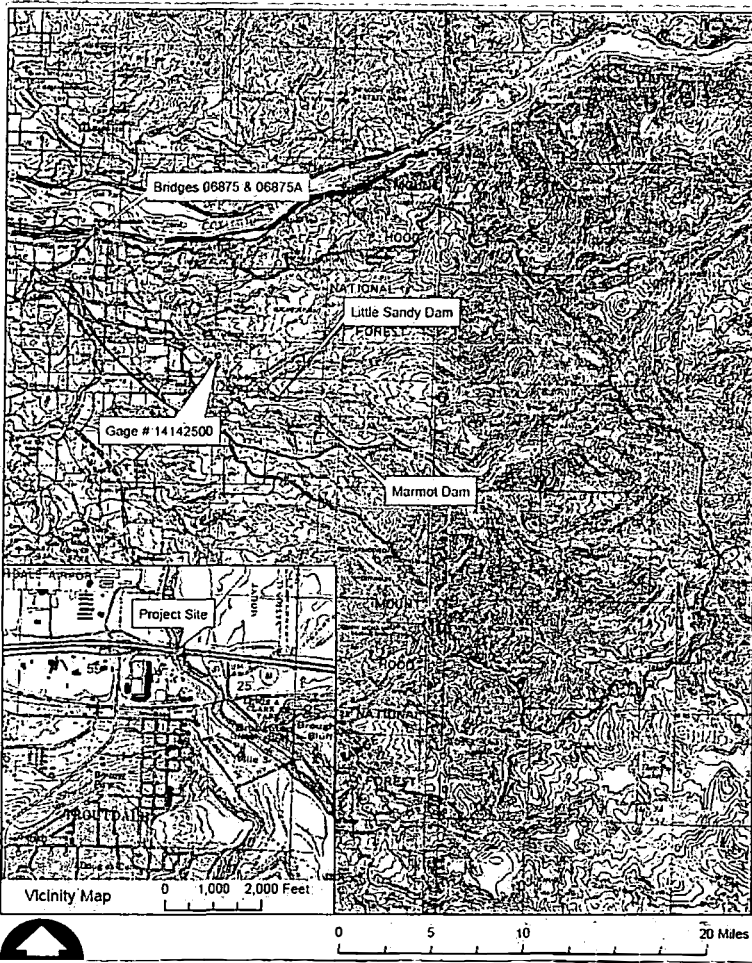


### Technical Review of March 28, 2016 FEMA Preliminary Flood Insurance Rate Map (FIRM) of Sandy River near Troutdale, Oregon

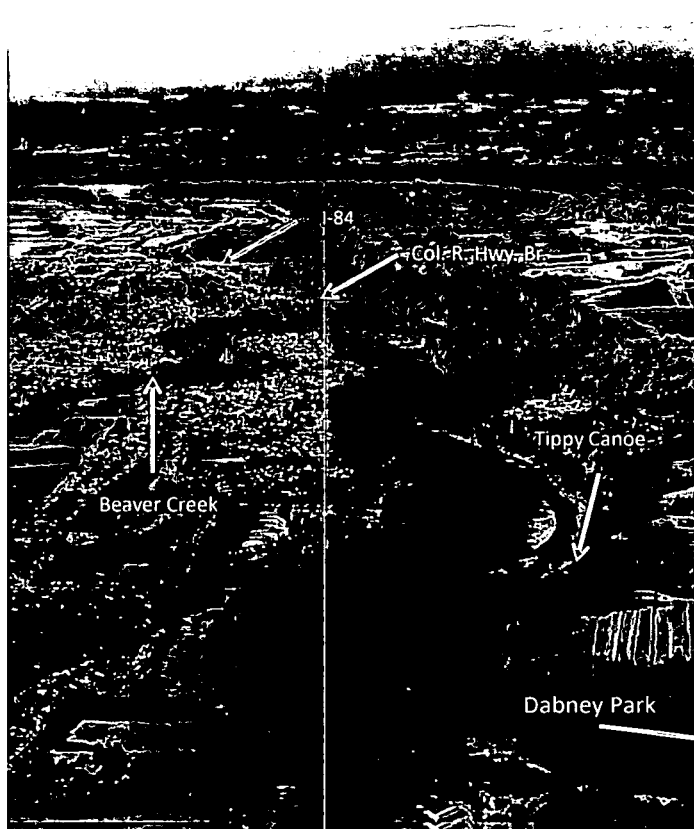
By Wayne C. Huber, Ph.D., P.E. (FL)  
Presented to Troutdale City Council  
September 13, 2016

## Review Objectives

- Evaluate technical merits of FEMA FIRM study
- Comment on strengths and weaknesses
- Outline future steps for City and citizens
  
- My remarks focus primarily on the Sandy River with less time devoted to Arata Creek and Salmon Creek near I-84. This because less FEMA technical effort went into the latter areas. But Letters of Map Revision (LOMRs) important there.



