



# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

## AGENDA

### CITY COUNCIL – SPECIAL MEETING

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

**Tuesday, March 15, 2016 – 7:00pm**

Mayor

Doug Daoust

City Council

David Ripma

Eric Anderson

Larry Morgan

Glenn White

Rich Allen

John Wilson

City Manager

Craig Ward

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
2. **PUBLIC HEARING / ORDINANCE (Introduced 3/8/16):** An ordinance to withdraw those properties within the City Limits lying East of the Sandy River from Multnomah County Rural Fire Protection District 14 and declaring an emergency. Ed Trompke, City Attorney
3. **ADJOURNMENT**

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

Dated: 3/8/16

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy., Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page [www.troutdaleoregon.gov](http://www.troutdaleoregon.gov) or call Sarah Skroch, City Recorder at 503-674-7258.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Sarah Skroch, City Recorder 503-674-7258.



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** An Ordinance Withdrawing Properties Within The City Limits From Multnomah County RFPD 14 And Declaring An Emergency

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

**MEETING DATE:** March 15, 2016

**STAFF MEMBER:** Ed Trompke  
**DEPARTMENT:** Legal

**ACTION REQUIRED**  
Ordinance - Adoption

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

**PUBLIC HEARING**  
Yes

**Comments:**

**STAFF RECOMMENDATION:** Conduct public hearings on March 8 and March 15, 2016 and adopt the ordinance as proposed.

**EXHIBITS:**

- A. Notice of Public Hearings
- B. Letter to Property Owners and Addressee List

**Subject / Issue Relates To:**

- Council Goals
  Legislative
  Other (describe)

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

- ◆ There is overlapping jurisdiction for fire and ambulance services for those properties within the city limits lying east of the Sandy River, which are served both by Troutdale and Multnomah County Rural Fire Protection District 14 (District 14).
- ◆ Property owners within the area have requested that the City Council consider withdrawing the area from District 14 due to taxes being paid to both entities for fire and ambulance services.
- ◆ ORS Chapter 222 provides a process for withdrawal of the territory from District 14 which includes a requirement for a public hearing. The city has scheduled public hearings on March 8 and March 15, 2016 and notified affected property owners (Exhibits A & B).

Reviewed and Approved by City Manager:

- ◆ After considering testimony, is withdrawal of the territory in the best interest of the city?
- ◆ This is a first reading of this ordinance. District 14 will consider the withdrawal of territory at their meeting on March 9, 2016 so city staff has not received the fire district's comments at this time. The staff report will be updated once the city staff has District 14's comments. The council will take public comment at this hearing and may reserve discussion until the second hearing and reading at the March 15, 2016 special meeting.

## **BACKGROUND:**

Properties east of the Sandy River and within the city limits are provided fire and ambulance services by both Multnomah County Rural Fire Protection District 14 (District 14) and the city. These properties are the only properties within the city that fall within the boundaries of District 14.

For some time, property owners in the territory within District 14 have objected to what they perceive as two sets of taxes for fire and ambulance services. In response to property owners' concerns, city staff investigated the possibility of a rebate. The Secretary of State's office was contacted and on the advice of the Attorney General's office, the Secretary of State determined that such a rebate was not possible.

Until 2013, the courts had interpreted the statutes to not allow cities to unilaterally move boundaries. Legislation adopted in 2013, including legislative history, now allows the city to move forward with withdrawal of the affected territory from District 14. The city has reached out to District 14 and the district will consider the issue at their March 9, 2016 meeting. City staff will update the City Council on the results of that meeting at the March 15, 2016 council meeting.

Should the city withdraw the properties from District 14, there is an existing mutual aid agreement between District 14 and City of Gresham Fire and Emergency Services, which provides fire services under contract with the City of Troutdale so the current emergency capabilities will be preserved.

