

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
104 SE Kibling Avenue
Troutdale, OR 97060-2099

Tuesday, April 28, 2009

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Kight, Councilor Hartmann, Councilor Wand, Councilor Thomas, Councilor White, Councilor Kyle and Councilor Daoust.

ABSENT: None.

STAFF: Dave Nelson, City Administrator; Rich Faith, Community Development Director; Debbie Stickney, City Recorder; and David Ross, City Attorney.

GUESTS: See Attached.

Mayor Kight stated I would like to add a resolution to the agenda as Item 3A.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: March 10, 2009 Work Session #2 and March 24, 2009 Regular Meeting.

2.2 RESOLUTION: A resolution approving the agreement for the 2009 Edgefield Concert Series.

Councilor White read the consent agenda items.

MOTION: Councilor White moved to approve the consent agenda. Seconded by Councilor Kyle. Motion Passed Unanimously.

3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

Marty McMahon, resident of Troutdale, provided the council with a handout (copy included in the packet). There have been some concerns raised by some of my neighbors. There are some differences between the Old Sweetbriar Farm Subdivision and the other neighborhoods in Troutdale regarding the 72-hour rule for parking vehicles in the public right-of-way because of the way the developer laid everything out. In the Old Sweetbriar Farms subdivision there is an individual concrete parking pad in front of every house in this subdivision. When the CC&R's were developed they put in a requirement that you are not allowed to park out on the street; that is what the parking pad is for. The City has been drawn into some disagreements

between the Home Owners Association and some of the people in the neighborhood, and in fact has been asked to enforce the CC&R's on behalf of the Association. I think what is different here is when you have a parking pad like we do, which is unlike any other neighborhood, the 72-hour limit is a little too restrictive. Normally in the public right-of-way you have to be blocking the sidewalk with your trailer or you would have to be out in the road with your trailer or motor home. Here that is not the case. I have a trailer and when I put my trailer on my parking pad I am not covering the sidewalk at all and I am not out in the street. What we are asking is that the same exemption that you have given to basketball hoops be extended to licensed motor homes, trailers and vehicles in this particular neighborhood provided that those same folks abide by the same exemptions/rules that you have given to the basketball stands. And that is they can't be a safety issue, they can't be obstructing the right-of-way or traffic (pedestrian or vehicle). One of the concerns raised was that it would be a permanent exemption to park there all the time. The CC&R's don't allow that, so that would be a non-issue. Secondly, to address that concern we can put a limit on that for up to 30 days. The amendment to the Code that we are asking for is on page three of my handout, which is a parenthetical statement that is added to the existing language that offers up that exemption with the qualifications that we have talked about. I am asking that the council make this an agenda item for the two May meetings and approve the language as is or a reasonable facsimile.

Mayor Kight asked Mr. Nelson are you familiar with this?

Dave Nelson replied I am. I believe at the last council meeting Councilor Thomas asked to have this subject scheduled for a work session. I would propose to hold a work session on May 19th after our Urban Renewal Agency meeting.

Council agreed to schedule a work session for May 19th and to start the Urban Renewal Agency meeting at 6pm.

3A. RESOLUTION: A resolution supporting the nomination of the Bill Schonely for the Curt Gowdy Award – Naismith Basketball Hall of Fame.

Mayor Kight read the resolution.

MOTION: Councilor Thomas moved to adopt the resolution. Seconded by Councilor Daoust. Motion Passed Unanimously.

4. REPORT: An update on Metro's activities.

Rod Park, Metro Councilor, showed a PowerPoint Presentation to the Council (a copy is attached as Exhibit A).

Rod Park updated the Council on the following activities that Metro is working on which includes: Local Share Program (project's that Troutdale's share of the bond money was going towards); Oregon Zoo improvements being made with the bond measure money; solid waste rate review; Oregon Convention Center; choices for how our region grows; pressing

challenges; what does a successful region look like; choices for our future (urban form, transportation, and investments); plan for 224,000 to 301,500 new households in the Metro region by the year 2030; urban and rural reserves; 2035 Regional Transportation Plan; I-84/Highway 26 connector; high capacity transit plan; investments; local aspirations; activity spectrum (linking local aspirations to priorities); and a timeline.

Councilor White asked do we have an actual date or an update on the traffic study for the 242nd corridor.

Rod Park replied as I mentioned it is one of four corridors that are currently in the running. We are trying to wrap up the Metro portion of the Regional Transportation Plan around September. Once that is done it will free up staff to choose the next corridor. The competition is heating up for those funds. We have between now and the fall to put together a case.

Councilor White asked is there anything that we can do as a council to help?

Rod Park replied I think the more that you can tie in with the other three cities and the private sector, those who are affected by the decision (including Damascus, Clackamas County and Sandy); I think you should put some pressure on the City of Gresham. They need to be looking at what they are willing to do to protect the south end of this corridor. There is regional responsibility by a lot of parties. ODOT needs to be looking at what improvements they are willing to do at the interchange of 257th.

