



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA JOINT MEETING

CITY COUNCIL – REGULAR MEETING URBAN RENEWAL AGENCY – REGULAR MEETING

(This Joint meeting is being held to consider Agenda Item #4)

Mayor

Doug Daoust

City Council

Norm Thomas

Glenn White

David Ripma

Rich Allen

Eric Anderson

John L. Wilson

City Manager

Craig Ward

City Attorney

David J. Ross

Troutdale City Hall - Council Chambers
219 E. Historic Columbia River Hwy. (Lower Level, Rear Entrance)
Troutdale, OR 97060-2078

Tuesday, August 26, 2014 – 7:00PM

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
2. **PRESENTATION:** Certificate of Appreciation to Comcast and Reynolds JROTC Program for volunteer work at Columbia Park during Comcast Cares Day.
Mayor Daoust
3. **PUBLIC COMMENT:** Public comment is limited to comments on non-agenda items. *Remarks shall be limited to 5 minutes for each speaker unless a different time is allowed by the Mayor. The Mayor and Council should avoid immediate and protracted response to citizen comments.*
4. **RESOLUTIONS:**
 - 4.1 **Urban Renewal Agency Resolution:** A resolution approving the Valuation Formula and Deal Terms for the Sale of the property formerly used for the City's Wastewater Treatment Site, and authorizing the City Manager to negotiate a definitive Purchase and Sale Agreement with Eastwinds Development LLC.
 - 4.2 **City Council Resolution:** A resolution approving the Valuation Formula and Deal Terms for the Sale of the property formerly used for the City's Wastewater Treatment Site, and authorizing the City Manager to negotiate a definitive Purchase and Sale Agreement with Eastwinds Development LLC.
Craig Ward, City Manager

☆ *At the conclusion of Item #4 the Urban Renewal Agency will adjourn and the City Council will continue with their regular meeting*

5. CONSENT AGENDA:

5.1 ACCEPT MINUTES: July 8, 2014 Regular Meeting and July 8, 2014 Work Session.

5.2 RESOLUTION: A resolution authorizing an Intergovernmental Agreement with Multnomah County for the Multnomah County Justice Reinvestment Program Funds.

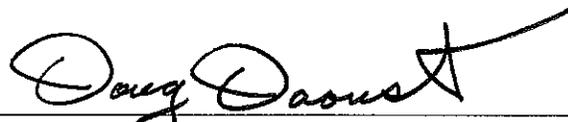
6. RESOLUTION: A resolution supporting the Eastwinds Development Concept Plan and recommending continued support of the project by the Governor's Portland Metro Regional Solutions Center.
Erich Mueller, Finance Director

7. PUBLIC HEARING / ORDINANCE (Introduced 6/24/14): An ordinance adopting updated and revised Metro Urbanization Policies along with updated Metro population and employment projections into Troutdale Comprehensive Land Use Plan Goal 14 Urbanization, specific to Statewide Land Use Goal 14 Urbanization, in fulfillment of Task 6 of the City's Periodic Review Work Program.
John Morgan, Planning Director

8. STAFF COMMUNICATIONS

9. COUNCIL COMMUNICATIONS

10. ADJOURNMENT



Doug Daoust, Mayor

Dated: 8/20/14

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 and Frontier Communications Channel 38 on the weekend following the meeting - Saturday at 2:30pm and Sunday at 9:00pm.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; On our Web Page www.troutdaleoregon.gov or call Debbie Stickney, City Recorder at 503-674-7237.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Debbie Stickney, City Recorder 503-674-7237.



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution Approving the Valuation Formula and Deal Terms for the Sale of Property Formerly Used for the City's Wastewater Treatment Site, and Authorizing the City Manager to Negotiate a Definitive Purchase and Sale Agreement with Eastwinds Development LLC

<p>MEETING TYPE: Joint Urban Renewal Agency Regular Mtg. and City Council Regular Mtg.</p>	<p>MEETING DATE: August 26, 2014 STAFF MEMBER: Craig Ward DEPARTMENT: Executive</p>
<p>ACTION REQUIRED Resolution</p> <p>PUBLIC HEARING No</p>	<p>ADVISORY COMMITTEE/COMMISSION RECOMMENDATION: Not Applicable</p> <p>Comments:</p>
<p>STAFF RECOMMENDATION: Approval</p>	

EXHIBITS: None

Subject / Issue Relates To:

- Council Goals
 Legislative
 Other (describe)
 Pursue Urban Renewal development

Issue / Council Decision & Discussion Points:

- ◆ An Exclusive Negotiating Agreement (ENA) with Eastwinds LLC was authorized by City Council on May 14, 2014. The ENA resulted in negotiations of a Term Sheet substantially in the form as attached. The Term Sheet includes a formula for determining the Fair Reuse Value of the former Troutdale Sewer Plant ("City Property"), a process for appraising the City Property, specifies certain deductions from the appraised value, confirms the conditions for Eastwinds removal of animal waste from the adjacent Eastwinds property, and sets certain closing conditions and milestones for the sale and transfer of the City Property to Eastwinds in order to facilitate the cleanup and redevelopment of the Troutdale Urban Renewal Area.
- ◆ Approval will provide the City Manager with the authority to continue negotiations of a "Purchase and Sale Agreement (PSA) for the City Property."

Reviewed and Approved by City Manager:

- ◆ The Term Sheet is binding on the City and Eastwinds at least to the extent that the subsequent PSA include terms and conditions consistent with the Term Sheet, and that the parties negotiate in good faith without delay to negotiate the PSA and present the PSA to City Council and the Urban Renewal Agency for approval.

BACKGROUND:

Eastwinds LLC, a wholly owned limited liability company of the Yoshida Group, proposes to purchase approximately 12 acres of property formerly used for the City's wastewater treatment plant. The City and Eastwinds have been working together for several years to investigate the condition of both the City Property and the Eastwinds property within the Urban Renewal Area. Eastwinds' purchase of the City Property will allow it to consolidate approximately 20 acres for future development within the URA.

PROS & CONS:

Pros:

- Provides the City and Eastwinds with clarity and certainty concerning the fairness of the appraisal process and the formula for determining the Purchase Price of the City Property.
- Confirms Eastwinds' commitment to remove the animal waste material from the Eastwinds property and to provide public access and public use of the property along the shoreline of the Sandy River within the Urban Renewal Area for future generations of Troutdale citizens.
- Provides reasonable expectations for negotiating a draft PSA in the interest of both parties.

Cons

- Reduces the fair market value of the City Property by deducting the cost of demolishing remaining sewer plant structures and providing a \$50,000 deduction for certain professional fees and expenses incurred by Eastwinds for public planning efforts relating to the URA.
- Confirms that the City will incur appraisal expenses.
- Consistent with the ENA approved by City Council, further limits the City's ability to negotiate with third parties for the sale or development of the City Property.

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

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

Eastwinds LLC has offered to purchase the City Property for Fair Reuse Value minus certain deductions defined in the Term Sheet. In addition, the costs of a property appraisal and the costs of potential public investments in the URA are undetermined.

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

Eastwinds' conceptual Site Development Plan is anticipated to require amendments to both the URA Troutdale Riverfront Renewal Plan and to zoning for the properties, for which subsequent community involvement will be provided.

RESOLUTION NO.

A RESOLUTION APPROVING THE VALUATION FORMULA AND DEAL TERMS FOR THE SALE OF PROPERTY FORMERLY USED FOR THE CITY'S WASTEWATER TREATMENT SITE, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A DEFINITIVE PURCHASE AND SALE AGREEMENT WITH EASTWINDS DEVELOPMENT LLC

THE URBAN RENEWAL AGENCY OF THE CITY OF TROUTDALE FINDS AS FOLLOWS:

1. On May 27, 2014, the Troutdale City Council adopted Resolution No. 2249 authorizing the City Manager to enter into an Exclusive Negotiating Agreement (ENA) to negotiate the terms and conditions for the purchase, sale and transfer of the City's former sewer plant property ("City Property") to Eastwinds LLC in order to facilitate the redevelopment of the City Property and the Troutdale Urban Renewal Area.
2. Following the adoption of Resolution No. 2249, Eastwinds proposed a draft Term Sheet to the City concerning several key terms and milestones for the sale of the City Property, including a formula for determining the Fair Reuse Value of the City Property, a process for appraising the City Property, terms for Eastwinds' removal of animal waste material from the adjacent Eastwinds property, and various closing conditions.
3. Eastwinds requested that at least one elected official from Troutdale participate in negotiations to reach agreement on the Term Sheet. The City, including Mayor Daoust, and Eastwinds engaged in a series of negotiations to refine the Term Sheet. On July 24 and August 12, 2014, City Council held Executive Sessions to receive reports on the status of negotiations, to actively engage in the refinement of the Term Sheet and to give the City Manager and legal counsel direction in responding to proposals from Eastwinds.
4. Upon adoption of the Term Sheet by the Urban Renewal Agency and the City Council, the City and Eastwinds shall proceed to obtain appraisals for the City Property, and Eastwinds shall receive bids and finalize arrangements for excavation of the animal waste material from the Eastwinds property. The City and Eastwinds also shall proceed to negotiate a Purchase and Sale Agreement incorporating the Term Sheet and the appraised value of the City Property.

NOW THEREFORE, BE IT RESOLVED BY THE URBAN RENEWAL AGENCY OF THE CITY OF TROUTDALE:

- Section 1. The Urban Renewal Agency approves the valuation formula and deal terms in substantially the form reflected in the attached Term Sheet (Attachment A).
- Section 2. The Urban Renewal Agency authorizes the City Manager to negotiate a definitive purchase and sale agreement with Eastwinds Development LLC. for subsequent consideration by the City Council and/or Urban Renewal Agency.
- Section 3. This Resolution takes effect upon passage by the Urban Renewal Agency.

**YEAS:
NAYS:
ABSTAINED:**

Doug Daoust
Chair

Date _____

Debbie Stickney
City Recorder

Adopted:

TERM SHEET

Revised Select Terms for Purchase and Sale Agreement
August 20, 2014

RECITALS:

WHEREAS, The City of Troutdale (the "City") and Eastwinds LLC ("Eastwinds") (collectively, the "Parties") are working to remediate and redevelop the former Troutdale Sewer Treatment Plant property ("City Property") and the Eastwinds LLC property ("Eastwinds Property") located within the Troutdale Riverfront Renewal Plan area (the "Project"), and administered by the Urban Renewal Agency of the City of Troutdale ("Agency");

WHEREAS, Eastwinds desires to purchase the City Property, and together with the Eastwinds Property, redevelop the Project site of approximately 20 acres;

WHEREAS, Eastwinds is participating in the Oregon Department of Environmental Quality ("DEQ") Voluntary Cleanup Program to investigate and clean up the Eastwinds Property, including providing the public benefit of voluntarily removing non-toxic animal waste from former meat packing operations not required to be removed;

WHEREAS, Eastwinds has contributed to the Sandy River Access Plan and other local and regional planning efforts. Eastwinds intends that the property along the Sandy River will remain open to and accessible by the public, and if possible, placed in public ownership for future generations;

WHEREAS, Eastwinds and the City are working together to identify public infrastructure to support the future redevelopment of the site and the surrounding community consistent with, and in conformance with, the adopted Troutdale Riverfront Renewal Plan;

WHEREAS, the Parties have negotiated a formula as set forth in this Term Sheet for determining a major component of the Fair Reuse Value of the City Property as defined by Oregon law for property within the Urban Renewal Area;

WHEREAS, upon approval of this Term Sheet by the Troutdale City Council, the Parties will appraise the City Property and incorporate that information into a subsequent Purchase and Sale Agreement ("PSA"), and subject to the requirements of ORS 457.230, that will be presented to the Agency for approval at a later date.

