



# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

## AGENDA

### CITY COUNCIL – REGULAR MEETING

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

**Tuesday, April 22, 2014 – 7:00PM**

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

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
2. **CONSENT AGENDA:**
  - 2.1 **RESOLUTION:** A resolution approving a transparent process plan for evaluating the needs and options for a potential new City Hall.
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. **RESOLUTION:** A resolution approving an agreement between the City of Troutdale and McMenamins Inc. for the Summer Concert Series as an Event of Citywide Interest.  
*Craig Ward, City Manager*
5. **PUBLIC HEARING / ORDINANCE (Introduced 4/8/2014):** An ordinance of the City Council of the City of Troutdale, Oregon, relating to medical marijuana facilities; establishing new code of ordinances Chapter 5.12 and declaring an emergency.  
*Scott Anderson, Chief of Police*
6. **PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance adopting a new Public Facilities Plan as an implementing element of Comprehensive Land Use Plan Goal 11 Public Facilities and Services in partial fulfillment of Periodic Review Task 3.  
*Craig Ward, City Manager*
7. **PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance adopting text amendments to Comprehensive Land Use Plan Goal 11 Public Facilities and Services in partial fulfillment of Periodic Review Task 3.  
*Craig Ward, City Manager*

Visit us on the Web:  
[www.troutdaleoregon.gov](http://www.troutdaleoregon.gov)

 Printed on Recycled Paper

City Hall: 219 E. Hist. Columbia River Hwy., Troutdale, Oregon 97060-2078  
(503) 665-5175 • Fax (503) 667-6403 • TTD/TEX Telephone Only (503) 666-7470

**8. STAFF COMMUNICATIONS**

**9. COUNCIL COMMUNICATIONS**

**10. ADJOURNMENT**



**Doug Daoust, Mayor**

**Dated:** 4/16/14

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](http://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 a Transparent Process Plan For Evaluating The Needs And Options For a Potential New City Hall.

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

**MEETING DATE:** April 22, 2014

**STAFF MEMBER:** Erich Mueller  
**DEPARTMENT:** Finance

**ACTION REQUIRED**  
Consent Agenda Item

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**  
Not Applicable

**PUBLIC HEARING**  
No

**Comments:**

**STAFF RECOMMENDATION:** Approve the resolution as presented.

**EXHIBITS:** A: Proposed New City Hall Plan Timeline  
B: Letter from Ankrom Moisan regarding renovation of old City Hall

**Subject / Issue Relates To:**

- Council Goals                       Legislative                       Other (describe)

**Issue / Council Decision & Discussion Points:**

- ◆ Council Goal: "DEVELOP A LONG TERM PLAN TO REPAIR OR REPLACE CITY HALL"
- ◆ A "Process" for considering a New City Hall that is open and transparent
- ◆ Determining the functions and services to be provided at City Hall, and the resulting required size and location, for a replacement facility in a systematic, professional and transparent manner to provide cost effective delivery of City services
- ◆ The resolution has been updated to reflect renovation of old City Hall as an option

Reviewed and Approved by City Manager:

## **BACKGROUND:**

The continued use of the original 1923 City Hall was determined to be unfeasible due to concerns relating to the structural integrity of the aging building, and that it is in the best interests of both staff and the public, operations were relocated in May 2012.

Over the past two years there has been considerable interest from the public, development community, staff and press in the expected replacement solution for City Hall. The City has also received five unsolicited proposals to build a new City Hall, each using a different set of assumptions and costs. The City Council has expressed their commitment to a deliberate and open process, rather than responding to separate proposals as they come in.

Subsequent to the March 18, 2013 Council meeting discussing this topic an additional proposal to renovate old City Hall was received. A copy is attached as Exhibit B.

The various stakeholders have offered many and widely varying opinions and preferences for the potential new facility or renovation of old City Hall. However, to date there has not been a cohesive strategy, beginning with a clear definition and agreement on what is required “in” a new or refurbished City Hall facility.

## **APPROACH OVERVIEW:**

### **Council Role:**

- Commitment to “explore” repair and renovation of old City Hall or a potential new building for City Hall
- No up-front commitment to any particular outcome
- Commitment to an open process, to gather info and evaluate at each stage
- Receive any “*public comment*” at each stage of the process
- Approve process plan and timeline

### **Staff Role:**

- Implement the process plan and timeline
- Contract professional space planners designers and architects
- Collect and present professional reports and estimates for Council review and public consideration

The proposed plan is **not** the building solution, but rather a “process” to enable us to work, over time, toward a potential solution. Approval of the process plan is therefore **not** a decision to build a new building, but rather to gather the info necessary to “consider” that as an option.

The Council may choose to pursue building a new building, to renovate old City Hall, or choose to take no action. The intent of this proposed plan is to gather information and provide public input along the way.

The proposed process timeline will allow the public and other interested parties to understand the steps, and provide multiple opportunities for the public to participate in an open, transparent and successful process. The process timeline borrows the administration program used to successfully implement the Police Facility Project.

In an attempt to illustrate the lengthy process ahead, the proposed timeline assumes some steps for the possibility of a bond to fund the project, as well as time to actually construct the facility. The Council and the public will receive information along the way as the various steps are completed. Of course the Council may choose to pause the progress at the conclusion of any stage, before the next phase begins.

The process seeks to address the basic questions of:

- WHAT functions and services does the public expect to be “in” their City Hall...?
- HOW much space is needed for those functions...?
- WHERE should it be located...?
- WHAT is the “estimated” cost...?

The process seeks to address the proper sizes required for various activities through the expertise of professional space planners, designers and architects, to gather objective and typical size requirements, rather than through personal opinions, estimates or guesswork.

## **PROCESS PHASES/STAGES:**

Phase 1- Needs Analysis

Phase 2- Site Options Study

Phase 3- Schematic Design

Phase 4- Design Development

### Phase 1- Needs Analysis

The gathering of public input for a new facility. Addressing in particular the mix of functions and services the public expect at City Hall. The architects would process the input from the Mayor’s Town Hall as well as reviewing the existing operations and interviewing department heads and staff.

Architectural Programming takes the result of all the various stakeholder input and develops objective and typical size requirements for functions identified. Developing an itemized breakdown of spaces and required areas for those spaces, adjacency analysis information to

insure that the layout is the most efficient. Also identifying the typical or any special criteria for structural, mechanical electrical, plumbing, accessibility, parking, and furnishings, fixtures and equipment.

This provides the necessary square footage accumulation to determine an overall building footprint needed for phase 2, evaluation of site options. Estimated professional fees of \$17,000, but will depend on volume of stakeholder input, provides space planning, block diagrams and presentation at a Council work session.

### Phase 2- Site Options Study

Based upon the requirements for building footprint and parking capacity determined in Phase 1, a site requirements matrix is established. Various sites under consideration would be scored based upon the matrix factors order of the priorities for evaluation: for example- adequate square footage of the site, physical site lot layout, configuration and topography, parking capacity, possible expansion, land acquisition costs, zoning, etc..

Estimated professional fees of \$18,000 to \$24,000 depending on the number of sites to be evaluated. The work product provides a decision matrix, civil engineer infrastructure analysis, architectural analysis, block plan layout on site, first level construction cost estimate and presentation at a Council work session.

### Phase 3 - Schematic Design

Based upon the site selected in Phase 2, schematic design includes sketches for floor plans, sections, elevations, and perspectives are developed. The process is iterative and continues until a plan emerges that resolves all or as many of the design parameters as possible. Preliminary finishes and furniture ideas are also developed during this phase. Following a couple of Council work sessions and approval of the preliminary design then another round of cost estimates is developed. Professional fee estimate is in the range of \$28,000 to \$34,000 depending on the site selected in Phase 2.

### Phase 4- Design Development

During design development, the designer develops plans, elevations, sections, and other related details to a high level of finish; refines colors and finishes; selects any purchased furniture, fixtures, and equipment; and prepares a cost estimate and budget for construction and FF&E items. Again the process is iterative, and following a couple of Council work sessions and

approval of the design, then another round of cost estimates is developed. Professional fee estimate is in the range of \$56,000 to \$67,000 depending on the design choices of Phase 3.

## **COSTS: “Construction” vs. “Project”**

Before numbers begin to be debated and expectations develop, an important distinction is that “construction” costs are only part of the total “project” cost.

Construction cost, or cost to build or repair the building, or what is paid to General Contractor, are all ways of referring to the largest component of the total project cost, which is generally 75% to 80%. But overall project costs include many additional items such as:

### **STUDIES-** items such as:

Phase 1 & 2 feasibility studies, environmental assessment, hazmat abatement study, ALTA survey, traffic study, basic geotechnical survey and title report.

### **DEVELOPMENT COSTS-** items such as:

Actual construction cost plus, land and rights acquisition, right-of-way, partitions, lot line adjustments, demolition, site work, off site infrastructure improvements, appraisal and structural construction testing.

### **PRECONSTRUCTION COSTS-** items such as:

Consulting, design and professional fees for Architectural services, interior designs, furniture systems design, civil, structural and mechanical engineering, data/communication and security design consultants, landscape design, cost estimating services and planning and zoning coordination.

### **CITY/COUNTY/STATE FEES/PERMITS-** items such as:

System development changes for transportation, sewer, stormwater and water, site and design review type III, conditional use type III, pre-application conference fees, building, electrical, plumbing and mechanical permit fees, fire/life and safety review, and DEQ & EPA permits.

### **ADMINISTRATION COSTS-** items such as:

Professional project manager costs, furnishings, fixtures and equipment (FF&E) for phone/data, security, generator, UPS, and multi-media, plus furniture and systems-furniture, relocation expenses and bond measure expenses.

All the above potential cost items need to be estimated to more fully inform the Council as you consider the possible cost and funding requirements, before making any “building” or repair commitment.

**SUMMARY:**

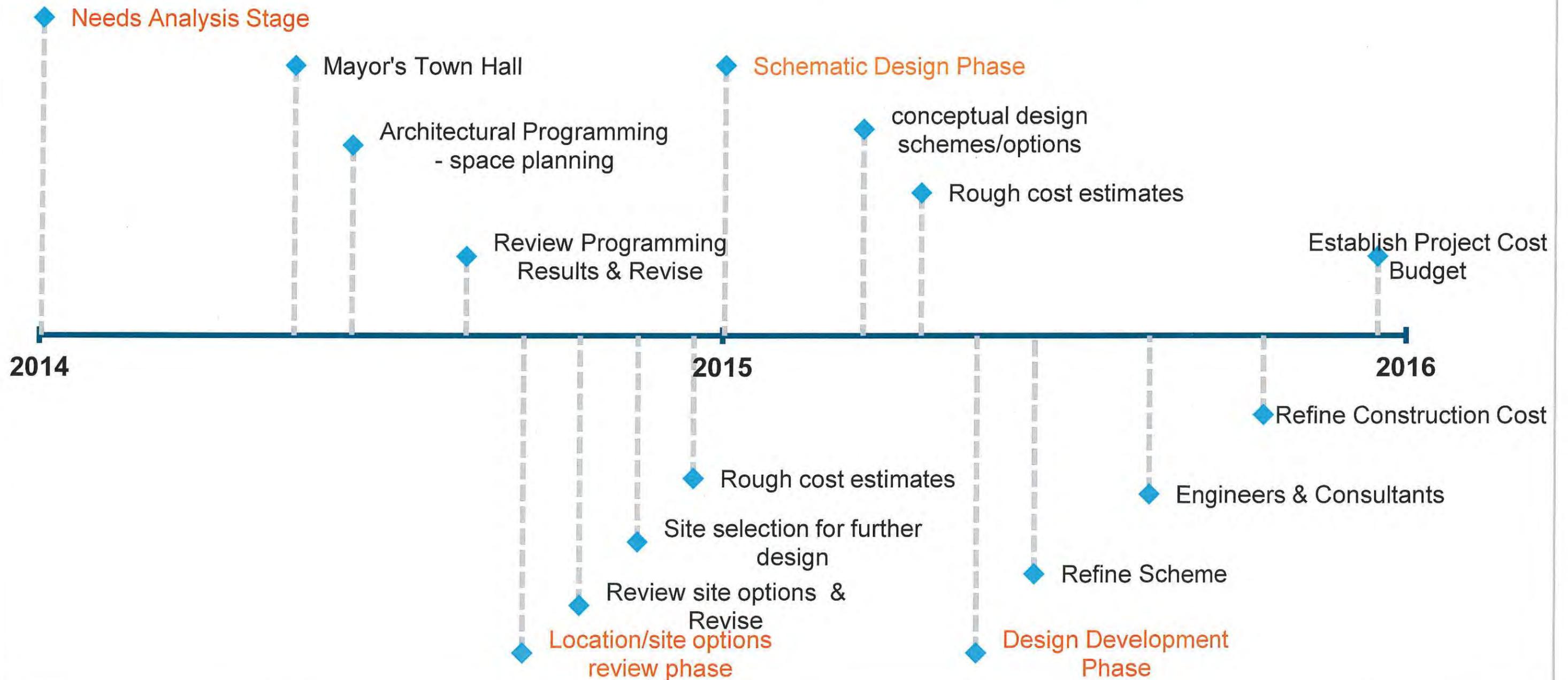
The resolution begins the process, but does **not** commit to “build” or refurbish anything, only to gather more information for future decisions, and authorizes the City Manager or Finance Director to begin implementation of the process plan.

**PROS & CONS:**

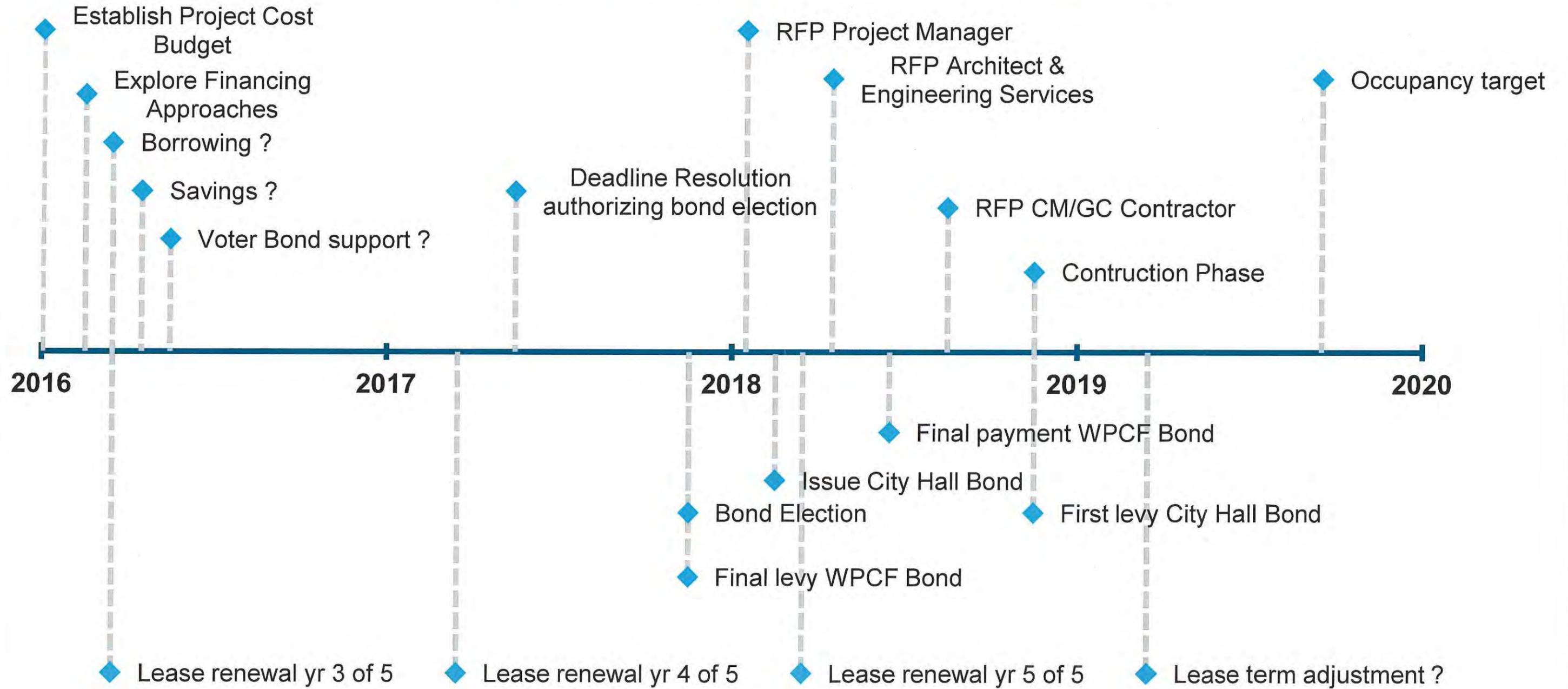
- A. Approve the proposed resolution to provide the public and other interested parties clarity as to the intended process.
- B. Not approve the proposed resolution, develop a new plan or chose not to explore a new facility.

<p><b>Current Year Budget Impacts</b> <input checked="" type="checkbox"/> Yes (<i>describe</i>)    <input type="checkbox"/> N/A First Year: unknown, dependent upon input volume</p> <p><b>Future Fiscal Impacts:</b> <input checked="" type="checkbox"/> Yes (<i>describe</i>)    <input type="checkbox"/> N/A Future Years: unknown, dependent upon number of site options and cycles in iterative process</p> <p><b>Community Involvement Process:</b> <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

# New City Hall Plan Timeline (pt. 1)



## New City Hall Plan Timeline (pt. 2)





March 11, 2014

Mr. Craig Ward  
City Manager  
219 E. Historic Columbia River Highway  
Troutdale, Oregon, 97060

**Re: Preliminary Design/Construction Cost Analysis**

Dear Mr. Ward:

Thank you for allowing Ankrom Moisan Architects to provide this cost analysis for the renovation the Old City Hall Building on SE Kibling Avenue, in Troutdale, Oregon.

#### **Our Understanding of Your Project**

The existing facility built in 1923 and later remodeled in the late 1970's is currently vacated due to certain structural deficiencies reported in the Structural Repairs Recommendations letter of December 19, 2011. While the City of Troutdale is currently operating their activities away from this building, they seek to consider the option of re-using the existing facility to either move back to it or to repurpose the building.

Both Ankrom Moisan Architects and Mr. Joe Vondrak with Pacific Crest Construction understand that if this facility is to be re-occupied it will have to undergo structural repairs and modifications to meet current codes as well as other accessibility and life and safety improvements. We assume that for efficiency purposes a City-Contractor-Consulting team that would include our firm, Pacific Crest Construction and the consulting firms and Tim Froehlich Structural Engineering will form the team.

Since at this point we do not have a formal interior program to relocate City Hall to this location we assume that some programming will have to be created first to establish a scope that may include interior improvements as well a structural solution. For this type of projects and conditions we have seen construction costs ranging from \$175 to \$215 per square foot, these costs vary depending on program needs and further analysis of the building conditions, given the present unknowns, we can offer the following general assumptions that will likely be adjusted if the City chooses to go this path and so therefore we offer the following analysis and possible construction cost impact:

#### **Construction Assumptions**

- Approximate Interior building areas: 7,531 S.F. (To be confirmed)
- Range of construction costs based on the 7,531 area at \$175 to \$215 per square foot = \$1,317,925 to \$1,589,041.

#### **Architectural Scope Analysis**

- Conduct an existing conditions survey and as-built architectural conditions plan.
- Meet with Client to develop an interior spaces plan and program.
- Due diligence to obtain applicable data for issues such as building codes, zoning, exiting, parking, fire and life safety, utilities availability etc.



- Develop Preliminary Design conceptual sketches of the preferred interior floor plan to be used as a basis for planning and preliminary construction cost estimates departing from the original base interior program.
- PD-5% of fee (Preliminary Design).
- SD-10% of fee (Schematic Design) Create CADD scaled plans, conceptual alternatives, Concept reviews with client, Team Meetings (3 @ 2 hrs each) with the Contractor Team and you to insure timely input.
- DD-25% of fee (Design Development) Refine construction documents ready for preliminary City Review.
- CD-45% of fee (Construction Documents) Finalize construction documents that include, plans, elevations, sections, details, reflected ceiling, emergency, and lighting plans and schedules.
- CA-15% of fee (Construction Administration) meetings (6 @ 2hrs each), clarifications, contractor submittal review.
- For the Architectural Scope of Work we envision a base fee of not to exceed \$62,500 plus reimbursable expenses such as travel, prints etc. estimated at \$4,000

#### Structural Scope Analysis

- Assumes: a) No seismic upgrades, b) (1) Kick-off meeting with the City, c) The scope is for the Design/Built contract with Pacific Crest Construction and Ankrom Moisan Architects only.
- Evaluate and prepare Design for: a) Trusses, b) Glulam beams, c) Fire-damaged and broken rafters, e) foundations (pin piles and gradebeams assumed), f) Design framing for new elevator, g) minor interior remodel work.
- For the Structural Scope of Work, we envision a base fee of not to exceed \$20,000 plus reimbursable expenses estimated at \$8,200.

#### Regulatory Agency Review and Other Soft Costs

Other soft costs that will impact this project may add about 10% of construction costs and that include building permit and reviews, SDC and TIF charges, etc. We will evaluate together with you, how much of these services are needed to maintain design efficiency and to avoid duplication of services.

Mr. Ward thanks again for the opportunity to provide you with this analysis and I hope the above fee preliminary projections meet your approval. Please let me know if you have questions or require further clarification. In the event that you agree to work with us, I will prepare a fee contract for your consideration.

Sincerely,  
ANKROM MOISAN ASSOCIATED ARCHITECTS

A handwritten signature in black ink, appearing to read 'Mario Espinosa', written over a horizontal line.

Mario Espinosa  
Senior Associate

Joe Vondrak  
Pacific Crest Construction

## **RESOLUTION NO.**

### **A RESOLUTION APPROVING A TRANSPARENT PROCESS PLAN FOR EVALUATING THE NEEDS AND OPTIONS FOR A POTENTIAL NEW CITY HALL.**

#### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. The City Hall Building, located at 104 SE Kibling Avenue, was constructed in 1923.
2. The continued use of the City Hall building was determined to be unfeasible due to concerns relating to the structural integrity of the aging building.
3. To ensure the safety of both the public and city staff, City operations were relocated and are now delivered from several physical locations.
4. The delivery of services from several current sites is a short term configuration with inherent inefficiencies.
5. A longer term location solution is necessary for a City Hall replacement or repair.
6. Proposals have been offered from several developers for a variety of potential sizes and locations.
7. Proposals have been offered for the potential repair and refurbishment of old City Hall.
8. The public has expressed considerable interest, opinions, and questions regarding a potential replacement City Hall, or repair of old City Hall.
9. Determining the functions and services to be provided at City Hall, and the resulting required size and location for a replacement or refurbished facility, in a systematic, professional and transparent manner, is in the best interest of the City.

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

Section 1. Approves the plan timeline for the potential new or refurbished City Hall in substantial conformity with Exhibit A of the Staff Report.

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 implement the necessary purchases, contracts, agreements, studies, proposals and any and all other required and necessary documents to implement this resolution and the adopted materials of Section 1 through phase one, needs analysis, of the process as outlined in the staff report.

Section 3. Further, consistent with intent of the resolution, and in the best interest of the City, the City Officials are authorized to determine and execute any subsequent addendums, extensions, revisions, modifications, or successor documents, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 4. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the necessary plan obligations, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 5. Following completion of phase one, needs analysis, the City Council will consider further steps in the process.

Section 6. This Resolution shall take effect upon adoption.

**YEAS:**  
**NAYS:**  
**ABSTAINED:**

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

**Date** \_\_\_\_\_

\_\_\_\_\_  
**Debbie Stickney, City Recorder**  
**Adopted:**



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A resolution approving an agreement between the City of Troutdale and McMenamins Inc. for the Summer Concert Series as an Event of Citywide Interest.

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

**MEETING DATE:** April 22, 2014

**STAFF MEMBER:** Craig Ward, City Manager  
**DEPARTMENT:** Executive

**ACTION REQUIRED**  
Resolution

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**  
Not Applicable

**PUBLIC HEARING**  
No

**Comments:** Cherry Ridge HOA provides input.

**STAFF RECOMMENDATION:** Staff recommends approval

**EXHIBITS:**

- A. Agreement between the City of Troutdale and McMenamins Inc. for the 2014 Summer Concert Series as an Event of City Wide Interest
- B. Redline version of proposed 2014 Agreement compared to 2013 adopted Agreement.

**Subject / Issue Relates To:**

- Council Goals                     
  Legislative                     
  Other (describe)

**Issue / Council Decision & Discussion Points:**

- ◆ Proposed Summer Concert Agreement with McMenamins Edgefield would authorize the City Manager to amend or renew the annual Agreement.

Reviewed and Approved by City Manager:

**BACKGROUND:** McMenamins Edgefield has held concerts on the lawn since 2004. The first full year of concerts held at Edgefield was in 2007. During the 2007 concert series, there were a few issues that occurred that led to discussions between Edgefield and the City that resulted in negotiated agreements since 2008.

Renewal of the annual agreement presumes compliance with terms renewed and improved over several years, including limiting noise levels (1.1.1), prohibiting after hour concerts at Blackberry Hall (1.1.2), limiting the time frame for concerts to the period after school is out for summer in June and not scheduling concerts on school nights during September 2014 except when the following day is a (a) holiday or (b) school in-service day (1.1.3), limiting concerts to no more than two consecutive days (1.1.4), ending concerts at approximately 9:30 PM, parking (1.1.6 and 1.1.7), limiting sound levels, (1.1.8), restricting lighting (1.1.9 and 1.1.10), and reimbursing the City for police services (1.1.12), among others. The inclusion of these terms in the past resulted in minimal citizen concerns and complaints regarding the concert series.

In an effort to be more business friendly, section 6 delegates to the City Manager or designee the authority to amend or terminate this Agreement on behalf of the City without action by the City Council. The proposed language also permits the City to terminate the agreement on 60-days notice for: (i) any breach of this agreement, including but not limited to failure to remit payments or supply information; or (ii) repeated violations of laws, including ordinances, on the Edgefield premises during the Summer Concert Series. Removal of the annual term of the agreement, in concert with these provisions, eliminates the necessity for Summer Concert Series annual agreement renewals. The changes to the proposed 2014 Agreement compared to the 2013 adopted Agreement are shown in Exhibit B.