Councilor Kyle asked is solid waste down?

Rod Park replied it is approximately off 16% right now in terms of reduction in tonnage. I would like to say we are down because of all the people that are calling the recycling hotline, but our staff has tracked it back to primarily the reduction of construction and demolition.

Councilor Daoust stated in my travels around the United States I have seen a lot of examples of cities and how they have grown and the transportation problems that they have. In discussing this with people who live in different cities they recognize the Portland Metro area as a leader and they always ask what the difference is in Portland. My answer always has to come back to Metro because they oversee multiple cities and counties, which other places don't have. You can see and tell the difference in how that community operates. I really do appreciate Metro for the role that you play. We have a town center and you are saying that you want town center aspirations to inform regional growth management. I am not sure how that is going to happen. I am not sure what you are going to roll up or what you expect us to tell you about what our town center aspirations are in order for you to roll up all the town center aspirations into something that means something to Metro. I am confused as to how you get input from us and what difference it makes. So if we wanted a Trader Joes in Troutdale, how does that roll up to Metro? When do we do that and how do we do that?

Rod Park replied let me give you an example. The Mayor in Tigard is being very aggressive as to what they would like to be. They are looking at multi-story buildings along their downtown core because they recognize that they would like to have capacity in that particular

area to draw more people to have the amenities they want. The trade off is they are all asking to have this a priority for high capacity transit because they recognize that they need to have high capacity transit in order to make that work. Those are the types of things that local jurisdictions can do to up the ante because competition is getting tougher. The realization is that people are what make an area grow its amenities. We would like to see what the local aspirations are for all of the cities and counties. Metro adds all of those up and we look at the numbers, we look at what makes sense as a region as we look at where transportation funding should go. Those are the decisions that we will be making. Hopefully it informs us as to where the investments should be going.

Councilor Daoust stated I understand the Tigard example where they are pushing for mass transit. If Troutdale has a lower key aspiration level where we don't want to build up dramatically, we want to keep our rural feel but at the same time we want a max line to Mt. Hood Community College. I am not sure how rolling up our aspirations is going to key into Metro's priorities.

Rod Park replied it is based on an economic model. For example, you have to have a certain number of customers within an area for The Troutdale General Store to stay open as much as they are. They have to have a certain amount of customers going through to keep the doors open. Same thing for TriMet; you have to have a certain number of riders per mile to justify servicing an area. That is where local aspirations will make a difference for regional priorities. What you do directly and indirectly affects how much land may have to be brought into the boundary.

Councilor Wand asked has Metro ever conducted an independent economic analysis on how much the urban growth boundary has increased the cost of housing in our region?

Rod Park replied we haven't done that particular study but I can tell you that there have been a variety of studies across the United States. Depending upon who you want to believe, because the urban growth boundary is required to keep a twenty-year supply within it that the conclusion at least by the majority is that it does not affect pricing. Keep in mind there are two urban growth boundaries. One is the political one, the one that we deal with that sets where we are going to grow for the next twenty years. Then what I call the real one, the fiscal urban growth boundary is where we are willing to invest for the next twenty years. That is really the one that controls pricing.

Councilor Wand asked have you taken a look at the amount of transportation dollars that the light rail system has pulled away from roads, maintenance and infrastructure for additional developments over the last twenty years?

Rod Park replied you can look at that two ways, you can phrase it the way you did or you can say that light rail carries 30% of the peak hour traffic in the morning and night, which is equivalent of one lane in each direction. What would it cost to build, if you could, within that corridor one lane each direction? Those dollars come out of different transportation funds. The funding that is for the light rail and the streetcar comes out of a funding section from the Federal Government that is set aside specifically for that. If we are not tapping into those funds and using them in a way to supplement our road system to move freight on the current

system we have and to move people on transit, then those funds would go to another area in the country.

Councilor Wand stated we have a pretty good idea of what Troutdalianians want for our city. We conducted a survey and we have all walked the neighborhoods and we talk to our neighbors. We are pretty sure, based on what we have done, that our citizens don't want higher density in our area, except in our downtown core area. We are real sure that they don't have interest in commuting to work for 45 minutes to an hour one way. What we are finding is our residents want backyards, larger lots, single-family detached dwellings and the ability to work in and around our community. What I am understanding based upon the process that we are in now is that Metro is actually an impediment to us enacting the type of zoning regulations and density standards that our citizens want us to enact for them. Assuming for the moment that we come in to Metro and present a very different philosophy from the one that Metro has about single-family dwellings and the way to build the city, how is it that we can work cooperatively with Metro to achieve what our citizens want?

Rod Park asked what is it that you believe that Metro does in requiring regulations that isn't allowing your city to develop the way you want?

Councilor Wand replied my understanding is that there are minimum density requirements for our undeveloped land that requires a certain percentage of our undeveloped land to be zoned in such a way that they have attached single-family dwellings as opposed to detached single-family dwellings.