NOW THEREFORE, for good and valuable consideration as stated herein, the Parties agree as follows:

1. Purchase price to be determined by formula within 30 days as follows:

- a. APPRAISALS/VALUATION: Appraisals shall be conducted pursuant to the terms and conditions of Exhibit A, attached and incorporated by reference to this Term Sheet.
- b. DEDUCTION: Full cost for demolition of City Property
 - i. Expense for demolition in compliance with all laws applicable to public works projects;
 - ii. Eastwinds and City may secure estimates from licensed contractors, scope to include demolition and removal of all buildings, ponds and liquid storage, plus removal of all waste materials at offsite location to result in "shovel ready" site; and
 - iii. LOWEST estimate shall be deduction amount.
- c. DEDUCTION: The City and Eastwinds have both incurred significant fees and expenses to cleanup and redevelop the Troutdale Urban Renewal Area. In consideration of Eastwinds' expenditures of planning/professional fees incurred for the Sandy River Access Plan and related planning efforts to provide community benefits through public access and open space,
 - i. The City will allow a one-time deduction not to exceed \$50,000.00 from the Purchase Price for fees and expenses described above; and
 - ii. Eastwinds will provide invoices for fees and expenses not to exceed \$50,000.00 incurred to-date for preparation of the Sandy River Access Plan and site concept planning.

2. Closing to occur upon issuance by DEQ of a No Further Action ("NFA") Determination.

City to submit NFA request and supporting documentation to DEQ no later than September, 2014.

3. Animal Waste Removal

a. Eastwinds to obtain all necessary approvals and funding to conduct removal of waste from area identified by DEQ on accelerated schedule in September, 2014, including all handling, excavation, transportation and disposal, and confirmation sampling and analysis to confirm compliance with applicable laws and regulations.

b. City to contribute to public outreach consistent with EPA Work Plan and grant requirements with the understanding that Eastwinds may develop additional public outreach at Eastwinds expense and any additional public outreach materials that Eastwinds requests the City to use will be without additional cost or expense to the City.

UNDERSTOOD AND AGREED:

CITY OF TROUTDALE

By:

Name:

Title:

Date:

EASTWINDS LLC

By:

Name:

Title:

Date:

EXHIBIT A

APPRAISAL PROCEDURE, TERMS AND CONDITIONS

On or after the approval of the Term Sheet ("Valuation Date"), the City of Troutdale (the "City") and Eastwinds LLC ("Eastwinds") (individually a "Party" and collectively, the "Parties"), at each Party's own cost and by giving notice to the other Party, will appoint an individual or firm (with one or more owners) that is a Member of the Appraisal Institute ("MAI") with at least five years' full-time commercial real estate appraisal experience in the area of the City Property to appraise and set the Purchase Price.

Valuation under all appraisals assumes a No Further Action ("NFA") Determination will be provided by the Oregon Department of Environmental Quality ("DEQ") for the City Property prior to Closing. Valuation will assume the site as clean with no structures remaining. Valuation shall be based on current accessibility and zoning. The Parties acknowledge that the City Property may only be sold for the Fair Reuse Value as required by Oregon Revised Statutes for property within an Urban Renewal Area.

The appraisers selected by City and Eastwinds will independently report in writing on their opinion as to the appropriate Purchase Price to each other no later than 30 days after such appraisers have been selected by the Parties. Each Party will promptly, on receipt of the appraisal report from its appraiser, deliver the report to the other Party and make every effort to deliver the appraisal report to the other Party at substantially the same time to avoid delay in evaluation of the reports.

If the higher appraisal is equal to or less than 110 percent of the lower appraisal, the two appraisals will be added together and their total divided by two; the resulting quotient will be the Purchase Price. If the higher appraisal is greater than 110 percent of the lower appraisal, then the two appraisers will meet to confer and determine if any assumptions, facts or circumstances can be reevaluated so that the higher appraisal is equal to or less than 110 percent of the lower appraisal.

If, after conferring, the appraisers are not able to reconcile the values of each appraisal as stated in the preceding paragraph, then within ten (10) days after the City's and Eastwinds' receipt of the appraisal reports, the two originally selected appraisers will choose a third appraiser, meeting the above qualifications, who will, not later than ten (10) days after selection, determine the Purchase Price. If the two appraisers are unable to agree on the third appraiser within such ten (10) day period, then either City or Eastwinds may request the MAI President of the Oregon Chapter of the Appraisal Institute to select a third appraiser meeting the above qualifications. The third appraiser, however selected, must be a person who has not acted in any capacity for or against either Party.

The Parties may use the third appraisal in any way mutually agreed between the Parties, including without limitation, averaging the Purchase Price from the third appraisal with the prior two appraisals. Each Party will pay the fees and expenses of its own appraiser and will equally share the fees and expenses of any third appraiser.

Each appraiser will hear, receive, and consider such information as the City and Eastwinds each care to present regarding the Purchase Price, and each appraiser will have access to the information used by each other's appraiser. On setting the Purchase Price, the appraisers will immediately notify the City and Eastwinds in writing of such decision by certified mail with return receipt requested.

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- Section 2. The City Council authorizes the City Manager to negotiate a definitive purchase and sale agreement with Eastwinds Development LLC. for subsequent consideration by the City Council and/or Urban Renewal Agency.
- Section 3. This Resolution takes effect upon passage by the City Council.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust
Mayor

Date _____

Debbie Stickney
City Recorder

Adopted:

TERM SHEET

Revised Select Terms for Purchase and Sale Agreement
August 20, 2014

RECITALS:

WHEREAS, The City of Troutdale (the "City") and Eastwinds LLC ("Eastwinds") (collectively, the "Parties") are working to remediate and redevelop the former Troutdale Sewer Treatment Plant property ("City Property") and the Eastwinds LLC property ("Eastwinds Property") located within the Troutdale Riverfront Renewal Plan area (the "Project"), and administered by the Urban Renewal Agency of the City of Troutdale ("Agency");

WHEREAS, Eastwinds desires to purchase the City Property, and together with the Eastwinds Property, redevelop the Project site of approximately 20 acres;

WHEREAS, Eastwinds is participating in the Oregon Department of Environmental Quality ("DEQ") Voluntary Cleanup Program to investigate and clean up the Eastwinds Property, including providing the public benefit of voluntarily removing non-toxic animal waste from former meat packing operations not required to be removed;

WHEREAS, Eastwinds has contributed to the Sandy River Access Plan and other local and regional planning efforts. Eastwinds intends that the property along the Sandy River will remain open to and accessible by the public, and if possible, placed in public ownership for future generations;

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 - iii. LOWEST estimate shall be deduction amount.
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UNDERSTOOD AND AGREED:

CITY OF TROUTDALE

By:

Name:

Title:

Date:

EASTWINDS LLC

By:

Name:

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Date:

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Each appraiser will hear, receive, and consider such information as the City and Eastwinds each care to present regarding the Purchase Price, and each appraiser will have access to the information used by each other's appraiser. On setting the Purchase Price, the appraisers will immediately notify the City and Eastwinds in writing of such decision by certified mail with return receipt requested.

DRAFT

MINUTES

**Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060-2078**

Tuesday, July 8, 2014

1. ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Daoust, Councilor Ripma, Councilor Anderson, Councilor Thomas, Councilor White, Councilor Allen, and Councilor Wilson.

ABSENT: None.

STAFF: Craig Ward, City Manager (via phone); Debbie Stickney, City Recorder; Ed Trompke, City Attorney; and Erich Mueller, Finance Director.

GUESTS: See Attached.

Mayor Daoust asked are there any updates to the agenda?

Erich Mueller replied there are no changes to the posted agenda.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: June 10, 2014 Regular Meeting, June 17 Work Session, and June 24, 2014 Regular Meeting.

2.2 RESOLUTION: A resolution approving an Intergovernmental Agreement with the Port of Portland for cost sharing of the NW Graham Road Improvements.

2.3 RESOLUTION: A resolution approving an Intergovernmental Agreement with Multnomah County to provide services to older adults.

Councilor Wilson asked to have Item #2.1 pulled from the consent agenda.

Mayor Daoust replied we will pull Item #2.1 and discuss it separately.

MOTION: Councilor Thomas moved to adopt Consent Agenda Items #2.2 and #2.3. Seconded by Councilor Anderson. Motion Passed Unanimously.

Mayor Daoust asked Councilor Wilson to speak to Item #2.1

Councilor Wilson stated when we were discussing the demolition of the police station (at the June 17 Work Session) it was mentioned by Erich Mueller that we demolished the

police building under “making site improvements” as the reason, but the police building was demolished because it says, “demolish existing police facility and make site improvements”.

Councilor Thomas asked are you referring to the language in the ballot measure?

Councilor Wilson replied yes.

Mayor Daoust asked so if we go to the June 17 minutes what statement are you referring to?

Councilor Wilson stated about half way down on page 4, “Erich Mueller replied there wouldn’t be any limitation on us selling the property. The bond provided funds to make site improvements, which we interpreted as removing the old building. We have performed those site improvements. Nothing in the bond language requires us to retain the property or to use it for any particular purpose.” Bond Measure 26-116 specifically states that we are going to demolish the police facility building and make site improvements. We didn’t interpret removing the old building, the bond measure said that we were going to demolish it.

Erich Mueller suggested adding the following notation at the end of that paragraph in parenthesis: (Erich Mueller misspoke – the actual language of the bond measure explicitly provides for the demolition the old building.)

Councilor Wilson said that would be sufficient.

MOTION: Councilor Thomas moved to adopt Consent Agenda Item #2.1 – the June 10, 2014 Regular Meeting minutes, June 17, 2014 Work Session minutes with the correction stated, and the June 24, 2014 Regular Meeting minutes. Seconded by Councilor Wilson. Motion Passed Unanimously.

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

Stayce Blume, owner Skyland Pub and resident of Corbett, stated the Bite of East County will be held on July 26, 2014 and out of our appreciation for use of Columbia Park we wanted to bring each of you your own passes to the event and some admission tickets for you to give out to people.

Dean Hurford, Portland, stated we have invited Gresham, Fairview, Troutdale and Wood Village Councilors. We understand that you may or may not be able to accept these tickets so you are welcome to give them away. We have been working on this event for a couple of years. This event is put on by businesses. We are not doing this to make a profit. We are doing it for a charitable cause. Zarephath Kitchen provided around 180,000 meals last year. The first year of this event I believe we donated in excess of \$5,500. We appreciate you donating the park and the fees. We are expecting around 2,500 people.

There will be some great bands. We targeted a local charity, Zarephath, to keep it in our community. The event runs from 11:30 to 7pm on July 26 at Columbia Park.

Councilor Anderson stated our business people are maligned quite regularly for being in it just for the money. While you are in it to make money, because that is what makes a business successful, you also give back. Thank you, I appreciate it.

4. APPOINTMENT: A motion to appoint Jon Lowell to Position #6 on the Historic Landmarks Commission. This appointment will take effect on July 24, 2014 and the term will expire on December 31, 2017.

Mayor Daoust stated we originally had seven positions on the Historic Landmarks Commission (HLC). We reduced it to five members after not having an initial interest from citizens to serve on the HLC. During the last recruitment we had two additional applicants interested in serving on the HLC, Jon Lowell and Phil Matson. I contacted both of these folks and Jon Lowell is still interested in serving and Phil Matson declined because he is busy on the Parks Advisory Committee.

MOTION: Councilor Anderson moved to appoint Jon Lowell to Position #6 on the Historic Landmarks Commission, with the appointment taking effect on July 24, 2014 and the term expiring on December 31, 2017. Seconded by Councilor Wilson. Motion Passed Unanimously.

5. PUBLIC HEARING / ORDINANCE (Introduction and Adoption): An ordinance adopting a new chapter of the Troutdale Municipal Code, Chapter 1.06, "Home Rule Authority" and exercising the Home Rule Authority of the City of Troutdale under the Oregon Constitution, and declaring an emergency..

Mayor Daoust read the ordinance title.

