



# CITY OF TROUTDALE

“Gateway to the Columbia River Gorge”

## REVISED AGENDA

### CITY COUNCIL – REGULAR MEETING

Troutdale Police Community Center – Kellogg Room  
234 SW Kendall Court  
Troutdale, OR 97060-2078

**Tuesday, June 9, 2020 – 7:00PM**

**Mayor**  
Casey Ryan

**City Council**  
David Ripma  
Randy Lauer  
Jamie Kranz  
Glenn White  
Nick Moon  
Zach Hudson

**City Manager**  
Ray Young

**City Recorder**  
Sarah Skroch

#### **Meeting Participation During COVID-19 Social Distancing Order**

**Watch on T.V:** City Council Regular Meetings will be broadcast live on Comcast Cable Channel 30 (HD Channel 330) and Frontier Communications Channel 38 and replayed on the weekend following the meeting - Friday at 4:00pm and Sunday at 9:00pm.

**Watch on Zoom:** Submit an email to [info@troutdaleoregon.gov](mailto:info@troutdaleoregon.gov) by 5:00pm on Monday, June 8<sup>th</sup> to request to be sent an invitation to watch via Zoom.

**Submit Written Public Comment:** Written public comment can be submitted via email to [info@troutdaleoregon.gov](mailto:info@troutdaleoregon.gov) and must be received by 5:00pm on Monday, June 8<sup>th</sup>.

**In-Person Public Attendance:** Members of the public may attend the meeting in person however the number of people in the room shall not exceed 10 and people will be spaced a minimum of 6 feet apart.

- 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
- 2. PUBLIC COMMENT:** Public comment on non-agenda and consent agenda items is welcome at this time. *Public comment on agenda items will be taken at the time the item is considered. Public comments should be directed to the Presiding Officer, and limited to matters of community interest or related to matters which may, or could, come before Council. Each speaker shall be limited to 5 minutes for each agenda item unless a different amount of time is allowed by the Presiding Officer, with consent of the Council.*
- 3. CONSENT AGENDA:**
  - 3.1 MINUTES:** May 12, 2020 City Council Regular Meeting.
  - 3.2 RESOLUTION:** A resolution directing the disbursement of the ninety-five one hundredths of one percent of the transient lodging tax dedicated for tourism promotion.
  - 3.3 RESOLUTION:** A resolution recognizing the completion of the public improvements associated with the Power Rents site development at 2030 NW 7th Street and accepting the improvements in the City's fixed asset system.
  - 3.4 RESOLUTION:** A resolution to quitclaim the right to divert outflow and release grant for a spring easement.
  - 3.5 RESOLUTION:** A resolution establishing City of Troutdale utility easements located in the Urban Renewal Area.
  - 3.6 RESOLUTION:** A resolution approving the extinguishment and vacation of Howard Estates street-side yard Public Utility Easements on Lots 10, 16, 17, 22, 23, and 28.

4. **PRESENTATION:** An introduction of the Multnomah County Sheriff's Office Command Staff that will be serving as the City's Chief of Police as well as the Beach Deputy.  
*Ray Young, City Manager*
5. **PUBLIC HEARING / RESOLUTION:** A resolution certifying the City of Troutdale's eligibility and election to receive State Shared Revenues for Fiscal Year 2020-2021.  
*Erich Mueller, Finance Director*
6. **PUBLIC HEARING / RESOLUTION:** A public hearing and resolution adopting the City of Troutdale's Fiscal Year 2020-2021 Annual Budget and making appropriations.  
*Erich Mueller, Finance Director*
7. **RESOLUTION:** A resolution imposing and categorizing ad valorem taxes for Fiscal Year 2020-2021.  
*Erich Mueller, Finance Director*
8. **DISCUSSION:** A discussion of State and Local gun control laws. *Councilor Hudson*
9. **STAFF COMMUNICATIONS**
10. **COUNCIL COMMUNICATIONS**
11. **ADJOURNMENT**

  
\_\_\_\_\_  
**Casey Ryan, Mayor**  
**Dated: June 4, 2020**

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.

**DRAFT**

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale Police Community Center – Kellogg Room**  
**234 SW Kendall Court**  
**Troutdale, OR 97060**

**Tuesday, May 12, 2020 – 7:00PM**

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

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

**PRESENT:** Mayor Ryan, Councilor Ripma, Councilor Lauer, Councilor Kranz (7:02), Councilor White, Councilor Moon and Councilor Hudson.

**ABSENT:** None.

**STAFF:** Ray Young, City Manager; Sarah Skroch, City Recorder; Ed Trompke, City Attorney and Chris Damgen, Community Development.

**GUESTS:** See Attached.

Mayor Ryan asked, are there any agenda updates?

Ray Young, City Manager, replied there are no updates.

**2. PUBLIC COMMENT:** Public comment on non-agenda and consent agenda items is welcome at this time.

None.

**3. RESOLUTION:** A resolution amending Section 2, Public Safety, of the Fees and Charges Schedule adopted by Resolution 2473.

<0:02:26>

Ray Young gave a brief overview of the staff report.

Councilor White stated he doesn't like raising any fees at this time. He likes the idea of the City having their own rules.

Ed Trompke, City Attorney, stated there is a maximum fine of \$500 under ORS 153.018 (2) and that can't be exceeded.

**MOTION:** Councilor Lauer moved to approve the resolution amending Section 2, Public Safety, of the Fees and Charges Schedule adopted by Resolution 2473. Seconded by Councilor Hudson.

**VOTE:** Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Kranz – Yes; Mayor Ryan – Yes; Councilor White – No; Councilor Moon – Yes and Councilor Hudson - Yes.

**Motion passed 6-1.**

**4. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance amending Troutdale Municipal Code Title 10 – Vehicles and Traffic.

<0:07:26>

Chris Damgen, Community Development Director, gave a brief overview of the staff report and reviewed a PowerPoint presentation (attached as Exhibit A to these minutes).

<0:16:40>

Councilor Kranz asked about overnight permits and the legal aspects if somebody leaves their car overnight and it gets broken into. People need to understand that the City is not monitoring that parking lot overnight.

Chris Damgen replied there could be disclaimers placed on the permit that says the owner is responsible for the security of their vehicle.

Mayor Ryan asked if there will be designated parking spots for the permitted parking.

Chris Damgen replied that would be the anticipation.

Mayor Ryan stated he likes the idea and principal, but Troutdale has enough parking problems as it is. He stated during his time as mayor, parking issues has been one of the top complaints. He asked if there are ideas for designated areas for this type of permitted parking.

Chris Damgen replied potentially the new paved lot and the Kellogg Room parking area.

Mayor Ryan stated he is more supportive of a Troutdale based business doing it.

Ray Young suggested staff should add that this applies to city owned parking lots.

Councilor Moon suggested putting a map on the back of the permit showing where this parking is allowed.

Councilor White stated years ago there was a tour group that reserved and paid for the parking area by old City Hall. The other problem he's seeing and needs to be addressed is people parking in the Glenn Otto Park parking lot and then going elsewhere for the day, not using the park.

Councilor Lauer stated he likes the idea of charging a permit fee for a downtown parking spot.

Councilor Kranz stated she thinks the City should keep the residents in mind as they proceed.

Chris Damgen continued the PowerPoint presentation.

Councilor Moon asked where the standards in Section 3 came from.

Chris Damgen replied the language came from Gresham's standards.

Councilor White asked what if a stranger is parking an RV on the street in a neighborhood. He asked if that person would get 96 hours and then move to another street.

Chris Damgen replied yes, 96 hours is what the standard would be. He stated he believes there is a prohibition in an earlier section against moving the vehicle to another section of the city after 96 hours.

Councilor White stated he's fine with 96 hours if you're parking in front of your own residence or have permission from a neighbor.

Councilor Lauer stated he likes 48 hours way better than 96 hours.

Councilor Hudson asked if there is a legal way to differentiate between a stranger parking in a neighborhood and a visitor with permission parking.

Ed Trompke replied the property owner doesn't own any rights to the right-of-way where the vehicles are parked. The City has the entire right to that. The City needs to have a legitimate reason to discriminate between people who are visiting neighbors versus somebody who is just staying on the street. It's a tough question because there is an inherent constitutional right to travel and to stay in a place if you want to for some amount of time.

Councilor White stated he would like the ability for a neighborhood to report a suspicious vehicle.

**Mayor Ryan opened the public hearing at 7:55pm.**

Ray Young read a statement submitted by Troutdale resident, Paul Wilcox (attached as Exhibit B to these minutes).

**Mayor Ryan closed the public hearing at 8:04pm.**

Councilor Hudson asked if somebody wanted to address Paul's question that residents are using street parking as parking for 1 of 2 cars and asked if that is against code. Is it something the City wants to address within the code?

Chris Damgen replied if a resident parks an additional car on the street, as long as they are using and moving the car once within a 96 hour period, as suggested, they're within the spirit and intent of the law. The City is trying to avoid people using public right-of-way for car storage.

**5. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance amending Troutdale Municipal Code Chapter 2.48 – Elections.

<1:07:56>

Ed Trompke gave a brief overview of the staff report.

Councilor Ripma asked when it would take effect.

Ed Trompke replied if the vote is unanimous it would take effect immediately upon adoption. If it's not unanimous then it would take effect 30 days afterwards.

**Mayor Ryan opened the public hearing at 8:11pm.**

**Mayor Ryan closed the public hearing at 8:12pm.**

**6. STAFF COMMUNICATIONS**

<1:12:10>

Ray Young provided the following staff communications:

- Budget Committee meeting at 6:00pm on Monday, May 18<sup>th</sup>
- Next Council meeting is May 26<sup>th</sup>
- City offices will be closed on May 25<sup>th</sup> for Memorial Day

**7. COUNCIL COMMUNICATIONS**

Councilor Ripma stated he has decided to run for Mayor. He shared that the current Council has been the best Council he has served on with a good mix of people and experience.

Councilor Lauer stated he is considering running for Mayor as well.

Councilor Kranz reminded citizens to vote and get ballots turned in.

Mayor Ryan stated he has decided not to run for re-election. He feels he has done what his role was supposed to do for the last 3 ½ years he's been Mayor and he has enjoyed his time as Mayor.

Councilor White shared that the Troutdale Bridge will re-open on May 15<sup>th</sup>. The walkway will be open as soon as they get the scaffolding underneath down. It would be nice to do a virtual ribbon cutting. Rip and Allison Caswell have been selected to be sculptors for National Geographic magazine.

Councilor Moon stated he enjoyed working with Casey as Mayor.

Councilor Hudson thanked Mayor Ryan for his leadership and dedication. He stated there will be an interesting situation with the upcoming election with 2 open seats with no incumbents running.

## **8. ADJOURNMENT**

**MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Lauer. Motion passed unanimously.**

Meeting adjourned at 8:27pm.

\_\_\_\_\_  
**Casey Ryan, Mayor**  
**Dated:**

**DRAFT**

**ATTEST:**

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



# An Ordinance amending Troutdale Municipal Code Title 10 – Vehicles and Traffic

Troutdale City Council

May 12, 2020

**Exhibit A**

May 12, 2020 Council Meeting Minutes

# Why changes are being considered

- Citizen feedback and concerns on recent Title 10 changes
- Code officer interpretation and citation concerns
- Eventual comprehensive update to Title 8
- Economic and downtown development interests

## **How we got here**

- May 2019: comprehensive update to Title 10
- March 2020: presentation on issues and proposed changes

## **Next Steps**

- Make any changes tonight, have second reading and adopt at May 26, 2020 Council meeting
- Make changes to Title 8 and remove discrepancies in late summer or early fall 2020

# Summary of Proposed Changes

## **Initial Changes Proposed**

1. Eliminating multiple discrepancies between Title 10 and Title 8, which deals with nuisances
2. Revisiting time limits for vehicle parking in the right-of-way (RVs)
3. Considering changes to overnight parking restrictions
4. Restricting commercial vehicle parking on streets in non-residential areas of the city

## **Feedback from March 2020 Discussion**

1. Consider longer period of time for street parking
2. Attempt to consolidate time limit standards to a uniform number
3. Redline version (included in packet)

# Proposed Amendments

- **Page 3 (10.04.170)** – change 72 hours to 96 hours for “storage” definition
- **Page 4 (10.08.020)** – gives city manager the additional duty to issue overnight, special, and guest parking permits
- **Page 5 (10.08.030)** – remove the word “principles”
- **Page 5 (10.08.040)** – added city manager or designee to those with enforcement authority (in addition to peace officers)
- **Page 6 (10.08.060)** – added overnight parking provisions for permit issuance and allowances to park in public parking lots
- **Page 8 (10.12.020)** – changed parking allowance from 7 days to 96 hours
- **Page 9 (10.12.030)** – allowed for permitting overnight parking in designated areas

# Proposed Amendments

- **Page 21 (10.36.010)** – change time restrictions across the board to 96 hours for determining an abandoned vehicle designation
- **Page 23 (10.38.010)** – changed 72 hours to 96 hours for towing a vehicle after prior notice was given

## **Larger Vehicle (Commercial) and RV Parking – see also next slide**

- **Page 7 (10.12.020)** – added language that restricted unattended larger vehicle parking in non-residential areas of the city, except as provided in 10.12.050
- **Page 9 (10.12.050)** – allow for parking of RVs and other vehicles from 4 hours to 96 hours (RVs may secure a permit for longer stays per 10.08.060)

## 4. Restricting commercial vehicle ROW parking

### THIS SLIDE FROM DISCUSSION IN MARCH

- Currently, restrictions on commercial vehicle parking in residential areas are in effect
- Consistent issues of commercial vehicles creating safety hazards on commercial and industrial streets
- Solutions: extend restrictions to all streets;
  - allow provision that a commercial vehicle can be parked temporarily provided the operator is in proximity
  - Does not affect loading/unloading issues
  - Consider expanded loading/unloading zone in downtown Troutdale

# Public Comments – submitted by Paul Wilcox

- Title 8 & Title 10 Discrepancies
- 10.04.170 – Storage – definition too broad?
- 10.12.020.A.3
  - Concern about impact for inbound delivery trucks
  - Discrepancies between 8,000 lb and 10,000 lb gross weight
- 10.12.020.A.4.C – rationale for reducing from 7 days to 96 hours?
- 10.12.020.A.5 – discrepancy with ORS restricting driveway obstruction
- ORS 811.550 – parking within 50 feet of stop sign

## Exhibit B

May 12, 2020 Council Meeting Minutes

Submitted as public testimony to Troutdale City Council Agenda Item 4, 5/12/20. Paul Wilcox, Troutdale.

4. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending Troutdale Municipal Code Title 10 – Vehicles and Traffic.

*The introduction refers to “eliminating multiple discrepancies between Title 10 and Title 8”, but specific references from Title 8 are not provided.*

*I found the following within Title 8:*

8.28.070 - Specific nuisances prohibited.

A. It is unlawful for any person to maintain or allow to exist the following things, practices or conditions on any property, including unoccupied structures, or within public road rights-of-way adjacent to that property, which shall be nuisances:

11. Any abandoned vehicle upon private or public property;

13. Any vehicle or personal property located on a public right-of-way, a sidewalk or on public property for more than seventy-two consecutive hours, provided that any basketball stand that does not interfere with the flow of traffic or pedestrians, or create a substantial safety hazard, may be located in the right-of-way for more than seventy-two hours;

*Under the previous Agenda Item, there is a fine schedule for “Storage of Vehicle on Street”. The only reference I find to storage on street is 10.04.170, which is extremely general. This could apply to everything from vehicles to building materials.*

### **10.04.170 – Storage.**

The placing or leaving of property at a location for a period of time in excess of 72 hours.

*The newly-added 10.12.020 A. 3. limits oversize vehicle parking in non-residential areas. Would this apply in the area in and surrounding the TRIP properties? I used to work at a distribution warehouse that wouldn't allow the inbound delivery trucks onto the property until their appointment*

*times, which would require they either wait elsewhere, or park on the street.*

3. Park or stand an unattended vehicle (including trailers, boats, trucks, truck tractors, buses, mobile homes, and recreational vehicles) which exceeds **eight thousand pounds gross weight**, twenty-one feet in length or eight feet in height upon any street or parking strip in any non-residential area of the city, except as provided in TMC 10.12.050.

*10.12.020 4. C. Reduces unspecified parking time limit from seven days to 96 hours (four days). What is the rationale for this? Does this fall under "Storage of Vehicle on Street"?*

*This particular "restriction" could affect us directly. We have a one-car garage where our "primary" vehicle is parked when not in use. Our "secondary" vehicle is slightly too long to fit inside the garage, so is parked on the street. It's not practical to park vehicle #2 in the driveway, and have to move it onto the street every time to get vehicle #1 in and out of the garage. If vehicle #1 were the one parked on the street, and vehicle #2 parked in the driveway, vehicle #1 would unnecessarily be at risk of car-prowling, which has happened in the past. If vehicle #2 has to be "re-located" every 96 hours, what exactly is required to be in compliance, moving it just enough so the "chalk marks" don't align, being moved to a different location on the street, being removed from the street entirely for a period of time, or what? I'm sure there are others who drive a vehicle less than every four days. Why should we have to start up and move a vehicle after an arbitrary length of time? There are others in the neighborhood who have 5-6 vehicles, which aren't parked 24/7, but which collectively accrue much more "curb time".*

10.12.020 - Unlawful parking or standing.

A. In addition to the laws prohibiting parking, stopping, and standing contained within the Oregon Vehicle Code, ORS 811.550 through ORS 811.637, no person shall on a public or private street:

c. Park for more than 96 consecutive hours in a place where time limitations are not designated by official signs, parking meters, or other markings.

*10.12.050 A. Expands time limit for RV loading/unloading from 4 hours to 96 hours (four days). Of course, it doesn't take four days to load or unload*

*an RV. At the March meeting, it was suggested that this was to accommodate local residents' "guests", staying for a length of time. Unless this is allowed only by permit, the City is opening itself up for RVers taking up residence on Troutdale streets, as has happened all over Portland. Some people live in their RVs full-time, either by choice or necessity. A guest's extended stay would also require the RV occupant potentially disturbing neighbors with the noise and odor of running their generators to keep their batteries charged to run lights, pumps, etc. inside the RV.*

*I also note that 10.12.050 A. 2. has a 10,000# weight limit, vs 8,000# under 10.12.020 A.*

10.12.050 - RV and other vehicle parking.

A. It is unlawful to park, or permit any of the following vehicles or property owned, operated or controlled by the person to be parked, on any public highway, road, street, or right-of-way within the city, except for the loading or unloading of persons or property not to exceed ninety-six hours, or as otherwise set forth below:

1. Recreational vehicle unless issued a permit pursuant to TMC 10.08.060;
2. Vehicle or combination of vehicles (vehicle plus any towed unit) in excess of **ten thousand pounds GVW**;
3. Trailer; or
4. Boat.

*I also discovered the following discrepancy between ORS and TMC regarding parking in front of a private driveway, which Troutdale allows conditionally, but the State prohibits.*

**2017 ORS 811.550<sup>1</sup>**

### **Places where stopping, standing and parking prohibited**

(15) In front of a public or private driveway. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (2) and (4) to (7) are applicable to this subsection.

Troutdale:

10.12.020 - Unlawful parking or standing.

A. In addition to the laws prohibiting parking, stopping, and standing contained within the Oregon Vehicle Code, ORS 811.550 through ORS 811.637, no person shall on a public or private street:

4. Park or stand a vehicle in a manner that obstructs a driveway unless the vehicle is owned by the property owner of the driveway or a guest of the property owner.

*One final issue I have regarding parking enforcement in Troutdale relates to citations being issued for parking within 50 feet of a STOP sign. I've confirmed with the Municipal Court Clerk that the statute being used is ORS 811.550 (18), which further specifies "if the standing or parking of a vehicle will obstruct the view of any traffic control device located at the side of the roadway."*

*The prohibition against over-size vehicles should be sufficient to satisfy this requirement. Fifty feet eliminates up to three parking spaces in a residential area. If there's a need to back vehicles away from STOP signs, paragraph (17) is available, while eliminating fewer parking spaces. Many local residential intersections are also "T" intersections, at the top of which drivers would expect to be required to stop before turning right or left.*

#### 2017 ORS 811.550<sup>1</sup>

#### Places where stopping, standing and parking prohibited

**(17)** Within 20 feet of a crosswalk at an intersection. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (2) and (4) to (7) are applicable to this subsection.

**(18)** Within 50 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control device located at the side of the roadway **if the standing or parking of a vehicle will obstruct the view of any traffic control device located at the side of the roadway.**



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A Resolution Pursuant To Troutdale Municipal Code Section 3.08.020 (B) Directing The Disbursement Of The Ninety-Five One Hundredths Of One Percent Of The Transient Lodging Tax Dedicated For Tourism Promotion.

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

**STAFF MEMBER:**  
Erich Mueller

**MEETING DATE:**  
June 9, 2020

**DEPARTMENT:**  
Finance

**ACTION REQUIRED:**  
Consent Agenda - Resolution

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**  
Approval through the Budget Committee  
Approved Budget

**PUBLIC HEARING:**  
No

**Comments:**

**STAFF RECOMMENDATION:** Adopt the proposed resolution designating the distribution of the 0.95% of the Transient Lodging Tax (TLT) to promote tourism in Troutdale.

**EXHIBITS:** None

**SUBJECT / ISSUE RELATES TO:**

- Council Goals       Legislative       Other (describe)

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Change of the existing distribution of the 0.95% of the TLT to promote tourism in Troutdale from the West Columbia Gorge Chamber of Commerce (WCGCC), to direct City use of the funds.

**BACKGROUND:**

The City established in 1972 the “transient lodging tax” (“TLT”) payable by the traveler for occupied hotel and motel dwelling units within the City. In 1999 the City, at the request of the Troutdale Chamber of Commerce, increased the city’s Transient Lodging tax from 6.0% to 6.95%, with the 0.95% increase dedicated to the Chamber for operation of the visitor’s center and other tourism promotion activities.

Reviewed and Approved by City Manager:

In 2003 the Legislature imposed a state-wide 1% TLT and also placed restrictions on local TLT requiring 70% of any increases to be dedicated to tourism promotion, and a requirement to maintain any existing TLT designations for tourism.

The Council determined that greater flexibility in the distribution of the 0.95% portion of the TLT for tourism promotion was in the City's best interest, and further that the City has a responsibility to ensure that use of the funds are both appropriate and effective in promoting tourism in Troutdale.

In 2019 after two readings, Council discussion, and following a public hearing, Ordinance No. 853 was adopted modifying the Troutdale Municipal Code (TMC) for the designation of the 0.95% portion of the TLT for tourism promotion in Troutdale.

Pursuant to the revised TMC the Council by resolution designated effective beginning July 1, 2019 the distribution of the 0.95% of the TLT to promote tourism in Troutdale to the WCGCC.