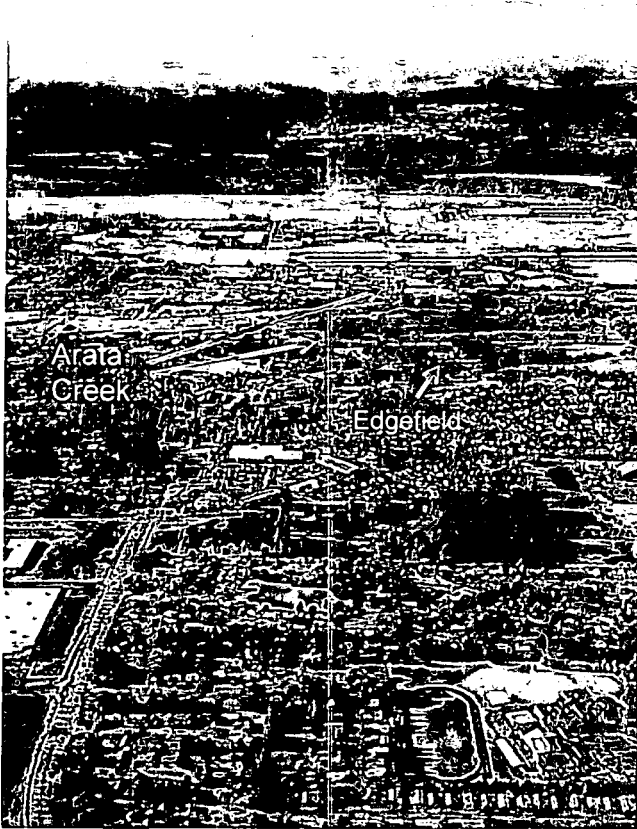
502 square mile  
Sandy River  
Watershed  
(ODOT figure)



Please see FIRM  
maps on display

Here, a few locations

See displays with  
large images of  
FIRM maps



Also FIRM maps for Troutdale airport and I-84 area.

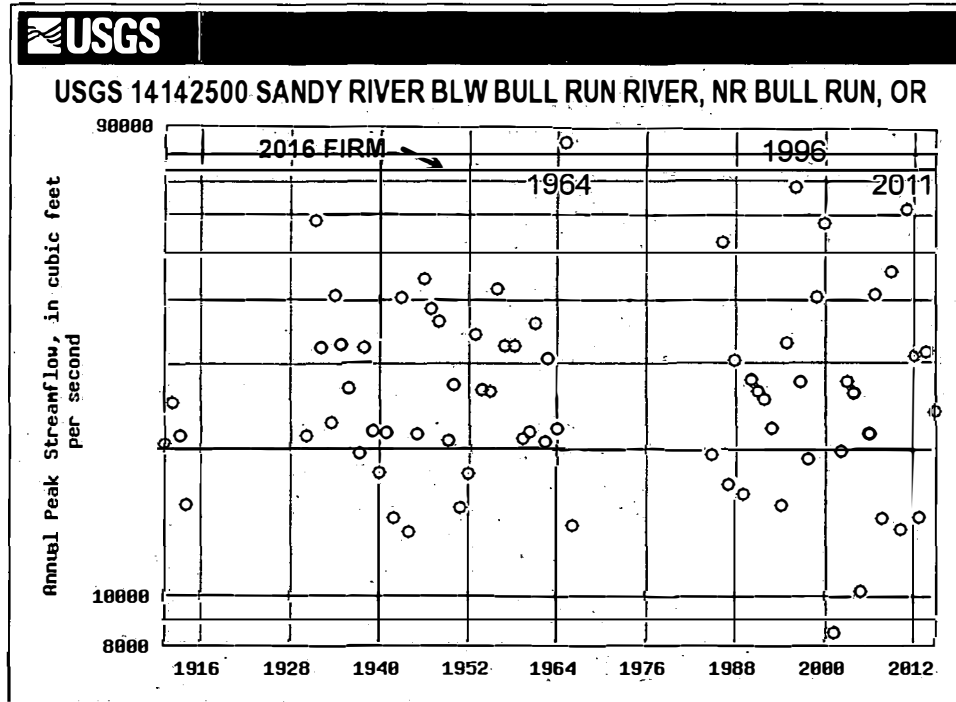
Arata Creek and Salmon Creek subject to flooding from local runoff and ponding.