Ed Trompke, City Attorney, stated the Charter of the City in Section 5 says that the City has all of the powers that are allowed to the City by the State and Federal Constitutions and other laws. One of those powers has been the exclusive jurisdiction within the realm of local regulation within the city limits. As the Council discussed at your last meeting Multnomah County has adopted an ordinance that purports to apply within the City of Troutdale without the consent of the Council. The matter is subject of a challenge in Circuit Court tomorrow. As a result this ordinance was drafted by me at your request and direction in order to provide that the City clearly says to the Court that the City has exclusive jurisdiction over regulatory matters within the city limits unless it consents to those regulatory matters, or if required to have them by the Oregon Constitution. There are two or three provisions in the ordinance because some state laws apply anyway, some other things apply anyway and so I carved those out to make this as clear as we could make it. There is a typo that was pointed out this evening on page 1 of 2 in the third finding on the third line it says, "where statutes preempt its authority in favor of the exercise state power", that should read "where statutes preempt its authority in favor of

the exercise of state power...". This simply says that the City has explicit power unless it consents to the other regulatory matters.

Mayor Daoust asked will this be provided to the Circuit Court of Oregon?

Ed Trompke replied if you would like I will provide it, or I can provide it to the attorney who is representing at least one resident of this city at the hearing tomorrow with an email stating that it was adopted tonight and that it is the intention of the City Council that it be taken into account by the Court, if the ordinance is adopted. If you prefer I can attend solely for that purpose.

Mayor Daoust stated it would be my preference to at least provide it to the court.

Ed Trompke replied I can email it to the Judge in the morning.

Councilor Allen asked would there be any legal difference in how we present this?

Ed Trompke replied the City has not intervened in the matter. The City could file it with a one page letter, amicus brief, bringing this to the courts attention that the City has adopted this ordinance and that it speaks for itself.

Councilor Thomas stated that sounds like a good idea to me.

Councilor White asked is there anything else, any further action if this goes to an appeal for example?

Ed Trompke replied the City could intervene on appeal; the City can intervene in a case at virtually any point with the permission of the Court. That shouldn't present a problem. The Court of Appeals has allowed interventions many times.

Councilor Allen asked would it be better to do the amicus?

Ed Trompke replied that way it becomes an official part of the court record.

Councilor Allen replied I think I would prefer it to be filed.

Mayor Daoust asked is that the same as a cover letter?

Ed Trompke replied in a very minor way, more than a cover letter. It would have the case heading on it and say that the attached is provided for the Court's education and information at the hearing. It is a little more formal because it is on pleading paper, but it doesn't have to be much more than that.

Councilor Wilson asked would it be better to have you read it into the record than it would be to just mail it in?

Ed Trompke replied it wouldn't be mailed in. It would be emailed or hand-delivered in the morning. Would it be better to read it into the record? There really isn't a provision for that in the court proceedings. It would be better to submit it in writing.

Councilor Anderson stated whether we email it, show up in person, or have it delivered, the ordinance itself is what we are worried about here, correct?

Ed Trompke replied yes. The ordinance does emphasize what everybody seems to have thought Home Rule meant between counties and cities for a long time. The Attorney General's opinions from the 60's say that. Your own city attorney gave you some information about that some months ago. It is unusual that the county adopted the ordinance that it did. This should clarify the City's position.

Councilor Anderson asked and it is your professional opinion that it will do so and that it will stand up to any challenges?

Ed Trompke replied it will stand up to any challenges unless the Courts decide that they want to redefine what home rule means. I have to tell you that they do that generationally. The last time it was heavily redefined was in 1978 in a 4-3 decision and it was bitterly contested. I would never purport to tell you that I can read the minds of judges.

Councilor Allen stated I would prefer that we file.

Mayor Daoust opened the Public Hearing at 7:25pm and asked is there anyone here that would like to speak on this issue?

Paul Wilcox stated I see paragraph C as being potentially problematic, particularly the second sentence, "C. State laws that are required by the constitution of Oregon to apply to the city shall apply to the city. Other state laws shall apply only with the consent and acquiescence of the city." There are literally thousands of state laws that are not specifically embodied in the state constitution. Is the City prepared to enumerate which of those apply within the city limits? Does the City really want to divorce itself that completely from the authority of the state? The emergency nature of this ordinance is stated to be in response to the suit against Multnomah County regarding MCC 15.064. MCC 15.064 is only one section of Multnomah County Ordinance #1199, which also encompasses MCC 15.051 and MCC 15.060 thru 15.067. All of these new or revised sections refer to firearms in one way or another. I wasn't able to find a copy of the actual suit against the County, so there is some question whether the challenge is against MCC 15.064, or Ordinance #1199. This might be a minor distinction of terminology, but it would appear that the City's basis for prohibiting county authority should have included every section of Ordinance #1199 or simply that ordinance in its entirety.

Ed Trompke stated with respect to the two sentences in paragraph C, "State laws that are required by the constitution of Oregon to apply to the city shall apply to the city." That is going to happen whether you want it to or not. The next sentence, "Other state laws shall apply only with the consent or acquiescence of the city." That is different from the county

ordinances because there are many statutes that do apply in the city and the city simply says that is fine. Generally speaking the legislature has allowed legislative authority, all of the legislative authority not delegated to the city, and then there is concurrent jurisdiction where both the city and the state have authority to regulate, and in those areas if the city doesn't object than it is acquiescing to the states authority. That is what that is intended to do; it takes into account where the city doesn't want to tell the state no this one doesn't apply, then it is acquiescing and it applies. That is different from the county ordinances. With respect to only picking out 15.064, 15.064 is the one that was discussed by the Council, in directing me to prepare the ordinance, as causing some issues with citizens of the city. The citizens are challenging the county ordinance. I don't think it is necessary to say any more than one ordinance. It could say more but that is the key one for the purposes of the emergency clause.

Paul Wilcox asked exactly which ordinance is being challenged in court tomorrow? Is it 15.064 or 1199?

Ed Trompke replied it is 15.064.

Mayor Daoust stated the reason for mentioning that is for the purpose of why we want to have the ordinance adopted as an emergency ordinance.

Ed Trompke replied that is the only reason for that to be included. This is an ordinance of general applicability that says that county ordinances only apply if the constitution requires them to apply in the city limits, or if the council consents to it. It applies to all county ordinances that are regulatory in nature and not taxes; taxes do apply.

Councilor Anderson stated so it is a global ordinance with an emergency clause specificity of 15.064.

Ed Trompke replied yes.

MOTION: Councilor Thomas moved to adopt the ordinance adopting a new chapter of the Troutdale Municipal Code, Chapter 1.06, "Home Rule Authority" and exercising the Home Rule Authority of the City of Troutdale under the Oregon Constitution, and declaring an emergency with the following change to Finding #3, "where statutes preempt its authority in favor of the exercise state power", to read "where statutes preempt its authority in favor of the exercise of state power". Seconded by Councilor Anderson.

VOTE: Councilor Thomas – Yes; Mayor Daoust – Yes; Councilor White - Yes; Councilor Allen – Yes; Councilor Wilson - Yes; Councilor Ripma – Yes; Councilor Anderson - Yes.

Motion Passed 7- 0.

Councilor Thomas asked do we want to talk about distribution?

Mayor Daoust stated we can. The only reason I brought that up was because I thought we should provide this to the Circuit Court of Oregon. I think we discussed it, unless we want to get more specific than submitting it in writing.

Councilor Anderson stated I really don't. The ordinance stands on its own. Ed will do the right thing. The reason this was an emergency was so that it could be delivered tomorrow; it will be delivered tomorrow.

Ed Trompke stated what I will do is take the direction from the City Council that it should be provided to the Court under an amicus or some other motion that will make it acceptable that will simply say it was adopted last night and the Council asked that it be provided to the Court for information purposes in the trial that is coming up tomorrow morning.

Councilor White stated this is a serious topic for us here in Troutdale. I would like it if we could be kept in the loop and advised on future steps so we are not in such a rush situation.

6. STAFF COMMUNICATIONS

Erich Mueller, Finance Director, reminded the Council to submit their League of Oregon Cities Conference registration forms to the Deputy City Recorder.

As it stands at the moment, subject to the Council deciding that they need to do otherwise, the next Council meeting will not be held until August 26, 2014.

The Mayor's Town Hall to gather public input on the future city hall is tentatively scheduled for Tuesday, September 16, 2014. This gives us enough time to make people aware of the meeting, return from family vacations, and it gives us time to advertise in the next issue of the Champion. We are working on some Flyers. The intent is to motivate the public to come and share with us their input on what they want in a city hall. Our consultants will be there to gather that information. I would like to confirm that the September 16th date was not going to be objectionable with the Council. ***Council agreed to hold the Town Hall on September 16, 2014.***

Mayor Daoust stated at the Town Hall we will probably get public input on not only what people want in a city hall but where they want city hall to be located.

7. COUNCIL COMMUNICATIONS

Councilor Thomas wished everyone a wonderful and safe summer.

Councilor White stated last Thursday I attended the grand opening of the new I-84 Bridges along with Councilor Thomas and Mayor Daoust. I wanted to thank ODOT for the fine job

they did, and the crew from Hamilton. It is a beautiful bridge. ODOT stepped up and was paying for flood insurance while there was an increased hazard with the four temporary bridges in the water during the construction. They sent out a notice reminding folks that the flood insurance that they were paying for expired on June 1st, so you are now responsible for your own flood insurance if you wish to maintain coverage. I thought I would read a portion of a letter from the Project Manager and Professional Engineer for ODOT: ODOT has been replacing the I-84 Bridges over the Sandy River and repairing the freeway bridges by Jordan Road since 2010. The new bridges reduce the potential for future flooding compared to the previous I-84 Bridges over the Sandy River because there are fewer piers in the water. The new bridges will handle future traffic growth and safely carry heavier modern freight and auto traffic. They will also improve access to the Columbia River Gorge and the Sandy River Delta Parks and Natural Areas for bicyclists and pedestrians.

Councilor Allen stated I like to promote peoples involvement in government. I like to respond to as many people as possible who are willing to talk with us or email us. I just wanted to say that on Paul Wilcox's email I did not respond back since I was not on the Council at that time, however, I do hope that all future activities that are important to our town are brought to the attention of Council. I just want to suggest that somebody does respond to him if they haven't already.

Councilor Wilson reminded everyone that SummerFest is on July 19th and encouraged everyone to attend.

Councilor Ripma wished everyone a happy summer.

Councilor Thomas stated I would like to thank the Chamber of Commerce for setting up the tents and providing the food for the grand opening of the I-84 Bridge.

Mayor Daoust informed the Council of the following:

- I will be attending a ribbon cutting ceremony at 8:30am tomorrow for Book Warehouse at the Outlet Mall.
- At 12pm tomorrow I will be at the Regional Mayors Meeting and the Small Cities Consortium.
- At 4pm tomorrow I will be attending the ribbon cutting ceremony at the Cedar Place Salon.
- At 6pm tomorrow there is a meeting of a new group called The Visionary Friends of Troutdale. The meeting will be held at the Barn Museum. This group is centered around Rip Caswell's proposal to have the park and statue of Sam Lancaster and Samuel Hill on E. Historic Columbia River Hwy. and Jackson Park Road where Rip is developing his property. They are hoping to complete the project by August of 2016 in time for the 100 Year Celebration of the Historic Columbia River Hwy.
- On Thursday I will be attending the East Metro Economic Alliance (EMEA) meeting at 10am. Councilor Anderson is the new Executive Director of EMEA.
- Terry Smoke is asking for a count of the number of flags for the downtown area.

- Councilor Wilson stated Terry wants to put up flags for 9-11 that list the names of everyone who lost their lives that day. They want to replace all of the flags that the Boy Scouts have on the poles right now with those flags for 9-11 and then change them back to the US flags after that. I am working on that for Terry.
- I will be attending the Oregon Mayors Association Conference from August 7th to 9th.
- July 26, 2014 is the Bite of East County at Columbia Park.
- August 2, 2014 is the Soulful Giving Blanket Concert at the Yoshida Estate. The proceeds from this event go to Randall Children's Hospital and Providence Cancer Center.
- August 3, 2014 is the Troutdale Cruise-In in downtown Troutdale.