Rod Park asked are you talking about multi-family?

Councilor Wand replied yes.

Rod Park replied that is a state housing rule called the Metropolitan Housing Rule; that is not Metros.

Councilor Thomas stated looking at your slide on investments you show about \$20-30 billion in new infrastructure. In your comment you eluded that the \$20-30 billion included what the cities would have to spend or would need within their cities.

Rod Park replied that was for new construction. The \$10 billion with the current cities did not include new or replacement. The \$20-30 billion overall was for new. It depends on how we want to harness the growth coming to the region.

Councilor Thomas asked do you have a breakdown for the individual cities?

Rod Park replied we can check on that.

Councilor Hartmann stated the goals that are listed on page 4 that talk about what does a successful region look like. How did Metro come up with those as they pertain to the local regions?

Rod Park replied those goals were worked on as part of the focus group. We looked at some polling of what the regional values are of the citizens. We took those to the focus groups then worked with our local partners to come up with the aspirations/goals for the region. They are all tied to citizen values.

Councilor Hartmann asked when you look at the areas interests groups, do you look at it from the city level or more on a regional level such as JPACT. How far local do you go?

Rod Park replied that is why we are here. Which pieces or portions would you like to explore or exploit. Some areas of this region go after every industrial job they can find. Those aren't necessarily the same ones that go after parks. I noticed that the west side seems to like more hardscape in the parks like swimming pools, tennis courts, etc. The east side is more into trails. That is just what I have noticed.

Councilor Hartmann asked how do we reach out and partner with you to start some sort of community effort to ensure that Troutdale's interests are heard at the table. What is it that Metro can offer to us to help us reach out and build that bond.

Rod Park replied tonight is one of the first steps. There are two other places that come to mind. One is I just saw a letter from Mayor Fuller asking Mayor Kight to be a representative on the Reserve Steering Committee and he is the alternate on MPAC, so that is two places where you can have input. I would invite you to attend an MPAC meeting to observe how the region lives, works and plays together. The other is the more adventurous JPACT and you could come do the same thing to see how discussions occur. You might find it very interesting.

Councilor Hartmann asked our policy decisions are going to drastically affect our housing needs in the next twenty years; it almost doubles in numbers on your chart. What are some things that we need to be mindful of in our policy making decisions that can impact that for the greater good?

Rod Park replied keep in mind the top of that chart represents what is in the zone capacity. The question is what is it that is stopping the market from being able to achieve the zone capacity. Is it job capacity, transportation issues, water or sewage capacity. Those are the things that the local jurisdictions know that we don't. How is it that we can help as a region to achieve those. We know that structured parking is very expensive. How do we put in measurements so that when a jurisdiction reaches a certain level it will trigger receiving some regional funding to help with the parking structure so that it can go on to the next level.

Councilor Hartmann stated is it fair to summarize that particular chart to say that even at our lowest forecast of population here, that our policies don't meet the needs of our forecasted population, or may not, and we need to look at that forecast to better prepare for a rising economy for our local region rather than plateau.

Rod Park stated I think what the question is, what are the local policies and infrastructure investments which will affect that capacity.

Councilor Thomas stated what I see happening today in the mass-transit system seems to be focused around getting everybody into downtown Portland. As we try to grow our industrial areas out here I don't see any focus happening. How do we get that rapid transit system to work to get folks from the other areas of the region to Troutdale, particularly the Port of Portland/Alcoa site? How do you consider that in the overall mix in order to really help make that regional rapid transit system truly regional?

Rod Park replied the high capacity transit study that is still underway is trying to answer those particular questions.

Mayor Kight stated I have been approached by a couple of different folks who are interested in taking waste and turning it into energy. Apparently most of Europe is going that direction. There are over 90 plants within the United States that are turning waste into energy. In Brooks, Oregon there is a plant that has been there for twenty years and they generate 3 megawatts of power by converting its garbage into electricity. The current system where we are putting garbage in the ground has been around since man has been on the earth. At some point Arlington is going to fill up. What is Metro doing to look to develop waste energy?

Rod Park replied the capacity issue, Arlington is somewhere around 75 years. The European model is being looked at but there is significant difference in the amount of product stewardship. A lot of material that we have here that gets into the waste stream they don't even buy. One of the issues is that the State of Oregon, going back to working with the power companies, waste energy is not considered a renewable source so therefore the requirement that 25% of all power generated has to be from a renewable source, and apparently we don't get to count hydro...

Mayor Kight interrupted and stated are you telling me that hydro power isn't renewable?

Rod Park replied it is not considered renewable under the state statutes new requirements. It is renewable, but they are looking at the requirements for the next twenty years or better. The power companies are not interested in waste energy because it does not fit under the guidelines. Where we are struggling is what is actually feasible on the scale that we are talking about. We are talking about 1.2 million tons of material. The question is where do you site it. Keep in mind the original Oregon City Transfer Station back in the 1980's was bought as a burner site, which did not go forward and wasn't very popular. If you truck the material to eastern Oregon to burn it, with the emissions from the truck you probably haven't saved anything. Those are the questions that we are going to have to look at it. How do we really make waste energy work on the type of scale that we are talking about.