**PROS & CONS:**

Pros:

- The Summer Concert Series brings thousands of people to Troutdale several times a month during the summer which supports local businesses.

Cons

- There have been minimal citizen concerns and complaints regarding the concert series regarding noise and some comments regarding the traffic. There may be some minor citizen complaints during the concert series this coming year, as one would expect any time a large group gathers for an event.

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

**Agreement  
Between the City of Troutdale and McMenamins Inc.  
For the Summer Concert Series as an  
Event of Citywide Interest**

THIS AGREEMENT is made and entered into between the City of Troutdale, an Oregon municipal corporation (the “City”) and McMenamins, Inc, an Oregon corporation (“McMenamins”) for the purpose of establishing the City’s and McMenamins’ coordination obligations related to outdoor concerts held at 2126 SW Halsey, Troutdale, Oregon (“Edgefield”) from June through September (“Summer Concert Series”).

**RECITALS**

A. Edgefield is zoned General Commercial under the Troutdale Development Code (“TDC”) 3.120. Edgefield and the Summer Concert Series are allowed as permitted uses under the TDC.

B. On April 24, 2007, the Troutdale City Council designated Edgefield as an event of citywide interest under the TDC (“Event of Citywide Interest”) and collectively deemed all events at Edgefield as Events of Citywide Interest, including the Summer Concert Series.

C. Parking for the Summer Concert Series requires use of unpaved parking areas for temporary overflow parking. Temporary overflow parking in conjunction with Events of Citywide Interest is allowed on unpaved surfaces under TDC 9.070(C).

D. The City requires an applicant to submit an application for Events of Citywide Interest (“Events Permit Application”). The Events Permit Application provides City staff with specific information about the planned event to help the City better assist an applicant during the planning for such authorized events. The City reviews the Events Permit Application and signs-off on the proposed activities (“Events Permit”). This Agreement provides coordination obligations for the City and McMenamins for the Summer Concert Series.

IN CONSIDERATION of the mutual benefits and obligations set forth herein, the parties agree as follows:

**AGREEMENT**

1. **Events of Citywide Interest.** The City reaffirms the City Council’s 2007 declaration that all events at Edgefield are Events of Citywide Interest under the TDC, including the Summer Concert Series, and that temporary overflow parking is allowed on unpaved surfaces of the Edgefield property pursuant to TDC 9.070(C).
2. **Events Permit Applications.** McMenamins agrees to annually provide the City with Events Permit Applications for (a) the Summer Concert Series and (b) Annual and Reoccurring Events of Citywide Interest.

3. **Event Permits and Obligations.** The City and McMenamins agree that the following terms and conditions will be incorporated by reference into the Events Permit for each Summer Concert Series.

3.1 **City's Obligations**

- 3.1.1 The City Police Department will provide traffic control on the public roads to include SW Halsey, 244th Avenue, 238th Avenue, and 257th Avenue and assist McMenamins in facilitating parking for the Summer Concert Series ("Traffic Control").
- 3.1.2 The City Police Department will coordinate with police agencies outside of the City of Troutdale ("Outside Police Agencies") if, for any reason in the City's sole judgment, additional police staff is needed to provide Traffic Control.
- 3.1.3 The City will bill McMenamins monthly for City police services for Traffic Control.
- 3.1.4 The City Police Chief or his designee will participate in any neighborhood meeting McMenamins schedules related to the Summer Concert Series.
- 3.1.5 The City Police Department, after coordinating with McMenamins, will provide Multnomah County, the Oregon Department of Transportation, the City of Wood Village, and the City of Fairview information on Traffic Control for the Summer Concert Series.

3.2 **McMenamins' Obligations**

- 3.2.1 McMenamins will provide door hangers to affected neighborhoods of Sedona Park, Cherry Ridge, and the homes on Halsey Street east of Edgefield. Flyers will be provided to the Cherry Ridge Apartment complex and the Troutdale Terrace Apartments on 257th Avenue south of Sedona Park.
- 3.2.2 Door hangers and flyers will include information on the Summer Concert Series schedule, the address for the McMenamins Summer Concert Series homepage for up-to-date concert changes and information, the approximate ending time of 9:30 PM but not later than 10:00 PM for Summer Concert Series shows, and telephone numbers to contact McMenamins staff during a concert.
- 3.2.3 McMenamins will make reasonable efforts to monitor for potential violations of law occurring upon its premises during the Summer Concert Series that may breach the peace or constitute or become a nuisance, and will use its best commercially-reasonable efforts to suppress such violations and avoid future recurrences.

- 3.2.4 McMenamins will provide an onsite liaison to the City Police Department during the Summer Concert Series. McMenamins will communicate the onsite liaison's name and telephone number that will ring directly to the liaison on the night of an event, to the City Police Chief, or his designee, no fewer than twenty four (24) hours before the start of an event. McMenamins must inform the Chief of Police of any last-minute staffing changes for the liaison role, and include the new liaison's telephone number. The onsite liaison and the Chief of Police, or his designee, shall communicate to assure compliance with the terms of the agreement. The onsite McMenamins liaison shall have the authority to terminate the concert(s).
- 3.2.5 McMenamins will ensure that noise level from a Summer Concert Series show does not exceed 87 decibels ("dB") as measured at the Distillery Bar. This dB noise limit will be included in the promoter/performers contracts.
- 3.2.6 McMenamins will not have any concerts at Blackberry Hall after 10:00 P.M. following the conclusion of any Summer Concert Series show.
- 3.2.7 McMenamins will start the Summer Concert Series after school is out for summer in June 2014 and will not schedule Summer Concert Series shows on school nights (Sunday through Thursday) during the month of September 2014 unless the following day is (i) a holiday recognized by the Reynolds School District; or (ii) school in-service day for Reynolds School District.
- 3.2.8 McMenamins will not schedule Summer Concert Series shows on more than two consecutive days.
- 3.2.9 McMenamins will ensure that Summer Concert Series shows end at approximately 9:30 P.M. but not later than 10:00 P.M.
- 3.2.10 McMenamins will provide staff for direction and control for guest vehicle parking needs when guests arrive at or depart from the venue. This may include working with an outside agency.
- 3.2.11 McMenamins will provide a staff member at the entrances and exits as needed to work with the City Police Department in directing traffic and parking.
- 3.2.12 McMenamins will ensure that there is no amplified sound during the Summer Concert Series prior to 2:00 P.M. System and sound checks conducted after 2:00 P.M. will be limited to the minimum time required, but will not exceed three hours (approximately one hour for the system check and two hours for the sound check).
- 3.2.13 McMenamins will ensure that lighting in the parking lots will be turned off no later than midnight following a Summer Concert Series show. An exception would be permitted when the City Police Department determines that there is a public safety need to maintain the lighting.

- 3.2.14 McMenamins will ensure that lighting in the parking lots for the Summer Concert Series will face in a northerly direction.
- 3.2.15 McMenamins will provide the City Manager with a copy of the contract between the promoter and McMenamins as it pertains to the coordination obligations set forth in this Agreement. Proprietary business and financial information will be redacted prior to submitting the copy to the City.
- 3.2.16 McMenamins will reimburse the City for City police services associated with the Summer Concert Series within 30 days of receiving an invoice issued pursuant to section 3.1.3 of this Agreement.
- 3.2.17 McMenamins will directly reimburse any Outside Police Agency for police services associated with the Summer Concert Series within 30 days of receiving an invoice.
- 3.2.18 McMenamins will ensure that the maximum capacity for any Summer Concert Series show does not exceed 5,000 persons.
- 3.2.19 McMenamins will contract with the Summer Concert Series promoter for security inside the Summer Concert Series venue and for the performers.
4. **Term.** The term of this Agreement shall be from June 1 to September 30, 2014. Thereafter, this Agreement will automatically renew for successive annual terms between June 1 and September 30 of each year, unless terminated sooner under the terms of this Agreement.
5. **Amendment and Termination.** This Agreement may be amended or terminated by the mutual written consent of the parties and their successors in interest. The City Manager or designee is authorized to amend or terminate this Agreement on behalf of the City. The City may also terminate this agreement (a) for material breach on 60-days' written notice, provided that McMenamins will not be in breach if, within thirty (30) days after receiving such notice, it either corrects the deficiency or commences a continuous good faith effort to correct its performance within a reasonable period of time; or (b) upon 60 days' of supplying McMenamins with written notice following September 1, or the final concert of that year's Summer Concert Series, whichever occurs later; however before the termination becomes effective on the 60th day under this provision the parties agree that one or the other of them shall be allowed to propose in writing that the agreement be continued upon new terms, and may supply such terms before the termination becomes effective, and the party receiving such terms shall consider such terms in good faith, both parties understanding that the effective date for the termination may by mutual written consent be extended to facilitate such discussions.
6. **Remedies.** The remedies available under this Agreement are those provided for under local and state law, including, but not limited to TMC 8.24 and 1.04.095.

7. **Notices.** Any written notice delivered under this agreement shall be delivered by placing the notice in US mail, with the date of mailing constituting the date of notice, to the following locations:

**If to McMenamins:**

DJ Simcoe  
McMenamins Edgefield  
2126 SW Halsey St.  
Troutdale, OR 97060

**If to City:**

Craig Ward  
City of Troutdale  
219 E. Historic Columbia River Hwy  
Troutdale, OR 97060

As a courtesy, copies of written notices may be delivered by email on the same day a mailed notice is delivered. Such contemporaneously-emailed notice shall have equal effect as the mailed notice.

\_\_\_\_\_  
Craig Ward, City Manager  
City of Troutdale

\_\_\_\_\_  
Date

\_\_\_\_\_  
DJ Simcoe  
McMenamins, Inc.

\_\_\_\_\_  
Date

**Agreement**  
**Between the City of Troutdale and McMenamins Inc.**  
**For the Summer Concert Series as an**  
**Event of ~~City Wide~~Citywide Interest**

THIS AGREEMENT is made and entered into between the City of Troutdale, an Oregon municipal corporation (the “City”) and McMenamins, Inc, an Oregon corporation (“McMenamins”) for the purpose of establishing the City’s and McMenamins’ coordination obligations related to outdoor concerts held at 2126 SW Halsey, Troutdale, Oregon (“Edgefield”) from June through September 2013 (“Summer Concert Series”).

**RECITALS**

A. Edgefield is zoned General Commercial under the Troutdale Development Code (“TDC”) 3.120. Edgefield and the Summer Concert Series are allowed as permitted uses under the TDC.

B. On April 24, 2007, the Troutdale City Council designated Edgefield as an event of ~~city wide~~citywide interest under the TDC (“Event of ~~City Wide~~Citywide Interest”) and collectively deemed all events at Edgefield as Events of ~~City Wide~~Citywide Interest, including the Summer Concert Series.

C. Parking for the Summer Concert Series requires use of unpaved parking areas for temporary overflow parking. Temporary overflow parking in conjunction with Events of ~~City Wide~~Citywide Interest is allowed on unpaved surfaces under TDC 9.070(C).

D. The City requires an applicant to submit an application for Events of ~~City Wide~~Citywide Interest (“Events Permit Application”). ~~The Event~~Events Permit Application provides City staff with specific information about the planned event to help the City better assist an applicant during the planning for such authorized events. The City reviews the event. ~~McMenamins submitted an Event~~Events Permit Application ~~for and signs-off on the Summer Concert Series, and this proposed activities (“Events Permit”).~~ This Agreement provides coordination obligations for the City and McMenamins for the Summer Concert Series.

IN CONSIDERATION of the mutual benefits and obligations set forth herein, the parties agree as follows:

**AGREEMENT**

**1.0 — The City’s Obligations**

**1.1.1 — Events of Citywide Interest.** The City reaffirms the City Council’s 2007 declaration that all events at Edgefield are Events of Citywide Interest under the TDC, including the Summer Concert Series, and that temporary overflow parking is allowed on unpaved surfaces of the Edgefield property pursuant to TDC 9.070(C).

2. Events Permit Applications. McMenamins agrees to annually provide the City with Events Permit Applications for (a) the Summer Concert Series and (b) Annual and Reoccurring Events of Citywide Interest.

3. Event Permits and Obligations. The City and McMenamins agree that the following terms and conditions will be incorporated by reference into the Events Permit for each Summer Concert Series.

3.1 City's Obligations

3.1.1 The City Police Department will provide traffic control on the public roads to include SW Halsey, 244th Avenue, 238th Avenue, and 257th Avenue and assist McMenamins in facilitating parking for the Summer Concert Series ("Traffic Control").

3.1.2 The City Police Department will coordinate with outside-police agencies outside of the City of Troutdale ("Outside Police Agencies") if, for any reason in the City's sole judgment, additional police staff is needed to provide Traffic Control.

3.1.3 The City will bill McMenamins monthly for City police services for Traffic Control.

3.1.4 The City Police Chief or his designee will participate in any neighborhood meeting McMenamins schedules related to the Summer Concert Series.

3.1.5 The City Police Department, after coordinating with McMenamins, will provide Multnomah County, the Oregon Department of Transportation, the City of Wood Village, and the City of Fairview information on Traffic Control for the Summer Concert Series.

3.2 ~~2.0~~ McMenamins' Obligations

3.2.1 ~~2.1~~ McMenamins will provide door hangers to affected neighborhoods of Sedona Park, Cherry Ridge, and the homes on Halsey Street east of Edgefield. Flyers will be provided to the Cherry Ridge Apartment complex and the Troutdale Terrace Apartments on 257th Avenue south of Sedona Park.

3.2.2 ~~2.1.1~~ Door hangers and flyers will include information on the Summer Concert Series schedule, the address for the McMenamins Summer Concert Series homepage for up-to-date concert changes and information, the approximate ending time of 9:30 PM but not later than 10:00 PM for Summer Concert Series shows, and telephone numbers to contact McMenamins staff during a concert.

3.2.3 ~~2.2~~ McMenamins will make reasonable efforts to monitor for potential violations of law occurring upon its premises during the Summer Concert Series that may breach the peace or constitute or become a nuisance, and will use its best commercially-reasonable efforts to suppress such violations and avoid future recurrences.

3.2.4 ~~McMenamins will provide an onsite liaison to the City Police Department during the Summer Concert Series. The onsite liaison will be communicated to the City Police Chief, or his designee. McMenamins will communicate the onsite liaison's name and telephone number that will ring directly to the liaison on the night of an event, to the City Police Chief, or his designee, no fewer than twenty four (24) hours before the start of an event. McMenamins must inform the Chief of Police of any last-minute staffing changes for the liaison role, and include the new liaison's telephone number.~~ The onsite liaison and the Chief of Police, or his designee, shall communicate to assure compliance with the terms of the agreement. The onsite McMenamins liaison shall have the authority to terminate the concert(s).

3.2.5 ~~2.3~~ McMenamins will ensure that noise level from a Summer Concert Series show does not exceed 87 ~~Db~~decibels ("dB") as measured at the Distillery Bar. This ~~Db~~dB noise limit will be included in the promoter/performers contracts.

3.2.6 ~~2.4~~ McMenamins will not have any after-hour's concerts at Blackberry Hall after 10:00 P.M. following the conclusion of any Summer Concert Series show.

3.2.7 ~~2.5~~ McMenamins will start the Summer Concert Series after school is out for summer in June ~~2013~~2014 and will not schedule Summer Concert Series shows on school nights (Sunday through Thursday) during the month of September ~~2013~~2014 unless the following day is (i) a (a)-holiday recognized by the Reynolds School District; or (bii) school in-service day. ~~for Reynolds School District.~~

3.2.8 ~~2.6~~ McMenamins will not schedule Summer Concert Series shows on more than two ~~consecutive~~ consecutive days.

3.2.9 ~~2.7~~ McMenamins will ensure that Summer Concert Series shows end at approximately 9:30 ~~pm~~P.M., but not later than 10 ~~pm~~:00 P.M.

3.2.10 ~~2.8~~ McMenamins will provide staff for direction and control for guest vehicle parking. needs when guests arrive at or depart from the venue. This may include working with an outside agency.

3.2.11 ~~2.9~~ McMenamins will provide a staff member at the entrances and exits as needed to work with the City Police Department in directing traffic and parking.

3.2.12 ~~2.10~~ McMenamins will ensure that there is no amplified sound during the Summer Concert Series prior to 2:00 P.M. System and sound checks conducted after ~~2:00 P.M.~~ will be limited to the minimum time required, but will not exceed three hours (approximately one hour for the system check and two hours for the sound check).

3.2.13 ~~2.11~~ McMenamins will ensure that lighting in the parking lots will be turned off no later than midnight following a Summer Concert Series show. An exception would be permitted when the City Police Department determines that there is a public safety need to maintain the lighting.

3.2.14 ~~2.12~~ McMenamins will ensure that lighting in the parking lots for the Summer Concert Series will face in a northerly direction.

3.2.15 ~~2.13~~ McMenamins will provide the City Manager with a copy of the contract between the promoter and McMenamins as it pertains to the coordination obligations set forth in this Agreement. Proprietary business and financial information will be redacted prior to submitting the copy to the City.

3.2.16 ~~2.14~~ McMenamins will reimburse the City for City police services associated with the Summer Concert Series within 30 days of receiving an invoice issued pursuant to section 3.1.3 of this Agreement.

3.2.17 ~~2.15~~ McMenamins will directly reimburse any ~~outside agency~~ Outside Police Agency for police services associated with the Summer Concert Series within 30 days of receiving an invoice.

3.2.18 ~~2.16~~ McMenamins will ensure that the maximum capacity for any Summer Concert Series show does not exceed 5,000 persons.

3.2.19 2.17McMenamins will contract with the Summer Concert Series promoter for security inside the Summer Concert Series venue and for the performers.

4.3.0 Term. The term of this Agreement shall be from June 1 to September 30, 2014. Thereafter, this Agreement will automatically renew for successive annual terms between June 1 and September 30 of each year, unless terminated sooner under the terms of this Agreement.

5. Amendment and Termination. This Agreement may be amended or terminated by the mutual written consent of the parties and their successors in interest. The City Manager or designee is authorized to amend or terminate this Agreement on behalf of the City. The City may also terminate this agreement (a) for material breach on 60-days' written notice, provided that McMenamins will not be in breach if, within thirty (30) days after receiving such notice, it either corrects the deficiency or commences a continuous good faith effort to correct its performance within a reasonable period of time; or (b) upon 60 days' of supplying McMenamins with written notice following September 1, or the final concert of that year's Summer Concert Series, whichever occurs later; however before the termination becomes effective on the 60th day under this provision the parties agree that one or the other of them shall be allowed to propose in writing that the agreement be continued upon new terms, and may supply such terms before the termination becomes effective, and the party receiving such terms shall consider such terms in good faith, both parties understanding that the effective date for the termination may by mutual written consent be extended to facilitate such discussions.

Remedies. -The remedies available under this Agreement are those provided for —  
—under local and state law, including, but not limited to TMC 8.24 and  
6.TMC-1.04.095.

7. Notices. Any written notice delivered under this agreement shall be delivered by placing the notice in US mail, with the date of mailing constituting the date of notice, to the following locations:

**If to McMenamins:**

DJ Simcoe  
McMenamins Edgefield  
2126 SW Halsey St.  
Troutdale, OR 97060

**If to City:**

Craig Ward  
City of Troutdale  
219 E. Historic Columbia River Hwy  
Troutdale, OR 97060

As a courtesy, copies of written notices may be delivered by email on the same day a mailed notice is delivered. Such contemporaneously-emailed notice shall have equal effect as the mailed notice.

\_\_\_\_\_  
Craig Ward, City Manager  
City of Troutdale

\_\_\_\_\_  
Date

\_\_\_\_\_  
DJ Simcoe  
McMenamins, Inc.

\_\_\_\_\_  
Date

## RESOLUTION NO.

### A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF TROUTDALE AND MCMENAMINS INC. FOR THE SUMMER CONCERT SERIES AS AN EVENT OF CITYWIDE INTEREST.

#### THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The McMenamins Edgefield Summer Concert Series is an event of citywide interest.
2. It is both necessary and desirable to enter into an Agreement with McMenamins Edgefield relating to the Summer Concert Series.
3. The City of Troutdale will receive reimbursement from McMenamins Edgefield for all overtime costs associated with the Summer Concert Series.

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

**Section 1.** That the City Manager is authorized to sign an Agreement relating to the Edgefield Summer Concert Series which is in substantial conformity to that which is attached to the Staff report as Exhibit "A".

**Section 2.** This resolution is effective upon adoption.

**YEAS:**  
**NAYS:**  
**ABSTAINED:**

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

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

\_\_\_\_\_  
**Debbie Stickney, City Recorder**  
**Adopted:**



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** An ordinance declaring a moratorium on medical marijuana facilities in Troutdale and declaring an emergency.

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

**MEETING DATE:** April 22, 2014

**STAFF MEMBER:** Chief Anderson  
**DEPARTMENT:** Police

**ACTION REQUIRED**  
Ordinance - Adoption

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**  
Not Applicable

**PUBLIC HEARING**  
Yes

**Comments:**

**STAFF RECOMMENDATION:** Adopt Ordinance

**EXHIBITS:**

- A. January 23, 2014 City Attorney's Office Memorandum
- B. Oregon House Bill 3460 (2013)
- C. Oregon Senate Bill 1531 (2014)

**Subject / Issue Relates To:**

- Council Goals
  Legislative
  Other (describe)

**Issue / Council Decision & Discussion Points:**

- ◆ Is it in the best interest of Troutdale citizens to enact an ordinance prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of Troutdale until May 1, 2015?
- ◆ Relying solely on our current Business License Ordinance may not prevent a medical marijuana facility from operating in Troutdale.
- ◆ An emergency exists because Senate Bill 1531 requires the moratorium ordinance to be enacted by May 1, 2014. Additionally, we must notify the Oregon Health Authority by May 1, 2014.

Reviewed and Approved by City Manager:

## BACKGROUND:

In March 2014, the Oregon Legislature passed Senate Bill 1531, which restricts local government regulation of medical marijuana facilities to the "reasonable regulations" provided in statute: the hours of operation for medical marijuana facilities, where the facilities may locate within the zones allowed by law, and the manner in which a facility may dispense medical marijuana. Additionally, the bill allows a city or county to enact an ordinance declaring a moratorium if the city notifies the Oregon Health Authority of such moratorium by May 1, 2014. Senate Bill 1531 limits the duration of the moratorium until May 1, 2015.

This Ordinance is predicated on the understanding that the moratorium represents an exercise of the city of Troutdale's home rule authority and police powers to prohibit certain activities within our city limits. The moratorium has the additional effect of removing the immunity provisions of the Oregon Medical Marijuana Act for anyone operating a medical marijuana facility in an area of a moratorium, notwithstanding that they may be a medical marijuana card holder previously registered with the Oregon Health Authority under ORS 475.314.

One option the City has to prevent medical marijuana facilities from opening is reliance on the requirements of the Business License Ordinance, **Troutdale Municipal Code 5.04.060, License – Criteria for approval**. By requiring that any potential business licensee comply with local, state and federal laws, cities may deny licenses to marijuana facilities, which would operate in violation of federal law. Because Troutdale Municipal Code already requires that a business comply with local, state and federal law in order to receive a business license, this option requires no action on the City's part. Two concerns in this approach are: (1) It requires that the City actually monitor whether or not potential business licensees comply with state and federal law; and (2) it results in a municipality denying a license to an individual whose business has been approved by a State agency.

The Oregon Legislative Counsel's Office has taken the position that "while a municipality may not be required to violate federal law to comply with a conflicting state law, a municipality may not act contrary to state law merely because the municipality believes that the action will better carry out the purposes and objectives of federal law." In other words, the Oregon Legislative Counsel's Office believes that cities are preempted from restricting or prohibiting the operation of a state-registered medical marijuana facility.

Conversely, the League of Oregon Cities advises that because the State did not expressly retain exclusive control over facility regulation, municipalities are free to take more restrictive measures as they choose. A number of cities have recently amended their business license ordinances to include language that would prohibit issuing a license to a business that did not comply with local, state or federal law.

Upon adopting this ordinance, the City of Troutdale must notify the Oregon Health Authority. The Oregon Health Authority is currently developing a process by which local jurisdictions may provide such notice.

Although not relevant to this Ordinance, zoning restrictions under HB 3460 include locating a facility in an area zoned for commercial, industrial, mixed use, or agricultural land. Also, a facility cannot be located less than 1000 feet from a school or another medical marijuana facility. Some cities are considering additional restrictions, such as prohibiting a facility within 1000 feet of parks and public

trails. This would drastically reduce the area in which potential medical marijuana facilities could locate.

**PROS & CONS:**

Pros:

- Medical Marijuana facilities would be prohibited from operating within the jurisdictional boundaries of Troutdale until May 1, 2015, allowing adequate time in which to draft and enact the ordinance subsequent to the moratorium expiration.

Cons

- None

<p><b>Current Year Budget Impacts</b> <input checked="" type="checkbox"/> No <i>(describe)</i></p> <p><b>Future Fiscal Impacts:</b> <input checked="" type="checkbox"/> N/A</p> <p><b>City Attorney Approved</b> N/A <input type="checkbox"/> Yes</p> <p><b>Community Involvement Process:</b> <input type="checkbox"/> Yes <i>(describe)</i> <input checked="" type="checkbox"/> N/A</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



## City Attorney's Office Memorandum

---

**Date:** January 23, 2014  
**To:** Mayor and City Council  
**From:** David Ross  
**Subject:** HB 3460/Marijuana Dispensaries

---

Item number 4 on Tuesday night's City Council Meeting Agenda is listed as a Presentation on Medical Marijuana Facilities and HB 3460. The purpose of this memorandum is to provide some background information in advance of the meeting, as this is not a staff driven agenda item.

Oregon legalized medical marijuana in 1998. Under the Oregon Medical Marijuana Program, registered cardholders may legally consume marijuana. The law allows cardholders to grow their own marijuana or obtain it from registered growers. Eventually, dispensaries began to open in which cardholders could purchase registered growers' products in a retail environment. The legal status of these dispensaries, as neither cardholders nor registered growers, was vague until August, 2013 when the Oregon Legislature passed Oregon House Bill 3460. The governor signed the bill and its substantive provisions go into effect on March 1, 2014. HB 3460 sets forth a licensing procedure for dispensaries that meet a set of requirements and register with the Oregon Health Authority.