See Panels 216 and 217

## Floodplain Definition Methods

- Hydrology
  - Identify useful (long-term) flow gages along Sandy
  - Frequency analysis to get 100-yr flood *estimate*
- Hydraulics
  - Hydraulic model = Army Corps HEC-RAS
  - Cross sections (survey) and topography (LiDAR)
  - Boundary condition downstream of I-84
  - Channel roughness adjustments
  - Minimal calibration

# Sandy River, WY1911 - 2015



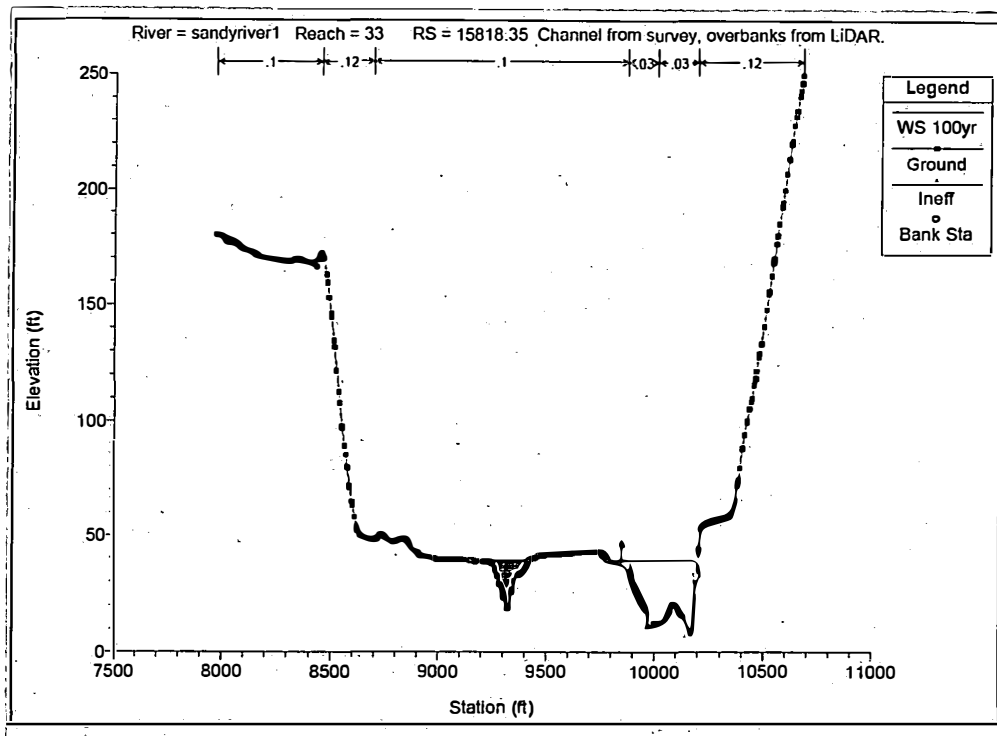
## FIRM Flow Values

| FIRM Study    | Downstream (1-84)<br>(cfs) | Sandy River at Bull Run<br>Gage 14142500 (cfs) |
|---------------|----------------------------|--|
| 1988 and 2009 | 82,800                     | Not avail.                                     |
| ODOT, 2009    | 88,937                     | 78,700   |
| 2016          | 85,139                     | 73,737   |

|                    | Return Period, yr |        |        |        |        |
|--------------------|-------------------|--------|--------|--------|--------|
|                    | 10                | 25     | 50     | 100    | 500    |
| FIRM estimate, cfs | 44,742            | 55,865 | 64,615 | 73,737 | 97,256 |
| 12/22/64, cfs      |                   |        |        |        | 84,400 |
| 2/7/96, cfs        |                   |        |        | 68,600 |        |
| 1/16/11, cfs       |                   | 61,700 |        |        |        |