ORS 222.524 sets out the process for withdrawing the territory from District 14. The city is required to give notice of a public hearing and hold at least one public hearing. The city is holding public hearings on March 8 and March 15, 2016 after which the City Council will consider the testimony at the public hearings and determine whether withdrawal of the areas within the city limits lying east of the Sandy River from District 14 is in the best interest of the City of Troutdale.

The proposed ordinance declares an emergency in order to meet filing deadlines with the county assessor and the Department of Revenue for the boundary change.

## **RECOMMENDATION:**

City staff takes no position on this issue. The decision to withdraw the territory from District 14 is entirely within the council's discretion.

**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

Notice of the public hearings was published in the Gresham Outlook and posted pursuant to ORS 222.524. The public hearings are to be held on March 8 and March 15, 2016 prior to adoption of the ordinance.

## Exhibit A

3/15/16 Council Mtg. – Item #2

### PUBLIC HEARING FOR PROPOSED WITHDRAWAL OF TERRITORY FROM MULTNOMAH COUNTY RURAL FIRE PROTECTION DISTRICT #14

NOTICE is hereby given that the City Council of the City of Troutdale will hold two public hearings to hear objections to the withdrawal of territory within the City limits and East of the Sandy River, from Multnomah County Rural Fire Protection District #14 and to determine whether the proposed withdrawal is for the best interest of the city.

The hearings will be held on Tuesday, March 8, 2016 and Tuesday March 15, 2016 at 7:00 p.m. at the Council Chambers, Troutdale City Hall, 219 E. Historic Columbia River Hwy, Troutdale, Oregon, in the Lower Level, at the rear entrance.

Anyone wishing to make comments on this matter may provide testimony at the hearing or submit written comments to the City Recorder so that it is physically received by the City Recorder no later than 4:00 p.m. on Tuesday, March 15, 2016. Responses may be mailed to Sarah Skroch, City Recorder, 219 E. Historic Columbia River Hwy, Troutdale, Oregon 97060-2078.

The location of the hearing is accessible to the disabled. Please contact the City Recorder at (503) 665-5175 at least 48 hours prior to the hearing if you will need any special accommodations to attend or participate in the hearing.

If you have questions, please contact Craig Ward, City Manager at (503) 665-5175.

Dated this 25th day of February, 2016.

Sarah Skroch  
City Recorder

PUBLISHED IN THE GRESHAM OUTLOOK ON MARCH 1<sup>ST</sup>, 4<sup>TH</sup>, 8<sup>TH</sup>, 11<sup>TH</sup> AND 15<sup>TH</sup>,  
2016

## Exhibit B

3/15/16 Council Mtg. – Item #2

# CITY OF TROUTDALE

*"Gateway to the Columbia River Gorge"*



February 25, 2016

### **Mayor**

*Doug Daoust*

### **City Council**

*David Ripma*

*Eric Anderson*

*Larry Morgan*

*Glenn White*

*Rich Allen*

*John Wilson*

### **City Manager**

*Craig Ward*

### **City Recorder**

*Sarah Skroch*

Neighbors,

The City of Troutdale has been concerned that our residents east of the Sandy River pay both the City and Fire District 14 (FD14) for fire services (and you have gotten services from both). But there did not seem to be a way to fix the problem until the legislature recently changed laws, allowing the City to talk to FD 14, and propose moving the FD 14 boundary so that Troutdale residents do not pay property taxes to FD 14.

The City has proposed this, and FD 14 is considering how to address the potential impacts on the district. They will be discussing this at their March 9<sup>th</sup> meeting. The City Council will hold two hearings on the question, on March 8 and March 15, 2016. Council would like to hear from you, because you will be affected, both in the amount of property taxes you pay (they may decrease) and in the fire services you receive (they should not change – the City contracts with Gresham Fire for primary services, and FD 14 provides "mutual aid" as a back-up service under its agreement with Gresham Fire).