8. ADJOURNMENT:

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

Meeting adjourned at 7:50pm.

 Doug Daoust, Mayor
 Dated: _____

DRAFT

ATTEST:

Debbie Stickney, City Recorder

DRAFT

MINUTES

Troutdale City Council – Work Session
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060-2078

Tuesday, July 8, 2014

1. Roll Call

Mayor Daoust called the meeting to order at 8:02pm.

PRESENT: Mayor Daoust, Councilor Ripma, Councilor Anderson, Councilor Thomas, Councilor White, Councilor Allen and Councilor Wilson.

ABSENT: None.

STAFF: Craig Ward, City Manager (via phone); Ed Trompke, City Attorney; Debbie Stickney, City Recorder; and Erich Mueller, Finance Director.

GUESTS: See Attached.

2. Discussion: Draft Chronic Nuisance Enforcement Ordinance

Ed Trompke stated Council directed staff to prepare a chronic nuisance ordinance that would be more useful to the City in addressing problems that come up. My staff and I wrote these proposed amendments to the Troutdale Code based on the way that several other cities address this issue.

This proposed ordinance will give the City more flexibility. It is directed towards the person in control; the person who causes the nuisance to come into or continue in existence. If that person is not the owner it provides for fines of up to \$1,000 a day against that person. If it is the owner then the person can be fined and there can also be a lien placed against the premises. The City can close it up. In some cases the City doesn't want to take possession of the building because it may be a hazardous waste site and the City doesn't want or need the liability that would arise out of that. The City would have to lock up the building and board up the doors and windows to keep vagrants out, and take care of the place during the time when it was being foreclosed or otherwise disposed of. There are a lot of enforcement issues that way. This gives a great amount of flexibility, probably the most amount of flexibility that the City staff can get in order to take effective action to stop the nuisance. That doesn't mean it is always easy. The two biggest additions to the code are defining the "Person Responsible" and in 8.28.130 "Abatement by person responsible - within ten days after the services of the notice as provided in Section 8.28.090, a person responsible shall remove the nuisance or show that no nuisance exists." This gives a very short amount of time to fix it, and it is to the person who is responsible which may be the tenant, a girlfriend, son, etc. and the City can take action against that person.

Councilor Anderson asked on page 1 under the definition of nuisance, can we include noise? Should we include noise? And why isn't it included?

Ed Trompke replied it is not an exclusive definition. There is a provision that says that the list is not intended to exclude any matter that might be. The reason why noise is not included is because it is very difficult to define and is probably easier to define on a case by case basis. What might be acceptable down by the airport might not be acceptable in a residential neighborhood.

Councilor Anderson asked from a legal prospective I get it. But being a suburban community I have to think we are going to get more noise complaints than most anything else. I understand we have a noise ordinance but it really has no teeth. I would like to go down that road a little more.

Mayor Daoust stated we have a separate noise ordinance that addresses times of day that people have to shut off the noise in the evening and the morning. I think it also addresses decibels.

Councilor Anderson stated it does because that is what we hold Edgefield accountable for their summer concerts. The thing I like with what Ed did here was that the bulk of nuisance complaints are from renters or people who are not the property owner, so by making it the person responsible that puts some teeth in it and I like that. I don't know that our noise ordinance does the same thing, and I don't know that it doesn't. But if our noise ordinance has the property owner as being the person responsible and it is a rented house with tenants in there, I would like to see that same mechanism apply to the noise ordinance.

Councilor Allen asked does it have too much teeth? If the police respond to a call more than a certain number of times within a month then there are some severe penalties. I would think that in a complex with multiple units the chances of multiple responses are fairly high and we don't want to be in the position of taking such drastic penalties.

Councilor Anderson stated well I agree with you Councilor Allen, but at the end of the day the onus is on the Police as to whether they want to pursue or not. I just think we give them as many teeth that we can give them. It is a judgment call and they always make the right judgment call. I am not debating the effectiveness of our PD, I just want to give them some more tools. Passing this, as is, in my opinion is more tools. If a renter is causing a nuisance, as of right now we have to look to the property owner, and with this change we can look at the person who is actually causing the nuisance and I like that.

Councilor Allen asked who can determine whether or not these ordinances get enforced? Can I use a lawyer to force Troutdale to enforce its ordinance against a neighbor?

Ed Trompke stated can you go to court and get a mandamus? A mandamus is a court order that says do your job, do your duty. I have never seen a court issue a mandamus on a nuisance.

Mayor Daoust stated so this deals mainly with physical things, property and other physical things.

Ed Trompke stated if you look at the general definition of nuisance, which is the existing definition, it is an unsafe, annoying unpleasant or obnoxious condition or practice causing or capable of causing an unreasonable threat to the public health, safety or welfare in the circumstances, but does not include noise.

Councilor Anderson stated that is what I am looking at. You are the lawyer and if you tell me what applies at the airport doesn't apply up the hill...

Ed Trompke stated if you have a noise ordinance already, if you want that included or incorporated by reference that is possible. I couldn't tell you what the remedies are for violation of the noise ordinance.

Councilor Anderson stated I will leave the details up to you Ed. If we can do something about noise great, but if we can't just tell me so. Tell me what we have is effective and is as good as we are going to get and I will be happy.

Ed Trompke stated I won't tell you that what you have is as good as you can get because I haven't really read and analyzed the noise ordinance but I will do that and let you know.

Councilor Allen asked should there be any thought to noise that is outside the audible hearing? Case in point, if I really want to irritate somebody I will use a noise that can't be heard that may be outside the range of your common decibel meter.

Councilor White stated so their dogs bark non-stop.

Councilor Wilson stated under the cons in the staff report it says some properties may pose serious health risks (ex. meth labs) that the City would have to address, rather than secure the property and leave it. Isn't it up to the homeowner to take care of that?

Councilor Anderson replied it is because the property owner will be billed. If it is a real big issue right now and you can't find the property owner or the person responsible to rid the hazard, then the City rids the hazard and turns around and bills the property owner, tenant or person responsible for the charges. I think what that con means is there is going to potentially be more work to do that, but in the end it isn't going to cost us anything.

Councilor Wilson stated but we would have that same problem with or without this change.

Ed Trompke replied yes, that already exists.

Councilor Thomas asked if we have a landlord tenant issue, is there anything in here that would allow us to also notify the landlord that they potentially could have a problem so they are not left hanging out in the cold?

Ed Trompke replied the landlord is defined as one of the persons responsible, so the landlord can also receive a copy of the notice that goes out along with the tenant. Generally speaking if a tenant is taking any action that constitutes a nuisance the landlord can evict. They just have to take the action to do that.

Councilor Allen stated on page 3, 8.28.070(A) reads, "It is unlawful for any person to maintain or allow to exist the following things, practices or conditions..." Subsection 1 reads, "A pond or pool of stagnant water which emits an obnoxious odor or is a source of vector breeding or otherwise presents a threat to the public health, safety and welfare." Does this need to be referred to as man-made because normally we would call that a wetland? I don't know that we have any real power to change a wetland.

Ed Trompke replied wetlands tend not to emit an obnoxious odor or be a source of vector breeding; well they do breed mosquitos. But I think even Metro's Nature in Neighborhoods ordinance allows the cities to apply treatment to those pools of water to kill the mosquitos.

Councilor Allen stated so if we have a pond that sits on land that does not drain on a regular basis, basically stagnant water, are we saying that the owner of the property would have to put down a chemical substance to prevent the breeding of mosquitos? I am not saying I am against the idea, I'm just asking.

Ed Trompke replied I don't know that they have to, but if it became a nuisance then they might be required to.

Councilor Anderson asked would this apply to our bio-solid lagoon?

Ed Trompke replied I suspect those kinds of things are considered as benefits to society and therefore not a nuisance. A nuisance is something that is a hazard to society. There is that underlying common law meaning that has been around for hundreds of years.

Councilor Allen asked can we request that an animal carcass be buried at least to a certain depth (8.28.070(A)(2)?

Ed Trompke replied can you require it, yes, but you might have to decide the difference between a pet rabbit that died and a cow.

Councilor Allen stated I just want to be able to enforce it if somebody buries their animal carcass.

Ed Trompke stated you have to go back and look at the definition of a nuisance. It means it has to be unsafe, annoying, unpleasant, or obnoxious condition that is capable of causing an unreasonable threat to the public health, safety or welfare. If that is satisfied

by somebody not burying the carcass deep enough so that it becomes a nuisance, but if it's not than its not.

Mayor Daoust stated we don't get into specific abatement procedures for numerous nuisances.

Ed Trompke stated I have found that the more you put into these the more you limit yourselves because the possible facts that arise are always unbelievably different from what you might think when you write these ordinances.

Councilor Allen stated on the definition of an abandoned vehicle it reads, "any vehicle which reasonably appears to be inoperative, wrecked, discarded, displays expired vehicle registration plates or tags..." We have a FedEx delivery facility and we have a trucking company and it is common practice amongst businesses to have enough vehicles for peak season, but since registration is done on a three month basis they may let a three month period or more go without registration to save costs and then register those peak usage vehicles when they need them.

Councilor White stated another point is I know of houses outside of Troutdale that have some really cool artwork in their yards made out of antique automobile parts. I would kind of like to focus on what the issue was that brought this up. Maybe we can get more specific because we end up creating a gated community and cubicles.

Mayor Daoust stated people have to call it a nuisance in the first place.

Councilor White stated that is one thing that changes because it is no longer complaint driven. The manager, the way I read it, would have the ability with this new code. I would like to keep it as compliant driven.

Councilor Allen stated if I had a neighbor that really got under my skin I would go through this code and figure out how I can get even. It is going to be used as a weapon.

Councilor Anderson asked so it's not complaint driven anymore?

Councilor Thomas stated none of the code is actually complaint driven...

Councilor Anderson interrupted and asked Ed, is this ordinance complaint driven?

Ed Trompke replied it doesn't say that anywhere but that is the way it is enforced. If the Council wanted to staff the police department with more personnel it could probably be something other than complaint driven, but as a practical reality that is the way it works.

Mayor Daoust stated the second step is the police officers ability to deal with the complaint. If somebody complains about a piece of artwork in somebodys front yard and the police show up and see that it is a piece of artwork, it is not going to go anywhere.

Councilor Wilson stated if we had a full-time code enforcement officer it probably wouldn't be complaint driven.

Councilor Allen stated what I am saying is if I have a problem with a neighbor I am going to read through this and figure out how I can get even. If the City isn't going to enforce the code I am going to use my lawyer on you. What we are doing is we are adding more teeth to this so it better be a better, cleaner code that addresses the specific issues that we want to deal with. We do need better code in the sense that we want our police to be able to respond to problems and have some teeth. We can't get rid of the teeth, we just need to have good code.

Mayor Daoust stated there are occurrences where there are neighbors who constantly complain about their neighbors and the police can get rather smart in identifying those complaining neighbors, where the neighbors are trying to get back at their neighbors for whatever purpose. It kind of turns and rather than address what the complaining neighbor says are nuisances the police are smart enough to know that a complaining neighbor may actually be the problem and not the neighbors around them.

Councilor Thomas stated the first thing the police try to do is take it through mediation. These are the cases where you can't get anywhere and these are the only options you have left.

Councilor Anderson stated or it is something that is a crisis and we need to get rid of it now. To me this will have two readings and we are not going to get to the first reading until September so we will have plenty of time to go over this. I am ready to move on and put this on an agenda.

Councilor Allen stated perhaps we need two work sessions and then schedule the first hearing.

Councilor Thomas stated we could work session this to death.

Councilor Allen replied we need to.

Councilor Thomas stated most of this is preexisting code. Do you want to revamp all of the preexisting code in addition?

Councilor Allen replied well you are adding teeth to it so it makes the existing code have more authority than it used to.

Councilor Thomas stated that is what it needs so we can enforce those chronic conditions.