# Example Cross Section

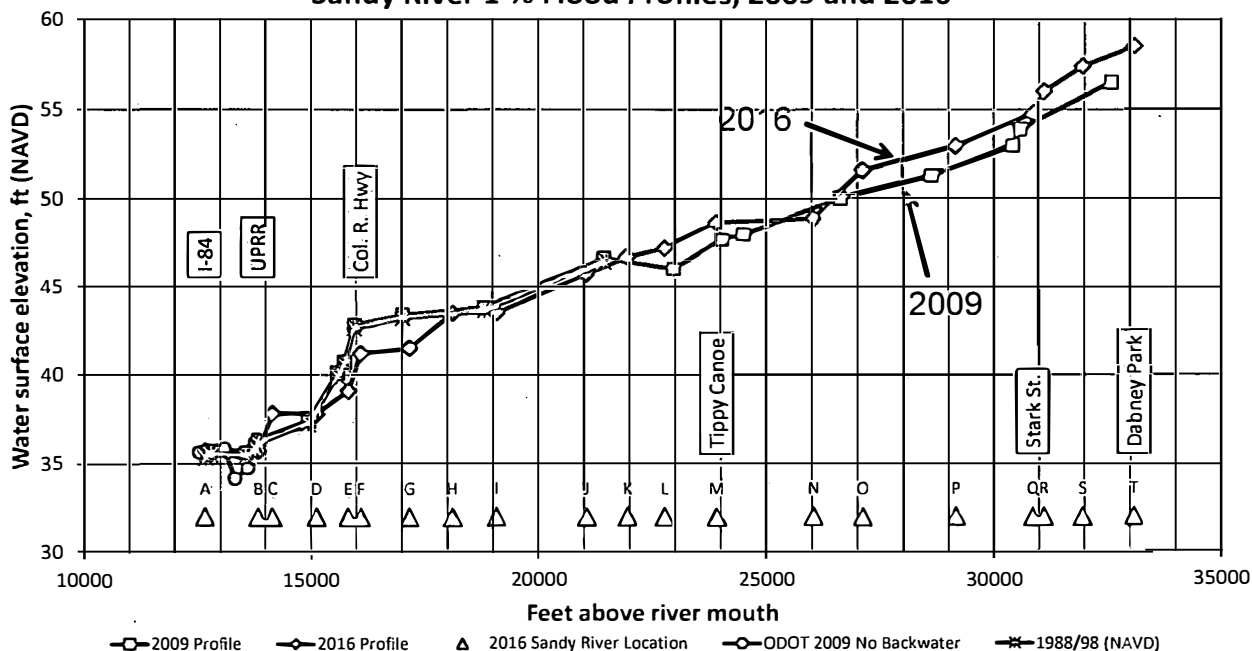
Just downstream of Old Col. R. Hwy. Bridge  
Looking d/s. Beaver Creek on left.



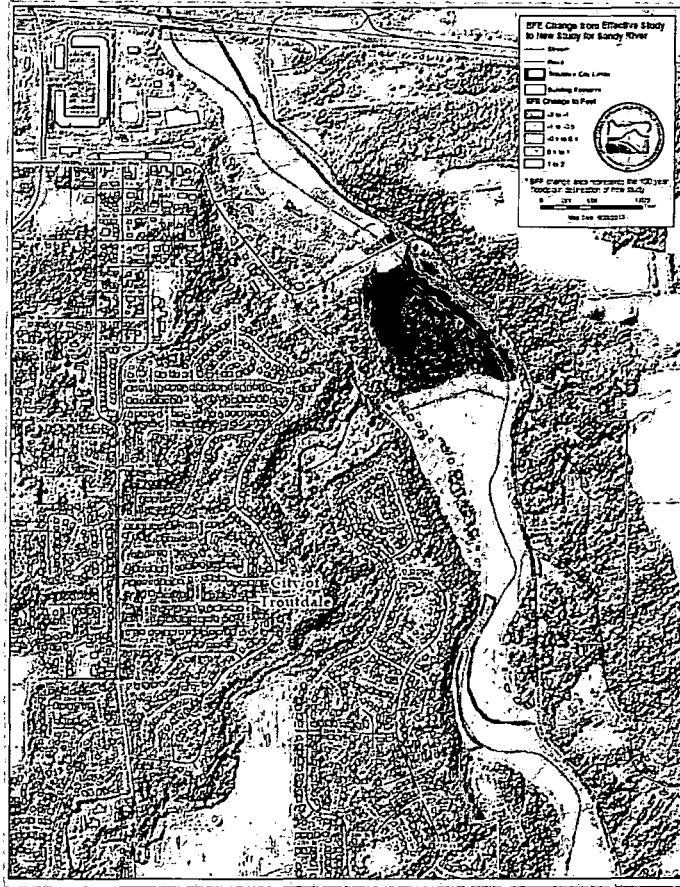
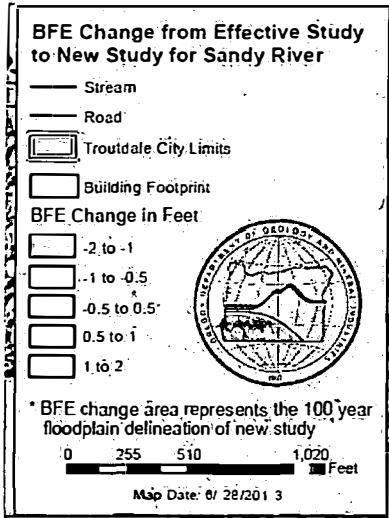
# Profile Comparisons