Mayor Kight stated common sense would tell us that we would have to locate it within the Portland Metropolitan area. I wonder if they would consider a demonstration project, like what is in Brooks, Oregon. The newer facilities don't have any smoke stacks.

Rod Park stated our current system does its best to pull out the metal obviously, but also cardboard and wood product (any material that typically gets recycled back into paper). In the waste energy concept you would leave those materials in because those are the BTU's. Philosophically there would have to be a fairly large shift of what you want to dispose of or

what you would try to recycle. It will be an interesting policy debate that will have to occur for the region because it brings up a number of factors that have not been discussed at this level.

Mayor Kight called for a break at 8:40pm and reconvened the meeting at 8:55pm.

5. PUBLIC HEARING/ORDINANCE (Introduction): An ordinance amending Chapter 1 of the Troutdale Development Code adding an applicability section pertaining to the Columbia River Gorge National Scenic Area (Text Amendment No. 41).

Mayor Kight read the ordinance title and opened the public hearing at 8:56pm.

Rich Faith, Community Development Director, stated I think most people know Troutdale as the gateway to the Columbia River Gorge but what most people probably don't realize is that part of Troutdale is actually within the boundaries of the Columbia River Gorge as it is defined under the Columbia River Gorge National Scenic Area (NSA). By virtue of having some of our city within that boundary it puts us in a rather unique situation. The Columbia River Gorge National Scenic Area Act that was adopted in 1986 establishes requirements for administering a Management Plan and for review of virtually all development that takes place within the boundaries of the NSA. The six counties within the gorge boundary are authorized under the Act to implement this Management Plan which means that they have specific land use ordinances that have been reviewed and approved by the Gorge Commission for consistency with that Management Plan. In addition the original Act designated thirteen cities within the boundaries of the NSA as urban areas and as such those thirteen cities and their surroundings that are part of their urban boundaries are exempt from the Management Plan. Unfortunately, even though a part of Troutdale is within the boundary of the NSA the Act did not designate that part of Troutdale as an urban area and therefore it is not exempt from the Act or the Management Plan which means that development is subject to the requirements of the Management Plan and is under the jurisdiction of Multnomah County who administers that for this particular area. This is the area on the east side of the Sandy River. We have approximately 80 acres that fall on the east side of the Sandy River that are within the boundaries of the NSA and that are within the city limits of Troutdale. It is comprised of 65 tax lots and there are 43 dwelling units currently within that area of the city. Multnomah County's land use ordinance has specific regulations that apply to the NSA, which includes that part of the City of Troutdale. In order for any development to take place the property owners in this area must obtain land use approval from Multnomah County under the NSA regulations, as well as from the City of Troutdale to meet the requirements of the Troutdale Development Code. Having to go through two different jurisdictions for two different levels of review puts a burden on those individuals, not only from the standpoint of added cost and time but in most instances there is also added frustration because of the overlapping regulations that we have. In September of last year we brought this issue before the Council in a work session and outlined different options for how we might remedy this problem. After exploring the different options the Council decided that they thought the best remedy was to amend the Development Code so as to waive its applicability to the NSA and by doing that the County would have sole land use jurisdiction. That is the goal we set out to achieve with these amendments. In my staff report I provided a summary of the differences between the NSA regulations that are administered by the County and those of the Troutdale Development Code (TDC). The NSA regulations are more detailed, they put a much higher