HB 3460 sets out several requirements for medical marijuana dispensaries:

- registration with the Oregon Health Authority;
- pesticide/mold testing;
- security measures (including video surveillance, alarms and a safe);
- criminal background checks for operators;
- location in an area zoned for commercial, industrial or mixed uses or as agricultural land;
- location at least 1000 feet from schools;
- location 1000 feet from any other registered dispensary.

Several Oregon cities have reacted negatively to the idea of state-sanctioned dispensaries. Concerns over the possibility of increased crime rates around dispensaries or non-cardholders being exposed to or having access to marijuana have led some of these cities to take preemptive measures. These measures have come in the form of primarily either business licensing or zoning restrictions. Each method has its strengths and weaknesses, some of which are discussed below. All approaches to limiting or preventing marijuana dispensaries should be undertaken knowing (1) the Oregon legislature has decided medical marijuana dispensaries are legal providing they meet certain requirements; and (2) any steps taken to prevent dispensaries from opening may be mooted should Oregonians vote to legalize marijuana later in 2014, or thereafter. Keeping this in mind, what

follows is a brief discussion of the above-enumerated options the City of Troutdale has for limiting or preventing medical marijuana dispensaries within the City.

The first option the City has to prevent medical marijuana dispensaries from opening is reliance on the requirements of the business license ordinance. By requiring that any potential business licensee comply with local, state, and federal laws, cities may deny licenses to marijuana dispensaries, which would operate in violation of federal law. Because Troutdale Municipal Code already requires that a business comply with local, state, and federal law in order to receive a business license,<sup>1</sup> this option requires no action on the City's part. Some of the concerns surrounding this approach are:

- a) It requires that the City actually monitor whether or not potential business licensees comply with state and federal law; and
- b) It results in a municipality denying a license to an individual whose business has been approved by a State agency.

Additionally, the Oregon Legislative Counsel's office has taken the position that "while a municipality may not be required to violate federal law to comply with a conflicting state law, a municipality may not act contrary to state law merely because the municipality believes that the action will better carry out the purposes and objectives of federal law." In other words, Legislative Counsel's office believes that cities are preempted from restricting or prohibiting the operation of a state-registered medical marijuana facility.

Conversely, the League of Oregon Cities believes that because the State did not expressly retain exclusive control over dispensary regulation, municipalities are free to take more restrictive measures as they choose.<sup>2</sup> A number of cities, most notably Medford (Gresham has a similar ordinance), have recently amended their business license ordinance to include language that would prohibit issuing a license to a business that did not comply with local, state or federal law.

---

<sup>1</sup> Troutdale Municipal Code 5.04.060 License—Criteria for approval.

A. The chief of police shall either approve, approve with conditions or deny an application. Action on an application shall be based upon the consideration of all available information, including, but not limited to, a computerized criminal history record. An application may be denied on any of the following grounds:

1. Failure to provide requested information or any false, misleading or incomplete material statement made on the application form; however, if the statement is the result of excusable neglect, the applicant may resubmit an application with appropriate corrections;
2. The applicant, a principal or the business activity fails to meet the requirements of this code or is doing business in violation of this code or applicable state or federal law, including the building, health, mechanical, electrical, plumbing, development and fire codes of the city;
3. The applicant, a principal or the business activity would violate, or has violated, any ordinance or the charter of the city, any state or federal criminal statute, or any other law, as shown on a computerized criminal history record, unless the applicant proves that the violation has no bearing on the applicant's fitness or the ability of the business to undertake the licensed activity without endangering persons or property or the public health, safety or welfare. The chief of police may consider a violation that did not result in a conviction;
4. The business activity would endanger, or has endangered, persons or property, such that the business activity is a menace to the health, safety and general welfare of the city.

<sup>2</sup> A pre-filed Senate Bill for the 2014 Session, SB 1531, would allow cities and counties to "regulate or restrict operation of medical marijuana facility, prohibit registration of medical marijuana facility, or regulate, restrict or prohibit storing or dispensing of marijuana by facility legally authorized to store or dispense marijuana."

Another option to limit establishment of medical marijuana dispensaries in the City is by use of zoning restrictions. HB 3460 already comes with its own set of zoning restrictions, requiring that a dispensary be located in an area zoned for commercial, industrial, mixed used, or agricultural land. Additionally, a dispensary cannot be located less than 1000 feet from a school or another dispensary. It is unclear whether the legislature planned for these restrictions to be an exhaustive list but other cities are considering using more stringent zoning to regulate marijuana dispensaries. For example, in addition to the restrictions contained in HB 3460, Fairview is considering also prohibiting dispensaries within 1000 feet of parks, thereby allowing dispensaries only in the light industrial zone. If Troutdale, hypothetically, were to prohibit dispensaries within 1000 feet of parks and public trails (and schools), it would drastically reduce the area in which potential marijuana dispensaries could locate, as shown on the attached exhibit. Of course, amending the Development Code would take between three to four months to accomplish.

Lastly, several cities are considering a temporary prohibition on siting of medical marijuana dispensaries while they consider amendments to their zoning codes.

Again, this memorandum is intended to give you some background information about the anticipated topic. This meeting is NOT a work session on options to restrict, prohibit, or allow medical marijuana dispensaries in Troutdale. As always, should you have any questions, please contact me.

# House Bill 3460

Sponsored by Representative BUCKLEY, Senator PROZANSKI; Representative FREDBRICK, Senator DINGFELDER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Directs Oregon Health Authority to establish registration system for medical marijuana facilities for transferring usable marijuana from registry identification cardholders, designated primary caregivers of registry identification cardholders or marijuana grow sites to medical marijuana facilities and from medical marijuana facilities to registry identification cardholders or designated primary caregivers of registry identification cardholders.

Declares emergency, effective on passage.

### A BILL FOR AN ACT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Relating to medical marijuana; creating new provisions; amending ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

**SECTION 1.** Section 2 of this 2013 Act is added to and made a part of ORS 475.300 to 475.346.

**SECTION 2.** (1) The Oregon Health Authority shall establish by rule a medical marijuana facility registration system to authorize the transfer of usable marijuana, subject to subsection (6) of this section, from:

(a) A registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

(b) A medical marijuana facility to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

(2) The registration system established under subsection (1) of this section must require a medical marijuana facility to submit an application to the authority that includes:

- (a) The name of the person responsible for the medical marijuana facility;
- (b) The address of the medical marijuana facility;
- (c) Documentation, as required by the authority by rule, that demonstrates the medical marijuana facility meets the qualifications for a medical marijuana facility as described in subsection (3) of this section; and
- (d) Any other information that the authority considers necessary.

(3) To qualify for registration under this section, a medical marijuana facility:

- (A) Must be located in an area that is zoned for commercial or industrial use or as agricultural land;
- (B) Must be a facility that is open to registry identification cardholders and designated primary caregivers as a business;
- (C) Must not be located within 1,000 feet of the real property comprising a public or pri-

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

1 vate elementary, secondary or career school attended primarily by minors;

2 (D) Must not be located within 1,000 feet of another medical marijuana facility; and

3 (E) Must comport with rules adopted by the authority related to:

4 (i) Installing a minimum security system, including a video surveillance system, alarm  
5 system and safe; and

6 (ii) Testing for pesticides, mold and mildew.

7 (4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person  
8 whose name is submitted as the person responsible for a medical marijuana facility under  
9 subsection (2) of this section.

10 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for  
11 the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not  
12 be the person responsible for a medical marijuana facility for five years from the date the  
13 person completes the sentence for the crime for which the person has been convicted under  
14 this paragraph.

15 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752  
16 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule  
17 II may not be the person responsible for a medical marijuana facility.

18 (5) If a person submits the application required under subsection (2) of this section, the  
19 medical marijuana facility identified in the application meets the criteria described in sub-  
20 section (3) of this section and the person responsible for the medical marijuana facility  
21 passes the criminal records check required under subsection (4) of this section, the authority  
22 shall register the medical marijuana facility and issue the person responsible for the medical  
23 marijuana facility proof of registration. The person responsible for the medical marijuana  
24 facility shall display the proof of registration on the premises of the medical marijuana fa-  
25 cility at all times when usable marijuana is being transferred as described in subsection (1)  
26 of this section.

27 (6) Registration under this section is invalid if a medical marijuana facility does not:

28 (a) Obtain authorization from a registry identification cardholder to:

29 (A) Receive from a marijuana grow site usable marijuana that belongs to the registry  
30 identification cardholder if medical marijuana is to be transferred to the medical marijuana  
31 facility from a marijuana grow site; and

32 (B) Transfer to a registry identification cardholder or the designated primary caregiver  
33 of the registry identification cardholder usable marijuana; or

34 (b) Keep and maintain a list of:

35 (A) All persons responsible for a marijuana grow site from whom the medical marijuana  
36 facility has received usable marijuana; and

37 (B) All registry identification cardholders and designated primary caregivers to whom the  
38 medical marijuana facility transfers usable marijuana under this section and the amount of  
39 usable marijuana transferred in each instance.

40 (7) A medical marijuana facility registered under this section may possess marijuana in  
41 excess of the limits imposed on registry identification cardholders and designated primary  
42 caregivers under ORS 475.320.

43 (8) The authority may inspect:

44 (a) The premises of an applicant for a medical marijuana facility or a registered medical  
45 marijuana facility to ensure compliance with subsection (3) of this section; and

1 (b) The records of a registered medical marijuana facility to ensure compliance with  
 2 subsection (6)(b) of this section.

3 (9)(a) A registry identification cardholder or the designated primary caregiver of a reg-  
 4 istry identification cardholder may reimburse a medical marijuana facility registered under  
 5 this section for the normal and customary costs of doing business, including costs related  
 6 to transferring, handling, securing, insuring, testing, packaging and processing usable  
 7 marijuana and the cost of supplies, utilities and rent or mortgage.

8 (b) A medical marijuana facility may reimburse a person responsible for a marijuana  
 9 grow site under this section for the normal and customary costs of doing business, including  
 10 costs related to transferring, handling, securing, insuring, testing, packaging and processing  
 11 usable marijuana and the cost of supplies, utilities and rent or mortgage.

12 (10) The authority may adopt rules imposing a fee in an amount established by the au-  
 13 thority for registering a medical marijuana facility under this section.

14 SECTION 3. ORS 475.302 is amended to read:

15 475.302. As used in ORS 475.300 to 475.346:

16 (1) "Attending physician" means a physician licensed under ORS chapter 677 who has primary  
 17 responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

18 (2) "Authority" means the Oregon Health Authority.

19 (3) "Debilitating medical condition" means:

20 (a) Cancer, glaucoma, agitation due to Alzheimer's disease, positive status for human  
 21 immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;

22 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-  
 23 tient, one or more of the following:

24 (A) Cachexia;

25 (B) Severe pain;

26 (C) Severe nausea;

27 (D) Seizures, including but not limited to seizures caused by epilepsy; or

28 (E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;

29 or

30 (e) Any other medical condition or treatment for a medical condition adopted by the authority  
 31 by rule or approved by the authority pursuant to a petition submitted pursuant to ORS 475.334.

32 (4)(a) "Delivery" has the meaning given that term in ORS 475.005.

33 (b) "Delivery" does not include transfer of:

34 (A) Marijuana by a registry identification cardholder to another registry identification  
 35 cardholder if no consideration is paid for the transfer[.];

36 (B) Usable marijuana from a registry identification cardholder, the designated primary  
 37 caregiver of a registry identification cardholder or a marijuana grow site to a medical  
 38 marijuana facility registered under section 2 of this 2013 Act; or

39 (C) Usable marijuana from a medical marijuana facility registered under section 2 of this  
 40 2013 Act to a registry identification cardholder or the designated primary caregiver of a  
 41 registry identification cardholder.

42 (5) "Designated primary caregiver" means an individual 18 years of age or older who has sig-  
 43 nificant responsibility for managing the well-being of a person who has been diagnosed with a de-  
 44 bilitating medical condition and who is designated as such on that person's application for a registry  
 45 identification card or in other written notification to the authority. "Designated primary

1 caregiver" does not include the person's attending physician.

2 (6) "Marijuana" has the meaning given that term in ORS 475.005.

3 (7) "Marijuana grow site" means a location where marijuana is produced for use by a registry  
4 identification cardholder and that is registered under the provisions of ORS 475.304.

5 (8) "Medical use of marijuana" means the production, possession, delivery, or administration of  
6 marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of  
7 a person to mitigate the symptoms or effects of the person's debilitating medical condition.

8 (9) "Production" has the meaning given that term in ORS 475.005.

9 (10) "Registry identification card" means a document issued by the authority that identifies a  
10 person authorized to engage in the medical use of marijuana and the person's designated primary  
11 caregiver, if any.

12 (11) "Usable marijuana" means the dried leaves and flowers of the plant Cannabis family  
13 Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed  
14 in ORS 475.300 to 475.346. "Usable marijuana" does not include the seeds, stalks and roots of the  
15 plant.

16 (12) "Written documentation" means a statement signed by the attending physician of a person  
17 diagnosed with a debilitating medical condition or copies of the person's relevant medical records.

18 **SECTION 4.** ORS 475.304 is amended to read:

19 475.304. (1) The Oregon Health Authority shall establish by rule a marijuana grow site regis-  
20 tration system to authorize production of marijuana by a registry identification cardholder, a des-  
21 ignated primary caregiver who grows marijuana for the cardholder or a person who is responsible  
22 for a marijuana grow site. The marijuana grow site registration system adopted must require a  
23 registry identification cardholder to submit an application to the authority that includes:

24 (a) The name of the person responsible for the marijuana grow site;

25 (b) The address of the marijuana grow site;

26 (c) The registry identification card number of the registry cardholder for whom the marijuana  
27 is being produced; and

28 (d) Any other information the authority considers necessary.

29 (2) The authority shall issue a marijuana grow site registration card to a registry identification  
30 cardholder who has met the requirements of subsection (1) of this section.

31 (3) A person who has been issued a marijuana grow site registration card under this section  
32 must display the registration card at the marijuana grow site at all times when marijuana is being  
33 produced.

34 (4) A marijuana grow site registration card must be obtained and posted for each registry  
35 identification cardholder for whom marijuana is being produced at a marijuana grow site.

36 (5) All usable marijuana, plants, seedlings and seeds associated with the production of marijuana  
37 for a registry identification cardholder by a person responsible for a marijuana grow site are the  
38 property of the registry identification cardholder and must be provided to the registry identification  
39 cardholder, or, if the marijuana is usable marijuana, transferred to a medical marijuana fa-  
40 cility registered under section 2 of this 2013 Act, upon request.

41 (6)(a) The authority shall conduct a criminal records check under ORS 181.534 of any person  
42 whose name is submitted as a person responsible for a marijuana grow site.

43 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the  
44 manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued  
45 a marijuana grow site registration card or produce marijuana for a registry identification cardholder

1 for five years from the date of conviction.

2 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to  
3 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may  
4 not be issued a marijuana grow site registration card or produce marijuana for a registry identifi-  
5 cation cardholder.

6 (7) A registry identification cardholder or the designated primary caregiver of the cardholder  
7 may reimburse the person responsible for a marijuana grow site for the costs of supplies and utilities  
8 associated with the production of marijuana for the registry identification cardholder. No other  
9 costs associated with the production of marijuana for the registry identification cardholder, includ-  
10 ing the cost of labor, may be reimbursed.

11 (8) The authority may adopt rules imposing a fee in an amount established by the authority for  
12 registration of a marijuana grow site under this section.

13 **SECTION 5.** ORS 475.309 is amended to read:

14 475.309. (1) Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or as-  
15 sisting in the medical use of marijuana is excepted from the criminal laws of the state for possession,  
16 delivery or production of marijuana, aiding and abetting another in the possession, delivery or pro-  
17 duction of marijuana or any other criminal offense in which possession, delivery or production of  
18 marijuana is an element if the following conditions have been satisfied:

19 (a)(A) The person holds a registry identification card issued pursuant to this section, has applied  
20 for a registry identification card pursuant to subsection (9) of this section, is the designated primary  
21 caregiver of the cardholder or applicant, or is the person responsible for a marijuana grow site that  
22 is producing marijuana for the cardholder and is registered under ORS 475.304; and

23 ~~[(b)]~~ (B) The person who has a debilitating medical condition, the person's primary caregiver  
24 and the person responsible for a marijuana grow site that is producing marijuana for the cardholder  
25 and is registered under ORS 475.304 are collectively in possession of, delivering or producing  
26 marijuana for medical use in amounts allowed under ORS 475.320~~].~~; or

27 (b) The person is responsible for or employed by a medical marijuana facility registered  
28 under section 2 of this 2013 Act and does not commit any of the acts described in this sub-  
29 section anywhere other than at the medical marijuana facility.

30 (2) The Oregon Health Authority shall establish and maintain a program for the issuance of  
31 registry identification cards to persons who meet the requirements of this section. Except as pro-  
32 vided in subsection (3) of this section, the authority shall issue a registry identification card to any  
33 person who pays a fee in the amount established by the authority and provides the following:

34 (a) Valid, written documentation from the person's attending physician stating that the person  
35 has been diagnosed with a debilitating medical condition and that the medical use of marijuana may  
36 mitigate the symptoms or effects of the person's debilitating medical condition;

37 (b) The name, address and date of birth of the person;

38 (c) The name, address and telephone number of the person's attending physician;

39 (d) The name and address of the person's designated primary caregiver, if the person has des-  
40 igned a primary caregiver at the time of application; and

41 (e) A written statement that indicates whether the marijuana used by the cardholder will be  
42 produced at a location where the cardholder or designated primary caregiver is present or at an-  
43 other location.

44 (3) The authority shall issue a registry identification card to a person who is under 18 years of  
45 age if the person submits the materials required under subsection (2) of this section, and the custo-

1 dial parent or legal guardian with responsibility for health care decisions for the person under 18  
2 years of age signs a written statement that:

3 (a) The attending physician of the person under 18 years of age has explained to that person  
4 and to the custodial parent or legal guardian with responsibility for health care decisions for the  
5 person under 18 years of age the possible risks and benefits of the medical use of marijuana;

6 (b) The custodial parent or legal guardian with responsibility for health care decisions for the  
7 person under 18 years of age consents to the use of marijuana by the person under 18 years of age  
8 for medical purposes;

9 (c) The custodial parent or legal guardian with responsibility for health care decisions for the  
10 person under 18 years of age agrees to serve as the designated primary caregiver for the person  
11 under 18 years of age; and

12 (d) The custodial parent or legal guardian with responsibility for health care decisions for the  
13 person under 18 years of age agrees to control the acquisition of marijuana and the dosage and  
14 frequency of use by the person under 18 years of age.

15 (4) A person applying for a registry identification card pursuant to this section may submit the  
16 information required in this section to a county health department for transmittal to the authority.  
17 A county health department that receives the information pursuant to this subsection shall transmit  
18 the information to the authority within five days of receipt of the information. Information received  
19 by a county health department pursuant to this subsection shall be confidential and not subject to  
20 disclosure, except as required to transmit the information to the authority.

21 (5)(a) The authority shall verify the information contained in an application submitted pursuant  
22 to this section and shall approve or deny an application within thirty days of receipt of the appli-  
23 cation.

24 (b) In addition to the authority granted to the authority under ORS 475.316 to deny an applica-  
25 tion, the authority may deny an application for the following reasons:

26 (A) The applicant did not provide the information required pursuant to this section to establish  
27 the applicant's debilitating medical condition and to document the applicant's consultation with an  
28 attending physician regarding the medical use of marijuana in connection with such condition, as  
29 provided in subsections (2) and (3) of this section;

30 (B) The authority determines that the information provided was falsified; or

31 (C) The applicant has been prohibited by a court order from obtaining a registry identification  
32 card.

33 (c) Denial of a registry identification card shall be considered a final authority action, subject  
34 to judicial review. Only the person whose application has been denied, or, in the case of a person  
35 under the age of 18 years of age whose application has been denied, the person's parent or legal  
36 guardian, shall have standing to contest the authority's action.

37 (d) Any person whose application has been denied may not reapply for six months from the date  
38 of the denial, unless so authorized by the authority or a court of competent jurisdiction.

39 (6)(a) If the authority has verified the information submitted pursuant to subsections (2) and (3)  
40 of this section and none of the reasons for denial listed in subsection (5)(b) of this section is appli-  
41 cable, the authority shall issue a serially numbered registry identification card within five days of  
42 verification of the information. The registry identification card shall state:

43 (A) The cardholder's name, address and date of birth;

44 (B) The date of issuance and expiration date of the registry identification card;

45 (C) The name and address of the person's designated primary caregiver, if any;

1 (D) Whether the marijuana used by the cardholder will be produced at a location where the  
2 cardholder or designated primary caregiver is present or at another location; and

3 (E) Any other information that the authority may specify by rule.

4 (b) When the person to whom the authority has issued a registry identification card pursuant  
5 to this section has specified a designated primary caregiver, the authority shall issue an identifica-  
6 tion card to the designated primary caregiver. The primary caregiver's registry identification card  
7 shall contain the information provided in paragraph (a) of this subsection.

8 (7)(a) A person who possesses a registry identification card shall:

9 (A) Notify the authority of any change in the person's name, address, attending physician or  
10 designated primary caregiver.

11 (B) If applicable, notify the designated primary caregiver of the cardholder, [and] the person  
12 responsible for the marijuana grow site that produces marijuana for the cardholder and any person  
13 responsible for a medical marijuana facility that transfers usable marijuana to the  
14 cardholder under section 2 of this 2013 Act of any change in status including, but not limited to:

15 (i) The assignment of another individual as the designated primary caregiver of the cardholder;

16 (ii) The assignment of another individual as the person responsible for a marijuana grow site  
17 producing marijuana for the cardholder; or

18 (iii) The end of the eligibility of the cardholder to hold a valid registry identification card.

19 (C) Annually submit to the authority:

20 (i) Updated written documentation from the cardholder's attending physician of the person's  
21 debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or  
22 effects of the person's debilitating medical condition; and

23 (ii) The name of the person's designated primary caregiver if a primary caregiver has been  
24 designated for the upcoming year.

25 (b) If a person who possesses a registry identification card fails to comply with this subsection,  
26 the card shall be deemed expired. If a registry identification card expires, the identification card of  
27 any designated primary caregiver of the cardholder shall also expire.

28 (8)(a) A person who possesses a registry identification card pursuant to this section and who  
29 has been diagnosed by the person's attending physician as no longer having a debilitating medical  
30 condition or whose attending physician has determined that the medical use of marijuana is  
31 contraindicated for the person's debilitating medical condition shall return the registry identification  
32 card and any other associated Oregon Medical Marijuana Program cards to the authority within 30  
33 calendar days of notification of the diagnosis or notification of the contraindication.

34 (b) If, due to circumstances beyond the control of the registry identification cardholder, a  
35 cardholder is unable to obtain a second medical opinion about the cardholder's continuing eligibility  
36 to use medical marijuana before the 30-day period specified in paragraph (a) of this subsection has  
37 expired, the authority may grant the cardholder additional time to obtain a second opinion before  
38 requiring the cardholder to return the registry identification card and any associated cards.

39 (9) A person who has applied for a registry identification card pursuant to this section but  
40 whose application has not yet been approved or denied, and who is contacted by any law enforce-  
41 ment officer in connection with the person's administration, possession, delivery or production of  
42 marijuana for medical use may provide to the law enforcement officer a copy of the written doc-  
43 umentation submitted to the authority pursuant to subsection (2) or (3) of this section and proof of  
44 the date of mailing or other transmission of the documentation to the authority. This documentation  
45 shall have the same legal effect as a registry identification card until such time as the person re-

1 ceives notification that the application has been approved or denied.

2 (10)(a) A registry identification cardholder has the primary responsibility of notifying the des-  
3 ignated primary caregiver *[and]*, the person responsible for the marijuana grow site that produces  
4 marijuana for the cardholder and any person responsible for a medical marijuana facility that  
5 transfers usable marijuana to the cardholder under section 2 of this 2013 Act of any change  
6 in status of the cardholder.

7 (b) If the authority is notified by the cardholder that a primary caregiver or person responsible  
8 for a marijuana grow site has changed, the authority shall notify the primary caregiver or the per-  
9 son responsible for the marijuana grow site by mail at the address of record confirming the change  
10 in status and informing the caregiver or person responsible for the marijuana grow site that their  
11 card is no longer valid and must be returned to the authority.

12 (c) If the authority is notified by the cardholder that a medical marijuana facility au-  
13 thorized to transfer usable marijuana to the cardholder has changed, the authority shall  
14 notify each person responsible for a medical marijuana facility authorized to transfer usable  
15 marijuana to the cardholder by mail at the address of record confirming the change in status  
16 and informing the person responsible for the medical marijuana facility that the person is  
17 no longer authorized to transfer usable marijuana to the cardholder.

18 (11) The authority shall revoke the registry identification card of a cardholder if a court has  
19 issued an order that prohibits the cardholder from participating in the medical use of marijuana or  
20 otherwise participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346.  
21 The cardholder shall return the registry identification card to the authority within seven calendar  
22 days of notification of the revocation. If the cardholder is a patient, the patient shall return the  
23 patient's card and all other associated Oregon Medical Marijuana Program cards.

24 (12) The authority and employees and agents of the authority acting within the course and scope  
25 of their employment are immune from any civil liability that might be incurred or imposed for the  
26 performance of or failure to perform duties required by this section.

27 **SECTION 6.** ORS 475.320 is amended to read:

28 475.320. (1)(a) A registry identification cardholder or the designated primary caregiver of the  
29 cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.

30 (b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has  
31 been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or  
32 delivery of a controlled substance in Schedule I or Schedule II, the registry identification cardholder  
33 or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana  
34 at any given time for a period of five years from the date of the conviction.

35 (2) A person authorized under ORS 475.304 to produce marijuana at a marijuana grow site:

36 (a) May produce marijuana for and provide marijuana:

37 (A) To a registry identification cardholder or *[that person's]* a cardholder's designated primary  
38 caregiver as authorized under this section~~].~~; or

39 (B) If the marijuana is usable marijuana and the registry identification cardholder re-  
40 quests that the person responsible for the grow site transfer the usable marijuana to a  
41 medical marijuana facility registered under section 2 of this 2013 Act, to the medical  
42 marijuana facility.