Downstream (left) to upstream

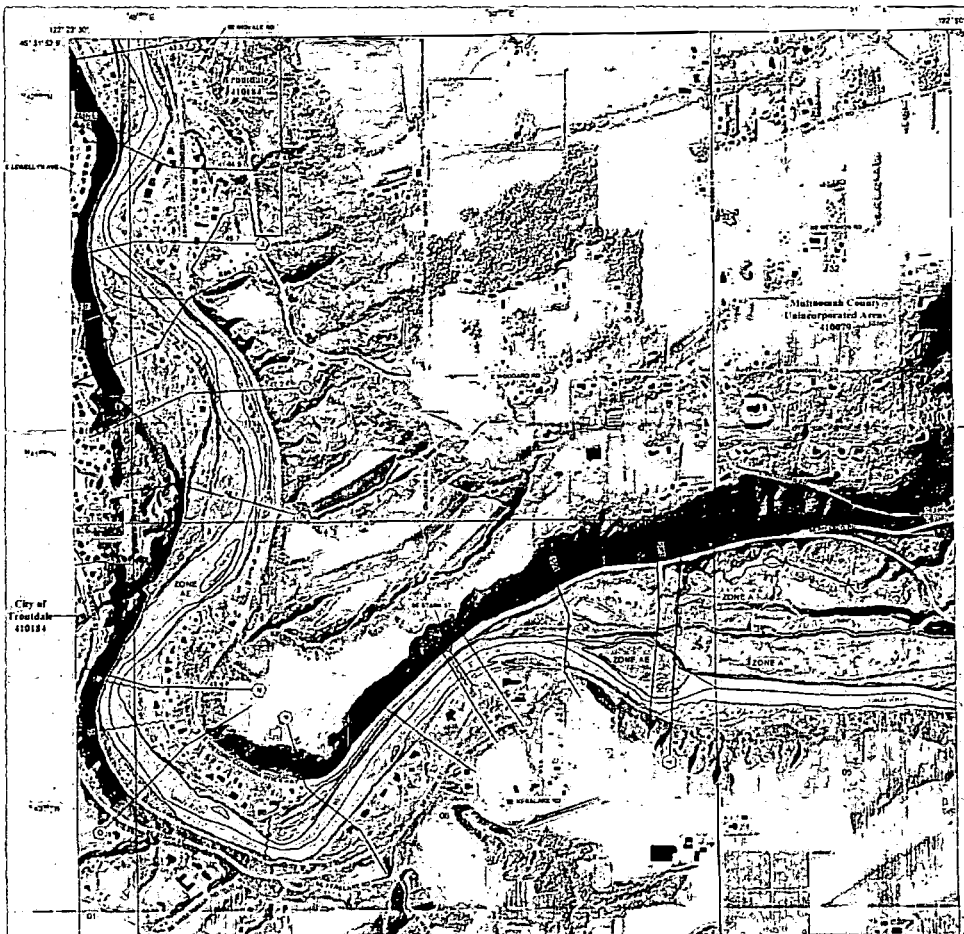
Sandy River 1-% Flood Profiles, 2009 and 2016







Jed Roberts, DOGAMI



Upstream  
End

This area generally subject to 1-2 ft rise in BFE. No obvious impact on riparian structures.

# Affected Structures

- **Adopted DFIRM (2009)**
- A = 7 buildings intersect with the A source layer
- AE = 76 buildings intersect with the AE source layer
- **PRELIM 2016**
- A = 45 buildings intersect with the A source layer\*
- AE = 54 buildings intersect with the AE source layer

Kaleena Hughes, GIS Analyst | City of Troutdale, 5/12/2016

\*Most are in I-84/Airport area and have been or will be out altogether or redesignated to Zone AE via LOMR process.