Date: March 8 and March 15, 2016

Time: 7:00pm

Place: Council Chambers located at City Hall, 219 E. Columbia River Hwy.  
(entrance is on the back side of the building, lower level)

Please come and let the City Council know your thoughts. If you are unable to attend, you can submit written comments to the City Recorder no later than Tuesday, March 15, 2016 at 4:00pm by mail to Sarah Skroch, City Recorder, 219 E. Historic Columbia River Hwy, Troutdale, OR 97060-2078 **or** e-mail to [sarah.skroch@troutdaleoregon.gov](mailto:sarah.skroch@troutdaleoregon.gov).

Yours truly,

Doug Daoust

Mayor

STATE OF OREGON  
PARKS & RECREATION DEPT  
725 SUMMER ST NE #C  
SALEM, OR 97301-1266

LA VON HOWELL  
10300 NE HASSALO ST  
PORTLAND, OR 97220-3919

NETTIE L COX  
C/O TEDDY B PEETZ  
15606 SE MEADOW PARK DR  
VANCOUVER, WA 98683-4607

MICHAEL L MCKEEL  
108 NE 2<sup>ND</sup> ST  
GRESHAM, OR 97030-7504

WILLIAM & SHARON GILLIS  
1428 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

HAROLD LOUCKS  
PO BOX 23  
TROUTDALE, OR 97060-0023

PAMELA & GERALD DAVIS  
1960SE THOMPSON RD  
TROUTDALE, OR 97060-8304

DENNIS & RENEE SCHMIDLING  
1972 SE THOMPSON RD  
TROUTDALE, OR 97060-8304

GERALD & SHIRLEY LAMBERT  
1348 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

RICHARD & DORA SCHUELLER  
1853 SE THOMPSON RD  
TROUTDALE, OR 97060-9361

JUDITH W JONES  
1347 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

METRO  
C/O PARKS & GREEN SPACES  
600 NE GRAND AVE  
PORTLAND, OR 97232-2736

JACK & SHELLEY GLASS  
1409 HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060-9301

SALLY M HICKS  
PO BOX 284  
TROUTDALE, OR 97060-0284

DOUGLAS & PAMELA BRIGGS  
1493 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

ALBERT HERZOG  
NAOMI STEINBERG  
1756 SE WOODARD RD  
TROUTDALE, OR 97060-9350

TANNEY STAFFENSON  
SHELBY WINTERS  
1820 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

JUDSON J WHITCHER  
1914 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

BARRY & DORCAS WOODIN  
1938 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

BARRY & DORCAS WOODIN  
1819 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

GEORGE & CAROLE KLINGER  
2016 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

CHARLES & RUTH BUCHANAN  
2017 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

PENNY B HELD  
2060 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

JOYCE L VEGGEN  
1785 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

MARTIN & BEVERLY FRANK  
1911 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

MARVIN HIEBERT  
MARVIN HIEBERT TRUST  
1921 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

WADE F JOHNSON  
PO BOX 159  
TROUTDALE, OR 97060-0159

RODGER M SELLIN  
PO BOX 2450  
GRESHAM, OR 97030-0658

ROBERT & DEBRA CHURNSIDE  
28626 E WOODARD RD  
TROUTDALE, OR 97060-9316

CRAIG A GARDNER  
2150 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

EDWARD, JOHANNA & JON SMITH  
806 TILLMAN LN #1  
GARDNERVILLE, NV 89460-8801

DEAN & SHIREEN MACKESON  
4795 WILLAMETTE FALLS DR  
WEST LINN, OR 97068-3312

RAYMOND F KIEFER  
PO BOX 608  
TROUTDALE, OR 97060-0608

JEFFREY GERRY  
JILL ANDERSON  
4926 SW NORTHWOOD AVE  
PORTLAND, OR 97239-2821

MILES & PAMELA NORRIS  
2251 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

GERALD & THERESE LAMBERT  
211 SW BIRSDALE DR  
GRESHAM, OR 97080-6741

GENEVA & HENRY KELLOGG  
6920 SE COTTRELL RD  
GRESHAM, OR 97080-8911

BRIAN & KAMI OLSZEWSKI  
21907 SE ANKENY ST  
GRESHAM, OR 97030-8463

SHARON & PATRICK SHAW  
1283 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