standard in place that has to be met and are generally considered to be more onerous than those of the TDC. Our main goal for these amendments was to waive all aspects of the TDC so that the County would have sole jurisdiction. As we got into this exercise we realized that it would not be possible to exempt all aspects of the TDC. The reason for that is that we have certain divisions in our Code that deal primarily with the environmental protection aspects that are not covered in the NSA regulations. As an example, the City participates in the National Flood Insurance Program, that means we have certain standards and regulations in place that meet minimum FEMA requirements and by so doing the residents of Troutdale are therefore eligible to obtain flood insurance. It is very important that we not jeopardize our accreditation/certification under the National Flood Insurance Program. Because the County regulations for the NSA do not apply within the City of Troutdale with respect to flood insurance and flood management then it is imperative that the City has to maintain that in order to keep our eligibility in the program and for our citizens to obtain flood insurance. Similar kinds of problems arise with erosion control and storm water management. These are things that the County does have on its books but they are not part of the NSA regulations so they do not apply to these properties within the City of Troutdale. It is for that reason that when we started crafting these amendments we realized that there are three chapters within the Troutdale Development Code that we simply can not exempt from applications from properties on the east side, and those are: Chapter 4.600, Flood Management Area; Chapter 5.600 Erosion Control and Water Quality Standards; and Chapter 5.800 Stormwater Management. The amendment we are proposing is to add Section 1.016 Applicability to the Troutdale Development Code. This section will say that our Code applies throughout the city including the unincorporated area within our urban planning area that we have an IGA with the County to administer the land use regulations for, but does not include those incorporated properties located east of the ordinary high water line of the west bank of the Sandy River which are within the boundaries of the Columbia River Gorge National Scenic Area. It also identifies the three specific chapters in our Code that are still going to apply in the NSA. We will be bringing forward the Intergovernmental Agreement (IGA) at the next meeting when the second hearing on this ordinance will be brought forward. In the IGA we will spell out the procedure that we intend to follow in terms of processing these land use applications. We conducted a public open house on this amendment back in December 2008 in concert with the County. All of the property owners within the affected boundary were notified of the open house. There were about eight residents in attendance. Subsequent to that the amendments were taken before the Citizens Advisory Committee in February 2009 and they endorsed the changes and forwarded them to the Planning Commission. The Planning Commission held a public hearing on February 18th and they have forwarded this amendment to the Council with a recommendation for adoption. At the work session in September the Council asked that the city attempt to approach our Congressional Delegation, or whoever we needed to, to enact an amendment to the NSA to remove this area from the boundary. A letter was sent to Senator Ron Wyden's office and I believe that the Mayor has been in contact with his legislative aide. So we are working on finding out what we can do to perhaps make that change possible.

Councilor White stated I would like to clarify the boundary. My concern is that someone who lives on the west side of the river that has a grandfathered gazebo that is at the waters edge and they need to do some work on that, is that going to fall under Troutdale's jurisdiction or Multnomah County if we adopt this?

Rich Faith replied if it is on the west side of the Sandy River it is not within the NSA and the County has no part of that, it is entirely under the jurisdiction of Troutdale.

Councilor Daoust stated the NSA boundary doesn't go to the high water mark on the west side of the river and I think that is what the question is.

Rich Faith replied are you talking about doing something below the ordinary high water mark?

Councilor White replied yes.

Rich Faith replied than that could subject you to the NSA regulations.

Councilor White stated is there a possibility that we could exempt those properties that are within Troutdale from the NSA and just make them part of Troutdale?

Rich Faith replied they are part of Troutdale because they are within the city limits, but they are also within the NSA boundary. So is the question, is it possible to get the scenic area amended?

Councilor White replied yes.

Rich Faith replied when someone says it will take an act of congress, they say that to mean that it's not likely to happen.

Councilor White asked if we hand this control over to Multnomah County is there a way we could get it back if they make a dramatic change in what they will allow on that side of the river? Once it is gone is it out of our hands at that point?

Rich Faith replied it is out of our hands regardless. We have no say whatsoever in their administration of the Management Plan for compliance with the Scenic Area Act. They are doing what the federal law is requiring them to do and we have no control or say over that matter.

Councilor White stated that is unfortunate for those property owners. I have talked to several property owners and they are supporting this change. They said it was actually easier to just deal with Multnomah County and one set of rules. I will support this.

Councilor Daoust stated so the reason we are maintaining these three chapters is because Multnomah County does not have similar chapters that would apply.

Rich Faith stated they do have similar chapters but there are in an entirely different part of the County Code. They are not embodied in the Scenic Area Regulations, which is a chapter. There are other chapters of the Multnomah County Code that deal with things like erosion control and flood management. That part of their code does not apply within the Troutdale City Limits.

Councilor Hartmann stated you mentioned that eight folks came and participated in the open house. What were some of the concerns that they brought up and how did we address those?

Rich Faith replied some of them were quite upset and agitated about the fact that they are within the boundaries of the scenic area. If they had one wish it would be that they were not within the NSA boundary. Some of them felt that this is better, but it is not the cure that they are looking for. The cure that they are looking for is to get out from under the NSA Regulations. A couple of them felt that the city should be advocating more on their behalf for that. Without getting into specifics they simply felt that as their local government they would hope that you would be able to prevail on their behalf to get them out of the NSA. The other comments were they prefer, if they had a choice, to deal with the City planners and the City Community Development Department over the County, but they understand that is really not a choice as long as they are in the NSA, they either have to deal with both or through this amendment they will have to deal with the County. They understand it, but it is not their wish. Generally they support this but they wish we could go a step further and help them get the Act amended.

Councilor Hartmann stated it is an opportunity for us as a Council to possibly look at a follow-up to that letter that was sent to Senator Wyden's Office. Have we looked at the legislation that is governing that to see how we could propose that legislation change to Senator Wyden's Office such that their staff can process that legislative request more simply.

Rich Faith replied I think the change could be simple. I have looked at the legislation. It would probably only take the insertion of "the City of Troutdale" under a designated urban area, that would exempt us. To me I think that is a simpler change than trying to change the boundary. I don't think the change requires a lot of verbiage; it is a political process and everything that is involved in opening up a piece of legislation like this that has had a lot of controversy surrounding it and I don't think anyone wants to touch it.