## 2009 vs. 2016 Comparisons

2016 generally higher u/s, generally lower d/s

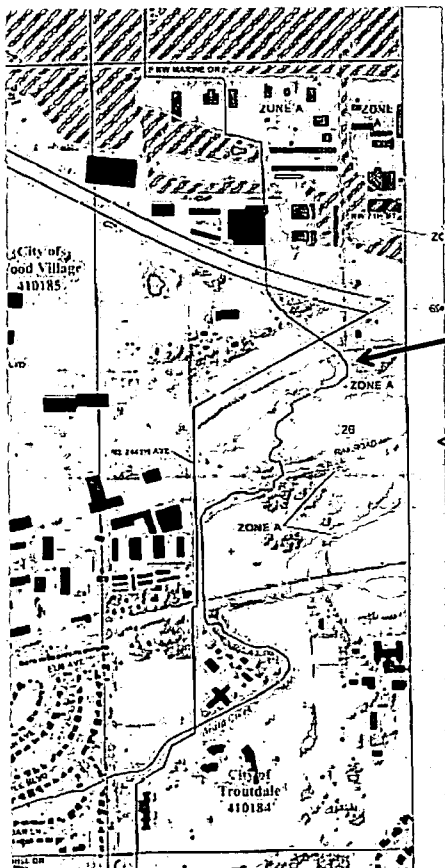
Why?

- Higher 100-yr design flow in 2016. 2,300 cfs higher at I-84
- New surveys and LiDAR topography. LiDAR 4-in. *vertical* accuracy. Horizontal error may be amplified.
- Marmot Dam removal not a factor
- More realistic river profiles
- Good effort at calibration and attention to hydraulic details
- *I see no reason to dispute the FEMA results.*

# Near I-84 and Airport

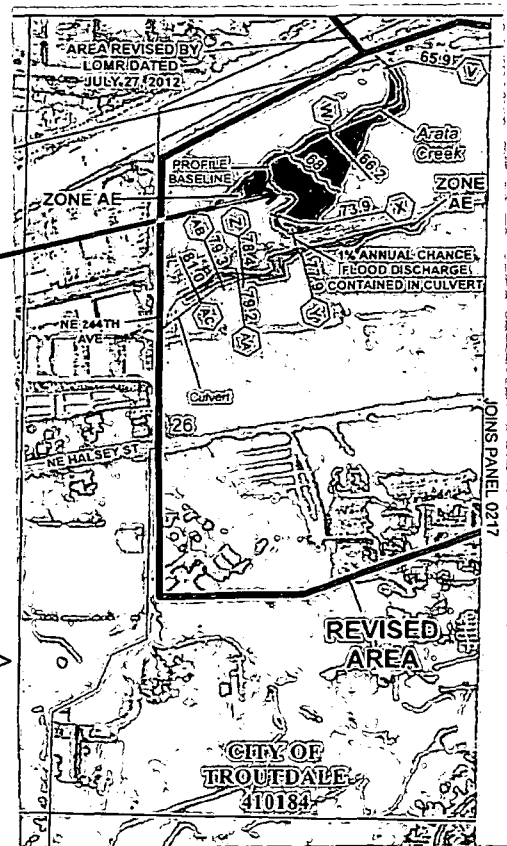
- Arata Creek and Salmon Creek areas not subject to detailed study in this study. Means that on March 2016 maps most of area is designated Zone A (no Base Flood Elevation shown and thus, higher insurance rates.)
- But Letters of Map Revision (LOMRs) have been submitted and mostly approved to change designations to Zone AE (BFE given).
- Much better for property owners.
- City following up to insure FEMA adoption.