In June 2019 the Council has determined that further discussion was needed with the WCGCC regarding the use of the 0.95% portion of the TLT for tourism promotion, and that a future change in the TLT distribution may be warranted.

**Current Status:**

After further considering the evolving focus of the WCGCC, City Management recommended, and included in the Proposed Budget for FY 2020-2021, to no longer distribute the 0.95% portion of the TLT for tourism promotion to the WCGCC.

Through the budget process the new Tourism and Economic Development Department was created. The new department is tasked with tourism promotion, implementation of the Town Center Plan vision and goals, development of a Main Street program, and economic development coordination and promotion. Additionally, the marketing and promotion of *"The Confluence at Troutdale"* for the Urban Renewal Agency development of the Troutdale Riverfront Renewal Plan.

The source of funding for this department is the General Fund, and from the 0.95% of the TLT for tourism promotion previously distributed to the WCGCC provides a portion of the funding.

**SUMMARY:**

The proposed resolution implements the change in designation of the budgeted use of the 0.95% of the TLT in accordance with the FY 2020-2021 Budget Committee Approved Budget. The

proposed resolution changes the past City practice of distribution to the WCGCC of 0.95% of the TLT to promote tourism in Troutdale and promote events in the City.

**PROS AND CONS:**

- A. Approval of the proposed resolution implements the budget assumption of direct City usage of the 0.95% of the TLT to promote tourism in Troutdale and maintains compliance with the TMC.
  
- B. Not approving the proposed resolution would continue the existing distribution to the WCGCC of 0.95% of the TLT, and creates an unbudgeted revenue shortfall in the General Fund.

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

**Future Fiscal Impacts:**    Yes (*describe*)    N/A  
Future Years: This resolution implements the distribution within approved budget.

**City Attorney Approved:**    Yes    N/A

**Community Involvement Process:**    Yes (*describe*)    N/A  
Presented to the Budget Committee and included in their Approved Budget

## **RESOLUTION NO.**

### **A RESOLUTION DIRECTING THE DISBURSEMENT OF THE NINETY-FIVE ONE HUNDREDTHS OF ONE PERCENT OF THE TRANSIENT LODGING TAX DEDICATED FOR TOURISM PROMOTION.**

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

1. That the City Council recognizes the value in tourism promotion, paying for tourism-related facilities, or being able to finance or refinance debt for tourism-related facilities, pursuant to the Troutdale Municipal Code Section 3.08.020 (B), and Oregon Revised Statutes Chapter 320 Section 350.
2. That the City has dedicated 0.95% of the Transient Lodging Tax to promote tourism and to promote certain community events in Troutdale.
3. That Troutdale Municipal Code Section 3.08.020 (B) provides for the City to designate the distribution of the 0.95% of the Transient Lodging Tax to promote tourism in Troutdale.
4. That on June 25, 2019 the City Council adopted Resolution No. 2462 designating the distribution of the 0.95% of the Transient Lodging Tax to promote tourism in Troutdale to the West Columbia Gorge Chamber of Commerce (WCGCC).
5. That the City appreciates its long partnership with the WCGCC in the use the tax to promote tourism in Troutdale and promote events in the City. Yet during the last 20 years the number and nature of City events has changed, the tourism promotion environment has evolved, and the focus of the WCGCC has also evolved.
6. That it is now in the best interest of the City, and best for the promotion of tourism in Troutdale, that the 0.95% of the Transient Lodging Tax for tourism promotion be expended directly by the City to promote tourism.

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

Section 1. The City hereby designates the use of the 0.95% of the Transient Lodging Tax for the promotion of tourism in Troutdale, to the Tourism and Economic Development Division budget unit of the City General Fund.

Section 2. This designation of the distribution of the 0.95% of the Transient Lodging Tax to promote tourism in Troutdale, shall be effective for the calendar quarter beginning July 1, 2020.

Section 3. This designation of the distribution of the 0.95% of the Transient Lodging Tax to promote tourism in Troutdale shall continue for subsequent calendar quarters, unless and until, the designation is changed by Resolution, pursuant to Troutdale Municipal Code Section 3.08.020 (B).

Section 4. The Finance Director is authorized and directed to disburse funds and implement all such actions as necessary to fulfill the intent of this resolution, and Troutdale Municipal Code, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 5. Upon adoption, this Resolution shall be effective as of July 1, 2020.

**YEAS:  
NAYS:  
ABSTAINED:**

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**Casey Ryan, Mayor**

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**Date**

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



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A resolution recognizing the completion of the public improvements associated with the Power Rents site development at 2030 NW 7<sup>th</sup> Street and accepting the improvements in the City's fixed asset system

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

**STAFF MEMBER:**  
Nick Massey, Engineering Associate

**MEETING DATE:**  
June 9, 2020

**DEPARTMENT:**  
Public Works

**ACTION REQUIRED:**  
Consent Agenda - Resolution

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**  
N/A

**PUBLIC HEARING:**  
No

**Comments:**

**STAFF RECOMMENDATION:** Accept the Power Rents public improvements into the City's fixed asset system

- EXHIBITS:**
- A. Vicinity Map – Power Rents
  - B. I.S. Properties, L.P. Dedication Request Letter

**SUBJECT / ISSUE RELATES TO:**

- Council Goals                     
 Legislative                                     
 Other (describe)  
Development/Infrastructure

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ I.S. Properties, L.P. developed the Power Rents site development pursuant to a site development approval by the City of Troutdale.
- ◆ Construction of these public improvements associated with the Power Rents site were completed by the developer and found to be in conformance with the applicable construction standards and conditions of approval.

Reviewed and Approved by City Manager: 

**BACKGROUND:**

The Power Rents site development is an equipment rental facility located at 2030 NW 7<sup>th</sup> Street that was developed in 2019 and 2020.

As a condition of development of the Power Rents site, the developer was required to construct half street improvements along NW 7<sup>th</sup> Street and NW Dunbar Avenue, public storm sewer main in NW 7<sup>th</sup> Street, along with other public water, storm sewer, and street system appurtenances necessary to serve the site.

The required public improvements were completed by the developer and found acceptable in accordance with the applicable construction standards and the conditions of approval.

The developer has offered dedication of the completed water, storm sewer, and streets system improvements to the City.

**PROS & CONS:**

Pros:

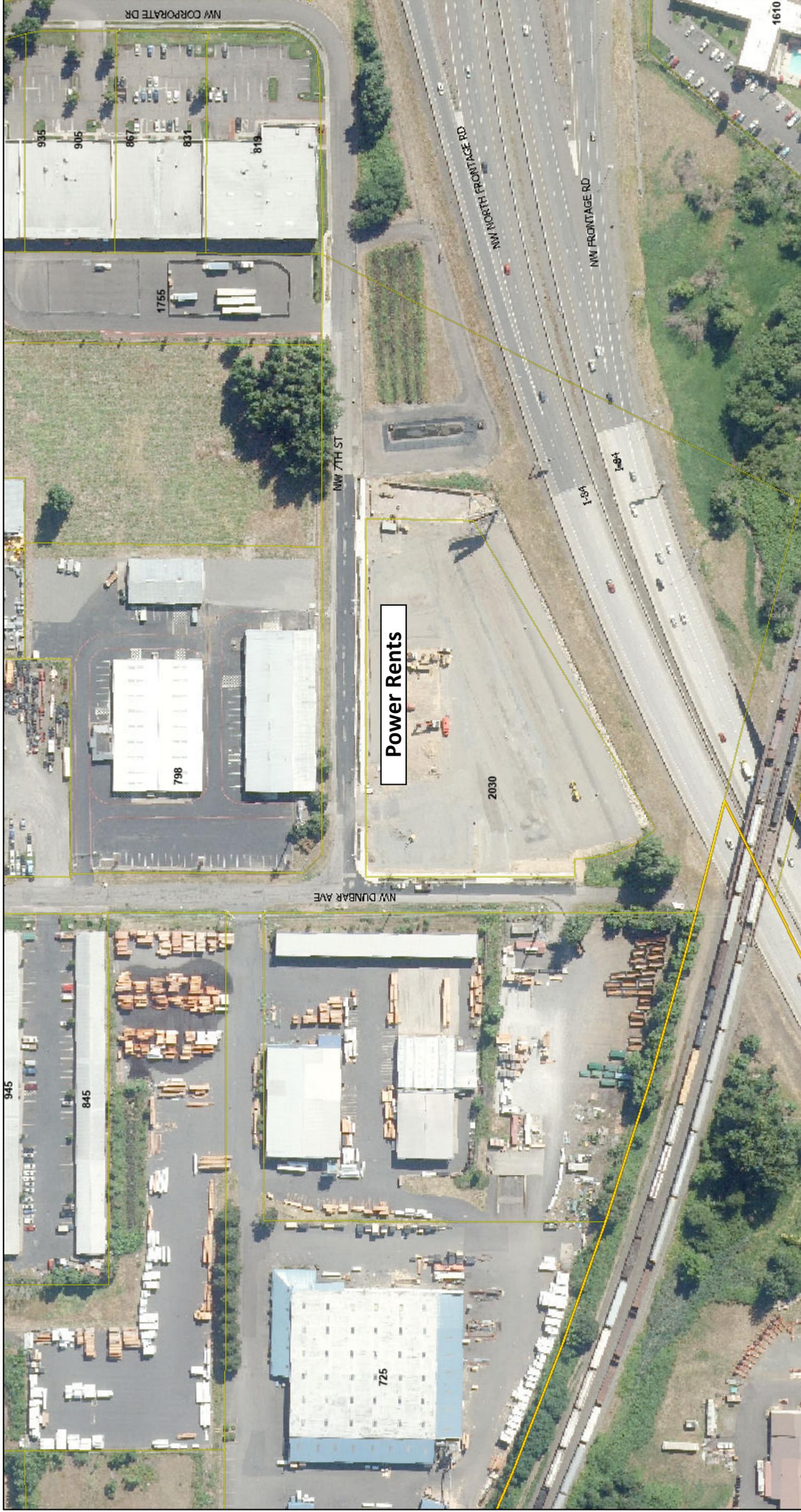
- Adds needed water, storm sewer, and streets appurtenances, and storm sewer main to the City’s fixed asset system.
- Provides for the long-term operation and maintenance by the City of public infrastructure needed to serve the Power Rents site as well as serve other areas in the vicinity of the Power Rents site.

Cons:

- There are routine operation and maintenance burdens associated with the infrastructure assets to be accepted.

<p><b>Current Year Budget Impacts:</b>    <input type="checkbox"/> Yes (<i>describe</i>)    <input checked="" type="checkbox"/> N/A</p> <p><b>Future Fiscal Impacts:</b>    <input checked="" type="checkbox"/> Yes (<i>describe</i>)    <input type="checkbox"/> N/A</p> <p>Routine operation and maintenance of the new water, storm sewer, and streets system improvements</p> <p><b>City Attorney Approved:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> N/A</p> <p><b>Community Involvement Process:</b>    <input type="checkbox"/> Yes (<i>describe</i>)    <input checked="" type="checkbox"/> N/A</p>
--

# EXHIBIT A - Power Rents Vicinity Map



1:2,257



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

## EXHIBIT B

I.S. Properties, L.P.

P.O. Box 87908  
Vancouver, WA 98687  
360-256-9432

City of Troutdale  
Public Works Department  
ATTN: Nick Massey  
342 SW 4<sup>th</sup> Street  
Troutdale, OR 97060

5/20/2020

Dear Nick,

Now that the public improvements are complete related to the job at 2030 NW 7<sup>th</sup> St. we would like to dedicate these improvements to the City of Troutdale. We have attached a schedule of these improvements and their values to this letter.

Sincerely



Brian Spencer  
Vice President, Ascend Holdings, Inc. General Partner

FINAL COST REPORT FOR SUBDIVISION PUBLIC IMPROVEMENTS

DESCRIPTION	U.M.	QUANTITY	UNIT COST	TOTAL COST
<b>WATER SYSTEM</b>				
6" Ductile Iron Pipe	LF	26	\$70	\$1,820
1" Copper Domestic Water	LF	20	\$40	\$800
Fire Hydrant	EA	1	\$5,500	\$5,500
6" Gate Valves	EA	2	\$5,000	\$10,000
<b>SEWER SYSTEM</b>				
<del>6" PVC Sewer Lateral</del> PRIVATE	<del>LF</del>	<del>85</del>	<del>\$70</del>	<del>\$5,950</del>
<b>STORM DRAIN SYSTEM</b>				
12" Ductile Iron Main Line	LF	223	\$90	\$20,070
12" Ductile Iron Lateral	LF	21	\$90	\$1,890
48" Manhole	EA	2	\$4,000	\$8,000
6" Perforated Planter Drain	EA	612	\$50	\$30,600
Beehive Overflow Drain	EA	4	\$2,500	\$10,000
<b>STORMWATER</b>				
Stormwater Facility	LF	464	\$25	\$11,600
<b>CONCRETE &amp; ASPHALT</b>				
1/2 Street - 18'	LF	429	\$72	\$30,888
1/2 Street	LF	460	\$108	\$49,680
Curb & Gutter	LF	839	\$18	\$15,102
6' Wide Sidewalk	LF	839	\$30	\$25,170
Stormwater Curb	LF	492	\$65	\$31,980
<b>STREETLIGHT SYSTEM</b> Mid County Lighting District				
<del>Street Light Poles</del>	<del>EA</del>	<del>8</del>	<del>\$2,000</del>	<del>\$16,000</del>
<del>Street Light Circuits</del>	<del>LF</del>	<del>630</del>	<del>\$50</del>	<del>\$31,500</del>

# RESOLUTION NO.

## A RESOLUTION RECOGNIZING THE COMPLETION OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE POWER RENTS SITE DEVELOPMENT AT 2030 NW 7<sup>TH</sup> STREET AND ACCEPTING THE IMPROVEMENTS IN THE CITY'S FIXED ASSET SYSTEM

### THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The construction of the Public Improvements associated with the Power Rents site development project was necessary to meet the demands of public health, safety, and welfare.
2. The construction of these public improvements has been completed by the developer-owner, I.S. Properties, L.P.
3. The public improvements associated with the Power Rents site development have been inspected and found to be in compliance with the Construction Standards for Public Works Facilities and the approved plans and specifications.
4. The developer-owner has requested to dedicate the public improvements associated with City-operated systems to the City of Troutdale.

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

Section 1. The following public improvements associated with the Power Rents site development are accepted into the City's fixed asset system, valued as follows:

<u>Improvement</u>	<u>Estimated Value</u>
Water system improvements in NW 7 <sup>th</sup> Street:	\$18,120
• 26 Linear Feet (LF) of 6" ductile iron water service line	
• 20 LF of 1" copper water service line	
• 1 Fire Hydrant	
• 2 Gate Valves	
• Other minor and ancillary water system improvements as shown on the project as-built drawings.	
Storm Sewer system improvements in NW 7 <sup>th</sup> Street:	\$82,160
• 223 LF of 12" Ductile Iron storm Sewer Main	
• 2 48" manholes	
• 612 LF of 6" perforated drainpipe	
• 4 beehive overflow drains	
• 464 LF of stormwater planter	

- Other minor and ancillary storm sewer system improvements as shown on the project as-built drawings

Street system improvements in NW 7<sup>th</sup> Street:

\$152,820

- 429 LF of half street asphaltic pavement widening and overlay
- 523 LF of PCC curb and gutter
- 523 LF of 6' wide PCC sidewalk
- 432 LF of PCC stormwater curb
- 2 Driveway approaches
- 1 ADA ramps
- Other minor and ancillary street improvements as shown on the project as-built drawings

Street system improvements in NW Dunbar Avenue:

- 460 LF of half street asphaltic pavement overlay
- 269 LF of PCC curb and gutter
- 269 LF of 6' wide PCC sidewalk
- 60 LF of PCC stormwater curb
- 1 Driveway approaches
- 1 ADA ramps

Other minor and ancillary street improvements as shown on the project as-built drawings

**Grand Total Estimated 2020 Value**

**\$253,100**

Section 2. This Resolution is effective upon adoption.

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

\_\_\_\_\_  
**Casey Ryan, Mayor**

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

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



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A Resolution to Quitclaim the Right to Divert Outflow and Release Grant for a Spring Easement

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

**STAFF MEMBER:**  
Arini Farrell

**MEETING DATE:**  
May 26, 2020

**DEPARTMENT:**  
Planning

**ACTION REQUIRED:**  
Resolution

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**

**PUBLIC HEARING:**  
Yes

N/A

**Comments:**

**STAFF RECOMMENDATION:** Staff recommends approving the resolution

**EXHIBITS:**

- A. "Attachment A" – summary and related documents

**SUBJECT / ISSUE RELATES TO:**

- Council Goals
  - Legislative
  - Other (describe)
- Prepare the Urban Renewal Area for development

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Future development suitability of the URA site

Reviewed and Approved by City Manager: 

**BACKGROUND:**

The City of Troutdale is in the process of completing a partition plat for property situated in between the Columbia Gorge Outlets and the Sandy River, south of Interstate 84 and north of the Union Pacific railroad within the Urban Renewal Area (URA). The lands involved in the partition plat boundary have had several changes of ownership and been subject to multiple easements over the years.

In the interest of streamlining the partition plat process and perfecting the title, one of the goals of the project is to quitclaim easements that are no longer serving their intended purpose due to obsolescence, developmental changes, rerouting of utilities, etc. By completing the quitclaims, the City can finalize the partition plat for this site and move forward with the next process for the URA, which is the marketing and selling of the land. Easements which still serves future development for the site is reserved and not included in this resolution.

Attached are exhibits which relates to “Spring 1” and “Spring 2” on lands formerly owned by David F. and Fanny Buxton and conveyed to Union Meat Company in Multnomah County Records Book 217 at Pages 124-126 recorded October 4, 1894.

**PROS & CONS:**

Pros:

- The quitclaims on the easements mentioned would move the URA project along and close the final partition process

Cons:

- None

<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>City Attorney Approved:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A
<b>Community Involvement Process:</b> <input type="checkbox"/> Yes ( <i>describe</i> ) <input checked="" type="checkbox"/> N/A

## ATTACHMENT A

**Purpose:** The City of Troutdale is in the process of completing a partition plat that lies between the Columbia Gorge outlet mall and the Sandy River, south of Interstate 84 and north of the railroad tracks. The lands involved in the partition plat boundary have had several changes of ownership and been subject to multiple easements over the years.

In the interest of streamlining the partition plat process and perfecting the title, one of the goals of the project is to quitclaim easements that are no longer serving their intended purpose due to obsolescence, developmental changes, rerouting of utilities, etc. This document relates to “Spring 1” and “Spring 2” on lands formerly owned by David F. and Fanny Buxton and conveyed to Union Meat Company in Multnomah County Records Book 217 at Pages 124-126 recorded October 4, 1894.

### **Buxton Springs Summary RE: Book 217, Page 124**

When the Buxton’s sold a portion of their lands to Union Meat Company, they reserved the right to divert water from a spring across the land sold to Union Meat Company to drain to the Sandy River. See “Spring 1 Excerpt” below. Both the land where Spring 1 is located and the land where outflow entered the Sandy River are now owned by the City of Troutdale.

#### **Spring 1 Excerpt:**

“However we David F Buxton and Fannie Buxton the grantors herein do hereby reserve the right of way through the lands herein sold for a water way to the Sandy River for an outlet for one certain spring owned by us and situate on our lands west of our residence the said waterway running through the depot grounds on the grounds herein sold and we further reserve the full control of said water of said spring. The right to turn the same on or off or divert its course dam up for a reservoir or otherwise at our option...”

The Buxton’s also granted a spring easement (Spring 2) to Union Meat Company and their successors and assigns. See “Spring 2 Excerpt” below. The City of Troutdale is no longer accessing the water supply from Spring 2.

#### **Spring 2 Excerpt:**

“...we do further grant bargain sell and convey and by these presents confirm unto the said Union Meat Company, to successors and assigns forever a water privilege from one certain spring having an iron pipe for an outlet under the said railroad tract of the O R and N Ry and located south of and near the cattle grounds on said railroad the same being the second spring of importance west of our residence and also the right of way through our lands now owned between said spring and the lands herein conveyed for the purpose of laying pipes and mains for the carrying of said water from said spring to the land herein sold to said Union Meat Company forever said Union Meat Company to lay their pipes for carrying said water not less than two feet underground Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and also all our estate right title and interest at law and equity therein or thereto including dower and right of dower To have and to hold the above described and granted premises unto the said Union Meat Company to successors and assigns forever...and it is further stipulated herein by the grantors that the rights to said waters of the spring herein conveyed to the Union Meat Company is for their own use and that of their

successors and assigns and we D F Buxton and Fannie Buxton stipulate that the Union Meat Company or their representatives or assigns shall never use the said waterway herein granted and sold for the purpose of selling or giving the same to families to use nor otherwise than for their own use..”