Councilor Allen stated provided that is what you are going to enforce.

Councilor Wilson stated that is why they have gone through and crossed everything out that left wiggle room and added language in that made it more direct.

Councilor Allen stated I am fine with hashing it out in a regular meeting.

Councilor Ripma stated I don't have any objections to the change. Lets try it; it is a little stronger. I am not a big fan of these codes myself, but if there are people that aren't reasonable you have to have these codes. The provisions that you are discussing aren't being changed, like ponds and the definition of abandoned vehicle, and we haven't had any problems with those. We could work on it forever and you wouldn't get it perfect.

Councilor Allen state what about people who travel that oftentimes will stop in a town where relatives are and they may stay for one or three nights but they don't want to run their propane. One thing I have seen a city do is you can go to city hall and get a 3-day visitor permit to run power to your trailer during your visit.

Councilor White stated that is in there, it's allowed for up to 14 days.

Councilor Ripma stated that hasn't been a problem in my view.

Councilor Wilson stated the police aren't coming by looking for RV's that are hooked up to your power. Your neighbor would have to complain that it is hooked up. I see it in our neighborhood all the time.

Councilor Allen stated I just know that neighbor on neighbor complaints is a sticky territory.

Councilor Thomas stated those things happen but our code enforcement officer goes out there and works it out. I have seen cases where people have dumped cars, mostly on private roads, that didn't have an engine in it. It is clearly not an operational vehicle and those need to be gotten rid of to protect the livability of the City. Somebody that uses the street to park their vehicle as storage, and there are cases of that happening where it sits there for months on end, those need to be dealt with and they get dealt with because you can't use the public streets for storage. There is a lot of things going on. You were talking about the companies and their vehicles, they are operational vehicles and they are sitting on private property in a business district and you are not likely to have those kinds of complaints. This is really more about the livability of the neighborhoods and the City. Our code enforcement officer receives more complaints then they can possibly deal with now.

Councilor White stated it sounds like it is a neighborhood issue.

Councilor Thomas stated it can be but they don't have an option if there is no way to fix it.

Councilor White stated that is why they have gated communities with strict rules, if that is what you want. I don't think that is the role of the City. We are going to take on more work and costs.

Councilor Anderson stated the fundamental change in this that I see is that if there is a real nuisance issue, a hazardous issue, in our existing code we have to go to the property owner. What if it is a renter and it is a hazardous case? Under the existing code we can't do anything because we have to go to the property owner and get the property owners okay and if they are out of the country or whatever then the nuisance continues and our officer's hands are tied. It is a fundamental function of our job to enhance the livability of this City and if a fundamental change to an ordinance accomplishes that, I am not saying we are going to become a homeowners association and mandate how short grass should be cut, I am not even close to advocating that. To me this is just common sense; it is the right thing to do. Our police officers and code enforcement do a great job of enforcing the laws on the books.

Mayor Daoust stated hopefully they use common sense.

Councilor Wilson stated that is what it is all about.

Councilor Ripma stated if this went beyond anything then more than just a little tightening I would be against it. This is just a very reasonable change to give a little more teeth in our existing rules to see if it can help in some situations. I think it is worth a try. If it turns out to be too onerous we can always go back.

Councilor Allen asked in the code can you allow the city manager to make temporary exemptions?

Councilor Ripma stated basically he can decide what to enforce.

Councilor Allen asked do we intend on making McMenamins concerts illegal with the possibility of condemning their business, or can we have the city manager make exemptions?

Councilor Thomas stated they currently operate under a permit that we approve every year; they have a contract with the City.

Councilor Allen asked is the permit within this code?

Councilor Ripma stated it makes it not a nuisance.

Councilor Allen stated I am just making sure that we don't have any unexpected consequences.

Councilor Ripma stated well then we shouldn't change anything.

Mayor Daoust stated I like the changes being proposed; I have no objections. We are supposed to enhance the livability of this City as part of our Council Goals and this fits nicely within that goal. It is not going to be a police state; it is not going to encourage other

landowners to get more aggressive. I don't think it will change that much at all except in certain high-profile cases.

Councilor Allen asked can we at least allow the city manager to give permits or exemptions for temporary periods of time.

Erich Mueller stated 8.28.090(A), on page 6, provides you that common sense, flexibility factor that I think you are looking for. The city manager has to believe that a nuisance exists. The issue of an operating agreement annually approved by the Council with McMenamins, the manager is not going to interpret that as a nuisance existing because he will know that the Council has taken action to provide that flexibility.

Councilor Allen stated I see the attorney nodding yes that this will address my concerns.

Ed Trompke stated but if McMenamins were to operate outside of their contract with the City the city manager might decide that he has reasonable cause to believe a nuisance exists. If they were operating with bands playing full blast at 2am, that is outside their contract and that might be a nuisance.

Councilor White asked what is the current fine? Is it \$1,000?

Ed Trompke replied yes.

Councilor White stated I want to make sure that this is still complaint driven and we don't have people driving around looking for violations.

Ed Trompke stated the Chief didn't want this to be a bigger drain on his staff because he wants it to be complaint driven. I think that is everybody's intention.

Councilor White stated I think the owner needs to be notified if there is a problem with a tenant. I think that is important. I was a little concerned about the timeframes, especially if it is during the summer and they are out of town. Could we look at extending some of the timelines?

Ed Trompke stated it is always a concern Councilor White. Nuisances, if they are a threat to the citizens, need to be addressed quickly but at the same time you have to give people the benefit of due process. No one will foreclose on a house in ten days.

Councilor Allen stated I had a renter once that was a nuisance and the neighbors were not happy. I had to go to the court house and file paperwork and it was a few months before I could have them removed. Does this circumvent that, or does this have to be in align with that or what?

Ed Trompke replied in this case the person who is responsible has to put together a plan to abate the nuisance and if they don't then the City can take the person to municipal court or state court.

Councilor Allen asked the individual or the landowner?

Ed Trompke replied that would be the responsible person. It helps the landlords to get rid of the bad tenants because the tenants are being held responsible.

Councilor White stated the one that concerned me was about the low income and the elderly language being deleted (8.28.150 on page 9). I was the one that requested this language for an exception for the elderly folks.

Ed Trompke stated when we talked about this in my office we were saying that it would be inappropriate to fine these folks if they were simply the owner, but if you are going after the responsible person who may be a child, boyfriend, girlfriend, or spouse of the elderly person or low income person then there may not be a need to do that as to the responsible person. I think we sort of assumed that the City would use common sense, or the manager would use common sense and not go after the non-responsible elderly or handicapped mother, father or whoever the other person is who may be the owner who is being taken advantage of. I don't have any problem with putting it back in. Our thought was that staff would handle that by going after the appropriate person.

Councilor Thomas stated we did something like that to handle sidewalks.

Mayor Daoust asked does the Council want to add that back in?

Councilor Thomas stated if we are going to do something it should match what we have in other ordinances.

Councilor Ripma stated I think the rule of reason on enforcement is actually better.

Mayor Daoust stated we will leave it as is. Will this appear on the August 26th agenda?

Ed Trompke replied yes.

(We lost the phone connection with Craig Ward)

3. Discussion: Relocating Council Meetings and Municipal Court to the Police Facility Community Room, or Court to the City Conference Building.

Mayor Daoust stated I brought up the idea of moving the council chambers to the Police Facility Community Room. I am assuming that everyone has read the pros and cons outlined in the memo in our packet. I will simply say that it may not be the best idea to move everyone. If we want to do this without spending much money my idea would be to move the council chambers to the Police Facility Community Room but leave municipal court and the planning commission in this room and maybe not televise the planning commission meetings. That would save us \$60,000.

Councilor Ripma asked why move the council? Why would there be any advantage to moving the council?

Mayor Daoust replied the advantage would be a bigger room away from the train. You would have a better setup for public comment. It would be a better nicer facility. It would be a more visible location rather than through the back door.

Councilor Ripma stated the list of disadvantages for moving to the Police Community Room is much longer than the advantages.

Councilor Wilson stated when we get the new city hall it is going to be moved again and then there will be another expense to move all of the equipment again. The \$60,000 is just part of the cost because it says we need to purchase new cameras.

Councilor Thomas stated that is only if we don't move the cameras in this room.

Mayor Daoust stated Metro East Community Media is willing to move these cameras for free.

Councilor Wilson stated the way I read this they still need to buy more equipment and redo the wiring to accommodate everything.

Mayor Daoust stated there may be an additional cost. Right now Metro East is in this side room to control the cameras. If we set up a control panel in the City Conference Building (CCB) we would need to have wiring go through the wall to the CCB.

Councilor Wilson stated I was against moving out of the CCB. But with all of the advantages of not having to have staff set everything up and not having to move files back and forth; we are talking about going back to that and during the winter it makes it that much tougher moving things around.

Councilor Anderson stated I think we are all missing the point. We are nibbling on the edges of something that we should be discussing on a much larger scope. We got out of the old building and we moved into here because it was available and the Council wanted City Hall downtown so staff put us downtown as we asked. Now we realize that there are severe limitations for not only us, but for our staff in being spread out all over the city. We are going to undertake a transparent process for a new city hall. Are we really going to sit here and think we are going to have a new building inside of five years? Are we prepared to stay in this incarnation for five years? I'm not. I think we really hamstrung our staff when we mandated that city hall be located downtown. I don't really want to be in this scenario for five or ten more years until we get a permanent building. I think the discussion we should be having is instructing staff to find a location that suits their needs first, our needs second, but is a longer term solution. It can be wherever staff determines it needs to be. We can't micromanage that process because we are not here 40 to 50 hours a week.

Councilor Wilson stated this is where they wanted to be; Craig wanted them to be here.

Councilor Anderson stated no we wanted it to be downtown.

Councilor Wilson stated when I discussed it with Craig he wanted it to be here.

Councilor Anderson stated because we told him we wanted city hall downtown.

Councilor Ripma stated we have a good deal here. It is temporary; we know it will be a few years. To do another search for another temporary place; this isn't ideal we know that but it helps concentrate our minds on looking for a permanent solution. To me it would be extravagant to put in wiring and everything else just to use the Community Room at the Police Facility, which wasn't designed for that purpose.

Councilor Thomas stated it was actually supposed to be available for the community. I disagree with one of the cons on this list. The major clash was not so much about the city council chambers, it's the court. It interferes with businesses during the day and that has been the issue I have heard.

Councilor Wilson stated they are going to have to come back to this building to pay their bill anyway. Whatever they perceive these people being, they are going to come back here anyway.

Councilor Anderson stated I think we are missing the point. I think we are delusional if we think we are going to get a permanent new building inside of five years. I don't think our staff is happy.

Councilor Allen stated we primarily did this for cost.

Councilor Anderson we did it for cost, convenience and urgency.

Councilor Wilson stated if we did it for cost it would have been cheaper to stay at the CCB.

Councilor Ripma stated on a night like this the CCB is like an oven. There is no perfect solution. To me the list of disadvantages for doing any of these so far outweighs the advantages of doing any of the other options. We ought to just drop it.

Councilor Anderson stated I agree with that sentiment because of the list of disadvantages. But I really think we need to have a discussion on a permanent, less permanent solution.

Councilor Ripma stated we are going to be having that with the Mayors Town Hall and the open process. This would be actually jumping the gun on that and it would look like that. I couldn't support it.

Councilor Allen stated I think I owe Councilor Anderson an apology. I was thinking of the city hall location. I think you were thinking of moving just the council and court from the CCB to here.

Councilor Anderson replied no. I am talking about the entire discussion. We gave staff the mandate that we wanted city hall downtown; the city core government functions to be held downtown. We told them that and they did it. We have documented morale issues because of everyone being spread out all over the place. Our staff is not happy. Our customer service; if you are looking for a building permit and you are just coming to Troutdale for the first time and you go to City Hall to get a permit only to be told you have to go up the hill take a right at the light, etc.

Councilor Wilson stated that has nothing to do with this.