43 (b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each  
44 cardholder or caregiver for whom marijuana is being produced.

45 (c) May produce marijuana for no more than four registry identification cardholders or desig-

1 nated primary caregivers concurrently.

2 (d) Must obtain and display a marijuana grow site registration card issued under ORS 475.304  
3 for each registry identification cardholder or designated primary caregiver for whom marijuana is  
4 being produced.

5 (e) Must provide all marijuana produced for a registry identification cardholder or designated  
6 primary caregiver to the cardholder or caregiver at the time the person responsible for a marijuana  
7 grow site ceases producing marijuana for the cardholder or caregiver.

8 (f) Must return the marijuana grow site registration card to the registry identification  
9 cardholder to whom the card was issued when requested to do so by the cardholder or when the  
10 person responsible for a marijuana grow site ceases producing marijuana for the cardholder or  
11 caregiver.

12 (3) Except as provided in subsections (1) and (2) of this section, a registry identification  
13 cardholder, the designated primary caregiver of the cardholder and the person responsible for a  
14 marijuana grow site producing marijuana for the registry identification cardholder may possess a  
15 combined total of up to six mature plants and 24 ounces of usable marijuana for that registry iden-  
16 tification cardholder.

17 (4)(a) A registry identification cardholder and the designated primary caregiver of the  
18 cardholder may possess a combined total of up to 18 marijuana seedlings or starts as defined by rule  
19 of the Oregon Health Authority.

20 (b) A person responsible for a marijuana grow site may possess up to 18 marijuana seedlings or  
21 starts as defined by rule of the authority for each registry identification cardholder for whom the  
22 person responsible for the marijuana grow site is producing marijuana.

23 **SECTION 7.** ORS 475.323 is amended to read:

24 475.323. (1) Possession of a registry identification card [or], designated primary caregiver iden-  
25 tification card pursuant to ORS 475.309 or proof of registration under section 2 of this 2013 Act  
26 does not alone constitute probable cause to search the person or property of the cardholder or  
27 otherwise subject the person or property of the cardholder to inspection by any governmental  
28 agency.

29 (2) Any property interest possessed, owned or used in connection with the medical use of  
30 marijuana or acts incidental to the medical use of marijuana that has been seized by state or local  
31 law enforcement officers may not be harmed, neglected, injured or destroyed while in the possession  
32 of any law enforcement agency. A law enforcement agency has no responsibility to maintain live  
33 marijuana plants lawfully seized. No such property interest may be forfeited under any provision of  
34 law providing for the forfeiture of property other than as a sentence imposed after conviction of a  
35 criminal offense. Usable marijuana and paraphernalia used to administer marijuana that was seized  
36 by any law enforcement office shall be returned immediately upon a determination by the district  
37 attorney in whose county the property was seized, or the district attorney's designee, that the per-  
38 son from whom the marijuana or paraphernalia used to administer marijuana was seized is entitled  
39 to the protections contained in ORS 475.300 to 475.346. The determination may be evidenced, for  
40 example, by a decision not to prosecute, the dismissal of charges or acquittal.

41 **SECTION 8.** ORS 475.331 is amended to read:

42 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to  
43 whom the authority has issued registry identification cards, the names of any designated primary  
44 caregivers and the addresses of authorized marijuana grow sites and medical marijuana facilities  
45 registered under section 2 of this 2013 Act. Except as provided in subsection (2) of this section,

1 the list shall be confidential and not subject to public disclosure.

2 (b) The authority shall develop a system by which authorized employees of state and local law  
3 enforcement agencies may verify at all times that a person is a lawful possessor of a registry iden-  
4 tification card or the designated primary caregiver of a lawful possessor of a registry identification  
5 card or that a location is an authorized marijuana grow site or registered medical marijuana fa-  
6 cility.

7 (2) Names and other identifying information from the list established pursuant to subsection (1)  
8 of this section may be released to:

9 (a) Authorized employees of the authority as necessary to perform official duties of the author-  
10 ity; and

11 (b) Authorized employees of state or local law enforcement agencies, only as necessary to verify  
12 that a person is a lawful possessor of a registry identification card or the designated primary  
13 caregiver of a lawful possessor of a registry identification card or that a location is an authorized  
14 marijuana grow site or registered medical marijuana facility. Prior to being provided identifying  
15 information from the list, authorized employees of state or local law enforcement agencies shall  
16 provide to the authority adequate identification, such as a badge number or similar authentication  
17 of authority.

18 (3) Authorized employees of state or local law enforcement agencies that obtain identifying in-  
19 formation from the list as authorized under this section may not release or use the information for  
20 any purpose other than verification that a person is a lawful possessor of a registry identification  
21 card or the designated primary caregiver of a lawful possessor of a registry identification card or  
22 that a location is an authorized marijuana grow site or registered medical marijuana facility.

23 **SECTION 9.** (1) Sections 1 and 2 of this 2013 Act and the amendments to ORS 475.302,  
24 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act become opera-  
25 tive on January 1, 2014.

26 (2) The Oregon Health Authority may take any action before the operative date specified  
27 in subsection (1) of this section to enable the authority to exercise, on and after the opera-  
28 tive date specified in subsection (1) of this section, all of the duties, functions and powers  
29 conferred on the authority by sections 1 and 2 of this 2013 Act and the amendments to ORS  
30 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act.

31 **SECTION 10.** This 2013 Act being necessary for the immediate preservation of the public  
32 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
33 on its passage.

34

Enrolled  
Senate Bill 1531

Sponsored by Senators HANSELL, MONROE, STARR; Senators BAERTSCHIGER JR, BOQUIST, CLOSE, FERRIOLI, GIROD, JOHNSON, KNOPP, KRUSE, MONNES ANDERSON, OLSEN, THOMSEN, WHITSETT, WINTERS; Representatives ESQUIVEL, JENSON, THATCHER, THOMPSON, WHISNANT, WITT (at the request of Association of Oregon Counties and League of Oregon Cities) (Presession filed.)

CHAPTER .....

AN ACT

Relating to marijuana facilities; creating new provisions; amending ORS 475.314; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

**SECTION 1.** Section 2 of this 2014 Act is added to and made a part of ORS 475.300 to 475.346.

**SECTION 2.** Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered, or applying for registration, under ORS 475.314 that are located in the area subject to the jurisdiction of the city or county. For purposes of this section, "reasonable regulations" includes reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located within a zone described in ORS 475.314 (3)(a) and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana.

**SECTION 3. (1)** Notwithstanding ORS 475.314 and section 2 of this 2014 Act, the governing body of a city or county may adopt an ordinance enacting a moratorium on the operation of registered medical marijuana facilities until May 1, 2015, in the area subject to the jurisdiction of the city or county if the moratorium is enacted no later than May 1, 2014.

(2) Notwithstanding ORS 475.309 (1)(b), a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium under this section is not excepted from the criminal laws of this state for possession or delivery of marijuana, aiding and abetting another in the possession or delivery of marijuana or any other criminal offense in which possession or delivery of marijuana is an element.

(3) The governing body of a city or county that enacts a moratorium under this section must notify the Oregon Health Authority, in a manner prescribed by the authority, of the moratorium.

(4) A registered medical marijuana facility that is located in an area subject to the jurisdiction of a city or county that enacts a moratorium under this section may choose to surrender the medical marijuana facility's registration. To surrender registration under this subsection, the medical marijuana facility must notify the authority, in a manner prescribed

by the authority, of the surrender. If a medical marijuana facility surrenders registration under this subsection, the authority may refund any fee imposed by the authority pursuant to ORS 475.314 (12).

**SECTION 4.** Section 3 of this 2014 Act is repealed on January 2, 2016.

**SECTION 5.** ORS 475.314 is amended to read:

475.314. (1) The Oregon Health Authority shall establish by rule a medical marijuana facility registration system to authorize the transfer of usable marijuana and immature marijuana plants from:

(a) A registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

(b) A medical marijuana facility to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

(2) The registration system established under subsection (1) of this section must require a medical marijuana facility to submit an application to the authority that includes:

(a) The name of the person responsible for the medical marijuana facility;

(b) The address of the medical marijuana facility;

(c) Proof that the person responsible for the medical marijuana facility is a resident of Oregon;

(d) Documentation, as required by the authority by rule, that demonstrates the medical marijuana facility meets the qualifications for a medical marijuana facility as described in subsection (3) of this section; and

(e) Any other information that the authority considers necessary.

(3) To qualify for registration under this section, a medical marijuana facility:

(a) Must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land; *[and may not be located at the same address as a marijuana grow site;]*

(b) ~~May not be located at the same address as a marijuana grow site;~~

~~[(b)]~~ (c) Must be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State;

~~[(c)]~~ (d) Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

~~[(d)]~~ (e) Must not be located within 1,000 feet of another medical marijuana facility; and

~~[(e)]~~ (f) Must comport with rules adopted by the authority related to:

(A) Installing a minimum security system, including a video surveillance system, alarm system and safe; and

(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's registered grower.

(4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person whose name is submitted as the person responsible for a medical marijuana facility under subsection (2) of this section.

(b) A person convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility for five years from the date the person is convicted.

(c) A person convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility.

(5) If a person submits the application required under subsection (2) of this section, the medical marijuana facility identified in the application meets the qualifications for a medical marijuana facility described in subsection (3) of this section and the person responsible for the medical marijuana facility passes the criminal records check required under subsection (4) of this section, the authority shall register the medical marijuana facility and issue the person responsible for the medical marijuana facility proof of registration. The person responsible for the medical marijuana facility

shall display the proof of registration on the premises of the medical marijuana facility at all times when usable marijuana or immature marijuana plants are being transferred as described in subsection (1) of this section.

(6)(a) A registered medical marijuana facility may receive usable marijuana or immature marijuana plants only from a registry identification cardholder, designated primary caregiver or person responsible for a marijuana grow site if the registered medical marijuana facility obtains authorization, on a form prescribed by the authority by rule and signed by a registry identification cardholder, to receive the usable marijuana or immature marijuana plants.

(b) A registered medical marijuana facility shall maintain:

(A) A copy of each authorization form described in paragraph (a) of this subsection; and

(B) Documentation of each transfer of usable marijuana or immature marijuana plants.

(7) A medical marijuana facility registered under this section may possess usable marijuana and immature marijuana plants in excess of the limits imposed on registry identification cardholders and designated primary caregivers under ORS 475.320.

(8)(a) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused product that is meant to be swallowed or inhaled, unless the product is packaged in child-resistant safety packaging that meets standards established by the authority by rule.

(b) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused product that is manufactured or packaged in a manner that is attractive to minors, as determined by the authority by rule.

[(8)] (9) The authority may inspect:

(a) The premises of an applicant for a medical marijuana facility or a registered medical marijuana facility to ensure compliance with the qualifications for a medical marijuana facility described in subsection (3) of this section; and

(b) The records of a registered medical marijuana facility to ensure compliance with subsection (6)(b) of this section.

[(9)(a)] (10)(a) A registry identification cardholder or the designated primary caregiver of a registry identification cardholder may reimburse a medical marijuana facility registered under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

(b) A medical marijuana facility may reimburse a person responsible for a marijuana grow site under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

[(10)] (11) The authority may revoke the registration of a medical marijuana facility registered under this section for failure to comply with ORS 475.300 to 475.346, [or] rules adopted under ORS 475.300 to 475.346 or ordinances adopted pursuant to section 2 of this 2014 Act. The authority may release to the public a final order revoking a medical marijuana facility registration.

[(11)] (12) The authority shall adopt rules to implement this section, including rules that:

(a) Require a medical marijuana facility registered under this section to annually renew that registration; and

(b) Establish fees for registering and renewing registration for a medical marijuana facility under this section.

**SECTION 6.** This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect March 1, 2014.

Passed by Senate February 18, 2014

Repassed by Senate March 7, 2014

.....  
Robert Taylor, Secretary of Senate

.....  
Peter Courtney, President of Senate

Passed by House March 5, 2014

.....  
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2014

Approved:

.....M.,....., 2014

.....  
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2014

.....  
Kate Brown, Secretary of State

## ORDINANCE NO.

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TROUTDALE, OREGON, RELATING TO MEDICAL MARIJUANA FACILITIES; ESTABLISHING NEW CODE OF ORDINANCES CHAPTER 5.12 AND DECLARING AN EMERGENCY

#### THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. **WHEREAS**, during the 2013 Special Session, the Oregon Legislature passed HB 3460, which allows for the establishment and licensing of medical marijuana facilities; and
2. **WHEREAS**, the Oregon Health Authority is charged with formulating administrative rules governing the licensing of medical marijuana facilities and will begin accepting applications for their operation on March 3, 2014; and
3. **WHEREAS**, during the 2014 Regular Session, the Oregon Legislature passed SB 1531, which limits the ability of cities and counties to regulate medical marijuana facilities to the "reasonable regulations" provided in statute: the hours of operation for medical marijuana facilities, where the facilities may locate within the zones allowed by law, and the manner in which a facility may dispense medical marijuana; and
4. **WHEREAS**, SB 1531 also allows cities and counties to enact a moratorium on the operation of registered medical marijuana facilities until May 1, 2015, provided the moratorium is enacted no later than May 1, 2014; and
5. **WHEREAS**, the City Council believes that the operation of a medical marijuana facility has the potential to endanger the health, safety, and welfare of its citizens without adequate local regulation; and
6. **WHEREAS**, City Council desires time to determine the impacts of the rules adopted by the State of Oregon and pending legislation; gather public input about siting of facilities within the city; understand the potential community impacts; and consider zoning regulations and policy options related to siting medical marijuana facilities in compliance with state and federal law.

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

**Section 1.** A new Chapter 5.12 is adopted and added to the City of Troutdale Code of Ordinances which will read as follows:

5.12 Medical Marijuana Facilities.

5.12.010. Purpose and Intent. The purpose of this Section is to temporarily prohibit medical marijuana facilities licensed by the State of Oregon from operating within the City of Troutdale to allow the City Council time to consider and adopt proper zoning or other regulations for medical marijuana facilities. The State of Oregon began granting licenses to medical marijuana facilities on March 3, 2014. The City Council finds that it is too soon to provide adequate time to consider the issues related to medical marijuana facilities, seek public input, and adopt proper regulations. Therefore, the City Council is implementing this prohibition to provide time to review the State of Oregon's medical marijuana facilities licensing rules and consider the issues related to the impacts of medical marijuana facilities in the City of Troutdale.

**Section 2.** A new section 5.12.020 of the City of Troutdale Code of Ordinances which will read as follows is hereby adopted:

5.12.020. Definitions. Except where the context specifically requires otherwise, as used in this Chapter, the following words and phrases mean:

(A) "Building" means any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels, or property of any kind.

(B) "Location" means any parcel of land, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area.

(C) "Medical marijuana facility" means a medical marijuana facility licensed by the State of Oregon under HB 3460 (2013) and/or ORS 475.300 et seq., including future amendments thereto.

(D) "Structure" means anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Section 3.** A new section 5.12.030 of the City of Troutdale Code of Ordinances which will read as follows is hereby adopted:

5.12.030. Prohibited Activities. It is unlawful to establish, operate, use, or to cause or permit the establishment, operation, or use of a medical marijuana facility within the City of Troutdale.

**Section 4.** A new section 5.12.040 of the City of Troutdale Code of Ordinances which will read as follows is hereby adopted:

5.12.040. City Employees Have No Authority to Permit Medical Marijuana Facilities. The use of any building, structure, location, premises, or land for a medical marijuana facility is not currently enumerated in the City of Troutdale Code of Ordinances or Development Codes as a permitted use in any zoning district. Neither the City Manager nor any city employee is authorized to determine or permit the use of any building, structure, location, premises, or land as a medical marijuana facility in any zoning district.

**Section 5.** A new section 5.12.050 of the City of Troutdale Code of Ordinances which will read as follows is hereby adopted:

5.12.050. Violations.

(A) A person who violates this section commits a civil infraction and shall be subject to a fine pursuant to section 1.04.095 of the City of Troutdale Code of Ordinances.

(B) Each violation, and each day that a violation continues, constitutes a separate civil infraction.

**Section 6.** Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

**Section 7.** Ordinance Automatically Expires. This ordinance automatically expires and is to be deemed repealed at 11:59:59 p.m. on April 30, 2015, unless sooner repealed or extended by City Council ordinance.

**Section 8.** Emergency. With the state currently processing applications and the statutory deadline of May 1, 2014 to enact a moratorium, this ordinance is necessary for the immediate protection of the public health, safety and general welfare; therefore, an emergency is declared to exist and this ordinance shall be effective upon the date of its adoption.

**YEAS:**  
**NAYS:**

**ABSTAINED:**

**Doug Daoust, Mayor**

---

**Date**

---

**Debbie Stickney, City Recorder**

---

**Adopted:**



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** An ordinance adopting a new Public Facilities Plan as an implementing element of Comprehensive Land Use Plan Goal 11 Public Facilities and Services in partial fulfillment of Periodic Review Task 3.

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

**MEETING DATE:** April 22, 2014

**STAFF MEMBER:** Craig Ward  
**DEPARTMENT:** Community Development

**ACTION REQUIRED**  
Ordinance - Introduction

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**  
Approval

**PUBLIC HEARING**  
Yes

**Comments:** Both the Citizen Advisory Committee and the Troutdale Planning Commission recommend adoption.

**STAFF RECOMMENDATION:** Adoption.

**EXHIBITS:**

- A. Planning Commission Findings of Fact and Recommendation of March 19, 2014
- B. City of Troutdale 1990 Public Facilities Plan Ordinance No. 543-O adopted April 10, 1990 and the PFP Table of Contents and Section 1 Policies *only*.

**Subject / Issue Relates To:**

- Council Goals                     
  Legislative                     
  Other (describe)

**Issue / Council Decision & Discussion Points:**

- ◆ 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. The approved work program includes tasks related to statewide planning Goal 11, Public Facilities and Services.

Reviewed and Approved by City Manager:

- ◆ Per Oregon Administrative Rules, a public facility plan is required to address facilities associated with a municipality's water, wastewater, stormwater and transportation systems.

### **BACKGROUND:**

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. The approved work program includes tasks related to statewide planning Goal 11, Public Facilities and Services. Specifically identified as Task 3 of the work program, the City is required to prepare and adopt a Public Facilities Plan in accordance with Statewide Land Use Planning Goal 11 and Oregon Administrative Rule 660-011-0010-45.

With funding from a DLCD periodic review assistance grant, the City hired a consultant to perform several remaining tasks of our work program, including Task 3. Since June 2012, the consultant, Angelo Planning Group, has been researching and gathering information, preparing technical memoranda, and preparing drafts of the document. The consultant presented their major findings and recommendations to the Citizens Advisory Committee for review and recommendation at the CAC's October 2012 and February 2013 meetings and to the Planning Commission on May 29, 2013 and March 19, 2014.

At its last periodic review in 1990 the City also prepared a Public Facilities Plan (that Ordinance, the Table of Contents and Policy Chapter are Exhibit B), but that document went unnoticed and unused in the years since then and was only recently discovered. The 1990 plan is seriously outdated and deficient in meeting present statutory requirements, so the proposed new plan is an entire rewrite with the exception of carrying over some of the goals and policies from the previous document.

### Explanation of proposed plan

The Public Facilities Plan helps assure that urban development within a municipality's boundaries is guided and supported by types and levels of urban facilities and services commensurate with the community's needs, and that facilities and services are provided in a timely, orderly and efficient manner.

Per Oregon Administrative Rules, a public facility plan is required to address facilities associated with a municipality's water, wastewater, stormwater and transportation systems. Additional public facilities and services provided to the community's residents and businesses (e.g., libraries, police, fire and administrative services) may also be addressed in the plan, but do not carry the level of importance or the details required of the aforementioned utility services.

The information in the Public Facilities Plan is primarily based on the City's most recently updated, and in some cases adopted, Master Plans for Water, Sanitary Sewer and Stormwater, along with more up-to-date information about the status and cost of needed future facilities, where available. Information related to transportation facilities is contained in the City's Transportation System Plan, which is being updated under a different periodic review task.

The various master plans that provided the basis for the Public Facilities Plan are:

- City of Troutdale Water Master Plan (2012)
- City of Troutdale Water Management and Conservation Plan (2004)
- North Troutdale Storm Drainage Master Plan (2007)
- South Troutdale Storm Drainage Master Plan (2012)
- City of Troutdale Sanitary Sewer Master Plan (2014)

Because this plan is a composite of these individual master plans, substantive changes to the document would likely create conflicts with the base plans.

### Summary of the plan elements

#### Goals and Policies (pp. 2-5)

This section of the document is a compilation of goals and policies taken from the 1990 Public Facilities Plan (some without change; others with modifications), from the various master plans listed above, and the addition of new ones. The goals and policies offer guidance in providing efficient and effective urban services and to protect natural resources.

#### Facility Descriptions and Future Needs (pp. 6-12)

This section is derived from information in the water, sanitary sewer and stormwater master plans. It provides a broad overview and description of these utility systems and highlights the future planning and facility needs discussed in those various documents.

#### Capital Improvement Plan (CIP) and Project Maps (pp. 13-17)

This section identifies water, sanitary sewer and stormwater infrastructure investments to accommodate expected growth and development over the next 20 years. Table 4-1 of the plan summarizes the costs of planned infrastructure improvements according to short, medium and long term timeframes. A detailed list of all planned public facility projects associated with the three utility systems is shown in Appendix A to the Plan. It includes the location, estimated cost, source of funding, and anticipated timeframe for each capital improvement project. The projects are shown visually in the three CIP maps. The Planning Commission's recommendation to the Council was that sewer line extensions within SE Jackson Park Road (private portion) and East Historic Columbia River Highway not be included in the PFP, and so those were removed from the draft it recommends be adopted.

#### Financing and Implementation Plan (pp. 18-19)

This section briefly discusses the financial resources Troutdale utilizes to pay for infrastructure development and ongoing maintenance needs. It also discusses increases to certain fees and charge that will be needed in order to fully fund all of the identified improvement projects.

#### Additional Public Facilities and Services (pp. 20-22)

This section gives a short explanation of the other public facilities and services that the City provides or coordinates with other public agencies and private entities. These include those related to parks and recreation, police, fire, education, libraries, power and telecommunication utilities, administration and other activities.

### Appendix A - Capital Improvement Plan Projects (pp.25-27)

The appendix to the plan contains the complete list of planned water, sanitary sewer and stormwater projects as identified in the adopted master plans for these systems. Including this list of projects within the Public Facilities Plan does not obligate the City to build the projects or to meet the timeframe listed for the projects, although it would be the City's intent to do so. The list is included here to show anticipated infrastructure needs based on known regulatory requirements and current assumptions about growth and the direction of future development.

### Special note on the draft Public Facilities Plan (PFP)

As stated previously, the contents of the PFP are primarily derived from the City's Master Plans for Water, Sanitary Sewer and Stormwater.

### Relevant criteria

Adoption of a Public Facilities Plan as an implementing element of the Troutdale Comprehensive Plan is equivalent to amending the text of the Comprehensive Plan. 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 a Public Facilities Plan 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 11 and its related administrative rule; therefore, it logically and necessarily satisfies this approval criterion.

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

The public need that is addressed by adoption of this Plan is providing a composite of the various master plans and related documents pertaining to the City's water, sanitary sewer and stormwater systems. This plan supplements the more detailed facility plans that will guide the City's actions to accommodate expected growth for the next twenty years. It also addresses and fulfills the statutory requirements of State Planning Goal 11, Public Facilities and Services.

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

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

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

The proposed Public Facilities 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 part of Periodic Review Task 3.

Cons

- None.

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

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

As the Public Facilities Plan is implemented there will be costs to the City that will be addressed within annual Capital Improvement plans.

**City Attorney Approved** N/A  Yes

**Community Involvement Process:**  Yes (*describe*)  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.

**PLANNING COMMISSION  
FINDINGS of FACT AND RECOMMENDATION  
March 19, 2014**

**Periodic Review Legislative Amendments to the Troutdale Comprehensive Land Use Plan,  
Goal 11 Public Facilities and Services**

**Proposed Public Facilities Plan**

The Troutdale Planning Commission held public hearings on May 29, 2013 and March 19, 2014 to take public testimony and to make a recommendation to the City Council concerning adoption of a proposed Public Facilities Plan as an implementing element of the Troutdale Comprehensive Land Use Plan and to satisfy requirements of the City's periodic review work program. At its March 19, 2014 meeting, a motion was made and seconded that the Planning Commission reopen its hearing in this matter to reconsider its Findings Of Fact and Recommendation to the Council based upon new information considered at a special meeting on October 16, 2013 in which they discussed the Sanitary Sewer Master Plan. The Planning Commission recommended approval of the Sanitary Sewer Master Plan to the City Council with removal of the Jackson Park Road Project and the East Historic Columbia River Highway Plan Project to be consistent with removal of those projects from the PFP. 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 11, Public Facilities and Services. Specifically identified as Task 3 of the work program, the City is required to prepare and adopt a Public Facilities Plan in accordance with Statewide Land Use Planning Goal 11 and Oregon Administrative Rule 660-011- 0010-45.
3. The City hired a consultant to prepare the Public Facilities Plan which is primarily based on the City's most recently updated and adopted Master Plans for Water and Stormwater, and the Sanitary Sewer Master Plan. Where available, more up-to-date information about the status and cost of needed future facilities has been used.