## Panel 216



< March 2016 FIRM

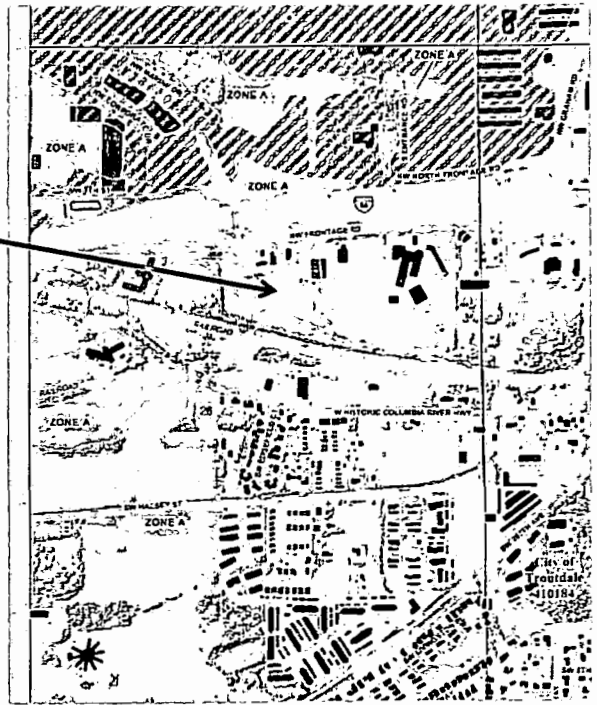
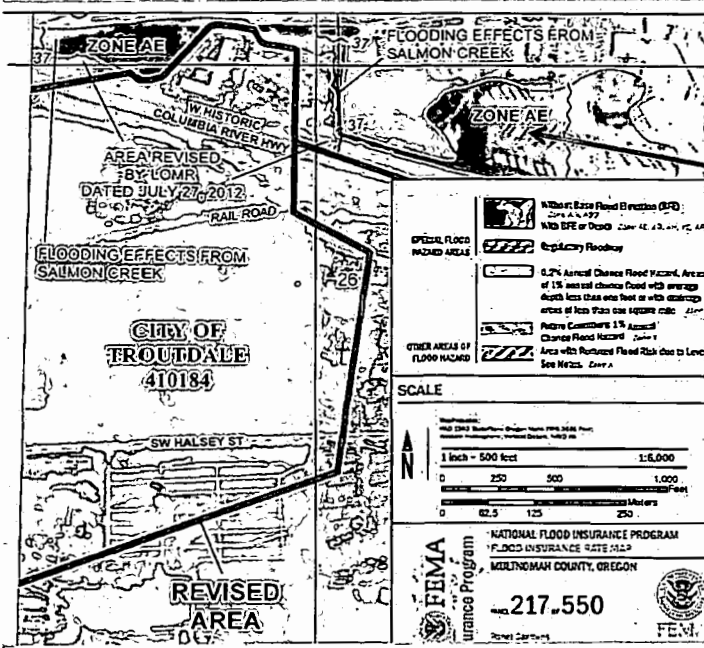
LOMR 15-10-0523P >