**Proposed:** City Council pass a resolution to:

1. Quitclaim the right to divert outflow from Spring 1 and,
2. Quitclaim the Spring 2 easement.

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BOOK 217 PAGE 124

2.12.0 Buxton to Union Meat Co

Know all men by these presents that D F Buxton and Fannie Buxton his wife in consideration of the sum of one dollar <\$1.00> to them paid by the Union Meat Company, a corporation, organized, and existing under the laws of the State of Oregon, do hereby remise, release and forever quit claim unto the said Union Meat Company and unto to successors and assigns all their right, title and interest in and to the following described parcel of real estate situate in the County of Multnomah State of Oregon to wit:

Beginning at a point at low water mark on the west bank of the Sandy River, which point is on the line between sections twenty-four <24> and twenty-five <25>, Township one <1> North of Range three <3> East of Willamette Meridian the said point being 1606 1/2 feet east of the corner to sections twenty-three <23>, twenty-four <24>, twenty-five <25> and twenty-six <26>

Thence southeasterly along low water mark in said Sandy River to a point in the north line of the Oregon Railway and Navigation Company’s right of way

Thence south seventy-seven degrees and forty-five minutes west 400 feet along said right of way

Thence north twelve degrees and fifteen minutes west 75 feet along the O R and N Co’s depot grounds

Thence following the north line of depot grounds as follows south 77° 40’ west 21 feet

Thence on a curve to the right with a radius of 2740 feet 462 7/10 feet to an iron rod driven in the ground at the southwest corner of a one acre tract of land

Thence north 11°41’ east 198 71/100 feet to the northwest corner of one acre tract

Thence north 85° 40’ east 225 feet

Thence north 11° 35’ east 354 4/10 feet

Thence north 28° 09’ west 350 feet

Thence north 9° 39’ west 350 feet

Thence north 23° 24’ west 100 feet

Thence north 20° 09’ west 250 feet

Thence north 32° 39’ west 150 feet

Thence north 25° 53’ west 50 feet

Thence north 19° 28 west 250 feet

Thence north 19° 36 west 200 feet

Thence north 5° 39’ west 186 3/10 feet to a stone monument in the line between sections twenty-four and twenty-five <25> located 1406 ½ feet east of the corner to sections twenty-three <23>, twenty-four <24>, twenty-five <25> and twenty-six <26>

Thence east on section line 150 feet to the place of

BOOK 217 PAGE 125

Beginning containing twelve and eighty-six hundredths <12 86/100> acres all lying in section twenty-five <25> township one <1> north of range three <3> east of Willamette Meridian Oregon also we do further grant bargain sell and convey and by these presents confirm unto the said Union Meat Company, to successors and assigns forever a water privilege from one certain spring having an iron pipe for an outlet

under the said railroad tract of the O R and N Ry and located south of and near the cattle grounds on said railroad the same being the second spring of importance west of our residence and also the right of way through our lands now owned between said spring and the lands herein conveyed for the purpose of laying pipes and mains for the carrying of said water from said spring to the land herein sold to said Union Meat Company forever said Union Meat Company to lay their pipes for carrying said water not less than two feet underground Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and also all our estate right title and interest at law and equity therein or thereto including dower and right of dower To have and to hold the above described and granted premises unto the said Union Meat Company to successors and assigns forever. However we David F Buxton and Fannie Buxton the grantors herein do hereby reserve the right of way through the lands herein sold for a water way to the Sandy River for an outlet for one certain spring owned by us and situate on our lands west of our residence the said waterway running through the depot grounds on the grounds herein sold and we further reserve the full control of said water of said spring. The right to turn the same on or off or divert its course dam up for a reservoir or otherwise at our option and it is further stipulated herein by the grantors that the rights to said waters of the spring herein conveyed to the Union Meat Company is for their own use and that of their successors and assigns and we D F Buxton and Fannie Buxton stipulate that the Union Meat Company or their representatives or assigns shall never use the said waterway herein granted and sold for the purpose of selling or giving the same to families to use nor otherwise than for their own use This deed is made to correct an error in deed recorded in Book 125 page 325 of records

BOOK 217 PAGE 126

OF DEEDS OF Multnomah County and also includes a one acre tract of land deeded by D F Buxton and wife to the American Dressed Meat Company, recorded in book 128 page 214 records of deeds for Multnomah County. In witness whereof we have hereunto set our hands and seals this second day of October AD 1894 Singed sealed and delivered in presence of us as witnesses

C H Light	}	D F Buxton	(seal)
Mary E Buxton	}	Fanny Buxton	(seal)

State of Oregon } SS  
County of Multnomah }

This certifies that on this second day of October AD 1894 before me the undersigned a Justice of the Peace for the Precinct of Sandy in and for said County and State personally appeared the within named David F Buxton and Fanny Buxton his wife known to me to be the identical persons described in and who executed the within instrument and acknowledged to me that they executed the same and Fanny Buxton wife of the said David F Buxton on an examination made by me separate and apart from her said husband then and there acknowledged to me that she executed the same freely and voluntarily and without fear coercion or compulsion from anyone. In testimony whereof I have hereunto set my hand and seal the day and year last above written

Received Record Oct 4 1894 1110am

C H Light (seal)  
Justice of the Peace

COMMENTS:

The above is a transcription of a document recorded October 4, 1894 in Multnomah County Records Book 217, Pages 124-126.

without fear, coercion or compulsion from anyone. In testimony whereof, I have hereunto set my hand and official seal this day and year last above written.

Received for Record (notarial) J. W. Dawson  
Oct. 30<sup>th</sup> 1904 - 35<sup>th</sup> (seal) Notary Public for Oregon

2120  
Duxton  
to  
Union Meat  
Co.

Shew all men by these presents that D. H. Duxton and Annie Duxton his wife, in consideration of the sum of One dollar (\$1.00) to them paid by the Union Meat Company, a corporation, organized and existing under the laws of the State of Oregon, do hereby release and forever quit claim unto the said Union Meat Company and unto its successors and assigns, all their right, title and interest in and to the following described parcel of real estate, to-wit: Beginning at a point at low water mark on the west bank of the Sandy River, which point is on the line between sections twenty four (24) and twenty five (25) Township one (1) north of Range three (3) east of Willamette Meridian the said point being 1667.2 feet east of the corner to sections twenty three (23), twenty four (24), twenty five (25) and twenty six (26) thence south easterly along low water mark in said Sandy River to a point in the middle line of the Oregon Railway and Navigation Company's right of way thence south seventy seven degrees and forty five minutes west 400 feet along said right of way thence north twelve degrees and fifteen minutes west 76 feet along the O. R. and N. Co.'s depot grounds thence following the north line of depot grounds as follows South 77° 40' west 21 feet thence on a curve to the right with a radius of 2740 feet 462 7/10 feet to an iron rod driven in the ground at the south west corner of a one acre tract of land thence north 11° 41' east 198 7/100 feet to the north west corner of one acre tract thence north 88° 40' east 228 feet thence north 11° 38' east 304 4/100 feet thence north 25° 09' west 380 feet thence north 9° 59' west 300 feet thence north 23° 24' west 100 feet thence north 20° 04' west 250 feet thence north 32° 39' west 130 feet thence north 26° 03' west 50 feet thence north 19° 28' west 200 feet thence north 19° 36' west 200 feet thence north 0° 39' west 110 5/10 feet to a stone monument in the line between sections twenty four and twenty five (25) located 1400 1/2 feet east of the corner to sections twenty three (23), twenty four (24), twenty five (25) and twenty six (26) thence east on said line 150 feet to the place of



of deeds of Multnomah County and also includes a one acre tract of land deeded by D. J. Burston and wife to the American Dressed Meat Company, recorded in book 128 page 214 records of deeds for Multnomah County. In witness whereof we have hereunto set our hands and seals this second day of October A.D. 1894. Signed sealed and delivered in presence of us as witnesses

C. H. Light }  
Mary C. Burston }  
State of Oregon } ss. This certifies that on this second day of October A.D. 1894 before me the undersigned as Justice of the Peace for the Precinct of Dundragon and for said County and State personally appeared the within named David J. Burston and Fanny Burston his wife known to me to be the identical persons described in and who executed the within instrument and acknowledged to me that they executed the same as David J. Burston and Fanny Burston wife of the said David J. Burston on an examination made by me separate and apart from her said husband. Now and there acknowledged to me that she executed the same freely and voluntarily and without fear coercion or compulsion from anyone. In testimony whereof I have hereunto set my hand and seal the day and year last above written.  
C. H. Light (seal)  
Recorded Record Oct 4 - 1894 - 11/20 Justice of the Peace

2134  
Goebel  
to  
Richman

Know all men by these presents that I George Goebel of Duwamish Mendocino County New York have made constituted and appointed and by these presents do make constitute and appoint Pauline Richman of Multnomah Oregon my true and lawful attorney for me and in my name place and stead to sell and convey the real estate owned by me known and distinguished and being lot number nine (9) in block number two (2) in Market Daboville Annex Oregon to any person whomsoever she may seem fit and to give my whole and sufficient deed of conveyance of the same to any person or persons whatsoever she desires giving and granting unto her my said attorney full power and authority to do and perform all and every act and thing whatsoever and necessary to be done in and about the premises fully to all intents and purposes as I might or could

Gua  
Caro  
Loa

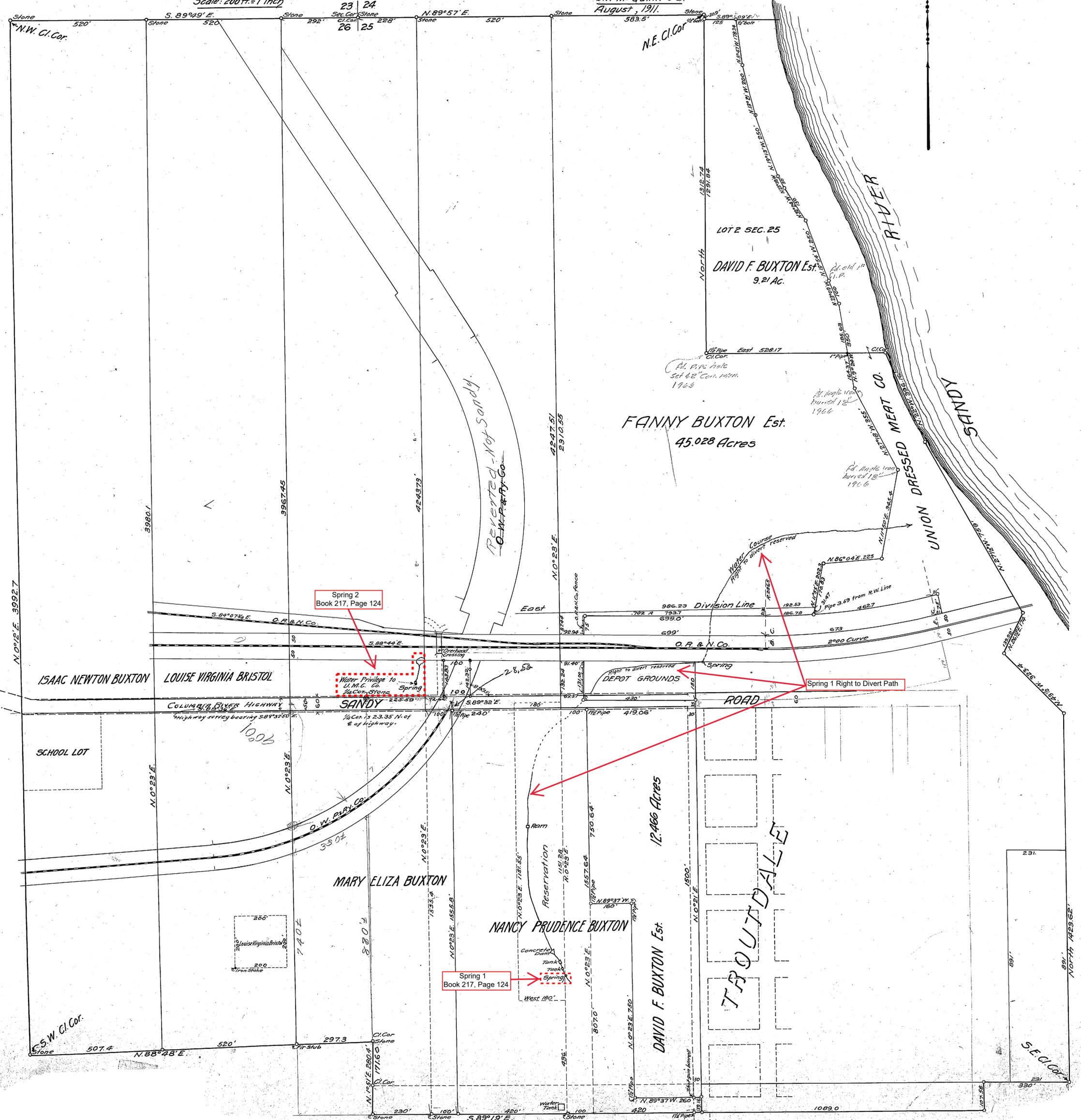
# MAP

OF  
**D. F. AND FANNY BUXTON D.L.C.**  
IN SECTION 25@26 T.1N.R.3E.W.M.

SHOWING AREA NOT DISPOSED OF

Scale: 200 ft. = 1 Inch

J.A. McQuinn C.E.  
August, 1911.



Spring 2  
Book 217, Page 124

Water Privilege to  
U.M.C. Co.  
Spring

Spring 1 Right to Divert Path

Spring 1  
Book 217, Page 124

Reservation  
Concrete Dam

12.466 Acres

DAVID F. BUXTON Est.

TROUTDALE

Reverted - Not Sandy.  
O.W.P. & N. Co.

FANNY BUXTON Est.  
45.028 Acres

DAVID F. BUXTON Est.  
9.21 Ac.

LOT 2 SEC. 25

RIVER

UNION DRESSED MEAT CO.

SANDY

ISAAC NEWTON BUXTON

LOUISE VIRGINIA BRISTOL

MARY ELIZA BUXTON

NANCY PRUDENCE BUXTON

SCHOOL LOT

COLUMBIA RIVER HIGHWAY

ROAD

S.E. C. COR.

N.W. C. COR.

N.E. C. COR.

S.W. C. COR.

Detail

Set 42" Cor. Iron  
1966

fd. Angle Iron  
buried 12"  
1966

fd. Angle Iron  
buried 18"  
1966

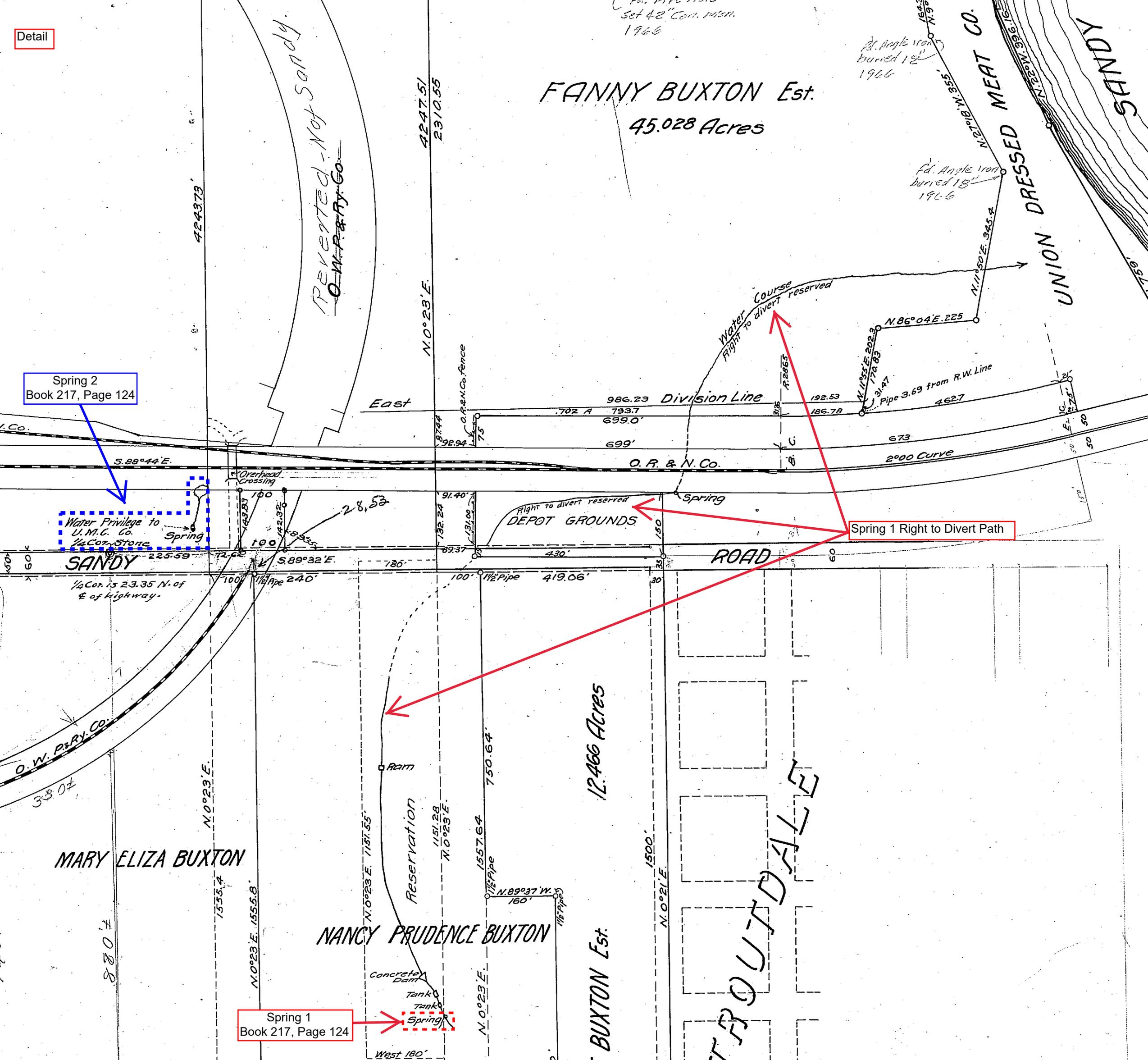
FANNY BUXTON Est.  
45.028 Acres

UNION DRESSED MEAT CO.  
SANDY

Spring 2  
Book 217, Page 124

Spring 1 Right to Divert Path

Spring 1  
Book 217, Page 124





# RESOLUTION NO.

## A RESOLUTION TO QUITCLAIM THE RIGHT TO DIVERT OUTFLOW AND RELEASE GRANT FOR SPRING EASEMENT

### THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City has demonstrated a vested interest to pursue future development of the Urban Renewal Area.
2. Development of the Urban Renewal Area is hindered by easements which no longer serve their intended purpose due to obsolescence, developmental changes, rerouting of utilities, or similar circumstances and are to be abandoned.
3. There exists a spring easement covering a portion of this property that falls into the aforementioned circumstance.

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

Section 1. The City of Troutdale quitclaim the right to divert outflow from Spring 1 of Buxton Springs located in the Urban Renewal Area included herewith as Attachment A

Section 2. The City of Troutdale quitclaim and grants the full release of Spring 2 of Buxton Springs Easement located in the Urban Renewal Area included herewith as Attachment A

**YEAS:**

**NAYS:**

**ABSTAINED:**

---

**Casey Ryan, Mayor**

---

**Date**

---

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

**ATTACHMENT A**

**Purpose:** The City of Troutdale is in the process of completing a partition plat that lies between the Columbia Gorge outlet mall and the Sandy River, south of Interstate 84 and north of the railroad tracks. The lands involved in the partition plat boundary have had several changes of ownership and been subject to multiple easements over the years.

In the interest of streamlining the partition plat process and perfecting the title, one of the goals of the project is to quitclaim easements that are no longer serving their intended purpose due to obsolescence, developmental changes, rerouting of utilities, etc. This document relates to "Spring 1" and "Spring 2" on lands formerly owned by David F. and Fanny Buxton and conveyed to Union Meat Company in Multnomah County Records Book 217 at Pages 124-126 recorded October 4, 1894.

**Buxton Springs Summary  
RE: Book 217, Page 124**

When the Buxton's sold a portion of their lands to Union Meat Company, they reserved the right to divert water from a spring across the land sold to Union Meat Company to drain to the Sandy River. See "Spring 1 Excerpt" below. Both the land where Spring 1 is located and the land where outflow entered the Sandy River are now owned by the City of Troutdale.

**Spring 1 Excerpt:**

"However we David F Buxton and Fannie Buxton the grantors herein do hereby reserve the right of way through the lands herein sold for a water way to the Sandy River for an outlet for one certain spring owned by us and situate on our lands west of our residence the said waterway running through the depot grounds on the grounds herein sold and we further reserve the full control of said water of said spring. The right to turn the same on or off or divert its course dam up for a reservoir or otherwise at our option..."

The Buxton's also granted a spring easement (Spring 2) to Union Meat Company and their successors and assigns. See "Spring 2 Excerpt" below. The City of Troutdale is no longer accessing the water supply from Spring 2.

**Spring 2 Excerpt:**

"...we do further grant bargain sell and convey and by these presents confirm unto the said Union Meat Company, to successors and assigns forever a water privilege from one certain spring having an iron pipe for an outlet under the said railroad tract of the O R and N Ry and located south of and near the cattle grounds on said railroad the same being the second spring of importance west of our residence and also the right of way through our lands now owned between said spring and the lands herein conveyed for the purpose of laying pipes and mains for the carrying of said water from said spring to the land herein sold to said Union Meat Company forever said Union Meat Company to lay their pipes for carrying said water not less than two feet underground Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and also all our estate right title and interest at law and equity therein or thereto including dower and right of dower To have and to hold the above described and granted premises unto the said Union Meat Company to successors and assigns forever...and it is further stipulated herein by the grantors that the rights to said waters of the spring herein conveyed to the Union Meat Company is for their own use and that of their

successors and assigns and we D F Buxton and Fannie Buxton stipulate that the Union Meat Company or their representatives or assigns shall never use the said waterway herein granted and sold for the purpose of selling or giving the same to families to use nor otherwise than for their own use..”