Councilor Hartmann stated for the sake of keeping our community close and maintaining stewardship of our territory, is there any way that we can work with the County or this code that is overseeing the NSA to basically help them facilitate the process more efficiently so they are not coming to us and bouncing back and forth. Is there a way for us to facilitate this process keeping those homeowners more interested in Troutdale, participating in a plan that is more localized and centralized to where they are living rather than outside bodies?

Rich Faith replied I am understanding your question as, how can we plug into their code and help them do a better job administering their code for our citizens.

Councilor Hartmann replied yes. My concern here is to build the bonds within Troutdale. The more stewardship we pass the buck to the more we sacrifice our own community. I am not a big fan of that.

Councilor Daoust stated that is a good point but we are not passing the buck to Multnomah County. Multnomah County has to be involved, we don't have a choice.

Rich Faith the buck is already there but we are there as well. We are trying to take ourselves out of the picture so as to not complicate it any more for these people than it already is. It becomes less complicated by us stepping out of the picture to the extent that we can.

Councilor Daoust stated the only thing we could do is to keep pounding our congressmen. If it is as simple as just adding the word Troutdale to be included with the other thirteen cities, that is pretty easy to do. Maybe if we keep pounding Wyden and our other congressmen to insert that little bill into some huge other bill, it is possible.

Councilor Wand stated I am generally in favor of removing a layer of bureaucracy when possible, especially when it is unnecessary. I am a little concerned about our Troutdalians being required to go all the way down to the County office to make their filing. Have you made any inquiries at the County as to whether these residents would be allowed to make their filing at a place closer to home? Not that we would administer the filing of the application or the review of it, but maybe we could let these residents know that we have worked out a deal with the County that they can file their paperwork here.

Rich Faith replied the County Planning offices are on 190th just off of Stark.

Councilor Thomas asked why couldn't we define the east side of the river the boundary and not the west side?

Rich Faith asked the east side of the river as the boundary of the NSA?

Councilor Thomas replied the boundary for this particular regulation.

Rich Faith replied we call it out as being located east of the ordinary high water line of the west bank of the Sandy River, which is the same as the boundary of the NSA.

Councilor Thomas stated if we could move the boundary across the river, or to the center of the river, as far as the regulation goes, it would protect the property owners that are actually within the incorporated part of Troutdale, which are kind of exempt anyway.

Councilor Wand asked is the proposal coterminous with the boundary edge of the NSA?

Rich Faith replied yes. The west bank of the Sandy River is the western most boundary of the NSA.

Councilor Thomas stated so there is no way to shift it to the center.

Rich Faith replied we could change this language but it doesn't change the boundary of the NSA. It doesn't matter what we put here, it wouldn't change the official boundary that was established under the Scenic Area Act.

Councilor Thomas stated I received a call from a resident that lives on the east side of the river and the first thing that she asked me is if I knew that they were in Troutdale. A lot of the residents, I feel, don't believe that we realize that they are part of Troutdale. I think it is

imperative that we continue to try to get the rules changed so that they are not bound by multiple sets of regulations as they are today.

Mayor Kight stated it is particularly onerous for property owners on that side of the river. I have had several conversations with people who have built over there and the one that comes to mind, it took him about \$100,000 and five years before he actually even started construction of his home. That particular story unfortunately is not the exception and more often than not is the rule. To give the council an update, we did send a letter. I am calling the legislative aid for Senator Wyden on a daily basis to see what we can do to move this forward. I think this needs to be corrected. It was obviously an error. Troutdale shouldn't have been included. If we don't get any traction with Senator Wyden, then we will take it to other folks in Washington to see if we can't move this up. One of the other councilors have brought this up and I am wondering if we couldn't have a cooperative spirit between the County and the City where the City is in fact a one-stop shopping center; one stop for the planning process and the permit process where the property owner isn't bouncing back and forth trying to get all of the information and data together in order to go forward with their construction project.

Rich Faith replied I don't disagree that it would be admirable to do something like that. The general process is that if someone wants to build a house or whatever, they have to inquire as to what permits they need. If they know they are in the city they may call the city first and ask what they need to do. Our response would likely be that you are also in the NSA and you will need to get permits from Multnomah County. Whether or not at that point we could say lets all have a meeting to discuss the project, that could work.

David Ross stated the IGA says that the pre-application goes to the County and we are not involved.

Rich Faith replied yes. The IGA will specify that they will go to the County for the pre-application meeting at which point the County would provide them with basic information and inform them that they may need to get permits from the City if they are in the floodplain. But most importantly when that actual application comes in we will get a copy of that and we will be able to look at it and provide comment back so that information is given to the applicant and they know upfront what type of changes may be necessary in order to meet our standards. It is not a perfect system, but it will be more streamlined than it has been in the past.