4. The Citizens Advisory Committee reviewed and discussed the major elements of this Plan in October 2012 and February 2013. The CAC supported the Plan and has referred it to the Planning Commission for approval.
5. Adoption of a Public Facilities Plan is a required task of the City's periodic review work program. The last Public Facilities Plan (Ordinance No. 543-O) was adopted April 10, 1990, during the last periodic review. The document has been prepared in accordance with Statewide Land Use Planning Goal 11 and its related administrative rule; therefore, it logically and necessarily complies with this State Planning Goal.
6. The public need is satisfied by adoption of this Plan because it provides a composite of the various master plans and related documents pertaining to the City's water, sanitary sewer and stormwater systems. This plan supplements the more detailed facility plans that will guide the City's actions to accommodate expected growth for the next twenty years.
7. Adoption of this Plan 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.
8. Notice of the public hearing has been provided in accordance with applicable law.
9. At its May 29, 2013 hearing the Planning Commission had substantial concerns regarding the population forecast model input and subsequent results.
10. At its May 29, 2013 hearing, the Planning Commission requested that sanitary sewer line extensions 3 and 4 as listed on page 26 of the May 20, 2013 draft of the PFP be excluded from the project list.
11. The Planning Commission closed the May 29, 2013 hearing in the matter and a motion to recommend the Public Facilities Plan with amendments was made. The first motion failed with a tie of 3 yes and 3 no. The motion was reconsidered and the vote was 4 yes and 2 no. At its March 19, 2014 meeting, a motion was made and seconded that the Planning Commission reopen its hearing in this matter to reconsider its Findings Of Fact and Recommendation to the Council based upon new information considered at a special meeting on October 16, 2013 in which they considered the Sanitary Sewer Master Plan. The Planning Commission recommended approval of the Sanitary Sewer Master Plan with removal of the Jackson Park Road Project and the East Historic Columbia River Highway Plan Project to be consistent with its request that those projects be removed from the PFP. The amendments requested to the PFP at its May 29, 2013 hearing included the following:

- a. At the Planning Commission's motion of May 29, 2013 hearing to amend the findings to move an amended paragraph from page 13 of the draft PFP into the Purpose Statement as the second-to-last paragraph on page 1 was made and seconded. The motion passed 5 to 1. The amended paragraph is to read:

*It should be noted that there is no obligation on the part of the City to build the projects as described in the PFP or to meet the timeframe listed for the projects. The project list may be included as part of the Comprehensive Plan to show anticipated infrastructure needs based on known regulatory requirements and current assumptions about growth and the direction of future development. The list is intended only to provide a general indications of the facilities needed to support future growth. If growth trends change, or if new regulations re imposed on the City, or if technologies emerge that satisfy needs using different methods than those assumed in master plans, the City may revise its public facilities investment strategy without amending the Comprehensive Plan or PFP.*

The Planning Commission finds that the PFP document has been amended to match the motion.

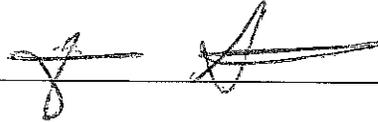
- b. At the Planning Commission hearing of May 29, 2013, a motion to amend item 7.6 Schools was made and seconded and passed 5 to 1. The amendment changes the text to read: *The Reynolds School District, the Gresham-Barlow School District, and Mt. Hood Community College....*

The Planning Commission finds that the PFP document has been amended to match the motion.

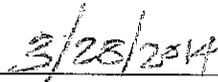
12. The Planning Commission recognizes and affirms that the contents of the PFP are primarily derived from the City's Master Plans for Water, Sanitary Sewer and Stormwater already adopted by the City Council.
13. The Planning Commission further acknowledges that there may be need to modify the Plan to correct spelling errors, for improved consistency throughout the document, and for clarity of meaning. Consequently, the document that is forwarded to the City Council may include a number of nonsubstantive changes that the Planning Commission has not reviewed but directs to staff. The Plan that ultimately goes to the City Council for adoption, shall be in substantial form with the one approved by the Planning Commission.

## RECOMMENDATION

In view of the above findings of fact, the Planning Commission recommends that the Troutdale City Council adopt the proposed Public Facilities Plan dated February 5, 2014 (Exhibit A) that reflects the revision requested by the Planning Commission on May 29, 2013 and reaffirmed on March 19, 2014, as an implementing element of the Comprehensive Land Use Plan in partial fulfillment of Periodic Review Task 3.



Tanney Staffenson, Chair  
Troutdale Planning Commission



Date

**EXHIBIT A**

DRAFT PUBLIC FACILITIES PLAN  
DATED FEBRUARY 5, 2014

This document is Attachment A of the Ordinance

EXHIBIT B

CITY OF  
TROUTDALE  
PUBLIC FACILITIES  
PLAN

Ordinance No. 543-O  
Adopted April 10, 1990

ORDINANCE NO. 543-0

AN ORDINANCE ACCEPTING THE CITY'S PUBLIC FACILITIES PLAN AND AUTHORIZING ITS TRANSMITTAL TO THE STATE OF OREGON FOR REVIEW AND APPROVAL.

WHEREAS, cities in the State of Oregon are required, as part of their Periodic Review Process, to prepare "Public Facilities Plans" in accordance with State House Bill #2295 (1983) and OAR 6660-11-00 (October 1984); and

WHEREAS, the purpose of a Public Facilities Plan is to ensure that the requirements of the Oregon Department of Land and Conservation Division (DLCD) Goal 11 (water, storm, sanitary sewer and transportation facilities) are adequately addressed and implemented in urban areas; and

WHEREAS, the Troutdale Citizens Advisory Committee held public meetings and discussed the Public Facilities Draft Plan and recommended its approval to the Planning Commission; and

WHEREAS, the Troutdale Planning Commission held a public hearing on February 21, 1990, and recommended its adoption to the Troutdale City Council;

WHEREAS, the Troutdale City Council held a public hearing on March 13th, 1989; and

WHEREAS, it is in the best interest of the City of Troutdale to adopt the Draft Plan and forward it to the State of Oregon for review and concurrence accordingly.

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

1. The Public Facilities Plan be transmitted to the State of Oregon as required by statute for review and approval.
2. Staff continue to update this plan with historical, inventory and factual data.
3. Staff be allowed to modify the plan element sections with full hearing and concurrence of the Troutdale Planning Commission and City Council.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS  
10TH DAY OF APRIL, 1990.

YEAS 6

NAYS 0

ABSTAINED 0

Sam K Cox  
Sam K. Cox, Mayor

Date Signed: April 11, 1990

ATTEST:

Valerie J. Raglione  
Valerie J. Raglione  
City Recorder

PW85:3

CITY OF TROUTDALE  
DRAFT  
PUBLIC FACILITIES PLAN

PROJECT STAFF

GREG WILDER, DIRECTOR OF PUBLIC WORKS  
GERARDO ORTEGA, ENGINEERING TECHNICIAN  
MARION BERG, DEPARTMENT SECRETARY

FEBRUARY 13, 1990

CITY COUNCIL 1990

SAM K. COX, MAYOR

MARJORIE SCHMUNK  
PAUL THALHOFER  
RON BURGIN

GENE BUI  
SHARLYN JACOBS  
HARRY FOWLER

PLANNING COMMISSION

WALTER POSTLEWAIT, PRESIDENT  
BRUCE THOMPSON, VICE PRESIDENT

DON LABARRE  
GARY STONEWALL  
DALTON WILLIAMS

LARRY NICHOLAS  
CHUCK WOLSBORN  
JIM WAKEMAN

CITIZEN ADVISORY COMMITTEE

ERIK SOMIRS  
GINA WHITE  
SANDY EMRICK  
ROBERT SCHMORL

GENA WILLIAMS  
KRISTI DE SYLVIA  
KAREN BERGER-KIMBER

ADMINISTRATIVE STAFF

PAMELIA L. CHRISTIAN, CITY ADMINISTRATOR  
JIM JENNINGS, CITY ATTORNEY  
GREG WILDER, PUBLIC WORKS DIRECTOR

COMMUNITY DEVELOPMENT STAFF

SCOTT CLINE, COMMUNITY DEVELOPMENT DIRECTOR  
SUZANNE BARKER, DEVELOPMENT TECHNICIAN  
KATHY CROWDER, CLERK

BRENT COLLIER, CHIEF OF POLICE

TABLE OF CONTENTS

## PUBLIC FACILITIES PLAN OUTLINE

- 1.000 POLICY(S)
- 1.100 GENERAL
  - .110 FINDINGS SUMMARY
  - .120 POLICY STATEMENT
  - .130 IMPLEMENTATION STRATEGIES
    - .131 Planning & Provision
    - .132 Coordination & Monitoring
    - .133 Standards
    - .134 Developer Requirements
  - .140 CAPITAL IMPROVEMENT PROGRAM
- 1.200 WATER SUPPLY AND DISTRIBUTION
  - .210 FINDINGS SUMMARY
  - .220 POLICY STATEMENT
  - .230 IMPLEMENTATION STRATEGY
- 1.300 SANITARY SEWAGE COLLECTION AND TREATMENT
  - .310 FINDINGS SUMMARY
  - .320 POLICY STATEMENT
  - .330 IMPLEMENTATION STRATEGY
- 1.400 DRAINAGE COLLECTION AND DISPOSAL
  - .410 FINDINGS SUMMARY
  - .420 POLICY STATEMENT
  - .430 IMPLEMENTATION STRATEGY

1.500      TRANSPORTATION

    .510      FINDINGS SUMMARY

- A. General
- B. Trafficways
- C. Public Transit
- D. Heavy Rail
- E. Air
- F. Bikeways

    .520      POLICY STATEMENT

- A. General
- B. Trafficways
- C. Public Transit
- D. Heavy Rail
- E. Air
- F. Bikeways

    .530      IMPLEMENTATION

- A. General
- B. Trafficways
- C. Public Transit
- D. Heavy Rail
- E. Air
- F. Bikeways

- 2.000 INVENTORY AND EVALUATION
- 2.100 GENERAL
- 2.200 WATER SUPPLY AND DISTRIBUTION
  - .210 GENERAL
  - .220 SUPPLY
    - .221 Potable Water Wells
    - .222 Supply Interconnects
    - .223 Water Quality
    - .224 Fire Demand Analysis
    - .225 Condition Assessment
  - .230 STORAGE
    - .231 Reservoirs
    - .232 Fire Storage Analysis
    - .233 Condition Assessment
  - .240 DISTRIBUTION
    - .241 Fire Network
    - .242 Booster Facilities
    - .243 Fire Demand Analysis
    - .244 Condition Assessment
  - .250 SUPPORT FACILITIES & SERVICES
- 2.300 SANITARY SEWERAGE COLLECTION AND TREATMENT
  - .310 GENERAL
  - .320 COLLECTION SYSTEM
    - .321 General
    - .322 Collectors, Trunk & Interception Lines
    - .323 Pump Stations
    - .324 Condition Assessment
  - .330 TREATMENT SYSTEM
    - .331 General
    - .332 Plant
    - .333 Condition Assessment
  - .340 OUTFALL AND SLUDGE DISPOSAL
    - .341 General
    - .342 Outfall Facilities
    - .343 Sludge Disposal

.344 Support Facilities & Services  
.345 Condition Assessment

2.400 DRAINAGE COLLECTION AND DISPOSAL

.410 GENERAL

.420 COLLECTION SYSTEM  
.421 General  
.422 Collector, Trunk & Interception Systems  
.423 Condition Assessment

.430 PUMPING AND OUTFALL FACILITIES  
.431 General  
.432 Detention & Retention  
.433 Pumping  
.434 Outfall  
.435 Condition Assessment

.440 SUPPORT FACILITIES AND SERVICES

2.500 TRANSPORTATION

.510 GENERAL

.520 TRAFFICWAYS  
.521 Arterial Streets  
.522 Collector Streets  
.523 Local Streets  
.524 Bridges  
.525 Condition Assessment

.530 PUBLIC TRANSIT  
.531 Bus  
.532 Light Rail

.540 HEAVY RAIL

.550 AIR

.560 SUPPORT FACILITIES AND SERVICES

- 3.000 NEEDS AND REQUIREMENTS
- 3.100 GENERAL
- 3.200 WATER SUPPLY AND DISTRIBUTION
  - .210 GENERAL
  - .220 SUPPLY
  - .230 STORAGE
  - .240 DISTRIBUTION
  - .250 SUPPORT FACILITIES & SERVICES
- 3.300 SANITARY SEWERAGE COLLECTION AND TREATMENT
  - .310 GENERAL
  - .320 COLLECTION SYSTEM
    - .321 General
    - .322 Collectors, Trunk & Interception Lines
    - .323 Pump Stations
  - .330 TREATMENT SYSTEM
    - .331 General
    - .332 Plant
  - .340 OUTFALL AND SLUDGE DISPOSAL
    - .341 General
    - .342 Outfall Facilities
    - .343 Sludge Disposal
    - .344 Support Facilities & Services
- 3.400 DRAINAGE COLLECTION AND DISPOSAL
  - .410 GENERAL
  - .420 COLLECTION SYSTEM
    - .421 General
    - .422 Collector, Trunk & Interception Systems
  - .430 PUMPING AND OUTFALL FACILITIES
    - .431 General
    - .432 Detention & Retention
    - .433 Pumping
    - .434 Outfall
  - .440 SUPPORT FACILITIES AND SERVICES

3.500	TRANSPORTATION
.510	GENERAL
.520	TRAFFICWAYS
.521	Arterial Systems
.522	Collector Streets
.523	Local Streets
.524	State & Interstate
.530	PUBLIC TRANSIT
.531	Bus
.532	Light Rail
.540	HEAVY RAIL
.550	AIR
.560	SUPPORT FACILITIES AND SERVICES

SECTION 1

P O L I C I E S

## PUBLIC FACILITIES PLAN

- 1.000 POLICY(S)
- .100 GENERAL
- .110 FINDINGS SUMMARY

The City of Troutdale experienced rapid growth in the mid through late 1970's. See chart "Population Analysis & Projections." Since that time, growth has been moderate averaging some 30 to 40 dwelling units a year. However, recent commercial and industrial activity has created demands for new facilities.

The City's pro-active posture towards development and expansion has required the construction and installation of the facilities and infrastructure necessary to provide service to all those properties west of the Sandy River within our jurisdictional boundaries. Recent annexation activity has resulted in an expanded land base not yet provided adequate services. Current development pressures on this recently annexed property call for a planned and systematic extension of service(s).

The City's existing infrastructure is relatively new and very little short term consideration is needed for replacement projects. The City has, however, replaced some of its existing facilities that were technically substandard. Additional wastewater treatment plant capacity and associated facilities will be required prior to 1994.

The ability of the City to provide adequate levels of water, sewer, drainage and transportation services to the community is a tool that encourages development. Inadequate services and planning serve the opposite. Troutdale, via its pro-active policies for development and expansion, provides a superior level of service in all its public facilities. Current wastewater treatment and drainage planning efforts will insure this posture both in the short and long term growth of the City.

.120 POLICY STATEMENT

It is the policy of the City of Troutdale to provide advance construction of major public facilities including water, sewerage services, surface water drainage, and access. It is also the City's policy that the cost of providing these services shall be provided in the most cost effective manner and equitably distributed through the recipients of such services via system development charges, direct construction requirements of local benefit, easement and rights-of-way dedication, etc.

.130 IMPLEMENTATION STRATEGIES

.131 The City will be the primary planner and provider of facilities and services to the general population, homes, developments and businesses as follows:

- A. Water supply, storage and distribution.
- B. Sanitary sewer collection.
- C. Transportation (roads, mass transit, bicycle paths).<sup>1</sup>
- D. Drainage (both point and non-point sources of surface and ground water).<sup>2</sup>

.132 The City will monitor, coordinate and regulate, where appropriate, the following as they affect the residents, homes, developments and businesses in the community:

- A. Utilities (electrical, telephone, natural gas, cable television, etc.).
- B. Transportation facilities (mass transit, rail and air).<sup>3</sup>
- C. Solid waste collection.
- D. Other necessary public facilities located within the City.

.133 The City's Development Standards document will require that adequate facilities exist or can be provided as part of any development proposal prior

to issuing development permits. The "phased" issuance of permits pending the proposed construction or extension of facilities will be allowed. No final certificate of occupancy, however, will be issued until all required facilities and services have been constructed and placed in service.

- .134 A development may be required to extend, modify, improve or otherwise construct additional facilities necessary to serve their needs. The City will actively work with an approved development proposal to expedite the construction of these facilities and will, as long as existing bonding capacity allows, work with potential developers and developments for funding mechanisms such as local improvement districts, capital monies set aside through the collection of system development charges, revenue bonds, general obligation bonds, etc.

Foot-  
notes

- 1) For local facilities and in cooperation and coordination with the State, Metro and County for regional facilities.
- 2) For local facilities and in cooperation and coordination with other affected jurisdiction, and the Sandy Drainage District.
- 3) For local facilities and in cooperation and coordination with Metro, the Port of Portland and heavy rail service providers.

.140 CAPITAL IMPROVEMENT PROGRAM

A. PURPOSE

The City shall develop, maintain, review and adhere to a Capital Improvement Program designed to:

- Protect the Health, Safety, and Welfare of its citizens, business owners, and properties.
- Further the policies of its Comprehensive Development Plan.
- Support the established levels of service and improve the service levels as is economically viable.

- Provide methods and procedures for the equitable distribution of costs in accordance with the benefits received.

## B. CONTENTS

The City's Capital Improvement Plan shall include the following major elements:

- A Facilities Plan containing the master plan(s) for: water supply, storage and distribution; drainage systems and facilities; wastewater collection, treatment and sludge disposal; transportation facilities including road systems, mass transit, bike paths, hiking trails, etc.; park and greenway facilities; all other capital systems or facilities the City anticipates it will need by the year 2005. This plan shall also prescribe the timing of the construction for those elements set forth for the duration of the planning period.
- The Capital Investment Program shall describe the methods and procedures used to implement the Facilities Plan. These methods shall include any regulatory issues and requirements, organizational and financial techniques, etc. The Plan shall also include methods and procedures for a Periodic Review and update of the Plan and any of its components.

## C. EXCEPTIONS

Public Facilities and Capital Investment plans and programs are designed to serve the will of the people, the policies of the Council and to encourage input and participation. There are, however, day to day exceptions and modifications required for the successful staff level administration of these plans and programs, and these exceptions will be allowed generally as follows:

- Administrative changes or modifications to a project which are minor in nature and do not significantly impact the integrity of the project or its general description, location, sizing, capacity or other general characteristics established.

- Technical or environmental modifications brought about by federal, state, county or city regulatory changes that have a direct impact on any proposed project.

#### D. REVIEW AND ACCEPTANCE

The City Administrator or designated officer shall review designs, approve plans, inspect construction and recommend the acceptance of public improvements to the City Council. The City Administrator may establish administrative guidelines, policies and procedures to protect the health, welfare and safety of its employees and citizens.

## **ORDINANCE NO.**

### **AN ORDINANCE ADOPTING A NEW PUBLIC FACILITIES PLAN AS AN IMPLEMENTING ELEMENT OF COMPREHENSIVE LAND USE PLAN GOAL 11 PUBLIC FACILITIES AND SERVICES IN PARTIAL FULFILLMENT OF PERIODIC REVIEW TASK 3.**

#### **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 11, Public Facilities and Services. The last Public Facilities Plan (Ordinance No. 543-O) was adopted April 10, 1990, during the last periodic review. As such, specifically identified as Task 3 of the work program, the City is required to prepare and adopt a Public Facilities Plan in accordance with Statewide Land Use Planning Goal 11 and Oregon Administrative Rule 660-011- 0010-45.
3. The City hired a consultant to prepare the Public Facilities Plan which is primarily based on the City's most recently updated and adopted Master Plans for Water and Stormwater, and the Sanitary Sewer Master Plan. Where available, more up-to-date information about the status and cost of needed future facilities has been used.
4. The Citizens Advisory Committee reviewed and discussed the major elements of this Plan in October 2012 and February 2013. The CAC supported the Plan and referred it to the Planning Commission for approval.
5. The Troutdale Planning Commission held public hearings on May 29, 2013 and afforded the opportunity for public testimony. No citizens spoke or provided written comments at that hearing. The Planning Commission identified some concerns with the draft Plan but passed a recommendation for approval with changes to the draft it had considered.
6. Subsequent to the May 29, 2013 action of the Planning Commission, a special meeting of the Planning Commission was held on October 16, 2013, to consider the proposed updated Sanitary Sewer Master Plan. Verbal and written testimony from citizens was taken at that meeting. Objections to plans to extend sanitary sewer down the private part of SE Jackson Park Road and on East Historic Columbia River Highway east of the Sandy River were raised. Following that meeting, the Planning Commission recommended approval of the Sanitary

Sewer Master Plan to the City Council with removal of the Jackson Park Road and the East Historic Columbia River Highway projects and that they also be removed from the Public Facilities Plan.

7. Following the outcome of the special meeting of October 16, 2013, the Troutdale Planning Commission re-opened its hearing in the matter of the Public Facilities Plan on March 19, 2014 to update its findings in light revisions to the Public Facilities Plan draft identified on May 29, 2013 and October 16, 2013. The hearing was posted in the legal notices of the Gresham *Outlook* and citizens were provided an opportunity to comment: no citizens spoke or provided written comments prior to the close of the March 19, 2014 hearing. On March 19, 2014, the Planning Commission approved Findings of Fact recommending adoption of the proposed Public Facilities Plan as an implementing element of the Troutdale Comprehensive Land Use Plan and to satisfy requirements of the City's periodic review work program.
8. Adoption of the Public Facilities Plan satisfies the Comprehensive Land Use Plan text amendment criterion that Statewide Land Use Planning Goals are met. Adoption of a Public Facilities Plan is a required task of the City's periodic review work program which is part of Statewide Land Use Planning Goals. The Public Facilities Plan has been prepared in accordance with Statewide Land Use Planning Goal 11 and its related administrative rule; therefore it logically and necessarily complies with this Statewide Planning Goal.
9. Adoption of the Public Facilities Plan satisfies the Comprehensive Land Use Plan text amendment criterion that the public need is best satisfied by this particular change. The public need is satisfied by adoption of the Public Facilities Plan because it provides a composite of the various master plans and related documents pertaining to the City's water, sanitary sewer and stormwater systems. This Public Facilities Plan supplements the more detailed facility plans that will guide the City's actions to accommodate expected growth for the next twenty years. It also addresses and fulfills the statutory requirements of State Planning Goal 11, Public Facilities and Services.
10. Adoption of the Public Facilities Plan satisfies the Comprehensive Land Use Plan text amendment criterion that adoption of the Public Facilities Plan 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.

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

Section 1. A new Public Facilities Plan is hereby adopted as shown in Attachment A.

**YEAS:  
NAYS:  
ABSTAINED:**

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

Date \_\_\_\_\_

\_\_\_\_\_  
**Debbie Stickney, City Recorder**

**Adopted:**

**ATTACHMENT A**

**CITY OF TROUTDALE**  
**PUBLIC FACILITIES PLAN**



**REVISED DRAFT February 5, 2014**  
*With Revisions to the May 20, 2013 Draft Considered by  
the Planning Commission on May 29, 2013*

**Prepared by**

**Angelo**  
planning group

## Table of Contents

<b>1.</b>	<b>Purpose Statement.....</b>	<b>1</b>
<b>2.</b>	<b>Goals and Policies.....</b>	<b>3</b>
<b>3.</b>	<b>Public Facilities System Descriptions .....</b>	<b>7</b>
<b>3.1</b>	<b>Water System .....</b>	<b>7</b>
<b>3.2</b>	<b>Wastewater Collection System .....</b>	<b>9</b>
<b>3.3</b>	<b>Storm Drainage System .....</b>	<b>10</b>
<b>3.4</b>	<b>Transportation System .....</b>	<b>13</b>
<b>4.</b>	<b>Capital Improvements Plan (CIP) .....</b>	<b>14</b>
<b>5.</b>	<b>Financing and Implementation Plan .....</b>	<b>19</b>
<b>5.1</b>	<b>Water System.....</b>	<b>19</b>
<b>5.2</b>	<b>Wastewater System.....</b>	<b>19</b>
<b>5.3</b>	<b>Storm Drainage System .....</b>	<b>20</b>
<b>5.4</b>	<b>Transportation .....</b>	<b>21</b>
<b>6.</b>	<b>Additional Public Facilities and Services in Troutdale .....</b>	<b>22</b>
<b>6.1</b>	<b>Parks and Recreation.....</b>	<b>22</b>
<b>6.2</b>	<b>Police.....</b>	<b>22</b>
<b>6.3</b>	<b>Solid Waste and Recycling .....</b>	<b>22</b>
<b>6.4</b>	<b>Other City Services .....</b>	<b>23</b>
<b>6.5</b>	<b>Fire and Emergency Response Services .....</b>	<b>23</b>
<b>6.6</b>	<b>Schools.....</b>	<b>23</b>
<b>6.7</b>	<b>Libraries .....</b>	<b>23</b>
<b>6.8</b>	<b>Utilities.....</b>	<b>24</b>
<b>7.</b>	<b>Plan Implementation .....</b>	<b>25</b>
	<b>Appendix A: Capital Improvements Plan .....</b>	<b>27</b>

## 1. Purpose Statement

Oregon Administrative Rules (OAR) 660-011-0010 through OAR 660-011-0045, relating to Statewide Planning Goal 11, require cities and counties in Oregon to develop and maintain Public Facilities Plans to help assure that urban development within their boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the community, and that facilities and services are provided in a timely, orderly and efficient arrangement. Public Facilities Plans also are intended to serve as a framework for development within a city's urban growth boundary (UGB).

The Troutdale Public Facilities Plan (PFP) is intended to further the purposes of Statewide Planning Goal 11. The PFP includes the following information:

- Goals and policies as part of the City's Comprehensive Plan to guide planning, constructing and financing public facilities.
- Narrative descriptions of existing and planned water, wastewater and storm drainage facilities.
- Capital improvement plan for future construction of facilities. The plan contains information about all facility costs, schedule and funding sources.
- General financing plan indicating how the City plans to finance current and planned facilities and services.

Per Oregon Administrative Rules, public facility plans are required to address facilities associated with water, wastewater, stormwater and transportation and that is the primary focus of this document. Additional public facilities and services provided to Troutdale residents (e.g., libraries, police, fire and administrative services) also are briefly described in Section 6 of this Plan, but in less detail.

The information in this plan is based on the most recently updated City Master Plans for Water, Wastewater and Stormwater, along with more up-to-date information about the status and cost of needed future facilities, where available. Information related to transportation facilities is found in the City of Troutdale's Transportation System Plan (2014) and hereby incorporated by reference in this Plan.

It should be noted that there is no obligation on the part of the City to build the projects as described in the PFP or to meet the timeframe listed for the projects. The project list may be included as part of the Comprehensive Plan to show anticipated infrastructure needs based on known regulatory requirements and current assumptions about growth and the direction of future development. The list is intended only to provide a general indication of the facilities needed to support future growth. If growth trends change, or if new regulations are imposed on the City, or if technologies emerge that satisfy needs using

different methods than those assumed in master plans, the City may revise its public facilities investment strategy without amending the Comprehensive Plan or PFP.