**Proposed:** City Council pass a resolution to:

1. Quitclaim the right to divert outflow from Spring 1 and,
2. Quitclaim the Spring 2 easement.

---

BOOK 217 PAGE 124

2.12.0 Buxton to Union Meat Co

Know all men by these presents that D F Buxton and Fannie Buxton his wife in consideration of the sum of one dollar <\$1.00> to them paid by the Union Meat Company, a corporation, organized, and existing under the laws of the State of Oregon, do hereby remise, release and forever quit claim unto the said Union Meat Company and unto to successors and assigns all their right, title and interest in and to the following described parcel of real estate situate in the County of Multnomah State of Oregon to wit:

Beginning at a point at low water mark on the west bank of the Sandy River, which point is on the line between sections twenty-four <24> and twenty-five <25>, Township one <1> North of Range three <3> East of Willamette Meridian the said point being 1606 1/2 feet east of the corner to sections twenty-three <23>, twenty-four <24>, twenty-five <25> and twenty-six <26>

Thence southeasterly along low water mark in said Sandy River to a point in the north line of the Oregon Railway and Navigation Company’s right of way

Thence south seventy-seven degrees and forty-five minutes west 400 feet along said right of way

Thence north twelve degrees and fifteen minutes west 75 feet along the O R and N Co’s depot grounds

Thence following the north line of depot grounds as follows south 77° 40’ west 21 feet

Thence on a curve to the right with a radius of 2740 feet 462 7/10 feet to an iron rod driven in the ground at the southwest corner of a one acre tract of land

Thence north 11°41’ east 198 71/100 feet to the northwest corner of one acre tract

Thence north 85° 40’ east 225 feet

Thence north 11° 35’ east 354 4/10 feet

Thence north 28° 09’ west 350 feet

Thence north 9° 39’ west 350 feet

Thence north 23° 24’ west 100 feet

Thence north 20° 09’ west 250 feet

Thence north 32° 39’ west 150 feet

Thence north 25° 53’ west 50 feet

Thence north 19° 28 west 250 feet

Thence north 19° 36 west 200 feet

Thence north 5° 39’ west 186 3/10 feet to a stone monument in the line between sections twenty-four and twenty-five <25> located 1406 ½ feet east of the corner to sections twenty-three <23>, twenty-four <24>, twenty-five <25> and twenty-six <26>

Thence east on section line 150 feet to the place of

BOOK 217 PAGE 125

Beginning containing twelve and eighty-six hundredths <12 86/100> acres all lying in section twenty-five <25> township one <1> north of range three <3> east of Willamette Meridian Oregon also we do further grant bargain sell and convey and by these presents confirm unto the said Union Meat Company, to successors and assigns forever a water privilege from one certain spring having an iron pipe for an outlet

under the said railroad tract of the O R and N Ry and located south of and near the cattle grounds on said railroad the same being the second spring of importance west of our residence and also the right of way through our lands now owned between said spring and the lands herein conveyed for the purpose of laying pipes and mains for the carrying of said water from said spring to the land herein sold to said Union Meat Company forever said Union Meat Company to lay their pipes for carrying said water not less than two feet underground Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and also all our estate right title and interest at law and equity therein or thereto including dower and right of dower To have and to hold the above described and granted premises unto the said Union Meat Company to successors and assigns forever. However we David F Buxton and Fannie Buxton the grantors herein do hereby reserve the right of way through the lands herein sold for a water way to the Sandy River for an outlet for one certain spring owned by us and situate on our lands west of our residence the said waterway running through the depot grounds on the grounds herein sold and we further reserve the full control of said water of said spring. The right to turn the same on or off or divert its course dam up for a reservoir or otherwise at our option and it is further stipulated herein by the grantors that the rights to said waters of the spring herein conveyed to the Union Meat Company is for their own use and that of their successors and assigns and we D F Buxton and Fannie Buxton stipulate that the Union Meat Company or their representatives or assigns shall never use the said waterway herein granted and sold for the purpose of selling or giving the same to families to use nor otherwise than for their own use This deed is made to correct an error in deed recorded in Book 125 page 325 of records

BOOK 217 PAGE 126

OF DEEDS OF Multnomah County and also includes a one acre tract of land deeded by D F Buxton and wife to the American Dressed Meat Company, recorded in book 128 page 214 records of deeds for Multnomah County. In witness whereof we have hereunto set our hands and seals this second day of October AD 1894 Singed sealed and delivered in presence of us as witnesses

C H Light	}	D F Buxton	(seal)
Mary E Buxton	}	Fanny Buxton	(seal)

State of Oregon } SS  
County of Multnomah }

This certifies that on this second day of October AD 1894 before me the undersigned a Justice of the Peace for the Precinct of Sandy in and for said County and State personally appeared the within named David F Buxton and Fanny Buxton his wife known to me to be the identical persons described in and who executed the within instrument and acknowledged to me that they executed the same and Fanny Buxton wife of the said David F Buxton on an examination made by me separate and apart from her said husband then and there acknowledged to me that she executed the same freely and voluntarily and without fear coercion or compulsion from anyone. In testimony whereof I have hereunto set my hand and seal the day and year last above written

Received Record Oct 4 1894 1110am

C H Light (seal)  
Justice of the Peace

COMMENTS:

The above is a transcription of a document recorded October 4, 1894 in Multnomah County Records Book 217, Pages 124-126.

without fear, coercion or compulsion from anyone. In testimony whereof, I have hereunto set my hand and official seal this day and year last above written.

Received for Record (notarial) J. W. Dawson  
Oct. 30<sup>th</sup> 1904 - 35<sup>th</sup> (seal) Notary Public for Oregon

2120  
Duxton  
to  
Union Meat  
Co.

Shew all men by these presents that D. H. Duxton and Annie Duxton his wife, in consideration of the sum of One dollar (\$1.00) to them paid by the Union Meat Company, a corporation, organized and existing under the laws of the State of Oregon, do hereby release and forever quit claim unto the said Union Meat Company and unto its successors and assigns, all their right, title and interest in and to the following described parcel of real estate, to-wit: Beginning at a point at low water mark on the west bank of the Sandy River, which point is on the line between sections twenty four (24) and twenty five (25) Township one (1) north of Range three (3) east of Willamette Meridian the said point being 1667.2 feet east of the corner to sections twenty three (23), twenty four (24), twenty five (25) and twenty six (26) thence south easterly along low water mark in said Sandy River to a point in the middle line of the Oregon Railway and Navigation Company's right of way thence south seventy seven degrees and forty five minutes west 400 feet along said right of way thence north twelve degrees and fifteen minutes west 76 feet along the O. R. and N. Co.'s depot grounds thence following the north line of depot grounds as follows South 77° 40' west 21 feet thence on a curve to the right with a radius of 2740 feet 462 7/10 feet to an iron rod driven in the ground at the south west corner of a one acre tract of land thence north 11° 41' east 198 7/100 feet to the north west corner of one acre tract thence north 88° 40' east 228 feet thence north 11° 38' east 304 4/100 feet thence north 25° 09' west 350 feet thence north 9° 59' west 300 feet thence north 23° 24' west 100 feet thence north 20° 04' west 250 feet thence north 32° 39' west 150 feet thence north 26° 03' west 50 feet thence north 19° 28' west 200 feet thence north 19° 36' west 200 feet thence north 0° 39' west 110 5/10 feet to a stone monument in the line between sections twenty four and twenty five (25) located 1400 1/2 feet east of the corner to sections twenty three (23), twenty four (24), twenty five (25) and twenty six (26) thence east on said line 150 feet to the place of



of deeds of Multnomah County and also includes a one acre tract of land deeded by D. J. Burston and wife to the American Dressed Meat Company, recorded in book 128 page 214 records of deeds for Multnomah County. In witness whereof we have hereunto set our hands and seals this second day of October A.D. 1894. Signed sealed and delivered in presence of us as witnesses

C. H. Light }  
Mary C. Burston }  
State of Oregon } ss. This certifies that on this second day of October A.D. 1894 before me the undersigned as Justice of the Peace for the Precinct of Dundragon and for said County and State personally appeared the within named David J. Burston and Fanny Burston his wife known to me to be the identical persons described in and who executed the within instrument and acknowledged to me that they executed the same as David J. Burston and Fanny Burston wife of the said David J. Burston on an examination made by me separate and apart from her said husband. Now and there acknowledged to me that she executed the same freely and voluntarily and without fear coercion or compulsion from anyone. In testimony whereof I have hereunto set my hand and seal the day and year last above written.  
C. H. Light (seal)  
Recorded Record Oct 4-1894-11am Justice of the Peace

2134  
Goebel  
to  
Richman

Know all men by these presents that I George Goebel of Duwamish Mendocino County New York have made constituted and appointed and by these presents do make constitute and appoint Pauline Richman of Multnomah Oregon my true and lawful attorney for me and in my name place and stead to sell and convey the real estate owned by me known and distinguished and being lot number nine (9) in block number two (2) in Market Daboville Annex Oregon to any person whomsoever she may seem fit and to give my whole and sufficient deed of conveyance of the same to any person or persons whatsoever she desires giving and granting unto her my said attorney full power and authority to do and perform all and every act and thing whatsoever legal and necessary to be done in and about the premises fully to all intents and purposes as I might or could

Gua  
Caro  
Loa

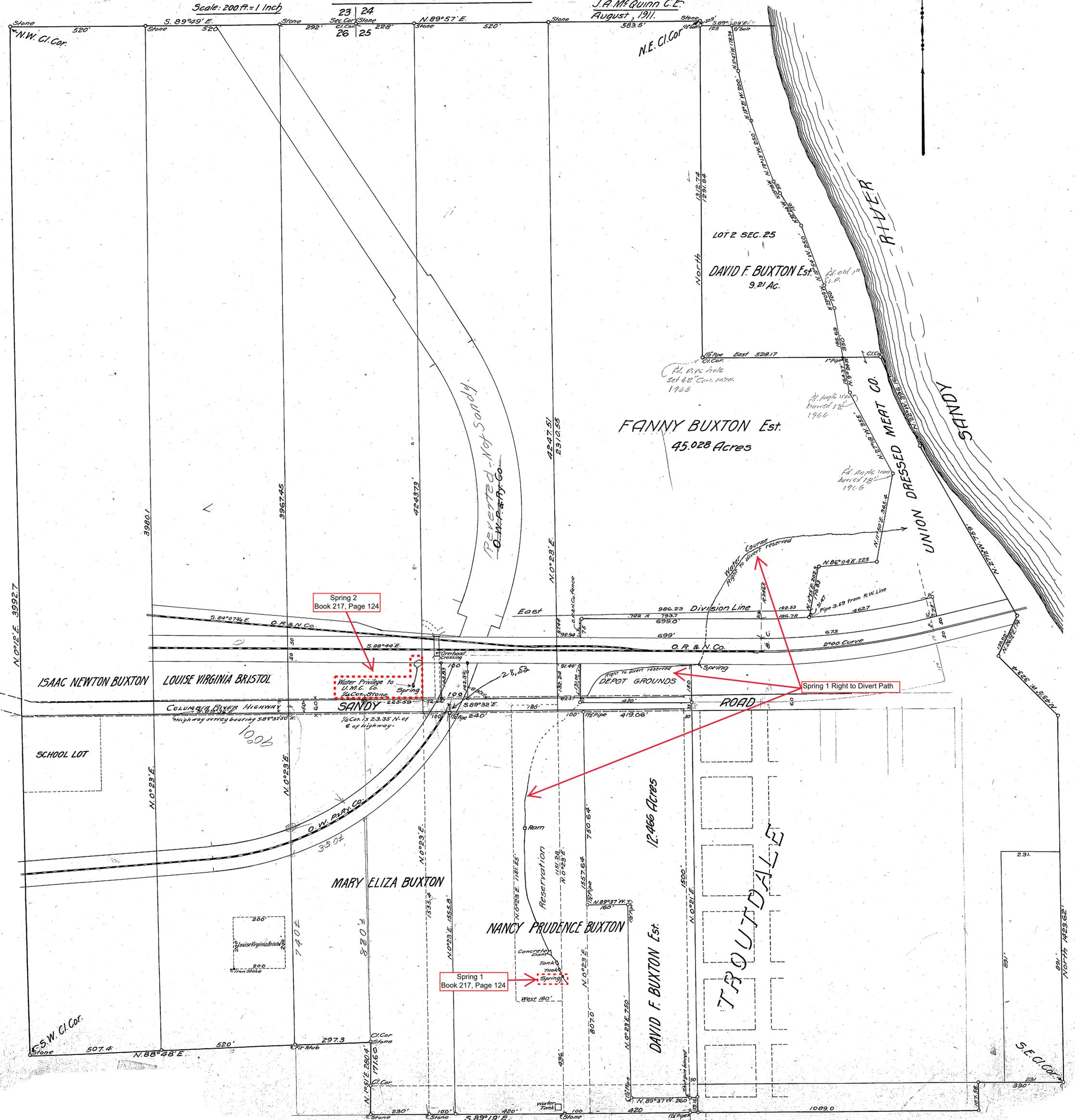
# MAP

OF  
**D. F. AND FANNY BUXTON D.L.C.**  
IN SECTION 25@26 T.1N.R.3E.W.M.

SHOWING AREA NOT DISPOSED OF

Scale: 200 ft. = 1 Inch

J.A. McQuinn C.E.  
August, 1911.



Spring 2  
Book 217, Page 124

Water Privilege to  
U.M.C. Co.  
Spring

Spring 1 Right to Divert Path

Spring 1  
Book 217, Page 124

TROUTDALE

Reverted - Not Sandy  
O.W.P. & Fy. Co.

FANNY BUXTON Est.  
45.028 Acres

DAVID F. BUXTON Est.  
9.21 Ac.

N.E. C.I. Cor.

N.W. C.I. Cor.

S.E. C.I. Cor.

S.W. C.I. Cor.

Detail

Set 42" Cor. Iron  
1966

fd. Angle Iron  
buried 18"  
1966

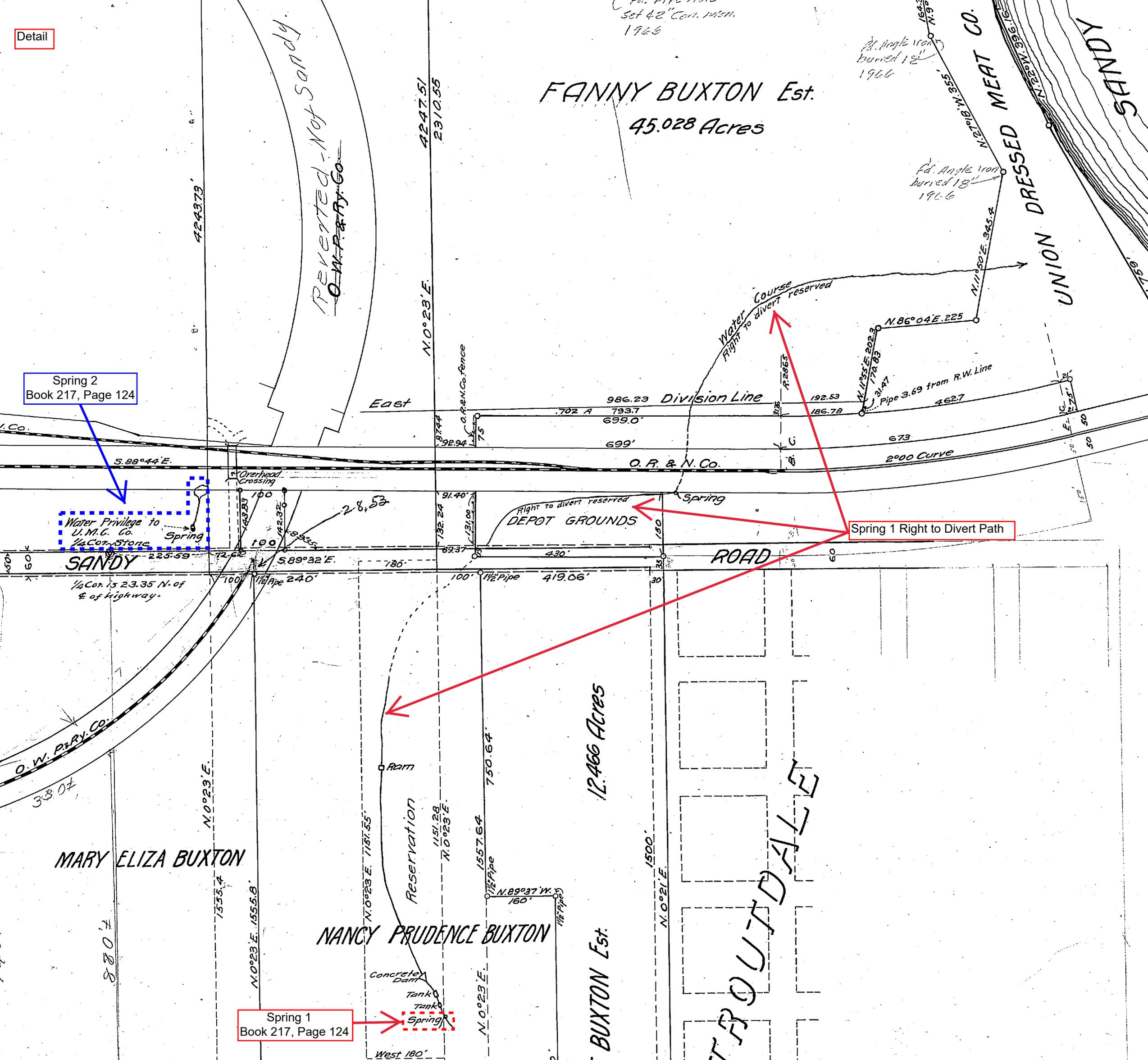
FANNY BUXTON Est.  
45.028 Acres

UNION DRESSED MEAT CO.  
SANDY

Spring 2  
Book 217, Page 124

Spring 1 Right to Divert Path

Spring 1  
Book 217, Page 124



# MAP

OF  
**D. F. AND FANNY BUXTON D.L.C.**  
 IN SECTION 25 & 26 T.1N.R.3E.W.M.

SHOWING AREA NOT DISPOSED OF

Scale: 200 ft. = 1 inch





# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A resolution to establish City of Troutdale utility easements located in the Urban Renewal Area

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

**STAFF MEMBER:**  
Arini Farrell

**MEETING DATE:**  
June 9, 2020

**DEPARTMENT:**  
Planning

**ACTION REQUIRED:**  
Resolution

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**

**PUBLIC HEARING:**  
No

N/A

**Comments:**

**STAFF RECOMMENDATION:** Staff recommends approving the resolution

**EXHIBITS:**

- A. Attachment A (details and exhibits)

**SUBJECT / ISSUE RELATES TO:**

- Council Goals     
  Legislative     
  Other (describe)

Development of the URA site

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Future development at the URA site
- ◆ Establishment of legal rights for City to maintain or expand utility systems.

Reviewed and Approved by City Manager:

**BACKGROUND:**

The City of Troutdale is in the process of completing a partition plat for property situated in between the Columbia Gorge Outlets and the Sandy River, south of Interstate 84 and north of the Union Pacific railroad within the Urban Renewal Area (URA). The lands involved in the partition plat boundary have had several changes of ownership and been subject to multiple easements over the years.

In the interest of streamlining the partition plat process and perfecting the title, one of the goals of the project is to establish City easements that would be serving the site for future development. The easements in this resolution are related to utility services which will be required for development such as sanitary, storm and water line easements. By establishing the easements, the City can finalize the partition plat for this site and move forward with the next process for the URA, which is the marketing and selling of the land. The three easements brought forward were discussed and legal descriptions were written in 2014, however it has never been adopted or recorded.

Attached are exhibits which relates to legal descriptions of the easements.

**PROS & CONS:**

Pros:

- The easements will ensure that utility services in the Urban Renewal Area will be provided and maintained for future developments on site.

Cons:

- None

<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>City Attorney Approved:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A
<b>Community Involvement Process:</b> <input type="checkbox"/> Yes ( <i>describe</i> ) <input checked="" type="checkbox"/> N/A

**ATTACHMENT A**

**Sanitary Sewer Easement Description  
City of Troutdale to the City of Troutdale**

October 3, 2014

A 15.00 foot wide strip of land, being 7.50 feet on each side of an existing sanitary sewer pipeline. The centerline of the easement is within the southeast quarter (SE ¼) of the northwest quarter (NW ¼) of Section 25, Township 1North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon, the centerline being more particularly described as follows:

Commencing at the southwest corner of that tract of land described in Book 745, Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North 89°47'05" East, a distance of 332.67 feet to the **TRUE POINT OF BEGINNING OF SAID CENTERLINE**; thence North 06°15'52" West, a distance of 32.91 feet; thence North 89°06'00" West, a distance of 299.57 feet; thence North 00°20'01" East, a distance of 300.56 feet; thence North 00°03'53" West, a distance of 447.51 feet; thence North 00°11'38 East, a distance of 232.15 feet to a point on the north line of that parcel of land described in Book 1958, Page 1229, recorded November 28, 1986 and being the **TERMINUS POINT OF SAID CENTERLINE**. The exterior lines of the above-described centerline will contract or extend to terminate on the boundary lines.

The above description and elements therein are based upon Property survey No. 49012 and 61047 on file in the Multnomah County Surveyor's Office.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

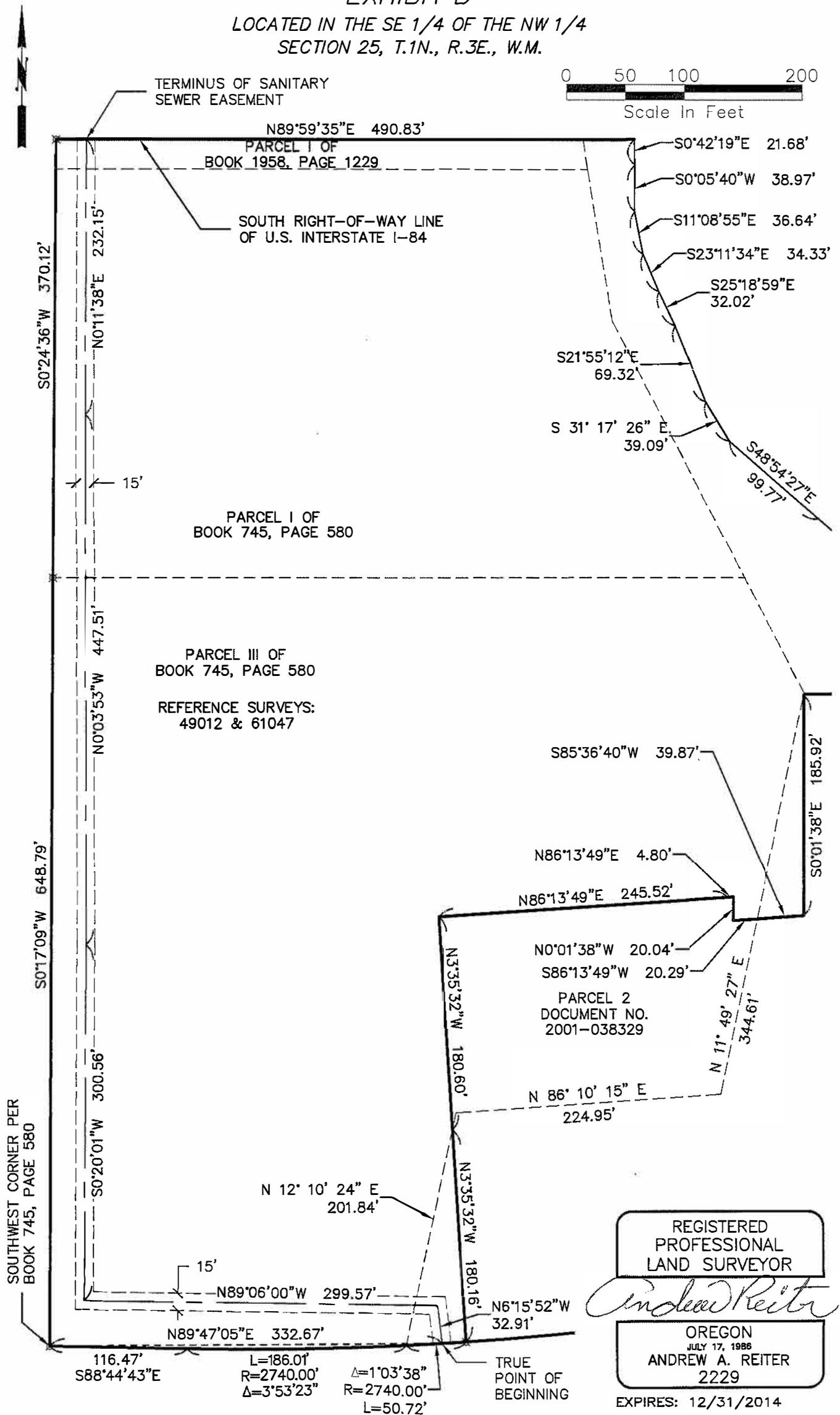
*Andrew Reiter*

OREGON  
JULY 17, 1920  
ANDREW A. REITER  
2229

Exp 12-31-2014

# EXHIBIT B

LOCATED IN THE SE 1/4 OF THE NW 1/4  
SECTION 25, T.1N., R.3E., W.M.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Andrew Reiter*

OREGON  
JULY 17, 1986  
ANDREW A. REITER  
2229

EXPIRES: 12/31/2014

FILE NAME: P:\1414848-TROUTDALE EASEMENTS (WWTP)\CAD\XREFS\WWTP-EASEMENTS.DWG  
 SAVE TIME: 10/3/2014 9:35:26 AM  
 PLOT TIME: 10/3/2014 1:23 PM  
 USER NAME: ANDREW REITER

DESIGNED AAR  
 DRAWN AAR  
 CHECKED MAA  
 DATE 10/03/14  
 SCALE 1"=100'

**SANITARY SEWER EASEMENT  
FOR  
CITY OF TROUTDALE, OREGON**

5000 Meadows Road, Suite 345  
 Lake Oswego, OR 97035  
 p 503.697.3222 | 503.597.7655

**PACE**  
An Engineering Services Company

Civil | Structural | Planning | Survey  
 paceengrs.com

JOB NUMBER  
**14848**

SHEET NAME: SANITARY EASE

SHEET **1** OF **1**

Storm Drainage Easement Description  
City of Troutdale to the City of Troutdale

October 3, 2014

The following described easements lie within the southeast quarter (SE ¼) of the northwest quarter (NW ¼) of Section 25, Township 1North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon:

Easement "A"

Commencing at the southwest corner of that tract of land described in Book 745, Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North 00°17'09" East, a distance of 28.15 feet along the west boundary of said tract of land to the **TRUE POINT OF BEGINNING** of a 15.00 foot wide strip of land being centered over the top of an existing Storm Drainage pipeline, lying 7.50 feet on each side of the following described centerline; thence South 88°52'39" East, a distance of 291.77 feet; thence North 11°42'41" East, a distance of 226.93 feet more or less to a point on the west boundary line of the tract of land as described in Document No. 2001-038329, recorded March 20, 2001, and being the **TERMINUS OF DESCRIBED CENTERLINE**. The exterior lines of the above-described centerline will contract or extend to terminate on the boundary lines;

Together With Easement "B"

Commencing at the southwest corner of that tract of land described in Book 745 at Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North 43°01'38" East, a distance of 485.10 more or less feet to a point on the west boundary of that parcel of land described in Document No. 2001-038329, said point also being the **TRUE POINT OF BEGINNING** of a 15.00 foot wide strip of land being centered over the top of an existing Storm Drainage pipeline, lying 7.50 feet on each side of the following described centerline; thence South 89°44'43" West, a distance of 294.19 feet; thence North 00°22'27" East, a distance of 665.59 feet to a point on the north line of that parcel of land described in Book 1958, Page 1229, recorded November 28, 1986 and being the **TERMINUS POINT OF DESCRIBED CENTERLINE**. The exterior lines of the above-described centerline will contract or extend to terminate on the boundary lines.