Councilor Anderson replied it does.

Councilor Wilson stated it doesn't because we are talking about the council chambers, court and the planning commission.

Councilor Anderson stated I am talking about a bigger issue. We need to look bigger picture. We are down in the weeds and we have a bigger issue that we are ignoring and this is it.

Councilor Thomas asked are you saying we should drop this discussion and wait until we get through the Town Hall meeting?

Councilor Anderson replied yes. I think once we get through the Town Hall meetings we may come to realize that we are going to need a better solution in the interim; better than what we have right now regardless of how good the deal is. The deal is good financially but it's not good for much else.

Councilor Thomas stated if we wait until after the Town Hall meeting in September maybe this would be a better discussion once we have that information. There are a lot of pros and cons to all of this, but what we have is functioning. I know a lot of people are not real happy with it but it does function.

Mayor Daoust asked Paula, you have been coming to these meetings. Is there something that we need to know from you?

Paula Goldie, Court Clerk, stated just so you have a little prospective court has been held in the City of Troutdale going on 60 years and I don't think that the 10 to 12 hours a month that we have court has really impacted anyone, except for the people who can't find us. As far as the business go, we have always had court. The same people, same crimes, same traffic violations, just a new location.

Councilor Allen stated in the middle of the street instead of at the end of the street.

Paula Goldie replied they are still in town and they wander. We only have court two days a month.

Councilor White stated I think it is important to continue televising the Planning Commission meetings. I think we are just coming to the realization that we need a city hall and that should be our focus.

Councilor Anderson stated it says it right here on page 2 of the memorandum in our packet, "these just remind of us why we need a new city hall". So we are not going to act on this or do anything about city hall until after the Mayor's Town Hall on September 16th?

Mayor Daoust stated that is what I am gathering from the Council; we are not going to pursue any of these changes for now.

4. Adjourn:

Meeting adjourned at 9:07pm.

DRAFT

Doug Daoust, Mayor

Dated: _____

ATTEST:

Debbie Stickney, City Recorder



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution Authorizing An Intergovernmental Agreement With Multnomah County For The Multnomah County Justice Reinvestment Program Funds.

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: August 26, 2014

STAFF MEMBER: Erich Mueller
DEPARTMENT: Finance

ACTION REQUIRED
Consent Agenda/Resolution

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:
Not Applicable

PUBLIC HEARING
No

Comments:

STAFF RECOMMENDATION: Adopt resolution as proposed.

EXHIBITS:

A: The proposed Intergovernmental Agreement #4400001257 in its substantial form

Subject / Issue Relates To:

- Council Goals
 Legislative
 Other (describe)

Issue / Council Decision & Discussion Points:

- ◆ The State Legislature passed House Bill (HB) 3194 during the 2013 session, with the intent of flat-lining prison growth for the next five years through changes to a variety criminal justice programs.
- ◆ One of HB 3194 objectives includes establishing local programs for a continuum of community-based sanctions, services and programs designed to reduce recidivism and decrease the utilization of imprisonment.

Reviewed and Approved by City Manager:

- ◆ By the Justice Reinvestment Grant Program, HB 3194 provides funding to, and through, Counties for a portion of the law enforcement community-based programs.
- ◆ The Troutdale Police Department may be eligible for some program funding through an Intergovernmental Agreement (IGA) with Multnomah County

BACKGROUND:

HB 3194 began with the public safety policy reforms recommended by the Governor's Commission on Public Safety were moved through the legislature by Joint Committee on Public Safety. HB 3194 is intended to hold prison growth flat for the next five years, and thereby avoiding \$300 million for building and operating a new prison over the next ten years.

HB 3194 made changes in a number of criminal justice areas including broadly: 1) Sentencing; 2) Offender Incentives; 3) Offender Supervision; 4) Program Assessment; and 5) Correctional Resources. All these changes are intended to lower demand for prison beds.

A part of HB 3194 also provides a continuum of community-based sanctions, services and programs that are designed to reduce recidivism and decrease utilization of imprisonment while protecting public safety and holding offenders accountable, through local programs.

To implement the local programs Multnomah County Justice Reinvestment Program (MCJRP), was established to partner county-wide public safety agencies. Within the MCJRP, the 3194 Offender Law Enforcement Supervision and Support (OLESS) serves as the law enforcement team which monitors offenders on probation who previously would have been sent to prison.

The State Criminal Justice Commission provides grant funds to the County for the MCJRP to assess offenders and provide a continuum of community-based services that reduce recidivism and decrease the county's utilization of prison beds. The grant funds must be used on community-based programs.

Under the MCJRP the City will conduct home visits with the Parole and Probation officers and to assist in picking up offenders that violate the terms of their probation. These offenders are high risk and have presumptive sentences (without this program they would be going to state prison for 2 to 5 years). These offenders will be offered services (housing, drug and alcohol treatment, etc.) in lieu of going to prison. The expectation is that these sanctions are effective and far less costly than prison beds.

As part of the OLESS the Troutdale Police Department is eligible to share in the State funding through the County, but the City must first enter into an IGA with Multnomah County.

SUMMARY:

The resolution authorizes the City Manager or Finance Director to sign the IGA Agreement and any supporting documents.

PROS & CONS:

- A. Approve the proposed resolution to provide funding for Police expenditures associated with the State mandated programs for the implementation of HB 3194.
- B. Not approve the proposed resolution preventing access to funding for Police expenditures associated with the State mandated programs for the implementation of HB 3194.

<p>Current Year Budget Impacts <input checked="" type="checkbox"/> Yes (<i>describe</i>) <input type="checkbox"/> N/A First Year: up to \$5,000 dependent upon required program activity</p> <p>Future Fiscal Impacts: <input checked="" type="checkbox"/> Yes (<i>describe</i>) <input type="checkbox"/> N/A Future Years: unknown, dependent upon future legislative action and required program activity</p> <p>Community Involvement Process: <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A</p>

Exhibit A

8/26/14 Council Mtg. – Item #5.2

INTERGOVERNMENTAL AGREEMENT

Contract Number 4400001257

This is an Agreement between City of Troutdale (CITY) and Multnomah County (COUNTY).

PURPOSE/BACKGROUND:

House Bill (HB) 3194 is a criminal justice bill aimed at enhancing public safety and saving money by utilizing local public safety strategies. This legislation is intended to maintain Oregon's public safety system by directing savings from averted prison growth toward investments in our local communities and focus on utilizing proven Evidence Based Practices (EBP). The Multnomah County Justice Reinvestment Program (MCJRP), a group of public safety agencies and partners, is the policy group guiding the implementation of the HB 3194 legislation.

Within the MCJRP, the 3194 Offender Law Enforcement Supervision and Support (OLESS) serves as the law enforcement team which monitors offenders on probation who previously would have been sent to prison. OLESS consists of Portland Police Bureau, Troutdale Police Department, Gresham Police Department, Fairview Police Department, and the Multnomah County Sheriff's Office.

The parties agree as follows:

1. **TERM** The term of this agreement shall be from August 1, 2014 to June 30, 2015.
2. **RESPONSIBILITIES OF THE CITY:**
 - a. The CITY agrees to provide two (2) Police Officers for approximately 65 hours for fiscal year 2015. The hours noted are estimated. Actual hours shall be based on the level of funding received by the CITY. The Portland Police Bureau shall absorb additional hours of other OLESS team members if needed.
 - b. The Police Officers shall serve warrants and detainers on offenders, conduct home visits, and provide proactive patrol in geographic areas where offenders live and/or commit crimes.
 - c. The CITY agrees to develop performance measures that reflect the desired outcomes. These measures may include:
 - number of home visits per shift;
 - number of offenders contacted;
 - number of calls from DCJ;
 - number of arrests/detainers;
 - number of citizens contacted; and/or
 - monthly overtime.
3. **RESPONSIBILITIES OF COUNTY**
 - a. COUNTY agrees to pay CITY \$5,000 per year for personnel and non-personnel costs described herein.
 - b. COUNTY shall work to identify clients in the law enforcement system and provide names and SID numbers to the OLESS team.

- c. COUNTY shall work in partnership with OLESS to ensure that the goals of the MCJRP are met.
- d. COUNTY Contacts:

The following COUNTY representatives are the designated contacts for finance, program and contracting questions and/or communication:

Finance: Joyce Resare, Business Services Manager
(503) 988-3961
joyce.resare@multco.us

Program: Ginger Martin, Deputy Director
(503) 988-6647
ginger.martin@multco.us

Contract: Lailah Hamblin, Contract Specialist
(503) 988-7805
lailah.l.hamblin@multco.us

Michelle Hull, Contract Specialist
(503) 988-8290
michelle.hull@multco.us

- 4. **TERMINATION** This agreement may be terminated by either party upon thirty (30) days' written notice.
- 5. **INDEMNIFICATION** Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless CITY from and against all liability, loss and costs arising out of or resulting from the acts of County, its officers, employees and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300 CITY shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of CITY its officers, employees and agents in the performance of this agreement.
- 6. **INSURANCE** Each party shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.
- 7. **ADHERENCE TO LAW** Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.
- 8. **NON-DISCRIMINATION** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
- 9. **ACCESS TO RECORDS** Each party shall have access to the books, documents and other records of the other which are related to this agreement for the purpose of examination, copying and audit, unless otherwise limited by law.

10. **SUBCONTRACTS AND ASSIGNMENT** Neither party will subcontract or assign any part of this agreement without the written consent of the other party.

11. **THIS IS THE ENTIRE AGREEMENT** This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.

MULTNOMAH COUNTY, OREGON:

CITY OF TROUTDALE:

County Chair/Designee: _____

Date: _____

Dept Director/Designee: N/A _____

Date: N/A _____

Signature: _____

Print Name: Craig Ward _____

Title: City Manager _____

Date: _____

JENNY M. MADKOUR,
COUNTY ATTORNEY FOR MULTNOMAH COUNTY

Approved as to
form by: _____

By
Assistant County Attorney: */s/ Jacquie Weber* _____

Date: _____

Date: July 15, 2014 _____

RESOLUTION NO.

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH MULTNOMAH COUNTY FOR THE MULTNOMAH COUNTY JUSTICE REINVESTMENT PROGRAM FUNDS.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The State Legislature passed House Bill (HB) 3194 during the 2013 session, with the intent of flat-lining prison growth for the next five years through changes to a variety criminal justice programs.
2. One focus of HB 3194 is enhancing public safety by directing savings from averted prison growth toward investments in local community-based public safety programs.
3. HB 3194 has established the Justice Reinvestment Grant Program which provides funding to, and through, Counties for a portion of the law enforcement community-based programs.
4. Multnomah County Justice Reinvestment Program (MCJRP), was established to partner county-wide public safety agencies to implement portions of HB 3194.
5. Shared funding for county-wide public safety agencies within the MCJRP for the HB 3194 Offender Law Enforcement Supervision and Support (OLESS) program implementation.
6. The City must enter into an Intergovernmental Agreement (IGA) with Multnomah County to receive MCJRP program funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Agrees now that the City enter into an IGA with Multnomah County for OLESS program implementation under the MCJRP, and receive shared program funding.

Section 2. Designates the City Manager or Finance Director (each a "City Official") or a designee of the City Official, to act on behalf of the City, and without further action by the City Council the City Official is hereby, authorized, empowered and directed to sign on behalf of the City the IGA, and any and all other required and necessary documents to implement the of the agreement.

Section 3. The City Official is hereby authorized to execute, acknowledge and deliver in the IGAs in substantial conformity with Exhibit A of the Staff Report, including any other supporting and implementing documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of the IGA, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 4. Further, consistent with intent of the IGA, and in the best interest of the City, the City Official are authorized to determine, execute, acknowledge and deliver any subsequent addendums, extensions, revisions, modifications, or successor documents of the IGA, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 5. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the IGA obligations, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 6. Upon adoption, this Resolution shall be effective as of August 1, 2014.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date _____

Debbie Stickney, City Recorder
Adopted:



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution Supporting the Eastwinds Development Concept Plan and Recommending Continued Support of the Project by the Governor's Portland Metro Regional Solutions Center.