Mayor Kight stated I want it make it easier for these folks. I want it make it customer friendly. If we can't get the County to come out here and sit down with the property owner so that the City and the County are here and they can get all of their questions answered, what about Troutdale going to Multnomah County and having the meeting at their office with the property owner?

Rich Faith replied we could ask the County to inform us of when they are going to have the pre-application meeting and we could participate. Derrick Tokos from the County is here, maybe he can respond.

Derrick Tokos, Principal Land Use Planner for Multnomah County, stated one of the reasons why we structured the IGA the way we did is because we see a larger number of applications than Troutdale does for the NSA. The NSA regulations are broader and they apply to a much smaller scale development than the City of Troutdale would normally review. We often will see Troutdale residents that don't have to go to the City Planning Department but they do have to meet NSA requirements. Another reason is because we have resources in our offices that we have access to and can provide them with a greater breadth of information before they get into the process too far. It does tend to be the NSA regulations that are, in more cases than not, the driving force of how development occurs on a property (size of development, location, orientation, colors, materials, etc.). The way we set this IGA up, which is different from the way it is now, is we have agreed to modify our process to make sure that we are informing constituents of remaining Troutdale requirements at the same time as we are giving them information about the NSA requirements, so they have both sets of information in front of them before they are too far along in the process. Our hope in doing that is to keep them from bouncing back and forth between our respective organizations and getting frustrated. When this IGA comes before you, you will see that in the structure we have tried to pull both of our sets of information together so that the constituents can see all of the information at the same time.

Mayor Kight stated you sound like you are trying to make this more customer friendly. The FEMA regulations can be extremely complex and very difficult for people to understand. Instead of just handing out a lot of information to individuals that they will need to develop their property, wouldn't it make sense to have a Troutdale representative and yourself meet with the property owners/developers to give them the answers they need before they get too deep into the project.

Derrick Tokos replied I think we are open to that. The way we structure our Pre-filing meetings is on a weekly basis and they are booked a week in advance. So in terms of scheduling that is the logistics that we are working with right now. We would be able to give Troutdale staff, at most, a few days notice before the meeting. I think we can make it work.

Councilor White stated my recollection is that they changed the boundary to include the west side, anything below bank at full stage. I thought it used to be that the center of the river was the dividing line.

Derrick Tokos replied I am not aware of there ever being a change. My understanding is that it has always been the ordinary high water on the west bank. I have been working at the County since 1997 and it is very rare that we have any kind of development issues over the ordinary high water on the west side, partly because of the terrain. However we do have one right now which is the replacement bridge for I-84.

Councilor White asked is that part of Troutdale significant to the NSA in your opinion?

Derrick Tokos replied I don't know that my opinion counts for a whole lot. I can tell you some of the reasons why it was brought in. It was to set a hard line on the NSA with a very good clear geographic marker, and that is the Sandy River.

Councilor Daoust stated that is one reason why we do not want to ask to have the boundary changed when we approach the congressional staff. That is a dead end. If all we do is request that we just add the word Troutdale to the cities that are exempt, then that might go somewhere.

Councilor Hartmann asked can you concede some alternative ideas where Troutdale could facilitate a liaison or concierge type of service to our community to facilitate the County processes for the County, and simply come into the meetings to run through the checklist? Is there a way to speed up that process and expedite that in a more service oriented style?

Derrick Tokos replied we have been working on improving our service to the constituents. NSA regulations are very complex and there is not a lot we can do to make them less complex. What we can do is try to explain them in terms that people can appreciate. We have tried to make the process as simple as possible. As far as a mediator or somebody who can assist people and help them navigate the process, we really don't have the resources available to us. What we do is we try to train our staff as best we can and get them up to speed with the regulations so they are in a position to provide quality service to the public. Our hope is with these changes we are going to make some additional progress.

Councilor Hartmann stated I bring that up to illustrate my support in trying to keep this internal; I would really like to see us maintain a more service orientated approach to the community over there. If the County doesn't have a resource to make that happen, maybe we are that resource for our people.

Rich Faith stated based on this discussion probably the most effective coordination effort we could take is for Troutdale to be involved in or attend the County's pre-filing meetings then we would all have a better understanding of the scope of the project and just exactly the level of involvement the City may have.

Mayor Kight closed the public hearing at 9:52pm.

6. RESOLUTION: A resolution in support of State Legislation to change the selection process for the TriMet Board of Directors from appointment by the Governor to direct election by the voters.

Dave Nelson, City Administrator, stated the City of Fairview is asking us to participate and show support by passing a resolution in support of Senate Bill 854. This is basically an amendment to ORS 267.090 to change the structure of the TriMet Board from appointment by the Governor to having to be elected. The reasons are listed in the letter from the City of Fairview that is included in your packet. Some of this may be all for not. As I spoke to Mr. Gall this afternoon he asked me to pass on some information to you. SB 854 is dead in committee. The Governor is refusing to sign the bill. However, since the bill started to be moved forward by Senator Laurie Monnes-Anderson TriMet is now meeting with the City of Fairview to discuss some of their concerns that they outlined in their letter. Mr. Gall would still like us to pass the resolution which would give them more support to sit down and negotiate with TriMet to address some of the safety issues and concerns. The City of Wood Village did pass a similar resolution on April 14th.