Together With Easement "C"

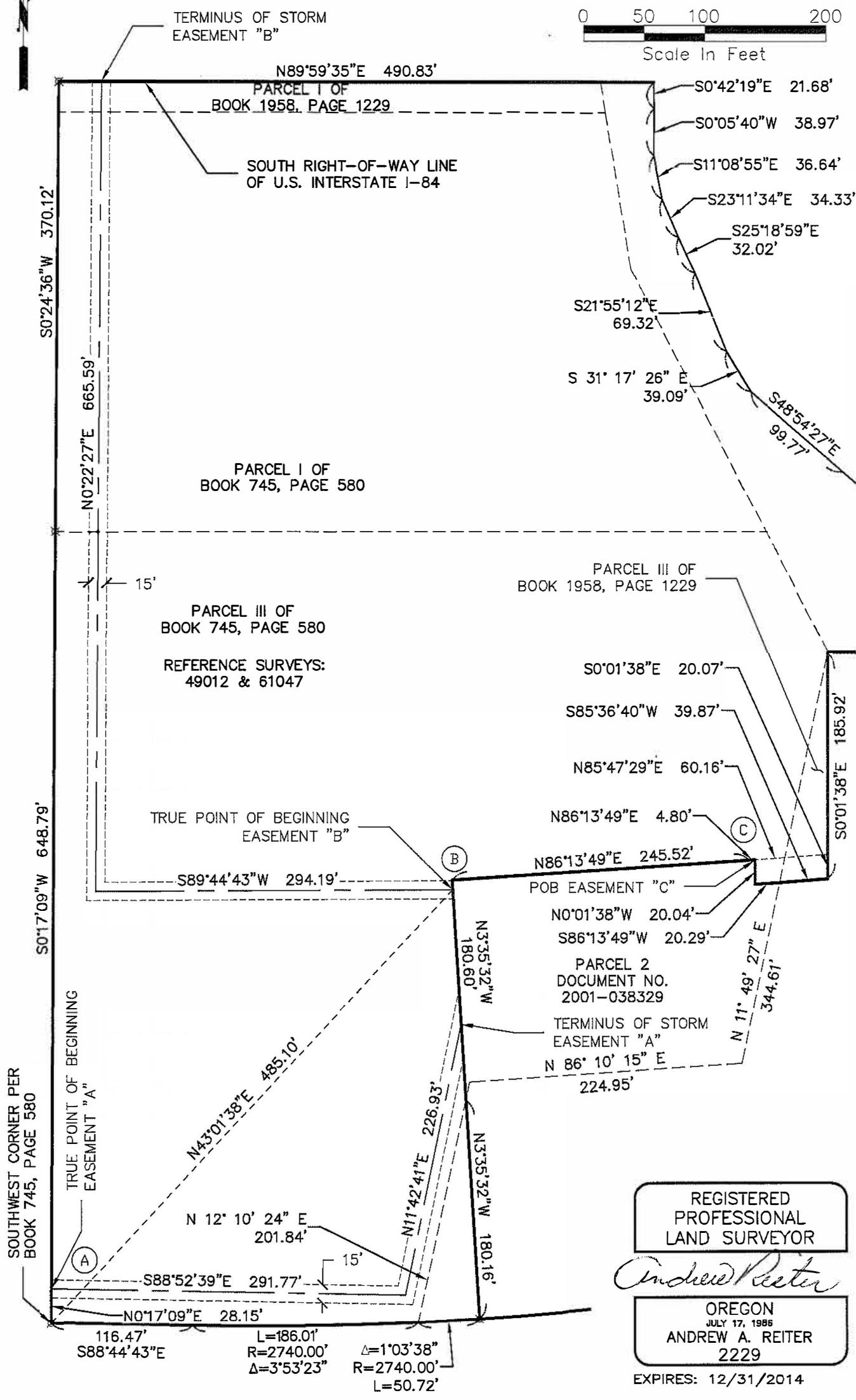
**BEGINNING** at the most northeast corner of that tract of land described in Document No. 2001-038329, recorded March 20, 2001 in the Multnomah County Recorder's Office; thence North  $85^{\circ}47'29''$  East, a distance of 60.16 feet to a point on the east boundary of that parcel of land as described as Parcel III in Book 1958, Page 1229; thence along the east line of said Parcel III South  $00^{\circ}01'38''$  East, a distance of 20.07 feet; thence along the south line of said Parcel III South  $85^{\circ}36'40''$  West, a distance of 39.87 feet to a point common with that tract of land as described in Book 1958, Page 1229 and that tract of land as described in Document No. 2001-038239; thence continuing along Document No. 2001-038329 South  $86^{\circ}13'49''$  West, a distance of 20.29 feet; thence North  $00^{\circ}01'38''$  West, a distance of 20.04 feet to the **POINT OF BEGINNING**.

The above description and elements therein are based upon Property survey No. 49012 and 61047 on file in the Multnomah County Surveyor's Office.



# EXHIBIT B

LOCATED IN THE SE 1/4 OF THE NW 1/4  
SECTION 25, T.1N., R.3E., W.M.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Andrew Reiter*

OREGON  
JULY 17, 1986  
ANDREW A. REITER  
2229

EXPIRES: 12/31/2014

FILE NAME: P:\14\14848-TROUTDALE EASEMENTS (WWTP)\CAD\XREFS\WWTP-EASEMENTS.DWG  
SAVE TIME: 10/3/2014 8:35:26 AM  
PLOT TIME: 10/3/2014 1:24:14 PM  
USER NAME: ANDREW REITER

DESIGNED    AAR  
DRAWN    AAR  
CHECKED    MAA  
DATE    10/03/14  
SCALE    1"=100'

**STORM DRAINAGE EASEMENT  
FOR  
CITY OF TROUTDALE, OREGON**

5000 Meadows Road, Suite 345  
Lake Oswego, OR 97035  
p. 503.597.3222 | f. 503.597.7655

**PACE**  
An Engineering Services Company

Civil | Structural | Planning | Survey  
paceangrs.com

JOB NUMBER  
**14848**

SHEET NAME: STORM EASE

SHEET **1** OF **1**

Waterline Easement Description  
City of Troutdale to the City of Troutdale

October 3, 2014

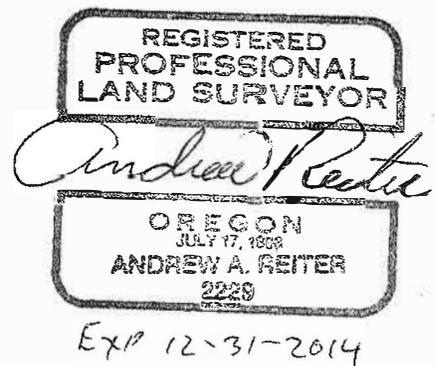
A 15.00 foot wide strip of land, being 7.50 feet on each side of an existing water pipeline. The centerline of the easement is within the southeast quarter (SE ¼) of the northwest quarter (NW ¼) of Section 25, Township 1North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon, the centerline being more particularly described as follows:

Commencing at the southwest corner of that tract of land described in Book 745 at Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North 89°39'54" East, a distance of 345.64 feet to the **TRUE POINT OF BEGINNING** of the following described centerline; thence North 03°35'32" West, a distance of 333.82 feet to a point hereinafter referred to as **Point "A"**; thence North 03°35'32" West, a distance of 41.36 feet; thence North 27°36'26" West, a distance of 14.67 feet; thence North 01°23'29" West, a distance of 215.16 feet; thence North 87°50'22" East, a distance of 48.56 feet; thence North 01°23'51 East, a distance of 250.70 feet; thence North 33°13'51 East, a distance of 137.90 feet: thence North 04°07'39 East, a distance of 46.70 feet to a point on the north line of that parcel of land described in Book 1958, Page 1229, recorded November 28, 1986 and being the **TERMINUS POINT** of said centerline. The exterior lines of the above-described centerline will contract or lengthen to terminate on the boundary lines.

Together with a 15 foot wide strip of and land, being 7.50 feet on each side of the following described centerline, being further described as follows:

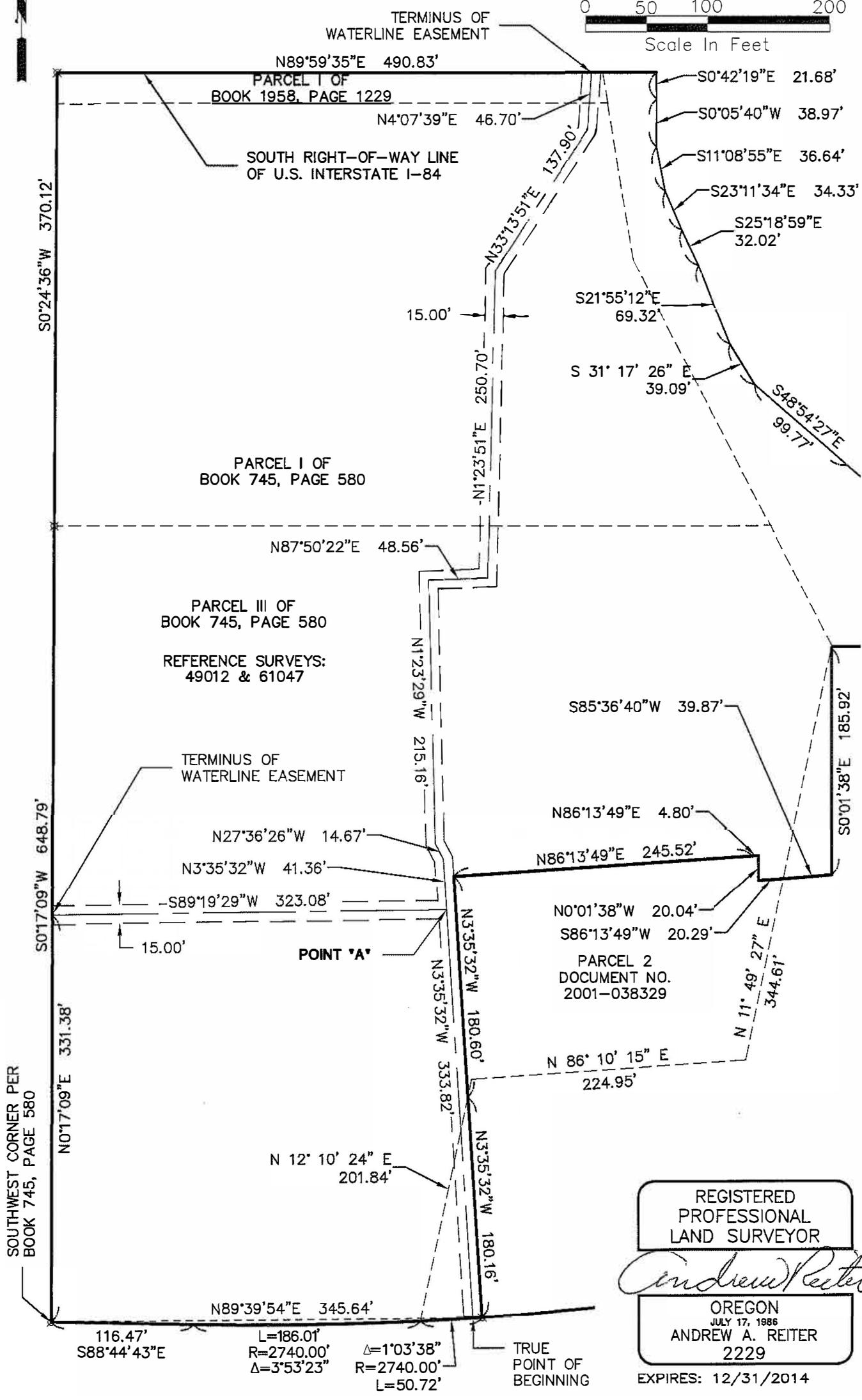
Beginning at aforementioned **Point "A"**; thence along said centerline South 89°19'29" West, a distance of 323.08 feet to a point on the west boundary of that parcel of land described in Book 745, Page 580 and being the **TERMINUS POINT** of said centerline. The exterior lines of the above-described centerline will contract or lengthen to terminate on the boundary lines.

The above description and elements therein are based upon Property survey No. 49012 and 61047 on file in the Multnomah County Surveyor's Office.



# EXHIBIT B

LOCATED IN THE SE 1/4 OF THE NW 1/4  
SECTION 25, T.1N., R.3E., W.M.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Andrew Reiter*

OREGON  
JULY 17, 1986  
ANDREW A. REITER  
2229

EXPIRES: 12/31/2014

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PLOT TIME: 10/3/2014 2:44:44 PM  
USER NAME: ANDREW REITER

DESIGNED AAR  
DRAWN AAR  
CHECKED MAA  
DATE 10/03/14  
SCALE 1"=100'

## WATERLINE EASEMENT FOR CITY OF TROUTDALE, OREGON

5000 Meadows Road, Suite 345  
Lake Oswego, OR 97035  
p. 503.597.3222 | f. 503.597.7655



Civil | Structural | Planning | Survey  
paceengrs.com

JOB NUMBER  
**14848**

SHEET NAME: WATER EASE

SHEET **1** OF **1**

## **RESOLUTION NO.**

### **A RESOLUTION ESTABLISHING CITY OF TROUTDALE UTILITY EASEMENTS LOCATED IN THE URBAN RENEWAL AREA**

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

1. The City has demonstrated a vested interest to pursue future development of the Urban Renewal Area.
2. In the efforts to develop the site, a partition plat is being pursued that would establish, modify, or extinguish easements on the site.
3. To finalize the partition plat process for the Urban Renewal Area (URA), Case File 19-061, the City is required to establish three city easements- sanitary, water line and storm. As these easements provide essential utility services for the future and current needs for development of the Urban Renewal Area.

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

- Section 1. The City of Troutdale establishes the Sanitary Easement located in the URA included herewith in Attachment A.
- Section 2. The City of Troutdale establishes the Storm Easement located in the URA included herewith in Attachment A.
- Section 3. The City of Troutdale establish the Waterline Easement located in the URA included herewith in Attachment A.
- Section 4. The City Manager and the Finance Director are authorized and directed to prepare, sign and file any and all necessary documents to effectuate this resolution and to take all steps necessary to carry out the intent of this resolution without further Council action being necessary.

**YEAS:  
NAYS:  
ABSTAINED:**

---

**Casey Ryan, Mayor**

---

**Date**

---

**Sarah Skroch, City Recorder  
Adopted:**

ATTACHMENT A

Sanitary Sewer Easement Description  
City of Troutdale to the City of Troutdale

October 3, 2014

A 15.00 foot wide strip of land, being 7.50 feet on each side of an existing sanitary sewer pipeline. The centerline of the easement is within the southeast quarter (SE ¼) of the northwest quarter (NW ¼) of Section 25, Township 1North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon, the centerline being more particularly described as follows:

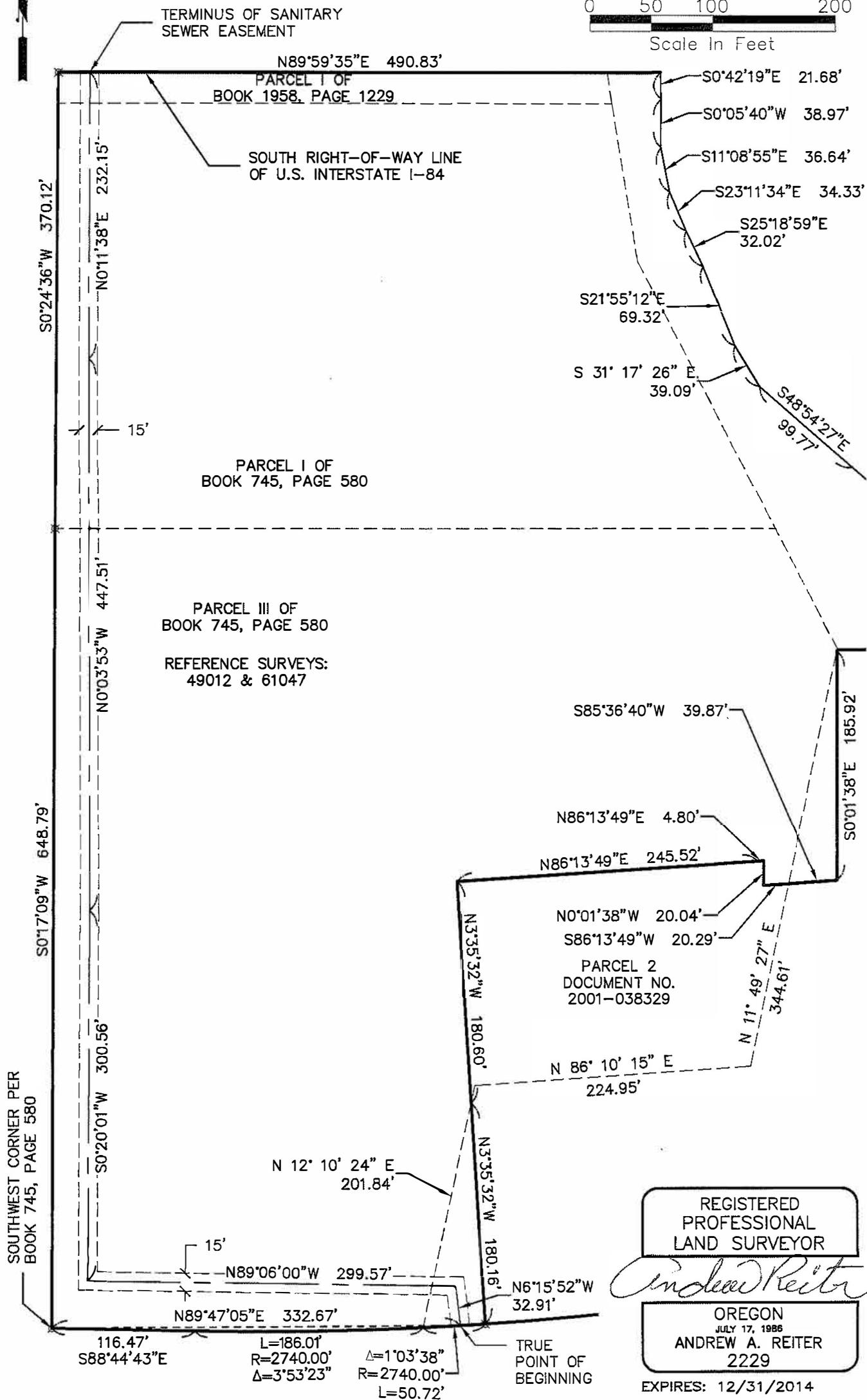
Commencing at the southwest corner of that tract of land described in Book 745, Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North 89°47'05" East, a distance of 332.67 feet to the **TRUE POINT OF BEGINNING OF SAID CENTERLINE**; thence North 06°15'52" West, a distance of 32.91 feet; thence North 89°06'00" West, a distance of 299.57 feet; thence North 00°20'01" East, a distance of 300.56 feet; thence North 00°03'53" West, a distance of 447.51 feet; thence North 00°11'38 East, a distance of 232.15 feet to a point on the north line of that parcel of land described in Book 1958, Page 1229, recorded November 28, 1986 and being the **TERMINUS POINT OF SAID CENTERLINE**. The exterior lines of the above-described centerline will contract or extend to terminate on the boundary lines.

The above description and elements therein are based upon Property survey No. 49012 and 61047 on file in the Multnomah County Surveyor's Office.



# EXHIBIT B

LOCATED IN THE SE 1/4 OF THE NW 1/4  
SECTION 25, T.1N., R.3E., W.M.