It is expected that this Plan will be revised in the future to reflect updates to specific master plans, significant proposals for new development within or outside the city that prompt the need for review of public facilities plans, or other similar factors or events.

## 2. Goals and Policies

The following are goals and policies and implementation measures as part of the City's Comprehensive Plan under the *Public Facilities and Services Element*. They are organized by general topic. These goals and policies are consistent with state law, existing City policies and practices, and facility master plan recommendations, and are intended to promote efficient and effective provision of urban services and to protect natural resources.

### General Goal and Policies

**Goal:** Ensure the cost-effective provision of water, wastewater, and surface water management facilities for property owners, residents and businesses within the urban growth boundary of Troutdale.

### Policies

1. Ensure that urban development is provided with adequate public services.
2. Promote efficient use of urban and urbanizable land through effective provision of adequate public facilities and services.
3. Adopt, periodically review and update long range master plans for the City's water, sewer, and storm drainage systems.
4. Adopt and periodically update the Public Facilities Plan, an implementing element of the Comprehensive Plan, for development of public services and facilities in conformance with the policies of the Comprehensive Plan.
5. Comply with state and federal regulations for utility systems.
6. Finance the provision of public facility improvements and expansions in an equitable manner through the use of system development charges, developer funded/constructed improvements, easement and rights-of-way dedication, and other appropriate funding tools.

### Water Supply and Distribution

**Goal:** The City of Troutdale shall provide reliable and efficient potable water supply, treatment and distribution services to meet the current and future needs of Troutdale residents, businesses and other system users in an orderly and sustainable manner.

## **Policies**

1. The City shall be the sole public water service provider to all users within the City limits.
2. The City will encourage development and annexation that makes orderly and efficient use of its water system capacity.
3. The City will provide for the advanced construction of facilities to allow for growth and development commensurate with the City's Comprehensive Land Use Plan as budget allows and only where private development is not reasonably expected to directly provide such facilities.
4. The City will base decisions to construct additional water facilities on the capital improvement project list included in this plan, consistent with the Water Master Plan, and as updated by the City Public Works Department through its annual capital improvement and work planning efforts.
5. The City will comply with all local, state and federal water quality and quantity standards and regulations.
6. The City will recover degraded operational source capacity in its existing wells to the extent feasible.
7. The City will protect the physical performance of the existing wells to maintain capacity and improve reliability.
8. The City will develop and protect its existing water rights.
9. The City will develop new source capacity, as needed, to meet future water demands consistent with the City's Water Master Plan.
10. The City will conduct system upgrades needed to improve flow distribution and pressure throughout the water system.
11. The City will continue to improve the resiliency of the water system in order to survive emergency incidents and natural disasters – particularly earthquakes.
12. The City will encourage programs and incentives to reduce unnecessary water consumption by customers of the City's water system.

## **Sanitary Sewer Collection and Treatment**

**Goal:** The City of Troutdale shall provide reliable and efficient sanitary sewer collection and treatment services to meet the current and future needs of Troutdale residents, businesses and other system users, and to protect the land and water resources of the City and State, in an orderly and sustainable manner.

## **Policies**

1. The City of Troutdale shall be the sole provider of public sanitary sewer collection and treatment services to all properties within the City limits.
2. The City will encourage development and annexation that makes orderly and efficient use of its wastewater collection and treatment system capacity.
3. The City will base decisions to construct additional wastewater treatment facilities on the capital improvement project list included in this plan, consistent with the Sanitary Sewer Master Plan and as updated by the City Public Works Department through its annual capital improvement and work planning efforts.
4. The City will continue its efforts to reduce inflow and infiltration into the wastewater collection system to the extent such reductions are documented to be cost-effective and/or required by State or Federal regulation.
5. The City will periodically update its Sanitary Sewer Master Plan to maintain current and relevant planning for provision of sanitary sewer facilities and services.
6. The City will monitor the flows to pump stations identified in the Sanitary Sewer Master Plan as having the potential need for future improvements and periodically assess the need to provide increased pumping capacity.

## **Storm Drainage Collection and Disposal**

**Goal:** The City of Troutdale shall provide a reliable and efficient storm drainage management system that reasonably limits risks to people, property and the environment from both the quantity and quality of the City's urban storm water runoff, in an orderly and sustainable manner.

## **Policies**

1. The City, in conjunction with Multnomah County, ODOT and the Sandy Drainage Improvement Company, will cooperatively provide storm water collection, treatment and discharge services to properties within the city limits.
2. The City will prepare and apply development methods and standards consistent with those established in the City's Storm Drainage Master Plans and other subsequent storm drainage planning efforts.
3. The City will work cooperatively with Multnomah County and the Sandy Drainage Improvement Company to establish and implement drainage plans for South Troutdale Basin (Beaver Creek and Sandy River) and North Troutdale Basin (Arata Creek, Salmon Creek and Columbia River).
4. Drainage plans for specific developments will favor onsite retention and infiltration over offsite discharge; provide treatment for water quality; provide for management of existing and projected on and off-site flows; emphasize the use of natural drainageways and systems; minimize the use of impervious surfaces; provide

drainage easements; incorporate on-site detention facilities, where appropriate; and implement other strategies identified in the City's Storm Drainage Master Plans and consistent with standards in the City's Development Code.

5. Drainage facilities and practices will comply with state and federal water quality standards and requirements.
6. The City will use parks, greenways and open spaces to help manage and mitigate the impacts of stormwater runoff and drainage on natural drainageways and storm drainage facilities.
7. The City will regulate development to prevent erosion, control and mitigate stormwater runoff and protect water quality.
8. The City will implement and apply erosion control standards and best practices to minimize discharge of sediments from construction sites.
9. New development will be designed to manage stormwater drainage on-site to the maximum extent feasible and limit storm drainage runoff outside project boundaries.
10. The City will implement community education and outreach to inform developers, property owners and other community members about stormwater management issues and steps they can take to reduce pollution related to stormwater runoff.
11. The City will continue to monitor the stormwater system to detect and eliminate illicit stormwater discharges.
12. The City will continue efforts to minimize stormwater pollution discharges related to municipal operations.

## **Transportation**

Goals and policies associated with transportation facilities are found in the City's Transportation System Plan and are hereby incorporated by reference.

## 3. Public Facilities System Descriptions

### 3.1 Water System

#### Overview

The City of Troutdale owns and operates a State-regulated municipal water system that consists of 64 miles of underground conveyance piping ranging from 2-inch to 12-inch in diameter, seven groundwater wells with approximately 6.3 MGD nominal combined production capability, four reservoirs with a total storage capacity of 6 million gallons, two booster pumping stations, and various other appurtenances. Water from the City's wells is chlorine-treated for taste and odor, but none of the wells require chlorination for disinfection. The City supplies all of its own water needs through its groundwater wells, but also maintains interties with the Cities of Gresham, Wood Village and Fairview for reciprocal emergency supply.

The City operates seven wells (2, 3, 4, 5, 6, 7 and 8). Most of the City's original water supply wells were installed between 1978 and 1981; Well 8 and Well 5 were subsequently added to the system in 1993 and 2007, respectively. Well #1 was taken out of service and disconnected many years ago due to TCE (trichloroethylene) contamination at the wellhead resulting from adjacent industrial activity, and is now maintained only for aquifer monitoring purposes. The City owns four on-line reservoirs, with two booster pump stations that provide additional pressure where needed.

The City's distribution system conveys water from the municipal wells, reservoirs, and pump stations to the customers and is divided into six pressure zones by pressure regulating valves (PRV's). Each pressure zone is interconnected to the next lower pressure zones through PRVs located within the distribution system. The PRVs are adjusted manually by the City operators to provide balanced flow and appropriate working pressures to the distribution network.

In 2012, the system served a population of about 16,000 residents with about 4,745 service connections, including approximately 4,400 residential, 175 commercial, 45 industrial, 15 community service, 70 fire-standby, and 40 irrigation accounts with an average day demand of 1.7 MGD and peak day demand of 3.7 MGD. The City does not currently provide water service east of the Sandy River, though that area does contain properties within the City limits.

#### Planning and Future Facility Needs

A **Water Management and Conservation Plan** was completed for Troutdale in 2005, pursuant to OAR 690-315 and OAR 690-086, in order to obtain relief from limitations imposed as part of an extension of two of the City's six water rights, which would have caused significant reductions in the City's water supply. The Oregon Water Resources Department (OWRD) declared that two of the City's water right permits have the "potential

for substantial interference with the nearest surface water source, namely Sandy River,” and thus limited water withdrawal under those rights.

The plan includes a description of the existing facilities at the time of the plan, projections of 20-year water needs, identification of resource issues, a 20-year supply strategy, and new or updated conservation and curtailment plans. Water conservation measures proposed in the plan focus on reducing peak demand by three customer classes – residential, commercial, and industrial, with a focus on the outdoor water use of residential customers.

The **2012 Water Master Plan** features in-depth analysis of existing conditions including an inventory and assessment of water supply wells, finished water storage and booster pumping, and the distribution system, as well as an evaluation of water quality and water rights. The City currently holds seven separate water permits for municipal use with a cumulative total permitted capacity of 5,606 gpm (12.49 cfs or 8.07 MGD<sup>1</sup>).

The City’s Water Master Plan assumes that future development through 2032 will include in-fill of existing developments, development of three proposed Urban Growth Areas (Northern Urban Plan Area, Southern Urban Plan Area, and Urban Renewal Area), and development of the Troutdale-Reynolds Industrial Park and Strebin Farms. The Water Master Plan was based on a then-projected increase in population between 2012 and 2032 of 3,816 people, with a total average day water demand of 2,130,517 gallons per day (gpd) in 2032.

The **2012 Water Master Plan** documents the following needs related to water source, distribution system, and finished water storage and booster station facilities.

#### Source

The City overall has sufficient water right capacity to meet current and projected demands in year 2032. In order to develop and maintain sufficient source capacity as well as develop and protect sufficient water rights capacity, the following measures were recommended.

- Enhance the operational source capacity using existing wells.
- Protect the physical performance of the existing wells to maintain capacity and improve reliability.
- Fully develop and protect existing water rights.
- Develop new source capacity.

---

<sup>1</sup> Assuming 24 hours of constant water production

### Distribution System

To ensure effective operation of the distribution system, the city should confirm the connections to other water systems are functional. Control valves should be operated at least annually to confirm their functionality.

### Finished Water Storage and Booster Stations

Potential future strategies and improvements associated with these facilities include the following.

- A structural evaluation for each facility is needed to determine upgrades required to meet current seismic code, especially the stand pipe Reservoir 2.
- Each reservoir needs flexible connections and seismic shut-off valves on all pipe connections to the reservoirs. Steel reservoirs number 2, 3 and 4 need to be anchored to their foundations to prevent “walk-off” failure during an earthquake.
- Currently, each reservoir is monitored by SCADA for recording water levels only. Issues with vandalism at Reservoir 3 and past issues with Reservoir 4 could be addressed by adding surveillance equipment and appropriate signage.
- A portable onsite generator for Booster Pump Station 2 and Reservoir 4 could be installed to maintain pressure within the system and level sensor functioning during power outages.
- Booster Pump Station 1 is under-capacity and should be upsized in case an emergency condition occurs for a prolonged period of time.

## **3.2 Sanitary Sewer System**

### **Overview**

The City provides wastewater collection and treatment services to its residents, commercial establishments, institutional customers, and a number of industries. Sewer service is provided only to customers within the city limits. An area along the privately owned portion of Jackson Park Road includes approximately 20 residences that have their own sanitary septic systems. Several homes located on the east side of the Sandy River are connected via a septic tank effluent pump system to the City sanitary sewer system at the west end of the Historic Columbia River Highway bridge. Approximately 27 other residences on the east side of the Sandy River are on privately-owned sanitary septic systems.

The topography of Troutdale influences how the sanitary sewer system was constructed and will continue to be upgraded in the future. Gravity sewers convey the flow down gradient and toward the Troutdale Water Pollution Control Facility. Pump stations convey flows up hills, across extraordinarily flat plains, and over divides, ultimately discharging into the gravity sewers where physically possible. The City’s system includes a total of 10

pump stations, over 53 miles of sanitary sewer pipes throughout the city and a wastewater treatment plant located in the northern portion of the city near the Sandy River.

### **Planning and Future Facility Needs**

A **Sanitary Sewer Master Plan** was prepared for Troutdale in 2013 in order to identify future sewer planning needs and facilities. The plan includes a description of the existing facilities at the time of the plan, projections of facility needs through the year 2040, and a capital improvement and financing plan.

The Sanitary Sewer Master Plan features in-depth analysis of existing conditions including an inventory and assessment of sanitary sewer system facilities, including sanitary sewer pipe, force mains and pump stations. The Plan incorporates hydraulic modeling of the City's sewer system to identify hydraulic capacity deficiencies in the existing wastewater sewer collection system for both existing and future planning scenarios. This analysis also assesses rainfall derived infiltration/inflow (RDII) conditions to help identify potential system deficiencies. The Plan also incorporates a capacity analysis to determine hydraulic capacity issues associated with current and future development planning scenarios.

The Sanitary Sewer Master Plan documents the following needs related to sanitary sewer facilities.

- Selected sanitary sewer pipes will need to be replaced throughout the city to accommodate future sanitary sewer flows based on the future hydraulic modeling analysis.
- Four pump stations may require upgrading to convey future flows. If and when these stations will need upgrading will depend upon the timing and type of future development.
- New sanitary sewer lines will be needed to accommodate potential future development in the Troutdale Reynolds Industrial Park and other undeveloped lands.

## **3.3 Storm Drainage System**

### **Overview**

The City of Troutdale is divided into two distinct north and south drainage areas. The North Troutdale drainage basin is located generally north of Historic Columbia River Highway and drains into the Columbia River (via the SDIC pump station). The South Troutdale drainage basin is located generally south of Historic Columbia River Highway and drains into the Sandy River, it's tributary Beaver Creek and underground injection facilities.

Storm water runoff within the North Troutdale drainage basin is primarily collected and transported in open channel systems. The exceptions to this are culverts for road crossings, local drainage collection systems in the uppermost Arata Creek drainage basin within

Wood Village, the Troutdale Airport, the Frontage Road/I-84 area and the Troutdale Reynolds Industrial Park. Land situated below the floodplain in the North Troutdale drainage basin – largely in the area north of Salmon Creek and in Fairview – provides flood storage during peak storm events. The Sandy Drainage Improvement Company (SDIC) is responsible for maintaining the floodplain water surface levels within the low-elevation areas of the North Troutdale drainage basin. The SDIC maintains the Columbia River levee and operates the storm runoff pumping station, where most runoff generated within this drainage basin is directed.

A significant portion of the South Troutdale drainage basin discharges into underground injection control (UIC) facilities (dry wells). This drainage infiltrates and is not collected by storm system structures or open channels. The bulk of the South Troutdale Basin is served by a storm water collection system consisting of several sub-basins that discharge to Beaver Creek and the Sandy River. The City maintains 16 outfalls in the South Troutdale drainage basin that include 14 outfalls along Beaver Creek and 2 outfalls along the Sandy River.

#### **Planning and Future Facility Needs**

The City maintains separate master plan documents for the North Troutdale and South Troutdale drainage basins. The South Troutdale plan incorporates a smaller plan that was developed specifically for the South Troutdale Road area.

The **North Troutdale Storm Drainage Master Plan** (2007) provides an overview of the drainage basin, analyses of existing and projected future basin hydrology conditions, runoff analysis, proposed capital improvement projects, and public involvement. The plan also includes an evaluation of the 2004 Stormwater Management Plan (SWMP) and Best Management Practices (BMPs) that were recommended in the SWMP and that the City proposed to implement to meet National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) requirements. Future conditions assumed for modeling in the plan were defined as full build-out of the basin expected by 2020 within the City's urban growth boundary and based on zoning at the time of plan preparation.

The **South Troutdale Storm Drainage Master Plan** (2012) addresses existing study area characteristics, an evaluation of the storm system capacity (hydrology and hydraulic model development and results), storm system water quality evaluation (including identification of “opportunity areas”), and an “integrated management strategy” that includes proposed capital improvement projects (CIPs) necessary to meet future needs. The City's 2009 Comprehensive Land Use Plan was used in conjunction with an inventory of vacant land to develop future land use assumptions associated to determine future drainage conditions and needs.

The City operates under a Phase II NPDES MS4 permit requiring the City to reduce pollutants discharged from the City's storm drainage system. The City's existing MS4 Storm Water Management Plan includes a range of programmatic, non-structural, and source

control activities managed by the City. The South Troutdale Storm Drainage Master Plan includes structural controls and improvements to address NPDES MS4 requirements.

The **South Troutdale Road Storm Drainage Plan** (2009) addresses a specific part of the South Troutdale drainage basin. The plan was prepared after land in the South Troutdale Road area was annexed to the city and development in the area was anticipated. The plan area is comprised of five parcels totaling approximately 100 acres, is generally bounded by Beaver Creek on the west, SE Stark Street on the north, South Troutdale Road on the east, and SE Strebin Road on the south, and includes provisions for roadway drainage of Troutdale Road. The plan is intended to identify feasible locations for discharge to Beaver Creek, document water quality treatment alternatives and possible locations, develop design criteria and prepare conceptual design of the drainage network, develop a system model for the concept drainage network, and develop a final system map for development of the selected network alternative, along with estimated costs for the drainage system.

Storm drainage system needs identified in the **North Troutdale Storm Drainage Master Plan** are associated with a series of “trouble spots” related to the duration of flooding, depth of flooding, locations of traffic disruptions, potential flooding of businesses or homes, backwater effects from surface streams, and conveyance limitations (e.g., pipe size). Proposed projects to address these existing and projected trouble spots include the Salmon Creek Weir, Arata Creek conveyance in the Dunbar Avenue area, north Arata Creek conveyance from Marine Drive to Salmon Creek, South Arata Creek culvert improvements, Columbia River Highway railroad underpass (bypass conveyance), and improvement of the culvert at the Marine Drive curve south of the Troutdale Airport. Projects and strategies to address these areas include:

- Completion of drainage conveyance improvements, culvert improvements, and roadway bypasses.
- Implementation of a variety of best management practices to reduce the impacts of drainage on drainage systems and water quality.

Storm drainage system needs identified in the **South Troutdale Storm Drainage Master Plan** include:

- Measures needed to address ten pipe segments which are expected to experience flooding under either existing or future conditions.
- Sixteen (16) capital improvement projects (CIPs) intended to address flood control, water quality, and integrated flood control/water quality in this drainage area based on an evaluation of specific opportunity areas and associated regulatory requirements, as well as existing and future drainage conditions.

The **South Troutdale Road Storm Drainage Master Plan** includes management alternatives for six local drainage areas in the study area, where all drainage flows toward Beaver Creek. Specific recommended projects include:

- Use of a continuous swale to treat runoff from South Troutdale Road (Drainage Area 1).

- On-site treatment of runoff from Drainage Area 2 with discharge to Outfall 2.
- On-site treatment of runoff from Drainage Areas 3 and 4, with discharge from Drainage Area 3 via an outfall on the north side of the wetland (Outfall 3) and discharge from Drainage Area 4 to a pipe system with an outfall on the south side of the wetland (Outfall 4).
- Treatment of runoff from South Troutdale Road (Drainage Area 5) in a series of stormwater swales along the western side of South Troutdale Road, with final discharge to the wetland at Outfall 5.

### **3.4 Transportation System**

Information about existing and future transportation facility conditions and needs is found in the City's Transportation System Plan and is hereby incorporated by reference.

## 4. Capital Improvements Plan (CIP)

### Overview

The City of Troutdale's Public Facilities Plan (PFP) calls for significant investment in infrastructure to accommodate expected growth and development over the next 20 years. A summary of planned improvements associated with water, wastewater and stormwater drainage facilities is presented in Table 1 below, with more detail provided in Appendix A. Information about the cost of transportation facility improvements is included in the City's Transportation System Plan and hereby incorporated by reference.

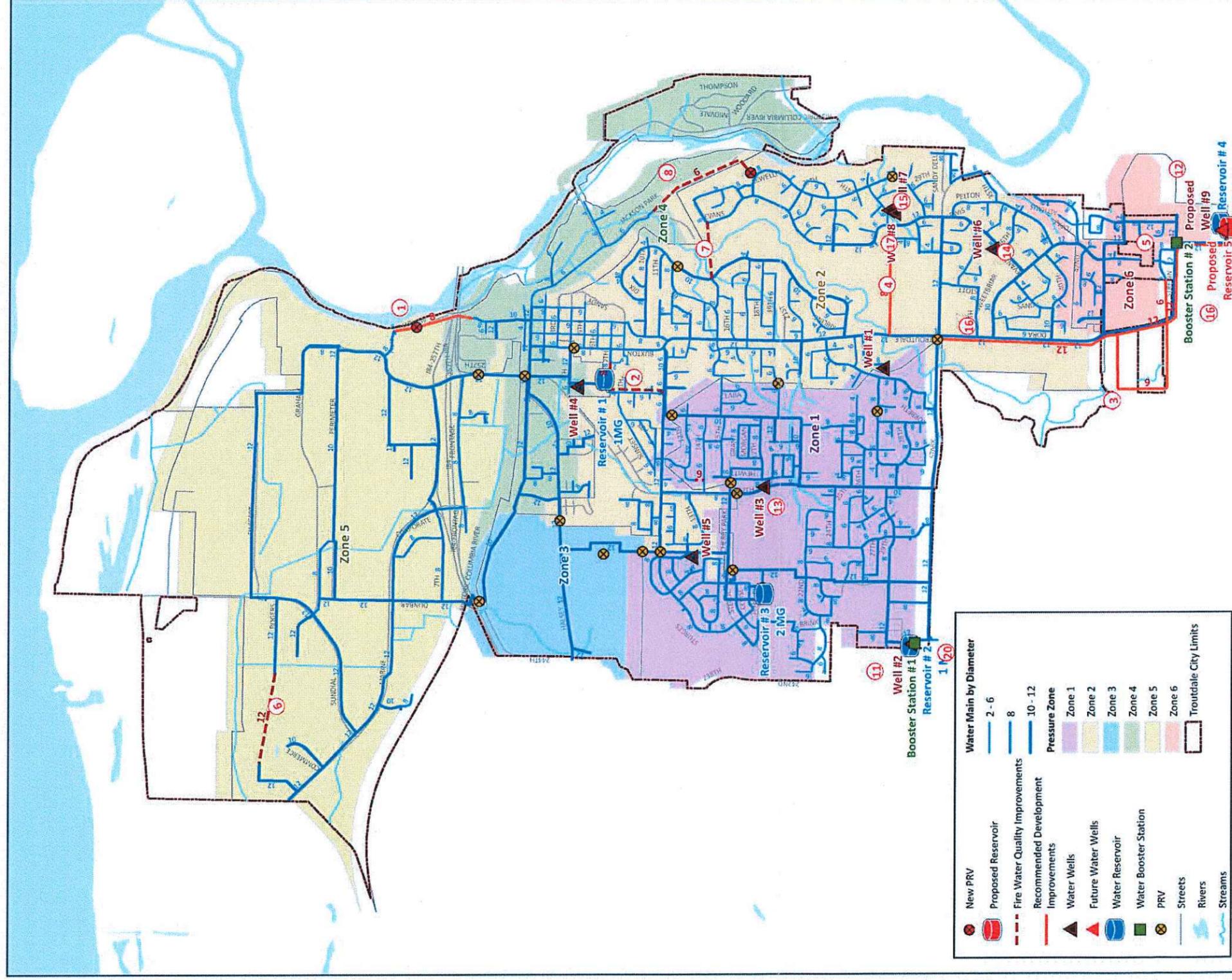
The level of investment for public facilities is based on cost estimates for planned projects in the City's adopted master plans for water, sewer, storm drainage, and transportation. A list of all planned public facility projects associated with water, wastewater and stormwater drainage facilities is included in Appendix A. It indicates the location, estimated cost, source of funding, and estimated timeframe for each capital improvement project. All cost estimates are expressed in year 2012 dollars.

Table 4-1: Summary of Planned Improvements

Public Facility	Short-term (Yr. 1 – 5)	Medium-term (Yr. 6 – 10)	Long-term (Yr. 11 – 20)	Total
<b>Water</b>				
<i>Connectivity</i>	\$896,500	\$760,000	\$470,000	\$2,126,500
<i>Supply</i>	\$953,900	\$2,047,200	\$3,998,900	\$7,000,000
<i>Incident Resiliency</i>	\$75,000	\$0	\$645,000	\$720,000
<b>Total</b>	<b>\$1,925,400</b>	<b>\$2,807,200</b>	<b>\$5,113,900</b>	<b>\$9,846,500</b>
<b>Sanitary Sewer</b>				
<i>Sewer pipe upgrades</i>	\$1,204,000	\$1,204,000	\$2,409,000	\$4,817,000
<i>Pump station, force main upgrades</i>	\$976,250	\$976,250	\$1,952,500	\$3,905,000
<i>Sanitary sewer pipe extensions</i>	\$783,250	\$783,250	\$1,566,500	\$3,133,000
<b>Total</b>	<b>\$2,963,750</b>	<b>\$2,963,750</b>	<b>\$5,927,500</b>	<b>\$11,855,000</b>
<b>Storm Drainage</b>				
<i>North Troutdale Storm Drainage Plan (2007, 2012 updates)</i>	\$2,719,400	\$212,600	\$0	\$2,932,000
<i>South Troutdale Storm Drainage Plan (2012) *</i>	\$462,400	\$455,300	\$1,193,500	\$2,111,200
<i>South Troutdale Road Storm Drainage Plan (2009) – Alternatives 1 and 5</i>	\$0	\$290,400	\$290,400	\$580,800
<b>Total</b>	<b>\$3,181,800</b>	<b>\$958,300</b>	<b>\$1,483,900</b>	<b>\$5,624,000</b>
* Cost estimates include two alternative estimates for one project; total combined costs will be less than indicated, depending on which option is selected.				