JUDITH W JONES  
1325 E HIST COLUMBIA RVR HWY  
TROUTDALE, OR 97060

MARVEN W WINTERS  
705 NE SEIDL RD  
TROUTDALE, OR 97060-9398

TERRY L SCHWARTZ  
2165 NW 153<sup>RD</sup> AVE  
BEAVERTON, OR 97006-5606

ROBERT & CHERYLE LA ROCCO  
29095 SE STARK ST  
TROUTDALE, OR 97060-9417

OREGON STATE OF	% PARKS & RECREATION DEPT	725 SUMMER ST NE #C	SALEM	OR	97301-1266
HOWELL LA VON TR		10300 NE HASSALO ST	PORTLAND	OR	97220-3919
HOWELL LAVON TR		10300 NE HASSALO ST	PORTLAND	OR	97220-3919
COX NETTIE L TR	%PEETZ TEDDY B	15606 SE MEADOW PARK DR	VANCOUVER	WA	98683-4607
GOX NETTIE L TR	%PEETZ TEDDY B	15606 SE MEADOW PARK DR	VANCOUVER	WA	98683-4607
HOWELL LA VON TR		10300 NE HASSALO ST	PORTLAND	OR	97220-3919
HOWELL LA VON D		10300 NE HASSALO ST	PORTLAND	OR	97220-3919
HOWELL LA VON D		10300 NE HASSALO ST	PORTLAND	OR	97220-3919
HOWELL LA VON TR		10300 NE HASSALO ST	PORTLAND	OR	97220-3919
HOWELL LA VON TR		10300 NE HASSALO ST	PORTLAND	OR	97220-3919
MC KEEL MICHAEL L		108 NE 2ND ST	GRESHAM	OR	97030-7504
MC KEEL MICHAEL L		108 NE 2ND ST	GRESHAM	OR	97030-7504
MC KEEL MICHAEL L		108 NE 2ND ST	GRESHAM	OR	97030-7504
GILLIS WILLIAM N &	GILLIS SHARON A	1428 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
LOUCKS HAROLD		PO BOX 23	TROUTDALE	OR	97060-0023
DAVIS PAMELA J &	DAVIS GERALD L	1960 SE THOMPSON RD	TROUTDALE	OR	97060-8304
DAVIS PAMELA J &	DAVIS GERALD L	1960 SE THOMPSON RD	TROUTDALE	OR	97060-8304
SCHMIDLING DENNIS M &	SCHMIDLING RENEE E	1972 SE THOMPSON RD	TROUTDALE	OR	97060-8304
LAMBERT GERALD E & f	LAMBERT SHIRLEY M	1348 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
LAMBERT GERALD E &	LAMBERT SHIRLEY M	1348 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
SCHUELLER RICHARD E &	SCHUELLER DORA E	1853 SE THOMPSON RD	TROUTDALE	OR	97060
JONES JUDITH W		1347 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060-9361
METRO	% PARKS & GREEN SPACES	600 NE GRAND AVE	TROUTDALE	OR	97060
GLASS JACK V &	GLASS SHELLEY J	1409 HIST COL RVR HWY	PORTLAND	OR	97232-2736
GLASS JACK V &	GLASS SHELLEY J	1409 HIST COL RVR HWY	TROUTDALE	OR	97060-9301
HICKS SALLY M TR		1409 HIST COL RVR HWY	TROUTDALE	OR	97060-9304
BRIGGS DOUGLAS M JR &	BRIGGS PAMELA L	PO BOX 284	TROUTDALE	OR	97060-0284
TROUTDALE CITY OF		1493 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
HERZOG ALBERT J &	STEINBERG NAOMI A	219 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060-2078
COX NETTIE L TR	%PEETZ TEDDY B	1756 SE WOODARD RD	TROUTDALE	OR	97060-9350
STAFFENSON TANNEY		15606 SE MEADOW PARK DR	VANCOUVER	WA	98683-4607
STAFFENSON TANNEY &	WINTERS SHELBY R	1820 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
WHITCHER JUDSON J &	WHITCHER MARY A	1820 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
WOODIN BARRY J &	WOODIN DORCAS	1914 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
WOODIN BARRY J &	WOODIN DORCAS	1938 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
KLINGER GEORGE L &	KLINGER CAROLE E	1819 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
BUCHANAN CHARLES F &	BUCHANAN RUTH C	2016 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
HELD PENNY B		2017 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
VEGGEN JOYCE L TR		2060 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060
		1785 E HIST COLUMBIA RIVER HWY	TROUTDALE	OR	97060