FILE NAME: P:\1414848-TROUTDALE EASEMENTS (WWTP)\CAD\XREFS\WWTP-EASEMENTS.DWG  
 SAVE TIME: 10/3/2014 9:35:26 AM  
 PLOT TIME: 10/3/2014 1:23 PM  
 USER NAME: ANDREW REITER

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Andrew Reiter*

OREGON  
JULY 17, 1986  
ANDREW A. REITER  
2229

EXPIRES: 12/31/2014

DESIGNED AAR  
 DRAWN AAR  
 CHECKED MAA  
 DATE 10/03/14  
 SCALE 1"=100'

**SANITARY SEWER EASEMENT  
FOR  
CITY OF TROUTDALE, OREGON**

5000 Meadows Road, Suite 345  
 Lake Oswego, OR 97035  
 p 503.697.3222 | 503.597.7655

Civil | Structural | Planning | Survey  
 paceengrs.com

JOB NUMBER  
**14848**

SHEET NAME: SANITARY EASE

SHEET **1** OF **1**

Storm Drainage Easement Description  
City of Troutdale to the City of Troutdale

October 3, 2014

The following described easements lie within the southeast quarter (SE ¼) of the northwest quarter (NW ¼) of Section 25, Township 1North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon:

Easement "A"

Commencing at the southwest corner of that tract of land described in Book 745, Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North 00°17'09" East, a distance of 28.15 feet along the west boundary of said tract of land to the **TRUE POINT OF BEGINNING** of a 15.00 foot wide strip of land being centered over the top of an existing Storm Drainage pipeline, lying 7.50 feet on each side of the following described centerline; thence South 88°52'39" East, a distance of 291.77 feet; thence North 11°42'41" East, a distance of 226.93 feet more or less to a point on the west boundary line of the tract of land as described in Document No. 2001-038329, recorded March 20, 2001, and being the **TERMINUS OF DESCRIBED CENTERLINE**. The exterior lines of the above-described centerline will contract or extend to terminate on the boundary lines;

Together With Easement "B"

Commencing at the southwest corner of that tract of land described in Book 745 at Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North 43°01'38" East, a distance of 485.10 more or less feet to a point on the west boundary of that parcel of land described in Document No. 2001-038329, said point also being the **TRUE POINT OF BEGINNING** of a 15.00 foot wide strip of land being centered over the top of an existing Storm Drainage pipeline, lying 7.50 feet on each side of the following described centerline; thence South 89°44'43" West, a distance of 294.19 feet; thence North 00°22'27" East, a distance of 665.59 feet to a point on the north line of that parcel of land described in Book 1958, Page 1229, recorded November 28, 1986 and being the **TERMINUS POINT OF DESCRIBED CENTERLINE**. The exterior lines of the above-described centerline will contract or extend to terminate on the boundary lines.

Together With Easement "C"

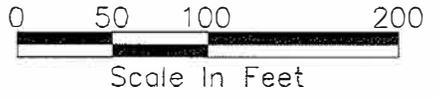
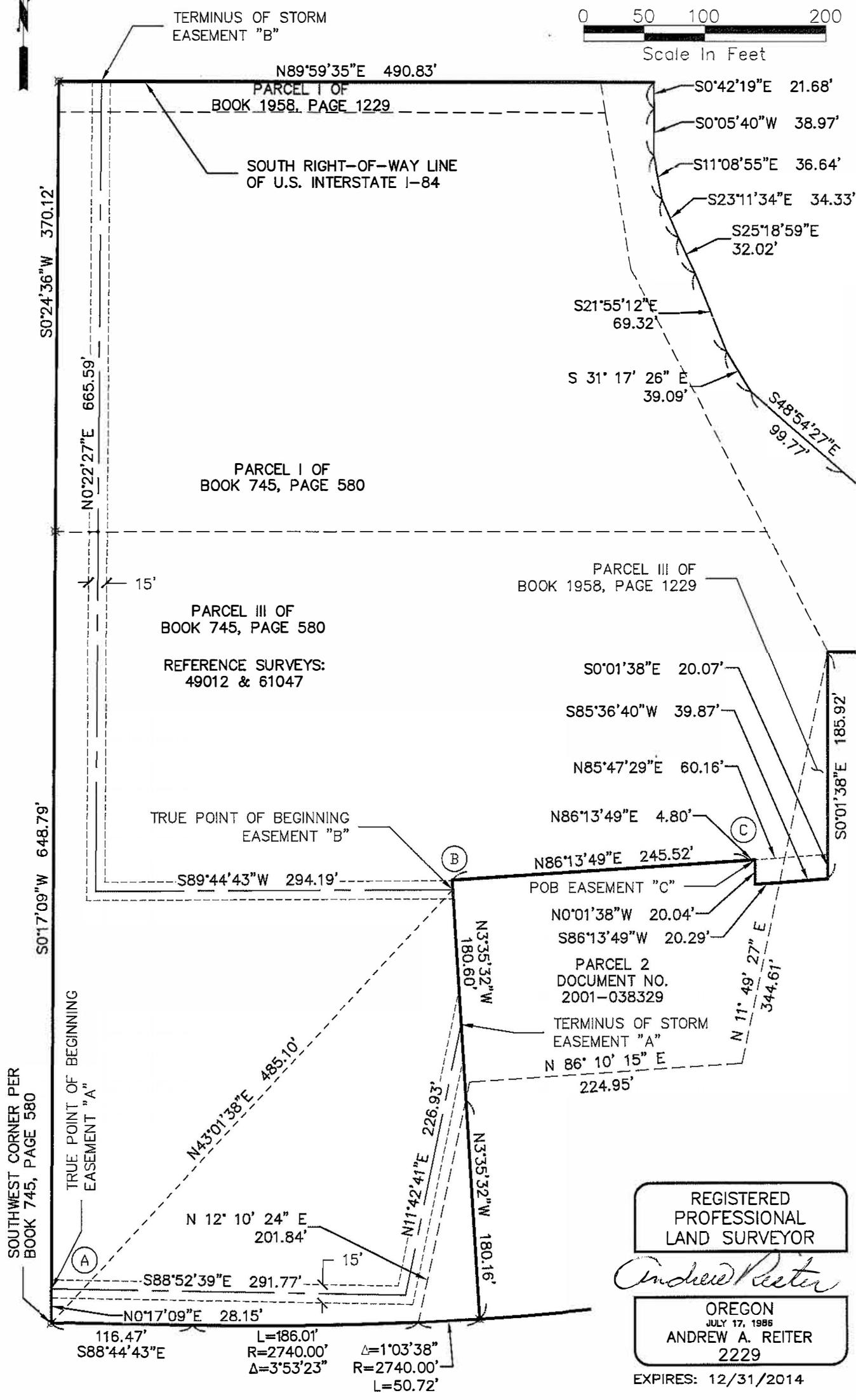
**BEGINNING** at the most northeast corner of that tract of land described in Document No. 2001-038329, recorded March 20, 2001 in the Multnomah County Recorder's Office; thence North  $85^{\circ}47'29''$  East, a distance of 60.16 feet to a point on the east boundary of that parcel of land as described as Parcel III in Book 1958, Page 1229; thence along the east line of said Parcel III South  $00^{\circ}01'38''$  East, a distance of 20.07 feet; thence along the south line of said Parcel III South  $85^{\circ}36'40''$  West, a distance of 39.87 feet to a point common with that tract of land as described in Book 1958, Page 1229 and that tract of land as described in Document No. 2001-038239; thence continuing along Document No. 2001-038329 South  $86^{\circ}13'49''$  West, a distance of 20.29 feet; thence North  $00^{\circ}01'38''$  West, a distance of 20.04 feet to the **POINT OF BEGINNING**.

The above description and elements therein are based upon Property survey No. 49012 and 61047 on file in the Multnomah County Surveyor's Office.



# EXHIBIT B

LOCATED IN THE SE 1/4 OF THE NW 1/4  
SECTION 25, T.1N., R.3E., W.M.



FILE NAME: P:\14\14848-TROUTDALE EASEMENTS (WWTP)\CAD\XREFS\WWTP-EASEMENTS.DWG  
 SAVE TIME: 10/3/2014 8:35:26 AM  
 PLOT TIME: 10/3/2014 1:24:14 PM  
 USER NAME: ANDREW REITER

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Andrew Reiter*

OREGON  
JULY 17, 1986  
ANDREW A. REITER  
2229

EXPIRES: 12/31/2014

DESIGNED    AAR  
 DRAWN    AAR  
 CHECKED    MAA  
 DATE    10/03/14  
 SCALE    1"=100'

**STORM DRAINAGE EASEMENT  
FOR  
CITY OF TROUTDALE, OREGON**

5000 Meadows Road, Suite 345  
Lake Oswego, OR 97035  
p. 503.597.3222 | f. 503.597.7655

Civil | Structural | Planning | Survey  
paceangrs.com

JOB NUMBER  
**14848**

SHEET NAME: STORM EASE

SHEET **1** OF **1**

Waterline Easement Description  
City of Troutdale to the City of Troutdale

October 3, 2014

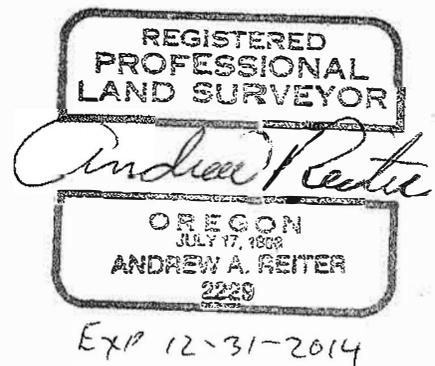
A 15.00 foot wide strip of land, being 7.50 feet on each side of an existing water pipeline. The centerline of the easement is within the southeast quarter (SE ¼) of the northwest quarter (NW ¼) of Section 25, Township 1North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon, the centerline being more particularly described as follows:

Commencing at the southwest corner of that tract of land described in Book 745 at Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North 89°39'54" East, a distance of 345.64 feet to the **TRUE POINT OF BEGINNING** of the following described centerline; thence North 03°35'32" West, a distance of 333.82 feet to a point hereinafter referred to as **Point "A"**; thence North 03°35'32" West, a distance of 41.36 feet; thence North 27°36'26" West, a distance of 14.67 feet; thence North 01°23'29" West, a distance of 215.16 feet; thence North 87°50'22" East, a distance of 48.56 feet; thence North 01°23'51 East, a distance of 250.70 feet; thence North 33°13'51 East, a distance of 137.90 feet; thence North 04°07'39 East, a distance of 46.70 feet to a point on the north line of that parcel of land described in Book 1958, Page 1229, recorded November 28, 1986 and being the **TERMINUS POINT** of said centerline. The exterior lines of the above-described centerline will contract or lengthen to terminate on the boundary lines.

Together with a 15 foot wide strip of and land, being 7.50 feet on each side of the following described centerline, being further described as follows:

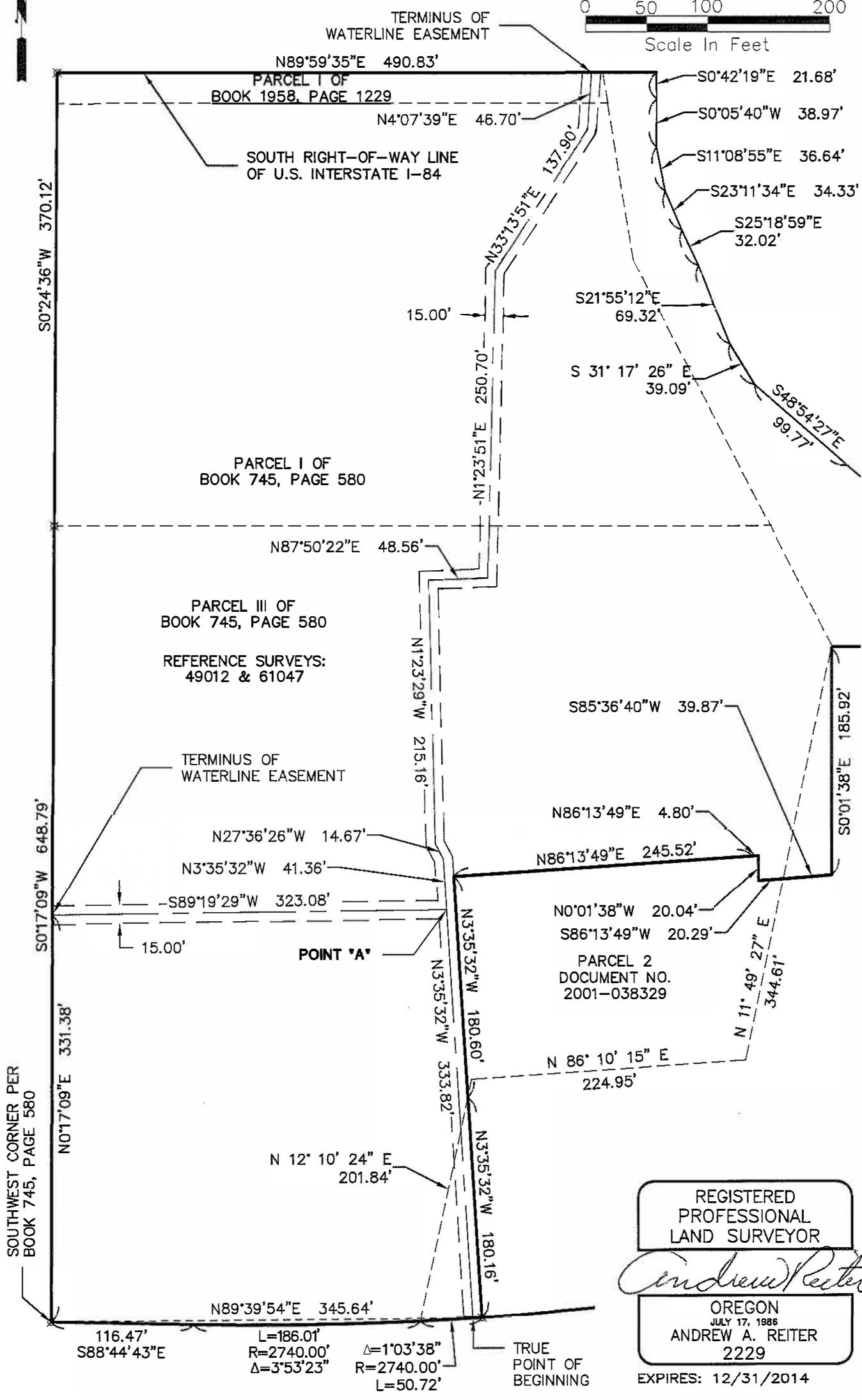
Beginning at aforementioned **Point "A"**; thence along said centerline South 89°19'29" West, a distance of 323.08 feet to a point on the west boundary of that parcel of land described in Book 745, Page 580 and being the **TERMINUS POINT** of said centerline. The exterior lines of the above-described centerline will contract or lengthen to terminate on the boundary lines.

The above description and elements therein are based upon Property survey No. 49012 and 61047 on file in the Multnomah County Surveyor's Office.



# EXHIBIT B

LOCATED IN THE SE 1/4 OF THE NW 1/4  
SECTION 25, T.1N., R.3E., W.M.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Andrew Reiter*

OREGON  
JULY 17, 1986  
ANDREW A. REITER  
2229

EXPIRES: 12/31/2014

## WATERLINE EASEMENT FOR CITY OF TROUTDALE, OREGON

JOB NUMBER  
**14848**

SHEET NAME: WATER EASE

SHEET **1** OF **1**

DESIGNED AAR  
DRAWN AAR  
CHECKED MAA  
DATE 10/03/14  
SCALE 1"=100'

5000 Meadows Road, Suite 345  
Lake Oswego, OR 97035  
p. 503.597.3222 | f. 503.597.7655



Civil | Structural | Planning | Survey  
paceengrs.com

FILE NAME: P:\P14\14848-TROUTDALE EASEMENTS (WWTP)\CAD\XREFS\WWTP-EASEMENTS.DWG  
SAVE TIME: 10/3/2014 8:35:26 AM  
PLOT TIME: 10/3/2014 2:44:44 PM  
USER NAME: ANDREW REITER



## **BACKGROUND:**

Howard Estates is a residential subdivision that was approved in 2006 and platted shortly thereafter, however public improvements weren't constructed on the site until recently. These improvements are still under construction by the current developer, but as the subdivision nears building permit submittal for homes, it was realized that the Public Utility Easements (PUEs) on some of the street-side yards do not allow for the previously approved\* building footprints to fit.

PUE's are easements established on the property lines abutting public streets to accommodate installation of franchised power and telecommunication utility systems, which currently include PGE, Ziplly (formerly Frontier), and Comcast. These utilities are required to locate in the PUE to:

- Conserve limited space for other utilities and facilities in the ROW
- Prevent crowding of utilities in the ROW. Crowding increases the risk of utility damage and safety incidents (e.g. hitting a power cable when working on a water line), and makes maintenance and repair work on either utility more difficult and costly.
- Minimize conflicts between different utilities (e.g. a telecom line being in the way of a sewer line installation).
- Minimize damage to public streets, pavements, and sidewalks when franchisees are maintaining, repairing, or replacing their utilities, or extending new utility services.

No encroachment of buildings or other vertical structures is allowed in a PUE. PUEs are utilized for City-operated utilities only in extremely rare circumstances.

The Development Code standard at the time of the original approval called for 6-foot PUEs along the front of all lots, which were recorded in the final plat. Due to the design of the subdivision, seven lots have double frontage, meaning that the lots' front and side yards abut public or private streets. 6-foot PUEs run along both of those frontages, constraining the buildable area of those lots. The previously approved Site Development Review (referred to as Site and Design Review at that time) showed a 16-foot wide building footprint on all lots, meaning that lots 10,16, 22, 23,and 28 are too narrow to accommodate both the PUE and the building footprint. Lots 1 and 17 may be able to accommodate both. According to the plans from the private utility franchises, PGE, Comcast, and Frontier, a street-side-yard PUE is not necessary on lots 10, 16, 17, 22, 23, or 28 to accommodate them. The street-side yard PUE on Lot 1 is not proposed to be removed, as it is being utilized by private utility franchises.

\*Building footprints have only been approved through land use at this time. Building permits are still required for all buildings in the subdivision.

## **PROS & CONS:**

### Pros:

- Allows for the previously approved 16-foot building footprint to be built on the lots in question.

### Cons:

- Would require private utilities to locate in the Public Right-of-Way if the private utility plans were to change in the future, or if additional power or telecom utility providers are franchised in the future.

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

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

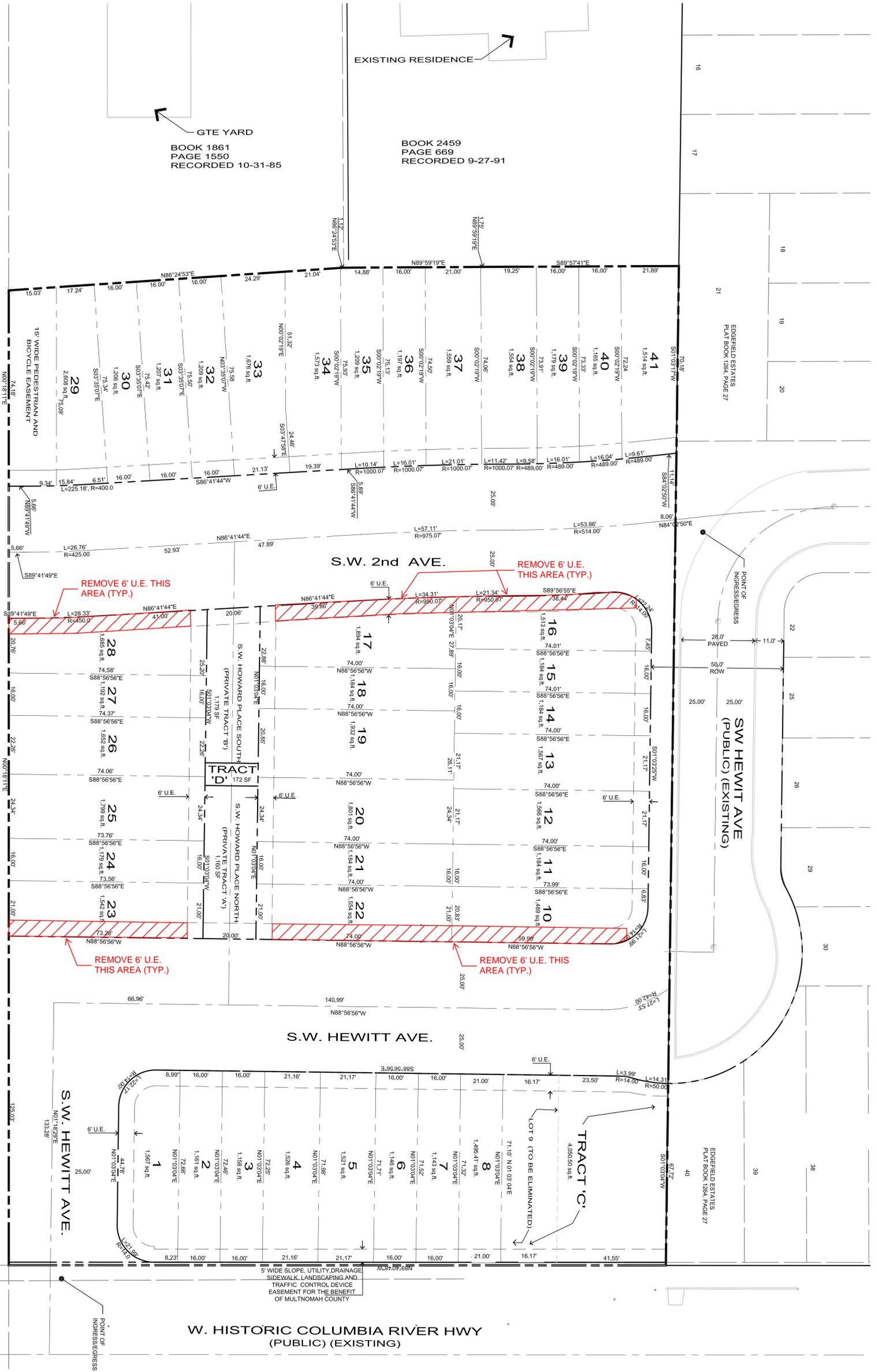
**City Attorney Approved:**  Yes  N/A

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

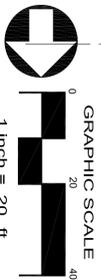
APPLICANT / ENGINEER:  
 2G ASSOCIATES, INC.  
 FRED GARMIRE, P.E.  
 400 COLUMBIA STREET, SUITE 160  
 VANCOUVER, WA 98660  
 EMAIL: fred.garmire@2gassociates.us  
 PHONE: (503) 939-8750

OWNER:  
 CURTIS RYSTADT  
 EMAIL: CURTIS.RYSTADT@GMAIL.COM  
 PHONE: (503) 201-6881

EXISTING HOWARD ESTATES PLAT  
 IS FILED AS PLAT BOOK 1291, PAGE 101,  
 RECORDED 1-30-08 AT MULTNOMAH COUNTY.