<b>Public Facility</b>	<b>Short-term (Yr. 1 – 5)</b>	<b>Medium-term (Yr. 6 – 10)</b>	<b>Long-term (Yr. 11 – 20)</b>	<b>Total</b>
<b>Total Investment</b>	<b>\$8,070,950</b>	<b>\$6,729,250</b>	<b>\$12,525,300</b>	<b>\$27,325,500</b>

Maps indicating the location of specific improvements are shown on the following pages.



### Water CIP Projects

#### Connectivity Improvements

- 1. Pressure Zone 5 Fire Flow Improvements
- 2. 7th Street - Kings Byway Water Main Upsizing
- 3. Serve South Urban Plan Area
- 4. Serve Strebins Farm area
- 5. Rehab Booster Pump Sta. 2
- 6. Rogers Road Loop
- 7. Beaver Creek Crossing
- 8. Jackson Park Road Waterline

#### Supply Improvements

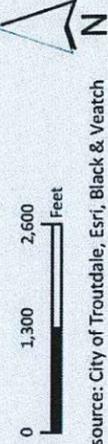
- 11. Well 2 Perform. Monitoring
- 12. New Well 9
- 13. Well 3 Design/Rehab
- 14. Well 6 Design/Rehab
- 15. Well 7 Design/Rehab
- 16. New Reservoir 5 with Line to Zone 1
- 17. Well 8 Design/Rehab

#### Resiliency Improvements

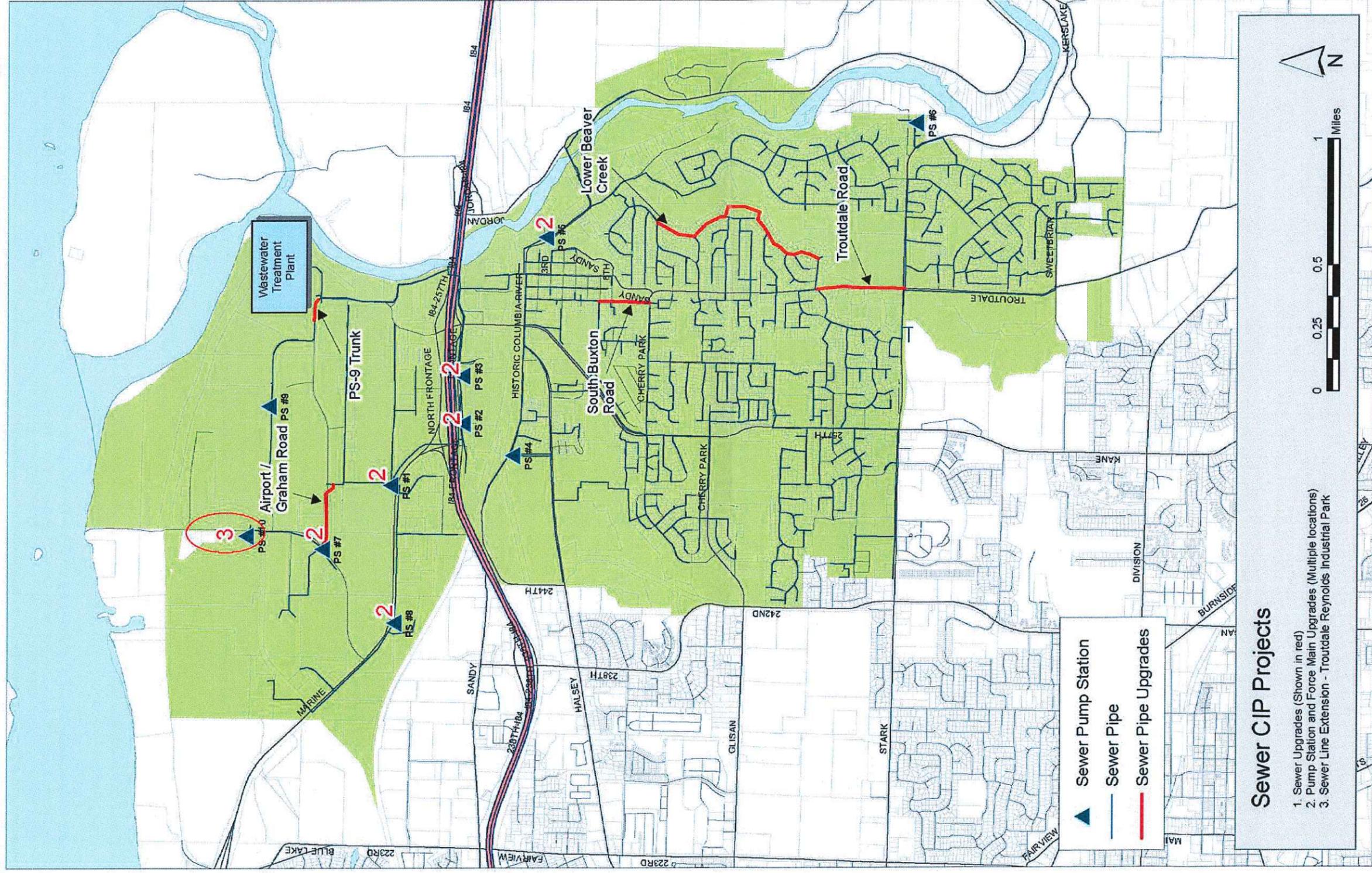
- 20. Reservoir 2 Seismic Improvements

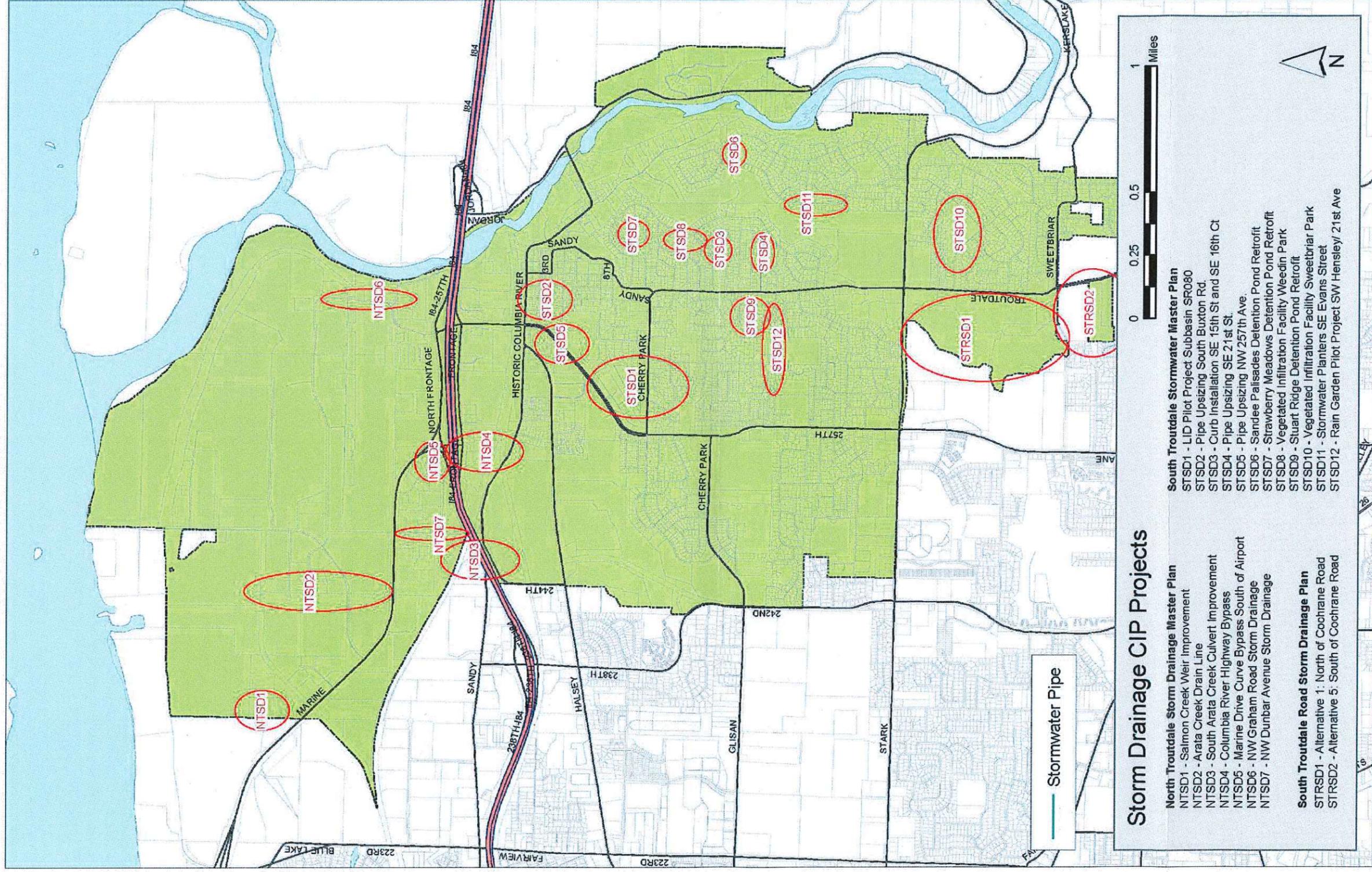
#### Other CIP Projects not shown on Map

- 9. Comprehensive Well Assessment
- 10. Recoat Interior of Steel Reservoirs
- 18. Improving Water Quality
- 19. Reservoir Seismic Study (all 4 reservoirs)
- 21. Seismic Improvements for Reservoirs 1, 3 & 4



Data source: City of Troutdale, Esri, Black & Veatch





### Storm Drainage CIP Projects

#### North Troutdale Storm Drainage Master Plan

- NTSD1 - Salmon Creek Weir Improvement
- NTSD2 - Arata Creek Drain Line
- NTSD3 - South Arata Creek Culvert Improvement
- NTSD4 - Columbia River Highway Bypass
- NTSD5 - Marine Drive Curve Bypass South of Airport
- NTSD6 - NW Graham Road Storm Drainage
- NTSD7 - NW Dunbar Avenue Storm Drainage

#### South Troutdale Road Storm Drainage Plan

- STRSD1 - Alternative 1: North of Cochrane Road
- STRSD2 - Alternative 5: South of Cochrane Road

#### South Troutdale Stormwater Master Plan

- STSD1 - LID Pilot Project Subbasin SR080
- STSD2 - Pipe Upsizing South Buxton Rd.
- STSD3 - Curb Installation SE 15th St and SE 16th Ct
- STSD4 - Pipe Upsizing SE 21st St.
- STSD5 - Pipe Upsizing NW 257th Ave.
- STSD6 - Sandee Palisades Detention Pond Retrofit
- STSD7 - Strawberry Meadows Detention Pond Retrofit
- STSD8 - Vegetated Infiltration Facility Weed-in Park
- STSD9 - Stuart Ridge Detention Pond Retrofit
- STSD10 - Vegetated Infiltration Facility Sweetbriar Park
- STSD11 - Stormwater Planters SE Evans Street
- STSD12 - Rain Garden Pilot Project SW Hensley/ 21st Ave

## **6. Financing and Implementation Plan**

The City of Troutdale uses a combination of strategies to finance the development and maintenance of its public works infrastructure. The following discussion provides an overview of the financial structure in place to support Troutdale's infrastructure and development and ongoing maintenance needs.

### **6.1 Water System**

The City's Water Fund is an "enterprise fund" that pays for the operation, maintenance and repair, and some capital improvements of the City's water system. The primary revenue source for the Water Fund is the monthly user fee paid by the water customers. Other significant revenue sources are installation fees for new services and penalty fees paid on delinquent accounts. The City will rely on a dedicated Water System Development Charge (SDC), other developer funding, and the State Revolving Fund (SRF) to fund projects already in the City's CIP and improvement projects recommended in the 2012 Water Master Plan. Operation and maintenance projects, not eligible for SDC funding, identified in the Water Master Plan will be funded by user fees. To provide full funding of all of the recommended projects, the City's user fee would have to be increased by an average of 9% per year for the next 20 years.

SDCs are authorized by state law (ORS 223.297-.314) and the Troutdale Municipal Code (Chapter 12.02). Chapter 12.02 addresses basic methodology, exemptions, credits, refunds, and appeals. The detailed methodology for calculating SDC's for each set of public services and facilities is provided in separate resolutions and is outlined in a department directive from the Public Works Director and a worksheet for the public. The City's water SDC is based on Hydraulic Equivalents (HEs) per meter and meter size.

To provide full funding for the all of the identified improvement projects, water SDC rates would need to increase by approximately 10.2% to account for the development of the various CIP projects over the next 20 years. Increases should occur at the time that projects are added to the city's adopted CIP. Developer-funded CIP projects are funded entirely by the developer of the property, and in the 2012 Water Master Plan, this includes service in the South Urban Plan Area and the Strebin Farm Area. The CIPs that are expected to be funded partially by the State Revolving Fund include a new well and a new reservoir. The City may need to use the State Revolving Fund in conjunction with SDCs in order to finance these larger CIPs. It is assumed that these state loans are the only debt that the City will take on for water projects.

### **6.2 Sanitary Sewer System**

Similar to the Water Fund, costs to provide sanitary sewer services, including operation and maintenance, staff and other needs are paid for primarily through sewer utility rates. Capital improvement costs are paid through a variety of sources, including utility rates,

SDCs, developer contributions, local improvement districts (LIDs) and outside funding sources (e.g., state grants or revolving loan funds).

As part of the Sanitary Sewer Master Planning process, an economic and financial model was prepared to ensure that revenues will be adequate to pay for the estimated cost to provide sanitary sewer services and build needed capital improvements. This analysis indicates the following:

- System Development Charges will need to be adjusted to reflect updated administrative and capital improvement costs, and to reflect the proportion of costs to be funded through SDCs. The City's sanitary sewer SDC is expected to decrease from a current rate of approximately \$4,500 per equivalent residential unit (ERU) to just over \$3,400 per ERU. These rates also will be indexed to account for the cost of inflation and will be adjusted annually to reflect inflationary factors.
- Sanitary sewer rates are projected to increase by just over five percent annually in each of the next four years (i.e., FY 2015 through FY 2018) to help pay for a combination of debt service on existing general obligation bonds, as well as future capital improvements and other annual costs.

Projected utility and SDC rate changes are based on a variety of assumptions and may need to be adjusted further to the extent that conditions change over time. The City will closely track its costs as they become available and compare them to assumptions used in the Sanitary Sewer Master Plan. If significant changes occur, the City will revisit the analysis and make appropriate changes

### **6.3 Storm Drainage System**

The City's storm drainage system is funded through a combination of user fees (on the monthly utility bill) and SDCs. The City's stormwater SDC is based on impervious surface area. All single-family detached homes are deemed to have the same (2,700 square feet) impervious surface area for the purpose of assessing SDCs.

Drainage in the North Troutdale drainage area is managed in collaboration with the Sandy Drainage Improvement Company (SDIC), ODOT and Multnomah County. The SDIC is responsible for maintaining the floodplain water surface levels within the low-elevation lands of the North Troutdale drainage basin. It maintains the Columbia River levee and operates the storm runoff pumping station to which most runoff generated within this drainage basin is directed. The City and Multnomah County operate local storm water collection systems that feed into SDIC facilities. Multnomah County and SDIC have their own revenue sources, and the City's CIP includes funding support for certain improvements to the SDIC systems that receive discharges from the City's systems.

## **6.4 Transportation**

Information about funding for transportation facilities is found in the City's Transportation System Plan and is hereby incorporated by reference.

## **7. Additional Public Facilities and Services in Troutdale**

In addition to addressing core public facilities associated with water, wastewater, stormwater and transportation, the City of Troutdale provides or coordinates with other public agencies and private entities to provide a variety of other public facilities and services, including those related to parks and recreation, police, fire, education, libraries, utilities, administration and other activities. This chapter very briefly describes those activities and identifies sources of additional information about them.

### **7.1 Parks and Recreation**

The City manages and maintains a variety of parks, recreation facilities, trails and natural areas. Park facilities include mini-parks, neighborhood, community and special use parks. The City's 2006 Parks Master Plan guides future planning for operation, maintenance and improvement of existing facilities, and also identifies additional, future park and recreation facility needs. The Parks Master Plan includes a set of goals and objectives for parks and recreation, a list of proposed park system improvements, estimated costs of parks projects and a proposed strategy for funding future improvements and operations. In addition, school facilities operated by the Reynolds School District and Mt. Hood Community College provide additional recreational facilities and opportunities for Troutdale residents, as do state and regional parks operated by the Oregon Department of Parks and Recreation and Metro. A copy of the Parks Master Plan and other current information about park and recreation facilities and services and programs can be found on the City's website.

### **7.2 Police**

The City provides 24-hour police services using a combination of over 20 sworn officers and professional staff members, along with a group of dedicated volunteers who serve as reserve officers, office assistants and chaplain. The Police Department is comprised of the Patrol Services, Support Services, Investigations, School Resource Unit and Administration Divisions. The Department also assigns police officers to the East Metro Gang Enforcement Team (EMGET) and Tri-Met Transit Police, using independent funding from those programs. In addition, officers work a variety of specialty assignments designed to provide tactical, investigative and operational skills that benefit the City of Troutdale and inter-agency teams throughout the Metropolitan area. Additional information about police services and facilities can be found on the City's website.

### **7.3 Solid Waste and Recycling**

The City's Solid Waste and Recycling Division provides coordination, education, and management services related to residential and commercial solid waste, collection, disposal and recycling.

The City of Troutdale administers a franchise agreement with a private waste hauling company for solid waste and recycling hauling services. Waste Management of Oregon is the current waste hauling contractor under franchise with the City of Troutdale. The Public Works Department manages the franchise agreement with the City's contracted waste hauling company. Regional solid waste and recycling efforts also are coordinated by the Metro regional government. Current information about local solid waste management and recycling services and programs is available on the City's website.

#### **7.4 Other City Services**

In addition to the facilities and services described above, the City of Troutdale provides general administration, land use planning and zoning, building plan review and inspections, engineering and record management services. These City functions currently operate out of multiple buildings, including separate facilities for planning and zoning, police, public works, city hall/courts and administration. Given the disparate nature of these locations and the recent closure of the former city hall and administration building due to structural problems, the City is considering development and construction of a new city hall or city services building. Future planning for such a facility will be the subject of a separate planning effort (outside the Public Facility Plan).

#### **7.5 Fire and Emergency Response Services**

Fire protection is provided by Gresham Fire and Emergency Services, under contract to the City of Troutdale. More information about current fire and emergency response services and facilities can be found on the City of Gresham's website.

#### **7.6 Schools**

The Reynolds School District, the Gresham-Barlow School District, and Mt. Hood Community College provide public education in Troutdale. Reynolds school facilities within Troutdale (as of 2012) include Sweetbriar and Troutdale elementary schools, Walt Morey Middle School and Reynolds High School. Mt. Hood Community College has three primary campuses, all outside of Troutdale. However, the main campus abuts the southern Troutdale boundary and it also provides programs and services at a number of off-campus sites, including at Gorge Winds Aviation and Reynolds High School within Troutdale. More information about these educational facilities and services can be found on the Reynolds School District and Mt. Hood Community College websites.

#### **7.7 Libraries**

Multnomah County provides library services to Troutdale residents, including through the Troutdale branch library which opened in 2010, as well as through a variety of online and

other mobile services. More information about these services can be found at the Troutdale library and the Multnomah County website.

## **7.8 Utilities**

Portland General Electric Company (PGE) and Northwest Natural Gas Company provide energy services to local residents. Comcast and Frontier Communications provide local telephone and cable television service options. A variety of other internet, mobile phone network and other entities also provide additional telecommunications and information services to Troutdale residents.

## 8. Plan Implementation

The City of Troutdale's Public Facilities Plan is implemented through a combination of local plans, infrastructure design and operational standards, and development code provisions. Implementing plans include:

- Water Master Plan (2012)
- Water Management and Conservation Plan (2004)
- North Troutdale Storm Drainage Master Plan (2007)
- South Troutdale Storm Drainage Master Plan (2012)
- South Troutdale Road Storm Drainage Master Plan (2009)
- Transportation System Plan (2013)
- Sanitary Sewer Master Plan (2013).

Infrastructure design standards include:

- Troutdale Municipal Code, Title 13. Street Trees, Park and Recreation Areas
- Troutdale Development Code (various chapters)
- Public Works Construction Standards – Streets (Parts I and II), Water (Parts III and IV), Storm Sewer (Parts V and VI), and Sanitary Sewer (VII and VIII).

Financing is supported by:

- City of Troutdale System Development Charges Methodology Resolutions (Water, Sanitary Sewer, Transportation, Storm Water, Parks)
- City of Troutdale Municipal Code, Title 12. Public Works
  - Chapter 12.02 (System Development Charges)
  - Chapter 12.03 (Water System)
  - Chapter 12.04 (Sanitary Sewer System)
  - Chapter 12.05 (Streets and Sidewalks)
  - Chapter 12.06 (Storm Sewer System)
  - Chapter 12.07 (Pretreatment Program)
  - Chapter 12.08 (Public Improvements)

- Chapter 12.12 (Right-of-Way Management)

- Annual City budget authorization.

Intergovernmental coordination is implemented through the following arrangements:

- **Water Services.** The City of Troutdale is the sole provider of potable water services within the boundaries of the City. It has interties and emergency service agreements with the cities of Gresham, Fairview and Wood Village.
- **Sanitary Sewer Services.** The City of Troutdale is the sole provider of sanitary sewer services within the boundaries of the City.
- **Storm Drainage.** The City is the primary provider of storm drainage services within the City. Multnomah County and the Oregon Department of Transportation provide storm drainage facilities associated with their respective roadways, and in certain cases the City and County systems interconnect. The Sandy Drainage Improvement Company provides storm drainage and flood control facilities and services in the North Troutdale area in conjunction with the City's systems, as described in the Public Facilities Plan and the North Troutdale Storm Drainage Master Plan. The City coordinates storm drainage services with that District pursuant to those plans, as well as with the Oregon Department of Environmental Quality, the Oregon Department of Transportation, Multnomah County, neighboring jurisdictions, and City residents."

Appendix A: Capital Improvements Plan

WATER			Water Plan Listed Cost	Cost 2012 \$\$	Project Schedule			Priority	Year	Funding Source
Item	Type	Project Title Description/ Location			Short-term (0-5 years)	Medium-term (6-10 yrs)	Long-term (10-20 yrs)			
1	WC	Pressure Zone 5 Fire Flow Improvements	285,000	\$285,000	\$285,000			High	2013-2015	
2	WC	7 <sup>th</sup> Street – Kings Byway Water Main Upsizing	\$370,000	\$370,000		\$370,000		High	2017-2018	User fees
3	WC	Serve South Urban Plan Area	412,000	\$412,000	\$412,000			High	2014-2016	Developer
4	WC	Serve Strebin Farm area	185,000	\$185,000		\$185,000		High	2017-2018	Developer
5	WC	Rehab Booster Pump Sta. #2	199,500	\$199,500	\$199,500			High	2014-2015	User fees
6	WC	Rogers Road Loop	205,000	\$205,000		\$205,000		High	2020-2021	Developer, SDC
7	WC	Beaver Creek Crossing	110,000	\$110,000			\$110,000	High	2022-2023	SDC
8	WC	Jackson Park Road Waterline	360,000	\$360,000			\$360,000	High	2024-2025	Developer
		<b>Total Connectivity</b>	<b>\$2,126,500</b>	<b>\$2,126,500</b>	<b>\$896,500</b>	<b>\$760,000</b>	<b>\$470,000</b>			
9	WS	Comprehensive Well Assessment	55,000	\$55,000	\$55,000			Medium	2013-2014	User fees
10	WS	Recoat Interior of Steel Reservoir	775,000	\$775,000			\$775,000	Medium	2028-2030	User fees
11	WS	Well 2 Perform. Monitoring	5,000	\$5,000	\$5,000			Medium	2013	User fees
12	WS	New Well 9	1,975,000	\$1,975,000	\$438,900	\$1,097,200	\$438,900	Medium	2015-2023	SDC, SRF
13	WS	Well 3 Assessment/Rehab	100,000	\$100,000	\$100,000			Medium	2015-2016	User fees
14	WS	Well 6 Assessment/Rehab	125,000	\$125,000	\$125,000			Medium	2016-2017	User fees
15	WS	Well 7 Assessment/Rehab	100,000	\$100,000			\$100,000	Medium	2026-2027	User fees
16	WC	Reservoir 5 to Zone 1 Line	1,965,000	\$1,965,000			\$840,000	High	2024-2027	User fees
17	WS	Well 8 Assessment/Rehab	1,800,000	\$1,800,000	\$180,000	\$900,000	\$720,000	Medium	2016-2025	User fees
18	WS	Improving Water Quality	100,000	\$100,000		\$100,000		Medium	NA	User fees
		<b>Total Supply</b>	<b>\$7,000,000</b>	<b>\$7,000,000</b>	<b>\$953,900</b>	<b>\$2,047,200</b>	<b>\$3,998,900</b>			
19	WIR	Reservoir Seismic Study	\$75,000	\$75,000	\$75,000			Low	2012-2013	User fees
20	WIR	Reservoir 2 Seismic Improvements	\$295,000	\$295,000			\$295,000	Low	2028-2030	User fees
21	WIR	Reservoirs 1, 3, 4 Seismic Improvements	\$350,000	\$350,000			\$350,000	Low	2029-2032	User fees
		<b>Total Resiliency</b>	<b>\$720,000</b>	<b>\$720,000</b>	<b>\$75,000</b>	<b>\$0</b>	<b>\$645,000</b>			
		<b>Total Water</b>	<b>\$9,846,500</b>	<b>\$9,846,500</b>	<b>\$1,925,400</b>	<b>\$2,807,200</b>	<b>\$5,113,900</b>			