## **ORDINANCE NO.**

### **AN ORDINANCE TO WITHDRAW THOSE PROPERTIES WITHIN THE CITY LIMITS LYING EAST OF THE SANDY RIVER FROM MULTNOMAH COUNTY RURAL FIRE PROTECTION DISTRICT 14 AND DECLARING AN EMERGENCY.**

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

1. Multnomah County Rural Fire Protection District 14 (District 14) is a rural fire protection district established under ORS Chapter 478.
2. Troutdale provides fire and ambulance service within the city limits, and also provides mutual aid and assistance with surrounding fire districts, including District 14.
2. District 14 provides fire and ambulance service to all properties east of the Sandy River, and also provides mutual aid and assistance with surrounding fire districts and services, including to Troutdale.
3. There is overlapping jurisdiction for fire and ambulance services for those properties within the city limits lying east of the Sandy River, which are served both by Troutdale and District 14, and the City Council desires to clarify the jurisdictional boundary for city fire and ambulance service.
4. The City Council has coordinated with District 14 to set the jurisdictional boundary for fire and ambulance service at the city limits pursuant to ORS 222.520(1), without regard to the location of some portions of the city east of the Sandy River.
5. Troutdale has authority to withdraw areas within the city limits from District 14 pursuant to ORS 222.524(3).
6. The City Council held public hearings on March 8, 2016 and March 15, 2016 and issued notice of same in accordance with the procedure for withdrawal of part of a district in ORS 222.524(1) and (2).
7. The City Council has carefully considered the testimony at the public hearings and has determined that withdrawal of the areas within the city limits lying east of the Sandy River from District 14 is in the best interest of the City of Troutdale.
8. Boundary changes to effect assessment and taxation require filing with both the Multnomah County Assessor and Oregon State Department of Revenue by March 31, 2016. In accordance with Section 30 of the Troutdale Charter, it is necessary that this ordinance be considered for immediate adoption. Copies of this ordinance have been

distributed to the Council and made available for public inspection at least twenty-four (24) hours before its adoption.

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

Section 1. The City of Troutdale declares that the portion of the City lying east of the Sandy River, and more particularly described on Exhibit A and depicted on Exhibit B, is hereby withdrawn from Multnomah County Rural Fire Protection District 14 (District 14) effective July 1, 2016.

Section 2. Designates the City Manager, or a designee, (each a "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 the necessary actions to implement the withdrawal from District 14 on behalf of the City.

Section 3. Further, consistent with intent of the above findings, and in the best interest of the City, the City Official is authorized to determine, execute, acknowledge and deliver any documents necessary to implement this ordinance, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 4. For the reasons set forth in the findings above, the City Council hereby declares an emergency. In accordance with CHAPTER VIII. ORDINANCES Section 30 C of the Troutdale Charter, this ordinance shall take effect immediately upon its adoption.

**YEAS:  
NAYS:  
ABSTAINED:**

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

Date \_\_\_\_\_

\_\_\_\_\_  
**Sarah Skroch, City Recorder**  
**Adopted:**

**EXHIBIT A**  
**Legal Description**

**EXHIBIT B**

**Map of Legal Description**