<p>MEETING TYPE: City Council Regular Mtg.</p>	<p>MEETING DATE: August 26, 2014 STAFF MEMBER: Erich Mueller DEPARTMENT: Finance</p>
<p>ACTION REQUIRED Resolution PUBLIC HEARING No</p>	<p>ADVISORY COMMITTEE/COMMISSION RECOMMENDATION: Not Applicable <u>Comments:</u></p>
<p>STAFF RECOMMENDATION: Adopt resolution as proposed.</p>	

Subject / Issue Relates To:

- Council Goals
 Legislative
 Other (describe)

GOAL 1: ENCOURAGE ECONOMIC DEVELOPMENT

A. OBJECTIVE: DEMONSTRATE CLEAR PROGRESS ON TROUTDALE RIVERFRONT DEVELOPMENT

Measure 1: Cooperate with prospective developers who pursue desirable development plans consistent with feasible public financial constraints

Issue / Council Decision & Discussion Points:

- ◆ The City desires to achieve redevelopment in the Troutdale Riverfront Renewal Area
- ◆ Continued support of the Governor's Regional Solutions Center of the Eastwinds redevelopment project is an important project resource

Reviewed and Approved by City Manager:

- ◆ For their official Active Regional Solution Projects list the Portland Metro Regional Solutions Center has requested a declaration of continued City support of the Eastwinds redevelopment project

BACKGROUND:

Through significant public involvement in order to protect the public health, safety, and welfare of the public, in 2006 the City created Troutdale Riverfront Renewal Plan to eliminate blight and foster development and redevelopment in the plan area.

The City also established the Troutdale Urban Renewal Agency (URA) and assigned the Troutdale Riverfront Renewal Plan to the URA to implement and manage. Since 2006 economic conditions and environmental remediation challenges have delayed visible progress on the site.

Eastwinds Development LLC has created a multifaceted development vision that aligns many of the City's commercial and job creation goals for the site, with a mix of hospitality with event and conference facilities, leading edge hotel, restaurant, mixed-use development, and high-quality retail opportunities. The project vision also includes many important public recreational benefits including connections and expansion of the 40-Mile Loop Regional Bicycle Trail and the western terminus of the Columbia River Gorge trail, and for community access and enjoyment of the Sandy Riverfront portions of the property while protecting the riparian habitat.

Over the past several years the City and Eastwinds Development LLC have operated in an effective public/private partnership manner to successfully implement programs and grant projects for brownfield rehabilitation from Business Oregon, the State Department of Environmental Quality, and the Federal Environmental Protection Agency. And in the past year have also developed the "Sandy River Access Plan" along with the Sandy River Basin Watershed Council through the Metro Nature in Neighborhoods Grant Project for Restoration and Enhancement program.

Since establishment in 2011 the Governor's Oregon Solutions Network through the Portland Metro Solutions Center has frequently assisted in leveraging resources and interagency cooperation to benefit the Eastwinds project. As the project proceeds the coordinated access to the wide range of State agencies necessary to facilitate interagency cooperation for numerous types permits will be critical in successfully and cost effectively redeveloping the site.

SUMMARY:

The resolution provides the Portland Metro Regional Solutions Center the necessary written declaration of continued City support of the Eastwinds redevelopment project.

PROS & CONS:

- A. Approve the proposed resolution to provide the necessary written declaration of continued City support of the Eastwinds redevelopment project to facilitate the project remaining on the official Active Regional Solutions Project list.

- B. Not approve the proposed resolution potentially resulting in the Eastwinds redevelopment project being removed from the official Active Regional Solutions Project list.

Current Year Budget Impacts <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A
Future Fiscal Impacts: <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A
Community Involvement Process: <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A

RESOLUTION NO.

A RESOLUTION SUPPORTING THE EASTWINDS DEVELOPMENT CONCEPT PLAN AND RECOMMENDING CONTINUED SUPPORT OF THE PROJECT BY THE GOVERNOR'S PORTLAND METRO REGIONAL SOLUTIONS CENTER.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City desires redevelopment of its former sewer treatment plant site and the adjacent, privately owned Eastwinds Development LLC property, part of a larger project, collectively referred to as the Troutdale Riverfront Renewal Area.
2. Eastwinds project is a multifaceted development vision that aligns many of the City's commercial and job creation goals for the site, with a mix of hospitality with event and conference facilities, leading edge hotel, restaurant, mixed-use development, and high-quality retail opportunities.
3. The Eastwinds project vision also includes many important public recreational benefits including connections and expansion of the 40-Mile Loop Regional Bicycle Trail and the western terminus of the Columbia River Gorge trail, and for community access and enjoyment of the Sandy Riverfront portions of the property, while protecting the riparian habitat.
4. Eastwinds' project rehabilitation and redevelopment plan will reclaim a long-standing brownfield within Metro's Urban Growth Boundary as well as environmental and ecological restoration of the site and riverbank, all benefiting the public health, safety and welfare of the community.
5. Over the past several years the City and Eastwinds Development LLC have operated in an effective public/private partnership manner to successfully implement programs and grant projects for brownfield rehabilitation from Business Oregon, the State Department of Environmental Quality, and the Federal Environmental Protection Agency.
6. Recently the City and Eastwinds Development LLC continued their effective public/private partnership activity to develop the "Sandy River Access Plan" by joining with the Sandy River Basin Watershed Council through the Metro Nature in Neighborhoods Grant Project for Restoration and Enhancement program.
7. The City and Eastwinds Development LLC plan to continue their effective public/private partnership activity to redevelop the site.

8. Over the past several years the Governor's Oregon Solutions Network through the Portland Metro Solutions Center has frequently assisted in leveraging resources and interagency cooperation to benefit the Eastwinds project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. That the City directly, and through its Troutdale Urban Renewal Agency, shall continue to actively support the Eastwinds project vision, and continue to operate in an effective public/private partnership manner with Eastwinds Development LLC to implement site redevelopment plans.

Section 2. That the City supports the Eastwinds project and recommends and requests that Governor's Oregon Solutions Network Portland Metro Solutions Center continue to support the Eastwinds redevelopment project as an official Active Regional Solution Project of the region.

Section 3. This Resolution shall be effective upon adoption.

**YEAS:
NAYS:
ABSTAINED:**

Doug Daoust, Mayor

Date _____

Debbie Stickney, City Recorder
Adopted:

 <h1 style="margin: 0;">CITY OF TROUTDALE</h1> <h2 style="margin: 0;">STAFF REPORT</h2> 	
<p>SUBJECT / ISSUE: An ordinance adopting text amendments to Comprehensive Land Use Plan Goal 14 Urbanization in fulfillment of Periodic Review Task 6.</p>	
<p>MEETING TYPE: City Council Regular Mtg.</p>	<p>MEETING DATE: August 26, 2014</p> <p>STAFF: John Morgan, Planning Director</p> <p>DEPARTMENT: Community Development</p>
<p>ACTION REQUIRED Ordinance - Adoption</p> <p>PUBLIC HEARING Yes</p>	<p>ADVISORY COMMITTEE/COMMISSION RECOMMENDATION: Approval</p> <p>Comments: Both the Citizen Advisory Committee and the Troutdale Planning Commission recommend adoption.</p>
<p>STAFF RECOMMENDATION: Adoption.</p>	

<p>EXHIBITS:</p> <ul style="list-style-type: none"> A. Population and Employment Forecasts Matrix B. Planning Commission Findings of Fact and Recommendation of May 28, 2014 including the proposed amended Goal 14 Language.
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Subject / Issue Relates To:

- Council Goals
 Legislative
 Other (describe)

Reviewed and Approved by City Manager: 

Issue / Council Decision & Discussion Points:

An approved periodic review work program governs the tasks the City must complete as part of periodic review. DLCD approved the City's work program on April 15, 2010. The approved work program includes Task 6 that relates to Statewide Planning Goal 14, Urbanization. These tasks relate to adopting the Metro regional population and employment forecasts as required by State law.

The population and employment forecasts are used to guide allocation of land to meet forecasted needs for 20 years and to guide development of transportation and public facility plans to assure adequate sizing of future facilities.

BACKGROUND

At its June 10, 2014 regular meeting, the City Council held the first reading on the proposed ordinance. Tonight the ordinance is ready for second reading and adoption.

The City has been in periodic review since the initial notification from the Oregon Department of Land Conservation and Development (DLCD) on May 20, 2008. Its approved periodic review work program governs the tasks that the City must complete as part of periodic review. DLCD approved the City's work program on April 15, 2010. The approved work program includes tasks related to statewide planning Goal 13, Urbanization. Specifically identified as Task 6 of the work program, the City is required to complete the following tasks:

Periodic Review Task 6 – Population Forecast and Coordination with Metro

As a final task, the city will coordinate with Metro to the extent necessary to obtain an allocation of both projected new jobs and dwelling units that are expected to be accommodated within the city limits. Once available, both twenty-year forecasts for employment and residential uses shall be "point" forecasts, that is, an absolute number as contrasted with a range forecast.

Products:

- Adopt the final Metro Population Forecast allocated to Troutdale in the Comprehensive Plan.
- Adopt new or revised Goal 14 plan policies, maps, and land use regulations as needed.

The Planning Commission recommended Urbanization Section language is attached. This language includes a new section describing the Population forecast purpose and process.

Reviewed and Approved by City Manager:

The language also includes a new policy that declares it to be the City policy to use the Metro forecasted population and employment numbers for planning purposes.

For the Council's information only, a compilation of those projections is attached. The proposed amendment does not adopt these specific projections, just the reference to them. The attached compilation of the projections includes data that helps put the projections in context, and provides valuable insight into the projected future of Troutdale. This will help Council understand them before adopting the reference to them. This compilation includes these four elements:

- The population and employment forecasts
- A separate housing forecast, by type
- For comparison sake, the same projections for the adjacent cities; Gresham, Fairview, and Wood Village
- Growth and growth rate percentages over the planning period

The rate information helps point out some of the growth potential and characteristics of Troutdale. The modeling shows an average annual growth rate of 0.3%. Fairview with little land to support growth is only 0.1% while Wood Village and Gresham both grow more than twice as fast as Troutdale at 0.7%.

The housing data shows Troutdale growing with a marginally higher growth rate for multi-family over single family. But the housing growth is very small compared with Gresham where multi-family units will be created at twice the rate as single-family homes and an overall housing unit increase of 34% compared to Troutdale's 15%.

The forecasting shows a 143% increase in employment over the planning period, which is attributed to the north side industrial lands. Fairview also has a large percentage increase while Wood Village is less and Gresham is substantially less.

It appears Troutdale will be creating the bulk of the jobs for the east-side cities and Gresham will be creating the housing.

CITIZEN INVOLVEMENT COMMITTEE RECOMMENDATION:

The Citizen Involvement Committee considered the proposed amendment at its April 2, 2014 meeting. Following a presentation and discussion, the Committee voted unanimously to recommend to the Planning Commission and City Council approval of the proposed amendment.

Reviewed and Approved by City Manager:

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a hearing and considered the proposed amendment at its May 18, 2014 meeting. Following a presentation and discussion, the Committee voted unanimously to recommend to the City Council approval of the proposed amendment with one change.

The original proposed language read: "For planning purposes, the City shall use Metro's forecasted 2035 population and employment numbers." The Planning Commission voted to remove the reference to the year 2035. This gives more flexibility in the language so the City does not have to change the Comprehensive Plan every time Metro might issue a new projection. It does not change the functional purpose of the policy.

RELEVANT CRITERIA:

Section 15.050 of the Troutdale Development Code establishes the following approval criteria for evaluating comprehensive plan amendments.