# Panel 217

March 2016 FIRM

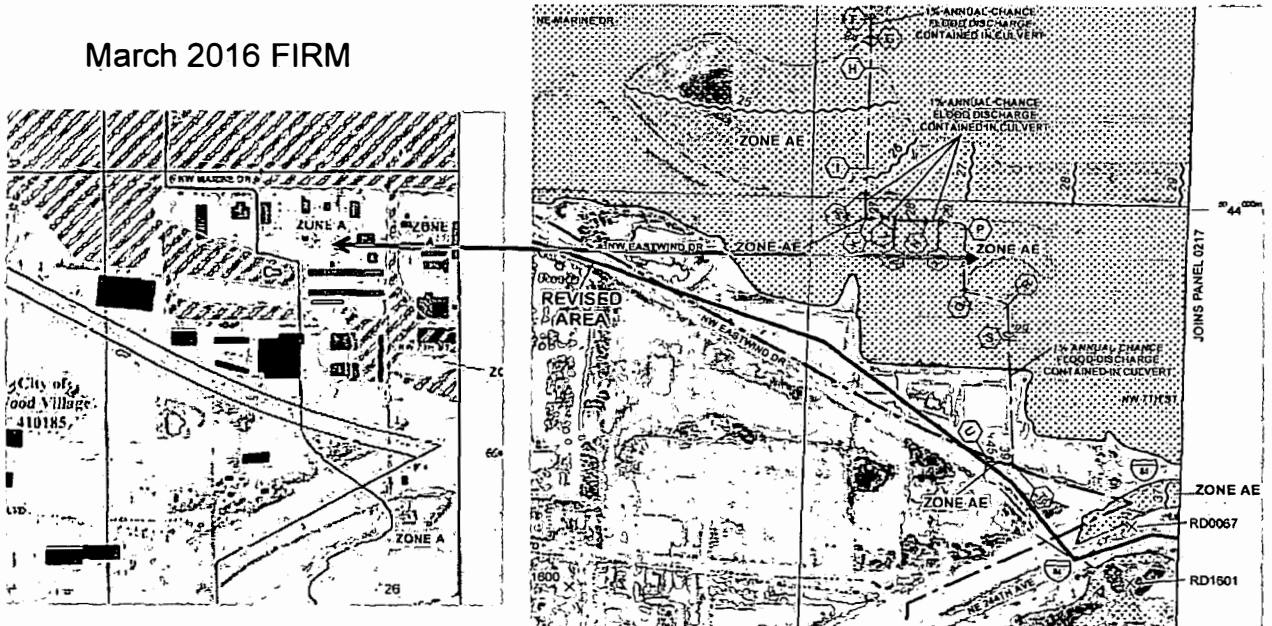
LOMR 15-10-0523P

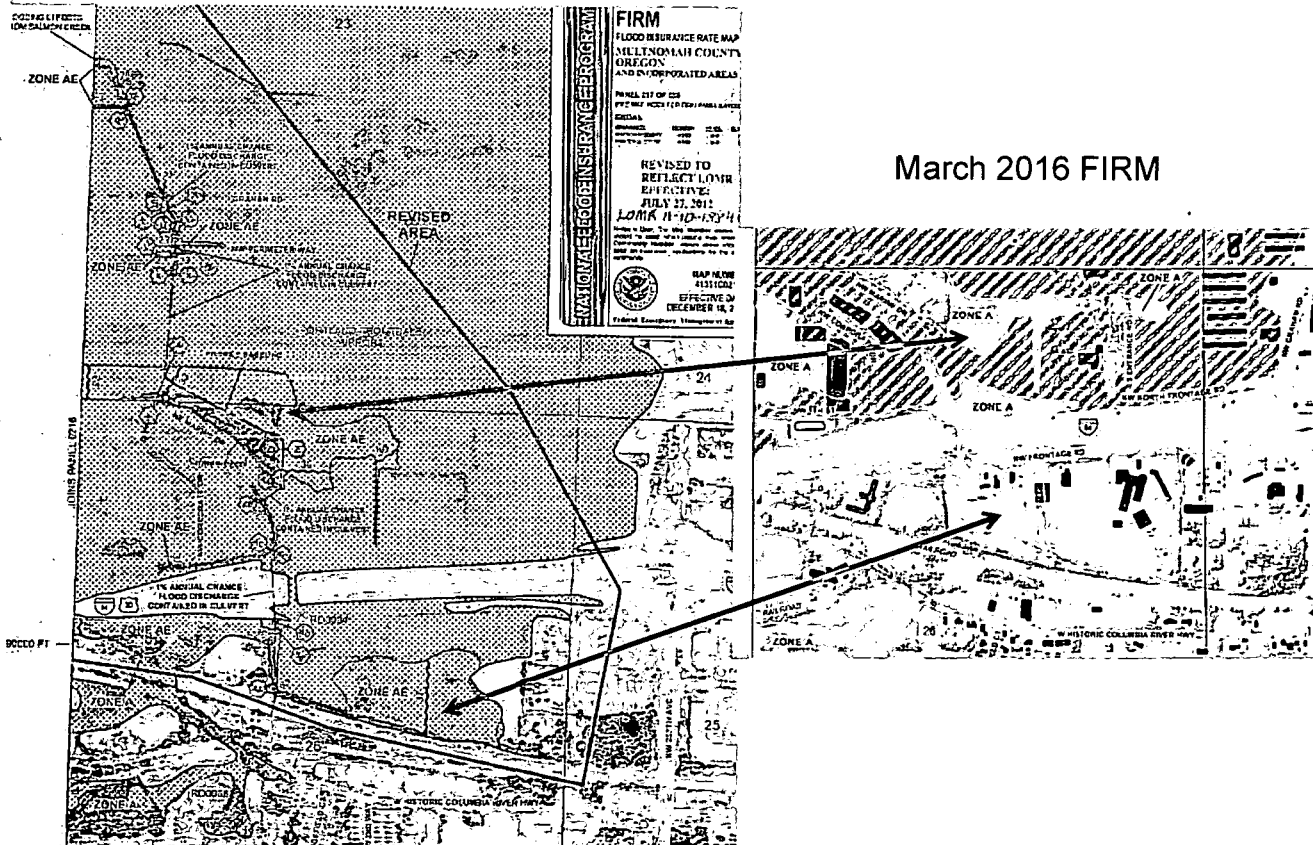


# Panel 216

LOMR 11-10-1884P

March 2016 FIRM





## Next Steps for City

- Appeal to maps needs to be based on revised data, typically topography, or alleged errors in technical methods. *I see no basis for either.*
- Appeal process is costly and time-consuming. I see no technical basis, but local knowledge might suggest otherwise.
- City and/or interested parties would need to pay for such as new surveys and new analysis unless clear errors were demonstrated.

## Appeals

- All appeals must be supported by scientific and technical data.
- Alternative methods or applications result in more correct estimates of base flood elevations.
- Criteria documentation available:
  - Establishes areas eligible for appeal
  - Identifies documentation needed to support an appeal of each flood hazard type (e.g. modeling, topography, etc)
  - Reiterates:
    - Certification requirements
    - The importance of submitting analyses in the same vertical datum and tying into to the effective model and mapping



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**RiskMAP**  
Increasing Resilience Together

David Ratte, FEMA, June 27, 2016

## Follow up with LOMR process

- See FEMA LOMR guidelines
- Use to dispute land boundaries, i.e., “in or out”?
- *Possible* significant horizontal boundary error
- Main cost is for surveys
- City and FEMA to coordinate to ensure current LOMRs are included in final, 2017 Effective Maps.