Item	SANITARY SEWER		Sewer Plan Listed Cost	Cost 2013 \$s	Project Schedule			Priority	Year	Funding Source
	Type	Project Title Description/ Location			Short-term	Medium-term	Long-term			
1A	Pipe	Sewer pipe upgrades South Buxton Road	501,000	501,000	\$125,250	\$125,250	\$250,500		NA	User Fees, SDC
1B	Pipe	Sewer pipe upgrades Lower Beaver Creek No. 1	414,000	414,000	\$103,500	\$103,500	\$207,000		NA	User Fees, SDC
1C	Pipe	Sewer pipe upgrades Lower Beaver Creek No. 2	452,000	452,000	\$113,000	\$113,000	\$226,000		NA	User Fees, SDC
1D	Pipe	Sewer pipe upgrades Lower Beaver Creek No. 3	450,000	450,000	\$112,500	\$112,500	\$225,000		NA	User Fees, SDC
1E	Pipe	Sewer pipe upgrades Lower Beaver Creek No. 4	578,000	578,000	\$144,500	\$144,500	\$289,000		NA	User Fees, SDC
1F	Pipe	Sewer pipe upgrades Lower Beaver Creek No. 5	411,000	411,000	\$102,750	\$102,750	\$205,500		NA	User Fees, SDC
1G	Pipe	Sewer pipe upgrades Troutdale Road	1,112,000	1,112,000	\$278,000	\$278,000	\$556,000		NA	User Fees, SDC
1H	Pipe	Sewer pipe upgrades Airport/Graham Road	646,000	646,000	\$161,500	\$161,500	\$323,000		NA	User Fees, SDC
1I	Pipe	Sewer pipe upgrades PS 9 Trunk	253,000	253,000	\$63,250	\$63,250	\$126,500		NA	User Fees, SDC
		<b>Sewer Pipes Total</b>		<b>4,817,000</b>	<b>\$1,204,250</b>	<b>\$1,204,250</b>	<b>\$2,408,500</b>			
2A	PS/FM	Pump Station/Force Main Upgrades PS-1	2,695,000	2,695,000	\$673,750	\$673,750	\$1,347,500		NA	User Fees, SDC
2B	PS	Pump Station Upgrades PS-2	369,000	369,000	369,000				NA	User Fees, SDC
2C	PS	Pump Station Upgrades PS-5	454,000	454,000	\$113,500	\$113,500	\$227,000		NA	User Fees, SDC
2D	PS	Pump Station Upgrades PS-7	145,000	145,000	\$36,250	\$36,250	\$72,500		NA	User Fees, SDC
2E	PS	Pump Station Upgrades PS-9	242,000	242,000	\$60,500	\$60,500	\$121,000		NA	User Fees, SDC
		<b>Pump Station and Force Mains Total</b>		<b>3,905,000</b>	<b>3,905,000</b>	<b>\$976,250</b>	<b>\$976,250</b>			
3	Ext.	Reynolds Industrial Park sewer extension	3,133,000	3,133,000	\$783,250	\$783,250	\$1,566,500		NA	SDC
				<b>3,133,000</b>	<b>\$783,250</b>	<b>\$783,250</b>	<b>\$1,566,500</b>			
		<b>Total Wastewater</b>	<b>11,855,000</b>	<b>11,855,000</b>	<b>\$2,963,750</b>	<b>\$2,963,750</b>	<b>\$5,927,500</b>			

Item	STORM DRAINAGE		Drainage Plan Listed Cost	Cost 2012 \$\$	Project Schedule			Priority	Year	Funding Source
	Type	Project Title Description/ Location			Short-term	Medium-term	Long-term			
NTSD1		Salmon Creek Weir Improvement	\$150,000	\$163,100	\$163,100			2012-2015	SDC, user fee	
NTSD2		Arata Creek Drain Line – Marine Dr to Salmon Creek	\$202,000	\$219,700	\$219,700			2012-2015	SDC, user fee	
NTSD3		South Arata Creek Culvert Improvement	\$568,000	\$617,700	\$617,700			2012-2015	SDC, user fee	
NTSD4		Columbia River Highway Bypass	\$391,000	\$425,200	\$212,600	\$212,600		2012-2017	SDC, user fee	
NTSD5		Marine Drive Curve Bypass South of Airport	\$532,000	\$578,600	\$578,600			2012-2016	SDC, user fee	
NTSD6		NW Graham Road Storm Drainage	\$550,000	\$598,200	\$598,200			2012-2016	SDC, user fee	
NTSD7		NW Dunbar Avenue Storm Drainage	\$303,000	\$329,500	\$329,500			2014-2016	SDC, user fee	
				<b>\$2,932,000</b>	<b>\$2,719,400</b>	<b>\$212,600</b>	<b>\$0</b>			
STSD1	FC/WQ	Low Impact Development (LID) Pilot Project Subbasin SR080*	\$50,000	\$50,000		\$50,000			SDC, user fee	
STSD2	FC	Pipe Upsizing South Buxton Road	\$130,100	\$130,100	\$130,100				SDC, user fee	
STSD3	FC	Curb Installation Between SE 15th Street and SE 16th Court	\$2,500	\$2,500	\$2,500				SDC, user fee	
STSD4	FC	Pipe Upsizing SE 21st Street	\$106,100	\$106,100		\$106,100			SDC, user fee	
STSD5	FC	Pipe Upsizing NW 257th Avenue*	\$522,700	\$522,700			\$522,700		SDC, user fee	
STSD6	WQ	Sandee Palisades Detention Pond Retrofit Subbasin SR220	\$153,800	\$153,800		\$153,800			SDC, user fee	
STSD7	WQ	Strawberry Meadows Detention Pond Retrofit Subbasin BC210	\$85,100	\$85,100	\$85,100				SDC, user fee	
STSD8	WQ	Vegetated Infiltration Facility (Retention Pond) Weedon Park (Subbasin BC300)	\$297,100	\$297,100			\$297,100		SDC, user fee	
STSD9	WQ	Stuart Ridge Detention Pond Retrofit Subbasin BC590	\$60,500	\$60,500	\$60,500				SDC, user fee	
STSD10	WQ	Vegetated Infiltration Facility (Rain Garden) Sweetbriar Park (Subbasin BC920)	\$145,400	\$145,400		\$145,400			SDC, user fee	
STSD11	WQ	Stormwater Planters (Green Streets) SE Evans Street (Subbasins BC510 and BC520)	\$373,700	\$373,700			\$373,700		SDC, user fee	
STSD12	WQ	Stormwater Planters (Green Streets) SW 21st Avenue (Subbasin BC200)	\$184,200	\$184,200	\$184,200				SDC, user fee	
		<b>Total South Troutdale Drainage</b>		<b>\$2,111,200</b>	<b>\$462,400</b>	<b>\$455,300</b>	<b>\$1,193,500</b>		SDC, user fee	
STRSD1		Alternative 1 - North of Cochrane Road	\$308,545	\$335,600		\$167,800	\$167,800	Unknown	Developer	
STRSD1		Alternative 5 - South of Cochrane Road	\$225,486	\$245,200		\$122,600	\$122,600	Unknown	Developer	
		<b>Total South Troutdale Road Drainage</b>	<b>\$534,031</b>	<b>\$580,800</b>	<b>\$0</b>	<b>\$290,400</b>	<b>\$290,400</b>			
		<b>Total Storm Drainage</b>		<b>\$5,624,000</b>	<b>\$3,181,800</b>	<b>\$958,300</b>	<b>\$1,483,900</b>			

\* These two projects represent two different alternatives to meeting the same need; only one project will be completed, reducing the overall cost of the combined CIP projects accordingly.



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** An ordinance adopting text amendments to Comprehensive Land Use Plan Goal 11 Public Facilities and Services in partial fulfillment of Periodic Review Task 3.

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

**MEETING DATE:** April 22, 2014

**STAFF MEMBER:** Craig Ward  
**DEPARTMENT:** Community Development

**ACTION REQUIRED**  
Ordinance - Introduction

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**  
Approval

**PUBLIC HEARING**  
Yes

**Comments:** Both the Citizen Advisory Committee and the Troutdale Planning Commission recommend adoption.

**STAFF RECOMMENDATION:** Adoption.

**EXHIBITS:**

- A. Planning Commission Findings of Fact and Recommendation of March 19, 2014
- B. City of Troutdale 1990 Goal 11 Text.

**Subject / Issue Relates To:**

- Council Goals
  Legislative
  Other (describe)

**Issue / Council Decision & Discussion Points:**

- ◆ 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. The approved work program includes tasks related to statewide planning Goal 11, Public Facilities and Services.
- ◆ As property develops in Troutdale, the policies of Goal 11 and the Public Facility Plan instruct staff and developers as to what is expected of developers and what is expected of the City. There are no Troutdale Development Code text amendments associated with the Goal 11 text amendment.

Reviewed and Approved by City Manager:

## **BACKGROUND:**

The City has been in periodic review since the initial notification from the Oregon Department of Land Conservation and Development (DLCDC) 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. DLCDC approved the City's work program on April 15, 2010. The approved work program includes tasks related to statewide planning Goal 11, Public Facilities and Services. Specifically identified as Task 3 of the work program, the City is required to prepare and adopt amendments to its Comprehensive Land Use Plan Goal 11 policies in accordance with Statewide Land Use Planning Goal 11 and Oregon Administrative Rule 660-011- 0010-45. The amendments coordinate with the City's proposed Public Facilities Plan.

With funding from a DLCDC periodic review assistance grant, the City hired a consultant to perform several remaining tasks of our work program, including Task 3. Since June 2012, the consultant, Angelo Planning Group, has been researching and gathering information, preparing technical memoranda, and preparing drafts of the document. The consultant presented their major findings and recommendations to the Citizens Advisory Committee for review and recommendation at the CAC's October 2012 and February 2013 meetings and to the Planning Commission on May 29, 2013 and March 19, 2014.

The last time the text of Goal 11 was revised was during the 1990 Periodic Review. The text is seriously outdated and deficient in meeting present statutory requirements, so the proposed new plan is an entire rewrite of Goal 11.

### Explanation of proposed plan

State law requires a Comprehensive Plan to include an element on public facilities and services. Pursuant to OAR 660-011-0045 (Adoption and Amendment Procedures for Public Facility Plans), a public facilities element must include:

- List of needed facility projects (descriptions are not required)
- Maps showing the location of proposed facility projects
- Policies or an urban growth management agreement designating the provider of each public facility system.

The proposed amendment to Goal 11 of the Comprehensive Plan (Attachment A of the Ordinance) substitutes all current text (Exhibit B) with the information items listed above. Needed sanitary sewer, water and storm drainage system projects, taken directly from the Public Facilities Plan, are presented both as a table and in maps. Information related to coordination between the City of Troutdale and other water, sewer and storm drainage providers in the area is provided. The amended text references the City's adopted Public Facilities Plan for more detailed information about existing and future public facility needs.

The current Goal 11 text (Exhibit B) does not have goals and policies typical of other Goals in the Comprehensive Land Use Plan. The current Goal 11 text was adopted under the last Periodic Review September 27, 1990 / Ordinance No. 558-O.

The Planning Commission asked at its May 29, 2013 hearing if the project list in the Public Facilities Plan also needed to be in the Goal 11 text. According to the consultant, this information is required in the Goal 11 text under the state requirements.

### Relevant criteria

Section 15.050A Planning Commission Recommendation / Approval Criteria 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.

This text amendment goes hand in hand with adoption of a PFP, which is a required task of the City's periodic review work program. That Plan was prepared in accordance with Statewide Land Use Planning Goal 11 and its related administrative rule. This text amendment is necessary in order for Goal 11 of the Comprehensive Plan to complement and support the PFP. Therefore, it logically and necessarily satisfies this approval criterion.

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

The public need addressed by this amendment avoids overlap or redundancies between the Comprehensive Plan and the Public Facilities Plan. Because the latter document serves as an element of the Comprehensive Plan and provides detailed information drawn from the master plans for city water, sanitary sewer and storm sewer services, Goal 11 of the Comp Plan needs only provide basic information about these facilities. This text amendment also satisfies public need by clarifying the relationship of the two documents.

There was no public comment at either Planning Commission hearing (May 29, 2013 and March 19, 2014) nor were written comments submitted.

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

Adoption of this text amendment to Goal 11 of the Comprehensive Plan supports other required work under periodic review Task 3, that promotes and positively affects the health, safety and welfare of the community.

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

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

**PROS & CONS:**

Pros:

- Adoption fulfills part of Periodic Review Task 3.

Cons

- None.

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

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

**City Attorney Approved** N/A  Yes

**Community Involvement Process:**  Yes (*describe*)  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.

**PLANNING COMMISSION  
FINDINGS of FACT and RECOMMENDATION  
March 19, 2014**

**Periodic Review Task 3  
Amendment to the Troutdale Comprehensive Land Use Plan  
Goal 11 Public Facilities and Services**

The Troutdale Planning Commission held public hearings on May 29, 2013 and March 19, 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 11 (Public Facilities and Services) as part of Task 3 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 11, Public Facilities and Services. Specifically identified as Task 3 of the work program, the City is required to prepare and adopt a Public Facilities Plan in accordance with Statewide Land Use Planning Goal 11 and Oregon Administrative Rule 660-011- 0010-45.
3. On May 29, 2013, the Planning Commission recommended an updated Public Facilities Plan to the City Council for adoption as part of this text amendment, to be adopted as an implementing element of the Comprehensive Plan. Because it presents detailed information about existing and future public facility needs and contains goals and policies to guide the City in providing efficient and effective urban services, the Public Facilities Plan will be the City's primary policy document for addressing statewide planning Goal 11. For this reason, Goal 11 of the Comprehensive Plan needs to only provide basic information about water, sanitary sewer and storm drainage facility needs.

4. The proposed amendment to Goal 11 of the Comprehensive Plan consists of eliminating all current text and replacing it with only those informational items spelled out by statute or administrative rule.
  
6. The text amendment satisfies the approval criteria of Troutdale Development Code 15.030 Planning Commission Recommendation:

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

This text amendment goes hand in hand with adoption of a new Public Facilities Plan, which is a required task of the City's Periodic Review Work Program. The Public Facilities Plan was prepared in accordance with Statewide Land Use Planning Goal 11 and its related administrative rule. This text amendment is necessary in order for Goal 11 of the Comprehensive Plan to complement and support the Public Facilities Plan.

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

The public need that is addressed by adoption of this amendment is to avoid overlap and redundancies between the Comprehensive Plan and the Public Facilities Plan. This text change also satisfies public need by clarifying the relationship of the two documents.

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

Adoption of this text change to Goal 11 of the Comprehensive Plan supports other required work under periodic review Task 3, which by its very nature is intended to promote and positively affect the health, safety and welfare of 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.

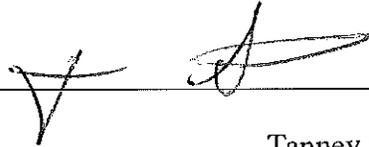
This criterion does not apply as this is not an amendment to the Development Code text.

7. Notice of the public hearing has been provided in accordance with applicable law. A public comment period was opened by the Chair during both hearings before the Planning Commission:
  - No citizens spoke or submitted written comments at the May 29, 2013 hearing in this matter.

- No citizens spoke or submitted written comments at March 19, 2014 hearing in this matter.

## RECOMMENDATION

In view of the above Findings of Fact, the Planning Commission recommends that the Troutdale City Council adopt the proposed text amendment to Goal 11 Public Facilities and Services (attached Exhibit A) of the Troutdale Comprehensive Land Use Plan as part of Task 3 of the City's periodic review work program.



---

Tanney Staffenson, Chair  
Troutdale Planning Commission

3/28/2014

---

Date

EXHIBIT A

EXHIBIT A IS THE PROPOSED AMENDMENT TO THE TEXT OF  
TROUTDALE COMPREHENSIVE LAND USE PLAN GOAL 11

This document is Attachment A of the Ordinance

## **EXHIBIT B**

### **GOAL 11 - PUBLIC FACILITIES AND SERVICES**

The City of Troutdale has prepared a Public Facilities Plan (PFP) which contains policy, inventory, and planning sections. This document should be referenced for specific information about the sewer, water, storm sewer, and street systems.

The City provides many public facilities and services which are necessary to accommodate new growth. The location and timing of these services determines when and where development can occur. Troutdale has prepared plans for the essential facilities such as water, sewer, and streets in order to manage growth in an orderly and systematic manner. The City has adopted a Public Facilities Plan which is reviewed and updated annually. The PFP serves as the principal tool to guide the phasing of all public facility improvements.

Since 1976, most neighborhood improvements have been constructed in conjunction with new residential developments. Major capital improvements such as water reservoirs, wells, sewer trunk lines, and sewage treatment plant expansion have been financed generally through the formation of local improvement districts (LIDS) or FmHA loans. The City has also enacted various system development charges (SDC) for sewer, water, and streets that require new development to contribute a fair share for services expended in anticipation of growth. Federal funding such as the Community Development Block Grant (CDBG) Program has provided another source of project funding. The City's recent major public works projects have been largely financed by CDBG funds, matched by local resources.

#### **SEWER AND WATER**

Existing and proposed improvements to the City's water system have resulted in adequate capacity to serve anticipated growth. The present wastewater treatment plant capacity has been expanded to 1.6 million gallons per day and present usage is running at approximately 60-70% capacity. The local street network has been vastly improved with the widening of Stark Street and the extension of 257<sup>th</sup> Avenue. Developers of new developments will be required to construct local streets which will include the installation of storm sewers to help complete the City's system.

#### **POLICE**

The City provides 24-hour police services.

#### **FIRE**

Fire protection is provided by Gresham Fire Department, under contract.

**SCHOOLS**

The Reynolds School District and Mt. Hood Community College provide public education in Troutdale.

**OTHER SERVICES**

The City of Troutdale provides general administration, land use planning and zoning, building plan review and inspections, engineering, record management, and maintenance of City parks, streets, and water and sewer facilities.

Portland General Electric Company (PGE) and Northwest Natural Gas Company provide energy services to local residents. General Telephone Company (GTE) and Paragon Cable provide telecommunication services.

## **ORDINANCE NO.**

### **AN ORDINANCE ADOPTING TEXT AMENDMENTS TO COMPREHENSIVE LAND USE PLAN GOAL 11 PUBLIC FACILITIES AND SERVICES IN PARTIAL FULFILLMENT OF PERIODIC REVIEW TASK 3.**

#### **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 11, Public Facilities and Services. Specifically identified as Task 3 of the work program, the City is required to prepare and adopt text amendments to Troutdale's Comprehensive Land Use Plan Goal 11 Public Facilities and Services in compliance with Statewide Land Use Planning Goal 11 and Oregon Administrative Rule 660-011- 0010-45. The current text of Goal 11 was adopted September 27, 1990 (Ordinance No. 558-O) during the last periodic review.
3. The City hired a consultant to prepare the Public Facilities Plan which is primarily based on the City's most recently updated and adopted Master Plans for Water and Stormwater, and the Sanitary Sewer Master Plan. Where available, more up-to-date information about the status and cost of needed future facilities has been used.
4. The Citizens Advisory Committee reviewed and discussed the major elements of the amendment in October 2012 and February 2013. The CAC supported the amendment and referred it to the Planning Commission for approval.
5. The Troutdale Planning Commission held public hearings on May 29, 2013 and March 19, 2014 to take public testimony and to make a recommendation to the City Council concerning adoption of the amendments to satisfy requirements of the City's periodic review work program. No public testimony or comments were received prior to the close of the hearing. The Planning Commission unanimously passed its Findings of Fact and Recommendation for adoption of to the Council on March 19, 2014 with the removal of the Jackson Park Road and East Historic Columbia River Highway projects from the Goal that were identified in its decision on the Public Facilities Plan.
6. Adoption of the Goal 11 text amendment satisfies the Comprehensive Land Use Plan text amendment criterion that Statewide Land Use Planning Goals are met. Adoption of the amendment is a required task of the City's periodic review work

program which is part of Statewide Land Use Planning Goals and coordinates with the new Public Facilities Plan.

7. Adoption of the Goal 11 text amendment satisfies the Comprehensive Land Use Plan text amendment criterion that the public need is best satisfied by the particular change.
8. Adoption of the Goal 11 text amendment satisfies the Comprehensive Land Use Plan text amendment criterion in that the adoption will not adversely affect the health, safety and welfare of the community. The policies of Goal 11 address current conditions and future needs in order to foster positive benefits for the community.

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

Section 1. The text of Troutdale Comprehensive Land Use Plan Goal 11 Public Facilities and Services is hereby amended to read as shown in Attachment A.

**YEAS:**  
**NAYS:**  
**ABSTAINED:**

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

**Date** \_\_\_\_\_

\_\_\_\_\_  
**Debbie Stickney, City Recorder**

**Adopted:**

**ATTACHMENT A**



**CITY OF TROUTDALE**

**Proposed Amendment to the  
Troutdale Comprehensive Land Use Plan**

**Amending:**

**Troutdale Comprehensive Plan Goal 11  
Public Facilities and Services**

**Relating to:**

**Task 3 of the City's Periodic Review Work Program**

*This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.*

*Explanation of Amendment.* *The text of current Goal 11 of the Troutdale Comprehensive Land Use Plan is being eliminated in its entirety and replaced with the following text and maps.*

## GOAL 11 – PUBLIC FACILITIES AND SERVICES

### Public Facilities Plan

The Comprehensive Plan provides basic information about water, sanitary sewer and storm drainage facility needs over the next twenty years, including a list of needed projects, maps showing the locations of those projects and policy language regarding coordination with other providers of these services in Troutdale. More detailed information about existing and future public facility needs is found in the City's Public Facilities Plan adopted by the City as an implementing element of this Comprehensive Plan.

### Needed Facility Projects

Per Oregon Administrative Rule requirements, the following public facility project list is incorporated in this Comprehensive Plan, consistent with the City's adopted Public Facilities Plan (PFP) and individual infrastructure Master Plans for water, sanitary sewer and stormwater drainage facilities. However, inclusion of this list in the Comprehensive Plan does not result in an obligation on the part of the City to build the projects listed below as described in the PFP or to meet the timeframe listed for the projects in the PFP. The project list is based on known regulatory requirements and current or previous assumptions about growth and the direction of future development. The list is intended only to provide a general indication of the facilities needed to support future growth. If growth trends change, or if new regulations are imposed on the City, or if technologies emerge that satisfy needs using different methods than those assumed in master plans, the City may revise its public facilities investment strategy without amending the Comprehensive Plan or PFP

#### Sanitary Sewer System

<b><i>Sewer Pipe Upgrades</i></b>
Sewer pipe upgrades South Buxton Road
Sewer pipe upgrades Lower Beaver Creek No. 1
Sewer pipe upgrades Lower Beaver Creek No. 2
Sewer pipe upgrades Lower Beaver Creek No. 3
Sewer pipe upgrades Lower Beaver Creek No. 4
Sewer pipe upgrades Lower Beaver Creek No. 5
Sewer pipe upgrades Troutdale Road
Sewer pipe upgrades Airport/Graham Road

Sewer pipe upgrades PS 9 Trunk
<b><i>Pump Station and Force Main Improvements</i></b>
Pump Station/Force Main Upgrades PS-1
Pump Station Upgrades PS-2
Pump Station Upgrades PS-5
Pump Station Upgrades PS-7
Pump Station Upgrades PS-9
<b><i>Sewer System Extensions</i></b>
Reynolds Industrial Park sewer extension

Water System

<b><i>Connectivity Projects</i></b>
Pressure Zone 5 Fire Flow Improvements
Serve South Urban Plan Area
Serve Strebin Farm area
Rehab Booster Pump Sta. #2
Rogers Road Loop
Beaver Creek Crossing
Jackson Park Road Waterline
Reservoir 5 to Zone 1 Line
<b><i>Supply Projects</i></b>
Comprehensive Well Assessment
Well 2 Perform. Monitoring
New Well 9
Well 8 Assessment/Rehab
Well 3 Assessment/Rehab
Well 6 Assessment/Rehab
Well 7 Assessment/Rehab
Improving Water Quality
Recoat Interior of Steel Reservoir
<b><i>Resiliency Projects</i></b>
Reservoir Seismic Study
New Above Ground Storage Reservoir
Reservoir 2 Seismic Improvements
Reservoirs 1, 3, 4 Seismic Improvements

### Storm Drainage System

<b><i>North Troutdale Drainage Projects</i></b>
Salmon Creek Weir Improvement
Arata Creek Drain Line – Marine Dr to Salmon Creek
South Arata Creek Culvert Improvement
Columbia River Highway Bypass
Marine Drive Curve Bypass South of Airport
NW Graham Road Storm Drainage
NW Dunbar Avenue Storm Drainage
<b><i>South Troutdale Drainage Projects</i></b>
Low Impact Development (LID) Pilot Project Subbasin SR080*
Pipe Upsizing South Buxton Road
Curb Installation Between SE 15th Street and SE 16th Court
Pipe Upsizing SE 21st Street
Pipe Upsizing NW 257th Avenue*
Sandee Palisades Detention Pond Retrofit Subbasin SR220
Strawberry Meadows Detention Pond Retrofit Subbasin BC210
Vegetated Infiltration Facility (Retention Pond) Weedon Park (Subbasin BC300)
Stuart Ridge Detention Pond Retrofit Subbasin BC590
Vegetated Infiltration Facility (Rain Garden) Sweetbriar Park (Subbasin BC920)
Stormwater Planters (Green Streets) SE Evans Street (Subbasins BC510 and BC520)
Stormwater Planters (Green Streets) SW 21st Avenue (Subbasin BC200)
<b><i>South Troutdale Road Drainage Projects</i></b>
Alternative 1 - North of Cochrane Road
Alternative 5 - South of Cochrane Road

## **Public Facility Provider Policies and/or Agreement**

Following is a summary of information related to coordination between the City of Troutdale and other water, sewer and storm drainage providers in the area.

- **Water Services.** The City of Troutdale is the sole provider of potable water services within the boundaries of the City. It has interties and emergency service agreements with the cities of Gresham, Fairview and Wood Village.
- **Sanitary Sewer Services.** The City of Troutdale is the sole provider of sanitary sewer services within the boundaries of the City.

- **Storm Drainage.** The City is the primary provider of storm drainage services within the City. Multnomah County and the Oregon Department of Transportation provide storm drainage facilities associated with their respective roadways, and in certain cases the City and County systems interconnect. The Sandy Drainage Improvement Company provides storm drainage and flood control facilities and services in the North Troutdale area in conjunction with the City's systems, as described in the Public Facilities Plan and the North Troutdale Storm Drainage Master Plan. The City coordinates storm drainage services with that District pursuant to those plans, as well as with the Oregon Department of Environmental Quality, the Oregon Department of Transportation, Multnomah County, neighboring jurisdictions, and City residents.

## **Maps of Needed Projects**

The maps that follow show the location of needed projects for the City's water, sanitary sewer, and storm drainage systems.