1. *For Comprehensive Plan text amendments, compliance with the Statewide Land Use goals and related Administrative Rules.*

Adoption of an updated Urbanization Chapter with updated population and employment forecasts is a required task of the City's periodic review work program. The document has been prepared in accordance with Statewide Land Use Planning Goal 14; therefore, it logically and necessarily satisfies this approval criterion.

2. *Public need is best satisfied by this particular change.*

Public need is best satisfied by the recommended changes. The updated population and employment forecasts do not bind the City to any action, but provide a predictive framework important to making future planning actions.

There was no public comment at the Planning Commission's May 18th public hearing nor were any written comments submitted.

3. *The change will not adversely affect the health, safety and welfare of the community.*

Adoption of this Plan amendment provides further guidance for the City to accommodate future growth and will not adversely affect the health, safety and welfare of the community. The Plan addresses current conditions and future needs in order to foster positive benefits for the community.

Reviewed and Approved by City Manager:

4. *In the case of Development Code amendments, the particular change does not conflict with applicable comprehensive plan goals or policies.*

The proposed Plan pertains only to the Comprehensive Plan and not to the Troutdale Development Code; therefore, this criterion does not apply.

PROS & CONS:

Pros:

- Adoption fulfills Periodic Review Task 6
- Forecasts are available to guide future planning for land use and infrastructure

Cons

- None

Current Year Budget Impacts <input type="checkbox"/> Yes (describe) <input checked="" type="checkbox"/> N/A
Future Fiscal Impacts: <input type="checkbox"/> Yes (describe) <input checked="" type="checkbox"/> N/A
City Attorney Approved N/A <input type="checkbox"/> Yes
Community Involvement Process: <input checked="" type="checkbox"/> Yes (describe) <input type="checkbox"/> N/A All meetings before the Citizens Advisory Committee and the Planning Commission were open to the public. No comments from the public at those meetings were received.

CONCLUSIONS:

All of the applicable criteria for a Comprehensive Plan amendment are met. Both the CAC and Planning Commission recommend approval.

It is recommended the Council adopt the attached Ordinance which adopts the findings of fact and language recommendations made by the Planning Commission.

RECOMMENDATION:

It is recommended the Council:

1. Open, conduct, and close the public hearing
2. Deliberate on the issue
3. Conduct the second reading and pass the ordinance

Reviewed and Approved by City Manager:

City of Troutdale						
Population and Employment Projections						
Population Projections - Troutdale and adjacent cities						
City	2010 Actual	2035 Projected	Change	Annual % Rate	Total % Rate	
Troutdale	15,962	17,038	1,076	0.3%	7%	
Wood Village	3,878	4,645	767	0.7%	20%	
Fairview	8,920	9,196	276	0.1%	3%	
Gresham	105,594	127,424	21,530	0.7%	20%	

Household Projections - Troutdale and adjacent cities												
City	2010 Actual			2035 Projected			2010-2035 Change					
	Single Family	Multi-Family	Total	Single Family	Multi-Family	Total	Single Family	%	Multi-Family	%		
Troutdale	3,981	1,806	5,787	4,506	2,126	6,632	525	13%	320	18%	845	15%
Wood Village	458	1,081	1,539	488	1,121	1,609	30	7%	40	4%	70	5%
Fairview	1,677	1,954	3,631	1,927	2,076	4,003	250	15%	122	6%	372	10%
Gresham	19,781	18,243	38,024	25,394	25,656	51,051	5,613	28%	7,413	41%	13,027	34%

Employment Projections - Troutdale and adjacent cities													
City	2010 Actual			2035 Projection			2010-2035 Change						
	Retail	Service	Other	Retail	Service	Other	Retail	%	Service	%	Other	%	Total
Troutdale	1,272	493	2,361	2,039	2,357	5,615	767	60%	1,864	378%	3,254	138%	5,885
Wood Village	1,261	242	531	1,783	1,158	1,489	552	44%	916	379%	958	180%	2,396
Fairview	236	497	1,878	558	3,293	3,724	322	136%	2,796	563%	1,846	98%	4,964
Gresham	7,353	8,871	16,408	12,334	20,154	26,079	4,981	68%	11,283	127%	9,671	59%	25,935

PLANNING COMMISSION
FINDINGS of FACT and RECOMMENDATION
May 28, 2014

**Periodic Review Task 6
Amendment to the Troutdale Comprehensive Land Use Plan
Goal 14 Urbanization**

The Troutdale Planning Commission held a public hearing on May 28, 2014 to take public testimony, and to make a recommendation to the City Council, concerning adoption of a proposed amendment to the Troutdale Comprehensive Land Use Plan relating to Statewide Land Use Goal 14 (Urbanization) as part of Task 6 of the City's Periodic Review Work Program. Having provided the opportunity for the public to express their views on the proposal, the Planning Commission now makes and enters the following findings of fact together with its recommendation to the Council for action.

FINDINGS OF FACT

1. The City has been in periodic review since the initial notification from the Oregon Department of Land Conservation and Development (DLCD) on May 20, 2008. The tasks that the City must complete as part of periodic review are governed by its approved periodic review work program. DLCD approved the City's work program on April 15, 2010.
2. The City's approved work program includes tasks related to statewide planning Goal 14, Urbanization. Specifically identified as Task 6 of the work program, the City is required to prepare and adopt amendments to the Comprehensive Plan Urbanization Chapter updating the policies as appropriate and adopting by reference the Metro Population Forecast allocated to Troutdale in accordance with Statewide Land Use Planning Goal 14, Oregon Administrative Rule 660-011-0010-45, and 660-024-0030.
3. The proposed amendment to Goal 14 of the Comprehensive Plan consists of amendments to the existing text adding reference to the Metro Population Forecasts as the guiding forecasts for planning purposes.
4. The Citizens Advisory Committee met on April 2, 2014 on this matter and recommended approval of Task 6 and the proposed Comp Plan amendment (see Attachment B of the staff report, p. 2).
5. The text amendment satisfies the approval criteria of Troutdale Development Code 15.030

Criterion A.1: For Comprehensive Land Use Plan text amendments, compliance with the Statewide Land Use Goals and related administrative rules.

EXHIBIT A

GOAL 14 - URBANIZATION

The City of Troutdale's policy is to provide for an orderly and efficient transition from rural to urban land use and to provide urban services ultimately from Strebin Road to the Columbia River.

TRANSITIONS

The City has signed an Urban Planning Area Agreement (UPAA) with Multnomah County. The City has agreed to provide certain services and coordination of planning for areas north and south of Troutdale which are presently outside the City limits but within the Urban Growth Boundary. The agreement has been in effect since 1979.

CITY BOUNDARIES

The City recognizes the existence of the Urban Growth Boundary (UGB), established by the Columbia Region Association of Governments (CRAG) in 1979, and now administered by the Metropolitan Service District (Metro).

The City also recognizes that the UGB does not include lands south of the present City limits where the City has planned for extension of services. The "Strebin Road Study Area - A Comprehensive Plan Supplement" is a report on this area submitted to CRAG in 1979. The Public Facilities Plan also discusses service provision outside the City limits.

To the north of the present City limits, Troutdale intends to eventually annex to the Columbia River within the UPAA and the UGB.

The City recognizes that Metro has established standards and criteria for reviewing requests for amendment to the UGB.

Oregon Land Use Law (ORS 195.025; 195.036) requires Metro to coordinate its regional population forecasts with local governments inside the UGB for use in updating their comprehensive plans, land use regulations, and related policies. Over a two-year period from October 2010 to October 2012, Metro went through a highly technical analysis process to produce twenty-year population and employment forecasts for the entire Portland metropolitan area based upon expected land supply and demand. Using land use and transportation modeling to match demand with supply, the forecast was then distributed between each of the local jurisdictions in the region. Troutdale's official population forecast for the Year 2035 is 17,038 people and its employment forecast is 10,011 jobs.

The Metro Council adopted the regional forecasts in November 2012. The Oregon Land Conservation and Development Commission requires every local jurisdiction within the Metro

EXHIBIT A

region at the time of periodic review to adopt the final Metro forecast. This ensures consistency by the local jurisdiction when applying population and employment forecasts in subsequent planning work.

POLICIES

1. Provide for orderly and efficient use of the land.
2. Annex those areas within the City's planning area when services are requested.
3. Coordinate land use actions within the Troutdale planning area with Multnomah County.
4. Encourage economy in residential lot sizes, infill development, and extension of the commercial/industrial tax base.
5. Extend city-provided services outside the corporate limits of the City of Troutdale to contiguous or neighboring territory as the City Council shall, from time to time, determine to serve.
6. For planning purposes, the City shall use Metro's forecasted population and employment numbers.

ORDINANCE NO.

AN ORDINANCE ADOPTING UPDATED AND REVISED METRO URBANIZATION POLICIES ALONG WITH UPDATED METRO POPULATION AND EMPLOYMENT PROJECTIONS INTO TROUTDALE COMPREHENSIVE LAND USE PLAN GOAL 14 URBANIZATION, SPECIFIC TO STATEWIDE LAND USE GOAL 14 URBANIZATION, IN FULFILLMENT OF TASK 6 OF THE CITY'S PERIODIC REVIEW WORK PROGRAM

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City has been in periodic review since the initial notification from the Oregon Department of Land Conservation and Development (DLCD) on May 20, 2008. The tasks that the City must complete as part of periodic review are governed by its approved periodic review work program. DLCD approved the City's work program on April 15, 2010.
2. The City's approved work program includes tasks related to statewide planning Goal 14, Urbanization. Specifically identified as Task 6 of the work program, the City is required to prepare and adopt amendments to the Comprehensive Plan Urbanization Chapter updating the policies as appropriate and adopting by reference the Metro Population Forecast allocated to Troutdale in accordance with Statewide Land Use Planning Goal 14, Oregon Administrative Rule 660-011-0010-45, and 660-024-0030.
3. The proposed amendment to Goal 14 of the Comprehensive Plan consists of amendments to the existing text adding reference to the Metro Population Forecasts as the guiding forecasts for planning purposes.
4. The Citizens Advisory Committee met on April 2, 2014 on this matter and recommended approval of Task 6 and the proposed Comp Plan amendment (see Attachment B of the staff report, p. 2).
5. The Planning Commission met on May 18, 2014 on this matter, conducted a public hearing, and recommended approval of the proposed Comprehensive Plan amendment language (see Attachment B)
6. The text amendment satisfies the approval criteria of Troutdale Development Code 15.030

Criterion A.1: For Comprehensive Land Use Plan text amendments, compliance with the Statewide Land Use Goals and related administrative rules.

Adoption of an updated Urbanization Chapter with updated population and employment forecasts is a required task of the City's periodic review work program. The document has been prepared in accordance with Statewide Land Use Planning Goal 14; therefore, it logically and necessarily satisfies this approval criterion.

Criterion A.2: Public need is best satisfied by this particular change.

Public need is best satisfied by the recommended changes. The updated population and employment forecasts do not bind the City to any action, but provide a predictive framework important to making future planning actions.

Criterion A3: The change will not adversely affect the health, safety, and welfare of the community.

Adoption of this Plan amendment provides further guidance for the City to accommodate future growth and will not adversely affect the health, safety and welfare of the community. The Plan addresses current conditions and future needs in order to foster positive benefits for the community.

Criterion A4: In the case of Development Code amendments, the particular change does not conflict with applicable Comprehensive Land Use Plan goals or policies.

The proposed Plan pertains only to the Comprehensive Plan and not to the Troutdale Development Code; therefore, this criterion does not apply.

7. Notice of the public hearing has been provided in accordance with applicable law. A public comment period was opened by the Mayor during the hearing before the City Council.
8. No citizens spoke or submitted written comments at the June 10, 2014 hearing in this matter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The text of Troutdale Comprehensive Land Use Plan Goal 14 Urbanization is hereby amended to read as shown in Attachment A.

**YEAS:
NAYS:
ABSTAINED:**

Doug Daoust, Mayor

Date

Debbie Stickney, City Recorder

Adopted:

ATTACHMENT A

GOAL 14 - URBANIZATION

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ATTACHMENT A

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