Councilor White asked is there any cost involved in putting this on the ballot?

Dave Nelson replied that is a cost that would be the responsibility of TriMet.

Councilor Daoust stated I don't see the point of even voting on this resolution if that bill is not going to exist. We could pass a resolution supporting the concerns expressed by Fairview.

Dave Nelson stated perhaps that could be expressed via a letter.

Mayor Kight stated if we did go forward it would just be a protest resolution and really wouldn't accomplish anything. The idea of a correspondence would probably have more of an affect.

Councilor Hartmann stated my understanding is that being dead in committee doesn't mean that it can't continue to go forward. By passing this resolution Senator Laurie Monnes-Anderson can go forward and say that Troutdale is in support of this bill and she can ask the Governor to revive or reconsider his veto. I think there is still some traction.

Dave Nelson stated no, there is none. Via Joe Gall it may have even shown up dead on arrival. I think at this point it is just symbolic and perhaps a letter may be a better way to address it.

Councilor Wand suggested that we do both a letter and the resolution. If it is the sense of the Council, and it is certainly my sense, that it would be better to have TriMet folks elected than we ought to pass it and make a statement about what we believe. The City of Fairview has asked us to take a position and I would like to take a position. As a separate issue if we feel that this isn't going to go anywhere then we ought to send a letter and participate in the discussion with our Senator and our Representatives.

Councilor Thomas stated I know we haven't had the best cooperation with TriMet over the years in trying to get things done that benefit Troutdale. I don't know that having elected officials will resolve that but I think it would be better. I really think we should send a letter.

MOTION: Councilor Wand moved that we pass the resolution. Seconded by Councilor Kyle.

VOTE: Councilor White – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Hartmann – Yes; Councilor Wand – Yes; Councilor Thomas – Yes; Mayor Kight – Yes.

Motion Passed 7 – 0.

MOTION: Councilor Wand moved that we send a letter to our legislative delegation, including our Representative and our Senator echoing the concerns raised in the City of Fairview letter and asking to participate in the conversation with them.

FRIENDLY AMENDMENT: Mayor Kight asked for a friendly amendment to include sending it to the governor's office.

Councilor Wand approved of the friendly amendment.

Motion was Seconded by Councilor Hartmann.

Councilor Thomas asked Councilor Wand if he would be agreeable to a friendly amendment to itemize some of the areas where Troutdale has had problems with TriMet. Some of the issues that were in Fairview's letter didn't necessarily address our ability to get the bus routes that we need.

Councilor Wand replied I think that is excellent but the purpose of my motion for a letter to be more general in nature and to piggyback onto their letter is that I want to be respectful to the City of Fairview who has taken the lead on this and really just express our support. If such a meeting transpires as a result of the City of Fairview's efforts and our asking to be involved in the process, I would expect we would bring those issues up in person. Respectfully I am not going to accept Councilor Thomas' friendly amendment.

VOTE: Councilor White – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Hartmann – Yes; Councilor Wand – Yes; Councilor Thomas – Yes; Mayor Kight – Yes.

Motion Passed 7 – 0.

7. STAFF COMMUNICATIONS

None.

8. COUNCIL COMMUNICATIONS

Councilor White stated I want us to make every effort possible to remove the designation of the NSA within the boundaries of the City of Troutdale.

Councilor Wand stated I know that we just finished up with the budget which took an enormous amount of staff time. As we move forward I think we are going to be re-prioritizing some of the tasks that we have in mind. One of the things that I would like to raise with staff is to take a close look at some of blocks downtown, one in particular that I have in mind that has not been repaired after a major fire several years ago. I would like for us to work on that and make sure we are keeping that at the front of our thought process in how to move forward with the downtown area.

Councilor Thomas stated I want to thank the Council for moving forward the parking request that I believe is scheduled for a work session.

Mayor Kight stated there is a very interesting program that is going to start to be funded. It is the World Investment Program. It has many facets, one of which has to do with home ownership. This is not available to the cities of Portland or Gresham, but apparently it is available in sections of Troutdale. I am going to work to see if we can include all of Troutdale or at least more of Troutdale. This program allows for first-time homeowners to purchase a piece of property that will be 100% financed, zero down, with a 5% 30-year fixed loan. There are other areas of the program for cities building municipal facilities through the same funding program. In addition, for first-time home buyers there is an \$8,000 federal tax credit which sunsets in December.

9. ADJOURNMENT:

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

Meeting adjourned at 10:08pm.

Jim Kight, Mayor

Approved April 28, 2009

ATTEST:

Debbie Stickney, City Recorder