**EXHIBIT A**  
**P.U.E. REMOVAL**  
 5-6-2020



**HOWARD ESTATES**  
**P.U.E. REMOVAL - EXHIBIT A**

JOB NO.:	5/6/20	DATE	REVISIONS	BY:
SCALE:	1"=20'-0"	APPLICATION:	MINOR REPLAT MODIFICATION	
OF DECISION EXHIBIT				

**2G ASSOCIATES**  
 400 COLUMBIA STREET  
 SUITE 160  
 VANCOUVER, WA 98660  
 PHONE: 503-939-8750

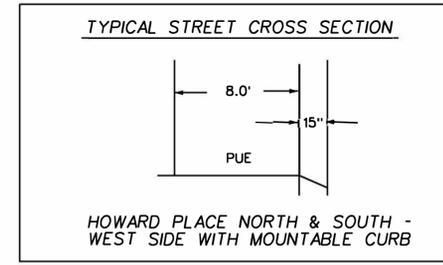
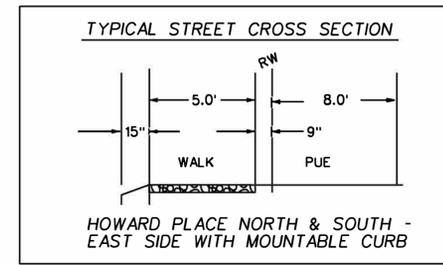
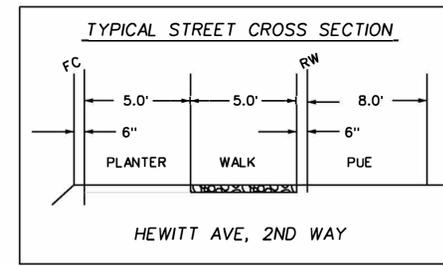
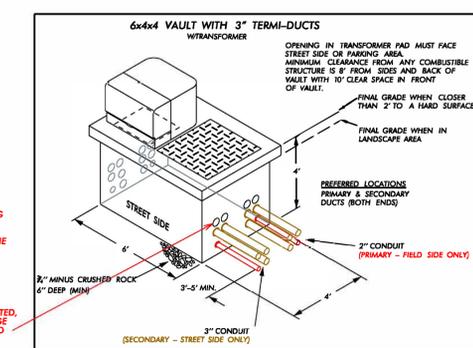
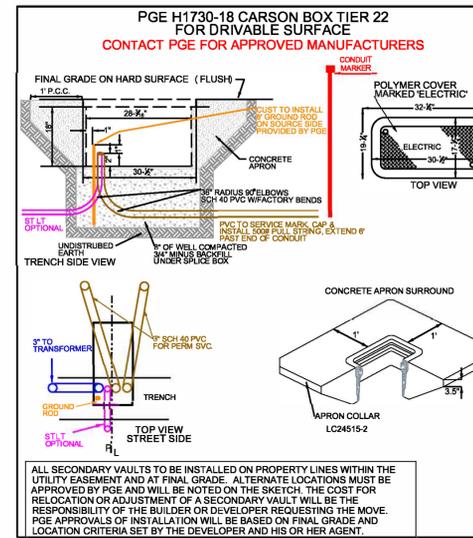
**SUBDIVISION LEGEND**

NEW PGE FACILITIES TO BE INSTALLED  
(UNLESS OTHERWISE SPECIFIED)

- 644-PGE PADMOUNT VAULT WITH 64-332P-2125-PGE TOP PROVIDED & INSTALLED BY CUSTOMER
- 1730 SECONDARY VAULT, TIER 22 PROVIDED & INSTALLED BY CUSTOMER WITH REQUIRED CONCRETE APRON SURROUND
- FAULT INDICATOR
- ~ INSTALL CUTOUT SIZE FUSING AS NOTED
- INSTALL 1-#2 AL-EPR JKT PRIMARY IN 1-2" PVC CONDUIT PROVIDED & INSTALLED BY CUSTOMER
- INSTALL 1-#80 AL-1X SECONDARY IN 1-3" PVC CONDUIT PROVIDED & INSTALLED BY CUSTOMER
- CUSTOMER TO INSTALL 3" PVC CONDUIT & STUB-UP FOR FUTURE 1-#00 AL-1X SERVICE

**CONSTRUCTION NOTES:** RSDEV

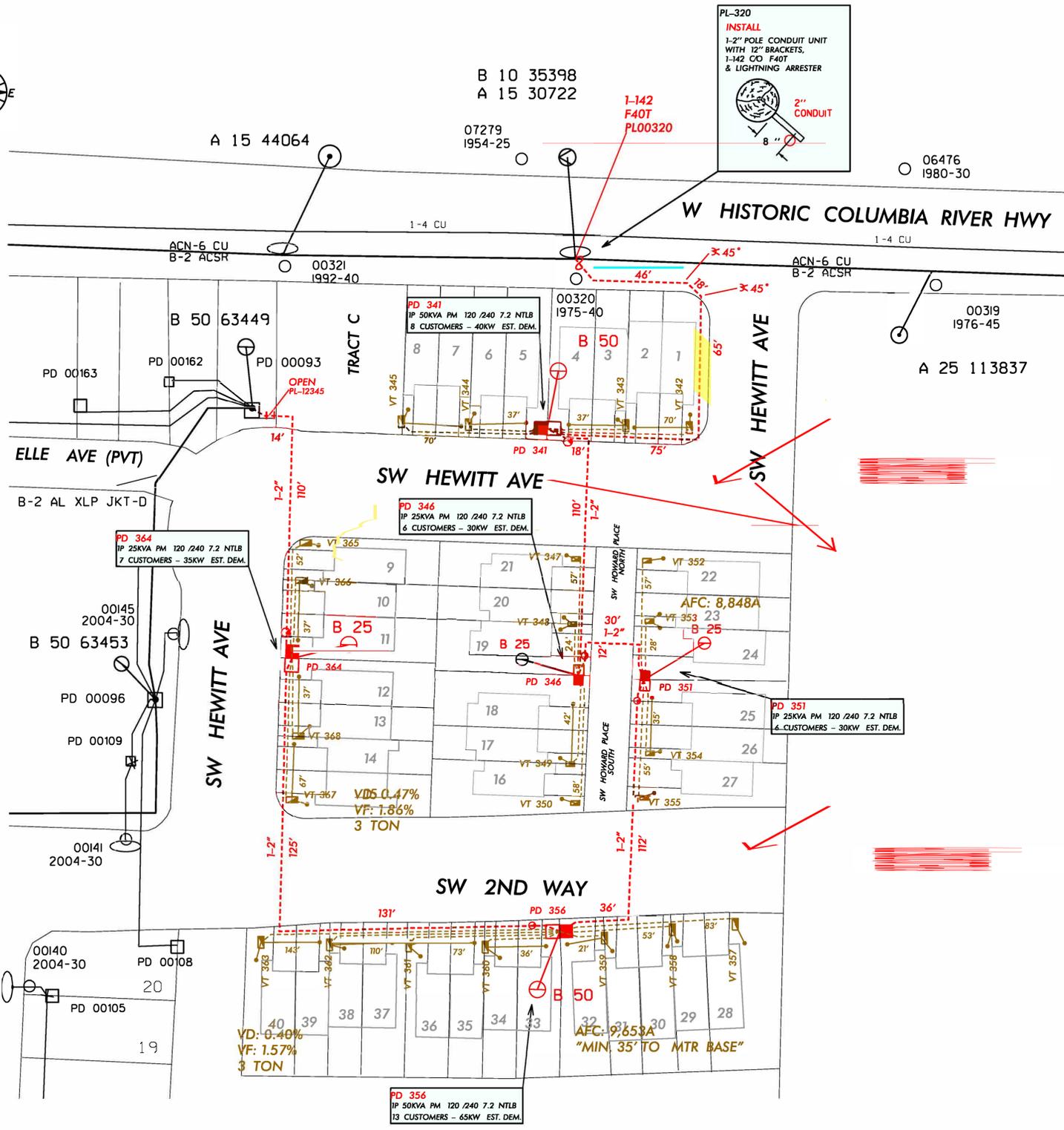
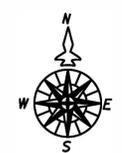
1. CUSTOMER TO PROVIDE ALL TRENCHING AND BACKFILL. JOINT USE TRENCH WITH GAS TRENCH TO BE 48 INCHES DEEP AND 30 INCHES WIDE. MEASURED FROM FINAL GRADE.
2. ALL PGE CONDUITORS TO BE INSTALLED IN GRAY, SCHEDULE 40 ELECTRICAL GRADE PVC CONDUIT WITH NYLON PULL STRINGS (MIN. 500 LBS. TEST). PGE TO DETERMINE THE SIZE AND NUMBER OF CONDUITS REQUIRED. MAINTAIN 1/2" VERTICAL CLEARANCE AND 24" HORIZONTAL CLEARANCE BETWEEN GAS AND OTHER UTILITIES. ALL ELBOWS 4 INCH SMALLER TO BE 20 INCH RADIUS. ALL BENDS MUST BE FACTORY MADE ALL ELBOWS LARGER THAN 4 INCH TO BE 80 INCH RADIUS. ALL ELBOWS 4 INCH SMALLER TO BE 20 INCH RADIUS. FOR RUNS OF 15' FEET OR LONGER OR FOR ANY LENGTH RUN WITH MORE THAN 180 DEGREES IN BENDS, PVC CONDUIT SHALL BE ACCEPTABLE FOR RUNS OF 150 FEET OR LESS. THE MAXIMUM TOTAL BENDS IN ANY CONDUIT RUN IS 270 DEGREES.
3. A PGE STANDBY CREW IS REQUIRED FOR OPENING ALL ENERGIZED PGE VAULTS, JUNCTION BOXES, AND EQUIPMENT ENCLOSURES, INCLUDING CONNECTION OR INSTALLATION OF CONDUITS AND PULL STRINGS. CALL SERVICE COORDINATION AT 503-323-8700 TO SCHEDULE A PGE STANDBY CREW.
4. CUSTOMER RESPONSIBLE FOR ROAD CROSSINGS. ALL CROSSINGS MUST EXTEND FROM PROPERTY LINE TO PROPERTY LINE. USE ONLY GRAY, SCHEDULE 40, ELECTRICAL GRADE PVC CONDUIT. CROSSINGS TO BE 48 INCHES DEEP, MEASURED FROM FINAL GRADE.
5. CUSTOMER TO PROVIDE AND INSTALL #64-PGE VAULT WITH #64-332P-2125 COVER. UTILITY VAULT MODEL OR EQUIVALENT FOR PGE PADMOUNT TRANSFORMERS. PADVAULT TO BE SET AT FINAL GRADE (SEE DETAIL ON SKETCH).
6. ALL PGE TRANSFORMERS TO BE INSTALLED 8 FEET (MIN.) FROM ANY COMBUSTIBLE BUILDING, WALL OR OVERHANG AND 4 FEET (MIN.) FROM ANY FIRE HYDRANT. PGE TRANSFORMERS MUST BE WITHIN 15 FEET OF A DRIVEABLE AREA. ALWAYS MAINTAIN 10 FEET CLEARANCE IN FRONT OF ALL TRANSFORMERS.
7. STEEL BARRIER POSTS ARE REQUIRED AROUND TRANSFORMERS THAT ARE EXPOSED TO VEHICLES.
8. ALL SWITCH VAULTS TO BE SET AT FINAL GRADE WITH 6 INCH GRAVEL BASE AND CONDUITS ALIGNED TO ENTER THE VAULT END LOWER KNOCKOUTS (TERMA-DUCTS) (SEE DETAIL ON SKETCH).
9. FRONT LOT PUBLIC UTILITY EASEMENT (P.U.E.) TO BE 8 FEET (MIN.) 10 FEET (PREFERRED).
10. ESTIMATED 85 AMP MOTOR STARTING CURRENT FOR FLUCCER CALCULATIONS. TRANSFORMER LOADING AND VOLTAGE DROP CALCULATIONS BASED ON 5 KW PER RESIDENCE.
11. CONSULT WITH PGE REPRESENTATIVE 2 WEEKS BEFORE STARTING MAIN POWER TRENCHING FOR A PRE-CONSTRUCTION CONFERENCE. INCLUDED IN THIS CONFERENCE WILL BE EXCAVATOR, PGE, TELCO, CATV, AND GAS.
12. DESIGN IS BASED ON STANDARD UNDERGROUND EQUIPMENT. NON-STANDARD UNDERGROUND EQUIPMENT MAY BE AN OPTION AT AN ADDITIONAL COST TO THE CUSTOMER.



**HOME DESIGN SPECIFICATIONS**  
1000 - 1600 SQ. FT.  
3 TON HP/AC  
85 AMP LRI  
5KW PEAK DEMAND

**PRE-EXCAVATION NOTES:**  
NO BACK TO BACK BENDS ALLOWED. ALL BENDS AND LEAVING ALL VAULTS MUST HAVE 5' OF STRAIGHT PIPE BETWEEN THEM.  
1000 - 1600 SQ. FT. 3 TON HP/AC 85 AMP LRI 5KW PEAK DEMAND  
- PRE-PLAN METER LOCATIONS IF FOOTING WILL REQUIRE A FOOTING BLOCK-OUT OR POUR IN PLACE TO MAINTAIN FLUSH TO STRUCTURE FOR PENETRATION. INSPECT AND APPROVED BY PGE PRIOR TO INSTALLATION.

ANY DEVIATION FROM THIS DESIGN MUST BE APPROVED BY PGE PROJECT MANAGER



# FRONTIER CONDUIT PLAN

## HOWARD ESTATES SUBDIVISION 928 W Historic Columbia River HWY TROUTDALE, OR

Exhibit C  
6/9/20 Council Mtg. Item #3.6

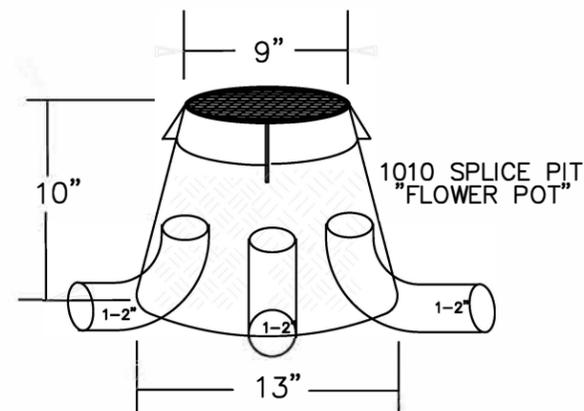
### DEVELOPER NOTES:

1. Conduit placement to be inspected & accepted by Frontier inspector before any trench is backfilled. Please allow 48 hours notice for scheduling of an inspection. Inspection coordination Greg Hall at 503-349-6820 or if no contact call David Carnley at 971-940-9000
2. All conduit shall be placed at a minimum depth
3. Developer to provide and place minimum 500 lbs. test pull tape in all conduits.
4. All conduit stub-ups to end at least 4" above final grade and be capped.
5. A ground rod shall be placed by the developer at the beginning and end of each conduit run (where conduit is stubbed up) for any conduit run that is longer than 100'.  
Placement of the ground rod shall be adjacent to the stubbed up conduit in undisturbed earth, with the distance between the conduit and the ground rod being 3 feet or less. The top of the ground rod shall have a depth of 4" or more below final grade. A solid #6 AWG insulated conductor shall be connected to the ground rod with a ground rod clamp and stubbed up with the conduits. A minimum 3' coil of this connected #6 wire shall be left in the conduit bundle.
6. Please call Frontier inspector above to arrange for ground rod materials.
7. Frontier to provide 8' ground rods that may be picked up at:

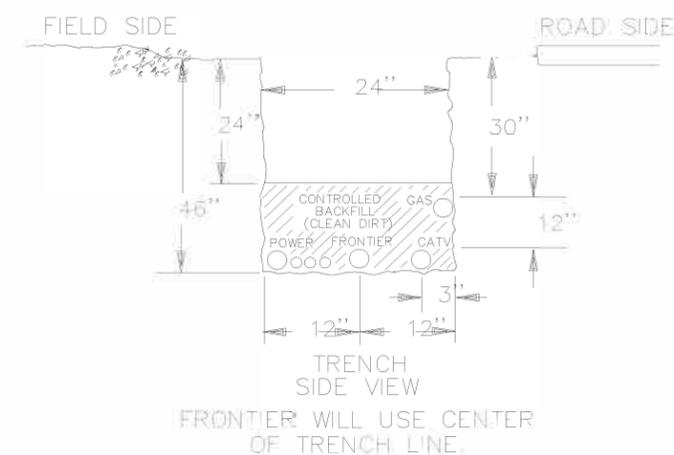
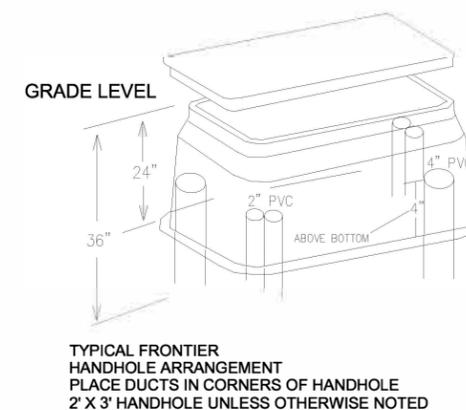
Gresham Supply  
307 NE 9th St  
Gresham, OR 97030

ALL HAND HOLE AND FLOWER POT LOCATIONS CAN BE CHANGED IF REQUIRED PLEASE CONTACT ANDREW RICE TO CONFIRM CHANGES AND NOTE ON AS BUILT. SIGN AND TURN AS-BUILT INTO INSPECTOR WHEN COMPLETED.

ALL HAND HOLE NOTED ARE 2 X 3 HAND HOLES ALL HAND HOLES ARE NOT TRAFFIC RATED (TRAFFIC RATED HAND HOLES CAN BE PROVIDED) DEVELOPER TO PROVIDE PVC CONDUIT FRONTIER TO PROVIDE 2 X 3 HAND HOLES AND GROUND RODS THESE ARE LOCATED AT GRESHAM SUPPLY OFFICE

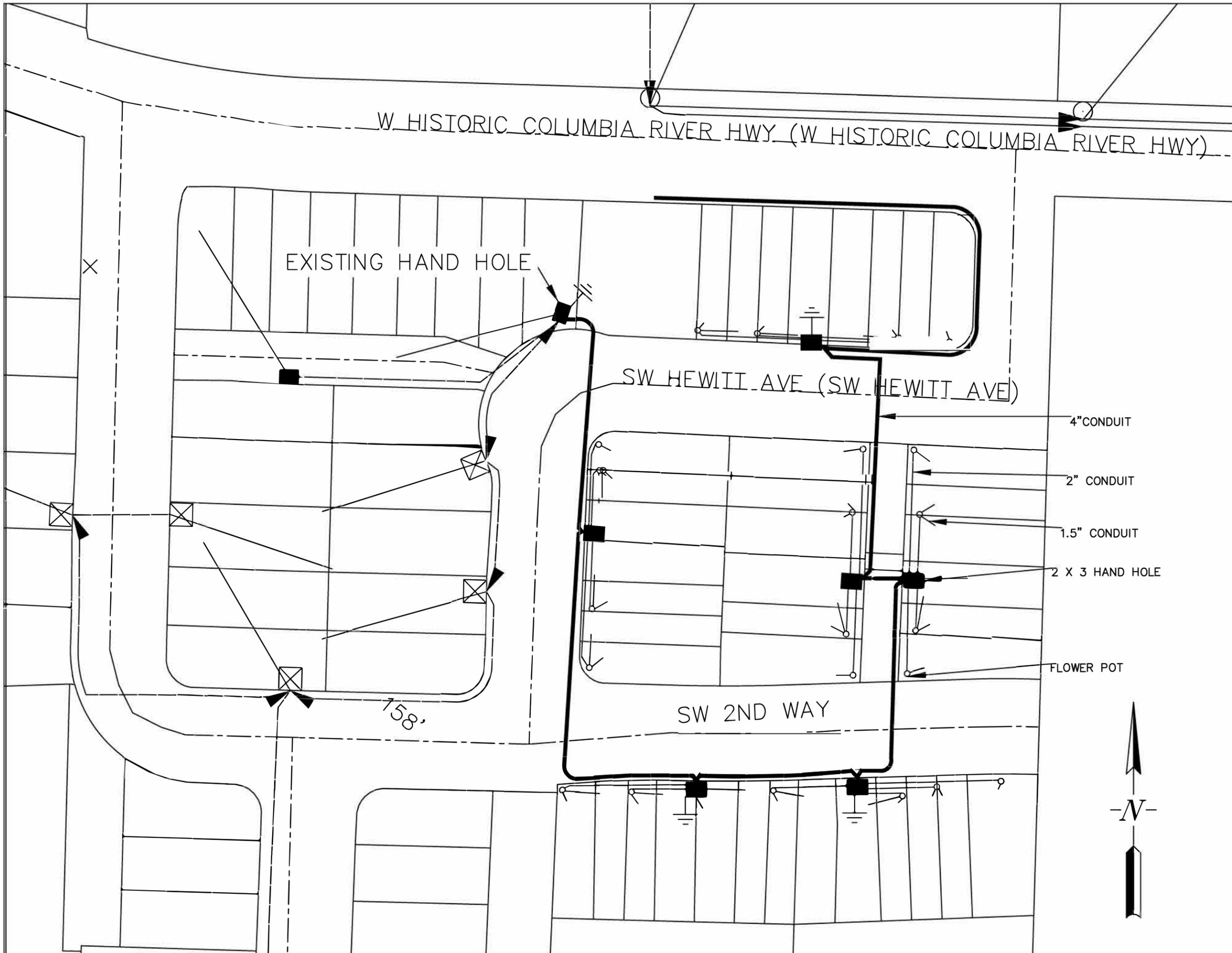


CONSTRUCTION NOTES:  
PRIOR TO INSTALLATION OF THE BOX AT GRADE LEVEL, PLACE 3/4" MINUS ROCK IN BOTTOM OF HOLE.  
ALL SWEEPS TO BE 90 DEGREES AND STUBBED UP 4" ABOVE GRAVEL



HOWARD ESTATES  
928 W Historic Columbia River HWY

PROJECT NUMBER:	C.O. AREA:	EXCH. CODE: 51322
DRAWN DATE: 2/5/2020	ENGR: ANDREW RICE	FILE: H.E. CONDUIT
SCALE: 1=50	TAX DISTRICT:	DWG 1 OF 2
TWNSHP:	RNG:	SEC:



- 4" CONDUIT
- 2" CONDUIT
- 1.5" CONDUIT
- 2 X 3 HAND HOLE
- FLOWER POT





**frontier**  
Communications

**HOWARD ESTATES**  
928 W Historic Columbia River HWY

PROJECT NUMBER:		C.O. AREA:
DRAWN DATE: 2/5/2020		EXCH. CODE: 51322
ENGR: ANDREW RICENTY	PHONE: 503-641-2004	FILE: H.E. CONDUIT
SCALE: 1=50	TAX DISTRICT:	DWG 2 OF 2
TWNSHP:	RNG:	SEC:



Comcast  
7900 NE Killingsworth St.  
Portland, OR 97218

## Exhibit D

6/9/20 Council Mtg. Item #3.6

**Curtis**

5454 NW 132nd Ave. Portland, OR 97229

Dear Curtis,

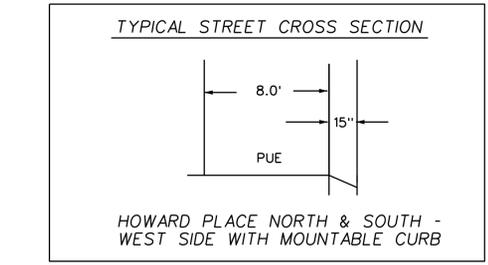
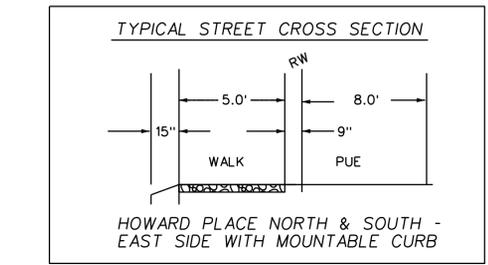
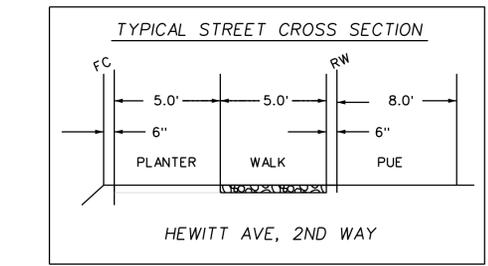
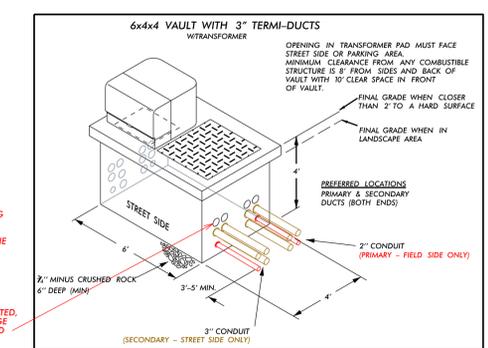
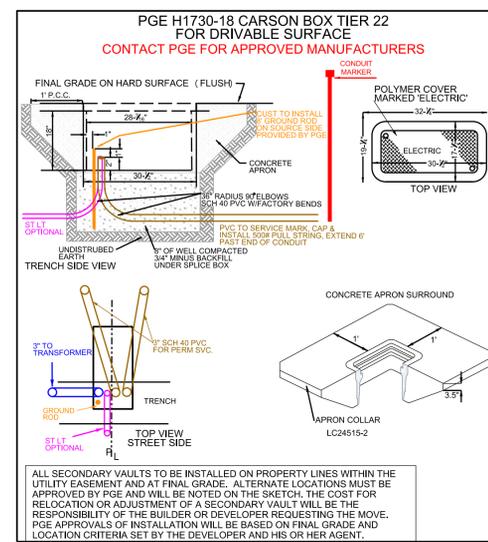
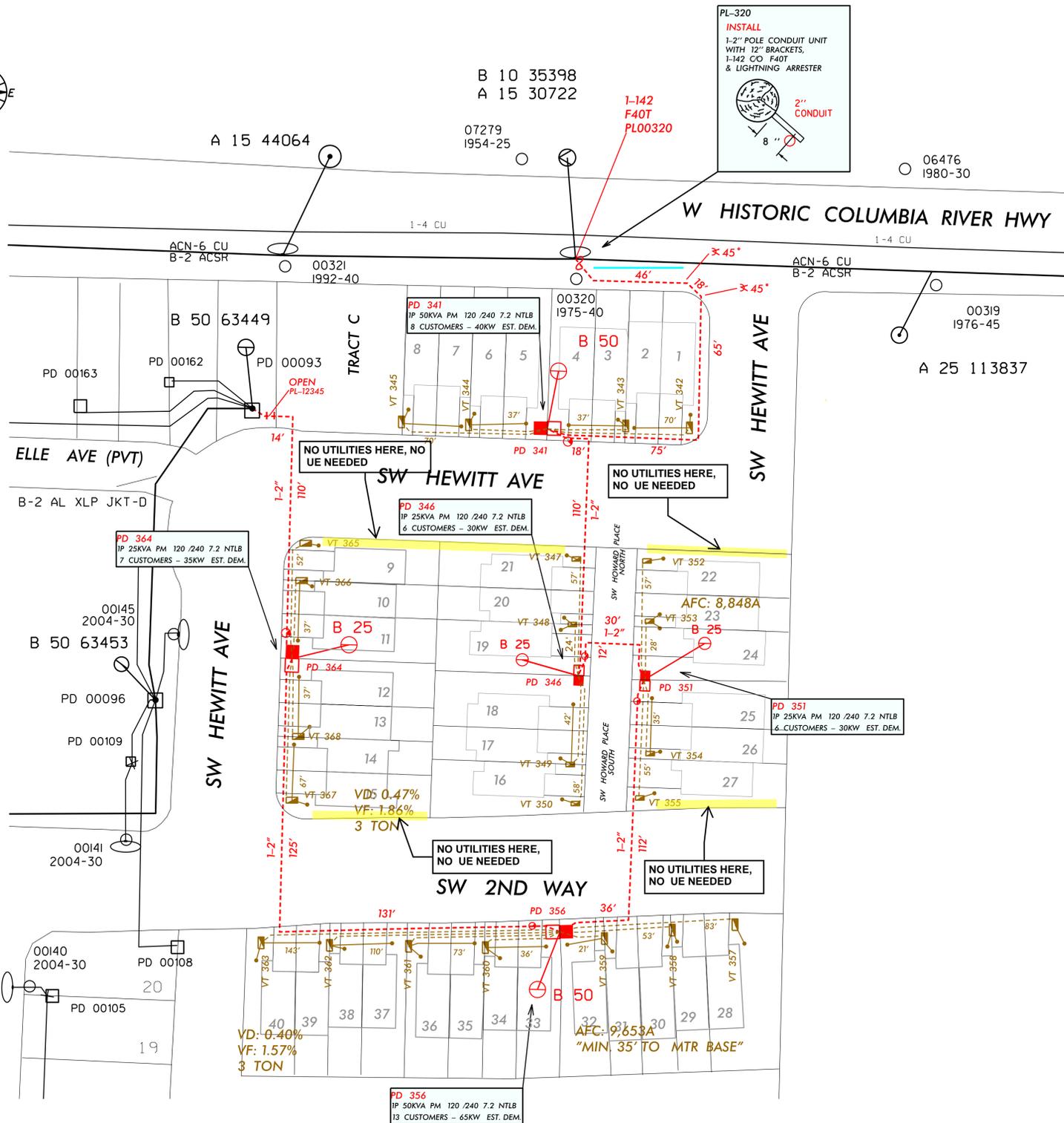
This letter is for confirming that Comcast will not be placing any of our facilities in the highlighted areas and will not need an easement on lot 16 on the south side of the yard on the attached map concerning Howard Estates at 1026 W. Historic Columbia River Hwy, Troutdale OR 97060. Comcast facilities will be running in the same line with PGE utilities.

Warm regards,

**Jay Bunting**

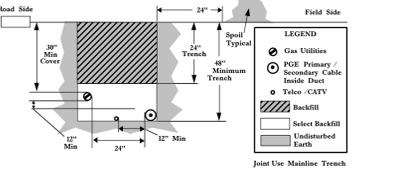
CONSTRUCTION SPECIALIST

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- ### SUBDIVISION LEGEND
- NEW PGE FACILITIES TO BE INSTALLED (UNLESS OTHERWISE SPECIFIED)
- 644-PGE PADMOUNT VAULT WITH 64-332P-2125-PGE TOP PROVIDED & INSTALLED BY CUSTOMER
  - 1730 SECONDARY VAULT, TIER 22 PROVIDED & INSTALLED BY CUSTOMER WITH REQUIRED CONCRETE APRON SURROUND
  - FAULT INDICATOR
  - INSTALL CUTOUT SIZE FUSING AS NOTED
  - INSTALL 1-#2 AL-EPR JKT PRIMARY IN 1-2\"/>
  - INSTALL 1-#30 AL-TX SECONDARY IN 1-3\"/>
  - CUSTOMER TO INSTALL 3\"/>

- ### CONSTRUCTION NOTES:
- CUSTOMER TO PROVIDE ALL TRENCHING AND BACKFILL. JOINT USE TRENCH WITH GAS TRENCH TO BE 48 INCHES DEEP AND 30 INCHES WIDE, MEASURED FROM FINAL GRADE.
  - ALL PGE CONDUITORS TO BE INSTALLED IN GRAY, SCHEDULE 40 ELECTRICAL GRADE PVC CONDUIT WITH NYLON PULL STRINGS (MIN. 500 LBS. TEST).
  - CUSTOMER RESPONSIBLE FOR ROAD CROSSINGS. ALL CROSSINGS MUST EXTEND FROM PROPERTY LINE TO PROPERTY LINE. USE ONLY GRAY, SCHEDULE 40 ELECTRICAL GRADE PVC CONDUIT. CROSSINGS TO BE 48 INCHES DEEP, MEASURED FROM FINAL GRADE.
  - DIRECTIONAL BORING REQUIREMENTS: BLACK HDPE (HIGH DENSITY POLYETHYLENE) DUCT OR SCHEDULE 40 PVC WITH A MECHANICAL CONNECTION (CERTIFIED OR LIKE MECHANICAL CONNECTION PRODUCT) AS AN ALTERNATIVE TO HDPE DUCT. HDPE SHALL MEET THE REQUIREMENTS OF PGE SPECIFICATION 100515 (AVAILABLE ON REQUEST FROM PGE PROJECT MANAGER). FOR SAFETY REASONS THE DUCT SHALL BE BLACK WITH THREE EQUALLY SPACED EXTENDED RED STRIPES (WHICH IS A SPECIFICATION REQUIREMENT). MANHOLE TEST OF HDPE PIPE IS REQUIRED AFTER INSTALLATION WITH PGE INSPECTOR PRESENT.
  - CUSTOMER TO PROVIDE AND INSTALL #644-PGE VAULT WITH #64-332P-2125 COVER. UTILITY VAULT MODEL OR EQUIVALENT FOR PGE PAD MOUNT TRANSFORMERS. PADVAULT TO BE SET AT FINAL GRADE (SEE DETAIL ON SKETCH).
  - ALL PGE TRANSFORMERS TO BE INSTALLED 6 FEET (MIN.) FROM ANY COMBUSTIBLE BUILDING, WALL OR OVERHANG AND 4 FEET (MIN.) FROM ANY FIRE HYDRANT. PGE TRANSFORMERS MUST BE WITHIN 15 FEET OF A DRIVEABLE AREA. ALWAYS MAINTAIN 10 FEET CLEARANCE IN FRONT OF ALL TRANSFORMERS.
  - STEEL BARRIER POSTS ARE REQUIRED AROUND TRANSFORMERS THAT ARE EXPOSED TO VEHICLES.
  - ALL SWITCH VAULTS TO BE SET AT FINAL GRADE WITH 6 INCH GRAVEL BASE AND CONDUITS ALIGNED TO ENTER THE VAULT END LOWER KNOCKOUTS (TERMI-DUCTS) (SEE DETAIL ON SKETCH).
  - FRONT LOT PUBLIC UTILITY EASEMENT (P.U.E.) TO BE 8 FEET (MIN.) 10 FEET (PREFERRED).
  - ESTIMATED 85 AMP MOTOR STARTING CURRENT FOR FLICKER CALCULATIONS. TRANSFORMER LOADING AND VOLTAGE DROP CALCULATIONS BASED ON 5 KW PER RESIDENCE.
  - CONSULT WITH PGE REPRESENTATIVE 2 WEEKS BEFORE STARTING MAIN POWER TRENCHING FOR A PRE-CONSTRUCTION CONFERENCE. INCLUDED IN THIS CONFERENCE WILL BE EXCAVATOR, PGE, TELCO, CATV, AND GAS.
  - DESIGN IS BASED ON STANDARD UNDERGROUND EQUIPMENT. NON-STANDARD UNDERGROUND EQUIPMENT MAY BE AN OPTION AT AN ADDITIONAL COST TO THE CUSTOMER.



**HOME DESIGN SPECIFICATIONS**

1000 - 1600 SQ. FT.  
3 TON HP/AC  
85 AMP LRI  
5KW PEAK DEMAND

**PRE-EXCAVATION NOTES:**

NO BACK TO BACK BENDS ALLOWED. MUST HAVE 3' OF STRAIGHT PIPE BETWEEN ALL BENDS AND LEAVING ALL VALVES.

10\"/>

ANY DEVIATION FROM THIS DESIGN MUST BE APPROVED BY PGE PROJECT MANAGER

# EXHIBIT B PGE / UTILITY PLAN

Location where Utility Easement (UE) to be removed

4-22-2020

CONTACT FIELD CONSTRUCTION COORDINATOR 7 TO 10 WORKING DAYS PRIOR TO EXCAVATION. CONDUIT INSPECTION REQUIRED PRIOR TO BACKFILL. PGE WILL NOT INSTALL WIRE UNTIL TRENCH IS 100% BACKFILLED. DUANE COOMBS, CONDUIT INSPECTOR, PHONE: 503-849-3538

**RIGHT-OF-WAY PERMIT NOTICE:**

A PERMIT FROM THE LOCAL JURISDICTION IS REQUIRED BEFORE ANY WORK IN THE RIGHT-OF-WAY MAY BE PERFORMED. ONLY PGE APPROVED CONTRACTORS AND CONTRACTORS WHO HAVE MADE OTHER SPECIAL AGREEMENTS WITH PGE WILL BE ALLOWED TO WORK UNDER PGE'S PERMIT. THE CONTRACTOR MUST NOTIFY THE LOCAL JURISDICTION 48 HOURS BEFORE WORK IS TO BEGIN. A COPY OF THE PERMIT MUST BE ON SITE.

CALL 811 BEFORE YOU DIG

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 852-001-0010 THROUGH 852-001-0020. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE OREGON UTILITY NOTIFICATION CENTER ADMINISTRATION @ (503) 232-1987

TO REQUEST UTILITY LOCATES CALL THE OREGON UTILITY NOTIFICATION CENTER, 811 AT LEAST 2 BUSINESS DAYS PRIOR TO EXCAVATION.

PGE CONSTRUCTION DRAWING			
DATE:	SCALE:	ACCOUNT:	AWO:
1-2-2020	1"=30'	1070001	1000004596
TITLE: HOWARD ESTATES		AWO:	1000004596
CIRCUIT: FAIRVIEW - TROUTDALE		SIZE:	24x36
LOCATION: SW 2ND WAY AND SW HEWITT AVE, TROUTDALE			
DESCRIPTION: PROVIDE SVC TONEW 40 LOT SUBDIVISION			
COUNTY: MULTNOMAH	SECTION: (S) A13-26D	WORK WITH:	SHEET
GRESHAM LINE CENTER	PHONE: (503) 689-5219	DESIGNED BY: STACY FERGLUSON	OF 1
1705 NE BURNBIDE ST GRESHAM, OR 97030	DRAWN BY: S FERGLUSON	© PORTLAND GENERAL ELECTRIC CO. - ALL RIGHTS RESERVED	

**From:** [Travis Hultin](#)  
**To:** [Marlee Boxler](#)  
**Cc:** [pwfile](#)  
**Subject:** RE: Howard Estates  
**Date:** Wednesday, May 6, 2020 5:04:34 PM  
**Attachments:** [Exhibit B PGE PLan.pdf](#)  
[image002.png](#)

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Hi Marlee,

Based on the maps provided by PGE, Comcast and Frontier, the highlighted areas on the attached have no existing or planned franchised utilities, so the easements on those lot lines could be reduced to the minimum setback, up to and including reducing them to zero where the setback is zero (zero either by code or by variance).

I seem to recall that Lot 1 may have also been a concern. PGE and Frontier both have or plan to have conduit in the PUE on the east side of Lot 1, but PGE doesn't have any vaults shown there. So, depending on where in the PUE those conduits are placed, it may be possible to reduce the PUE on Lot 1 down to the minimum needed to contain those existing/planned conduits (but not less than the minimum setback in any case). To put it another way, we may not need the full 6' there depending on exactly where the conduits run within the PUE. Hope that makes sense.

Let me know if you have any questions or need to discuss.

---

**Travis Hultin** PE  
Deputy PW Director/Chief Engineer  
**office:** 503.674.7265 | [website](#) | [facebook](#) | [twitter](#) | [instagram](#)  
**City of Troutdale**  
**Public Works Department**  
342 SW 4<sup>th</sup> Street, Troutdale, OR 97060



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**PUBLIC RECORDS LAW DISCLOSURE:** *This email is subject to the State Retention Schedule and may be made available to the Public.*  
 **Please consider the environment before printing this email**  
FILE: Howard Estates

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## RESOLUTION NO.

### A RESOLUTION APPROVING THE EXTINGUISHMENT AND VACATION OF HOWARD ESTATES STREET-SIDE YARD PUBLIC UTILITY EASEMENTS ON LOTS 10, 16, 17, 22, 23, AND 28.

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

1. The Howard Estates subdivision was originally platted in 2007 and has until recently not begun construction for prospective development.
2. Development has been underway since 2019 for the installation of public improvements in the subdivision and has neared completion.
3. Development interest has expressed concern about the location and necessity of certain public utility easements that were recorded and expected.

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

- Section 1. Approves the extinguishment and vacation of Howard Estates street-side yard Public Utility Easements on Lots 10, 16, 17, 22, 23, and 28.

**YEAS:**

**NAYS:**

**ABSTAINED:**

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**Casey Ryan, Mayor**

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**Date**

---

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



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** Public Hearing: A Resolution Certifying The City Of Troutdale's Eligibility And Election To Receive State Shared Revenues For Fiscal Year 2020-2021.

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

**STAFF MEMBER:**  
Erich Mueller

**MEETING DATE:**  
June 9, 2020

**DEPARTMENT:**  
Finance

**ACTION REQUIRED:**  
Resolution

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**

**PUBLIC HEARING:**  
Yes

Approval  
Per the Budget Committee

**Comments:**

**STAFF RECOMMENDATION:** Following the public hearing, adopt the proposed resolution establishing the City's eligibility and election to receive State Shared Revenues.

**EXHIBITS:** A. Proposed Uses of Oregon State Shared Revenue for FY 2020-2021

**SUBJECT / ISSUE RELATES TO:**

- Council Goals       Legislative       Other (describe)

*Maintain compliance with Oregon Local Budget Law*

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ The State provides shared revenue for general government purposes and other uses.
- ◆ The Oregon Revised Statues (ORS) establishes specific requirements for receipt of shared revenue.
- ◆ State shared revenue represents an estimated \$1.75 million of budget resources in the coming Fiscal Year 2020-2021.

Reviewed and Approved by City Manager: 

## **BACKGROUND:**

Oregon law provides that cities located within a county having more than 100,000 inhabitants must provide four or more municipal services to be eligible to receive these revenues. The municipal services may include combinations of police protection, fire protection, street construction, maintenance and lighting, sanitary sewers, storm sewers, planning, zoning and subdivision control, and one or more utility services. The City provides all these services either directly or through intergovernmental agreements.

The City does not prohibit properly state licensed marijuana retail, wholesale, processor, or production establishments and therefore has for the past few years been receiving a distribution of state marijuana tax revenue. The eligibility certification process has been evolving and is now incorporated into the proposed state shared revenues resolution.

There are a few public actions required of Cities in ORS 221.760 and 221.770 to receive shared revenue:

1. A public hearing before the Budget Committee on the **possible** uses of state shared revenues. This hearing was held before the Budget Committee of the City of Troutdale on May 18, 2020. These revenues were included in the budget approved by the Budget Committee.
2. A public hearing which must be before the City Council, on the **proposed** uses of state shared revenues. A notice was published for this public hearing to be held this evening. The proposed uses and comparison to budgets is detailed on Exhibit A.
3. A resolution certifying both the City's **eligibility** to receive state shared revenues, as well as declaring by resolution the City's **election** to receive state shared revenues.

## **SUMMARY:**

The proposed resolution would provide the State of Oregon, Department of Administrative (DAS) Services the necessary documentation to establish the City's eligibility and election to receive state shared revenues for Fiscal Year 2020-2021 allowing DAS to disburse funds to the City. The proposed resolution supports an important revenue source of \$1.75 million in the FY 2020-2021 Budget Committee Approved Budget.

## **PROS & CONS:**

- A.** Approve the proposed resolution to enable the City to receive significant revenue for the coming fiscal year budget.

B. Not approve the resolution resulting in serious revenue shortfalls for the coming fiscal year budget.

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

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

Authorizes the receipt of State Shared Revenues estimated at \$1,756,000 for FY 2020-2021.

**City Attorney Approved:**  Yes (*describe*)  N/A

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

Supports revenue included in the budget approved by the Budget Committee.

CITY OF TROUTDALE, OREGON  
 June 9, 2020  
**PUBLIC HEARING BEFORE THE CITY COUNCIL**  
 OREGON STATE SHARED REVENUES  
 PROPOSED USES - FY 2020-2021

Exhibit A  
 Agenda Item 5  
 Council Mgt 06-09-2020

	Page	Amount	Budget Committee Approved Uses
<b>A. State Shared Revenues</b>			
1. Liquor Tax	38	\$320,301	General government services - \$19.79 Estimate per capita)
2. Cigarette Tax	38	\$18,289	General government services - \$1.13 Estimate per capita)
3. General Revenue Sharing	38	\$199,587	General government services \$12.33 Estimate per capita)
4. Marijuana Tax	38	\$56,809	General government services \$3.51 Estimate per capita)
5. Gasoline Tax	140	\$1,150,000	99.0% of allocation for streets and roads - \$71.05 Estimate per capita)
6. Gasoline Tax	226	<u>\$11,500</u>	State required 1.0% of allocation for bicycle paths and trails
		<u>\$1,756,486</u>	
<b>B. FY 2020-2021 Proposed Budget - All Funds:</b>			
FY 2020-2021 Proposed Budget - General Fund:	30	\$55,780,137	
FY 2020-2021 Proposed Budget - Streets Fund:	37	\$19,082,962	
FY 2020-2021 Proposed Budget - Bike Paths & Trails Fund:	139	\$5,576,242	
	225	\$40,132	

NOTE: General Revenue Sharing (liquor tax monies) distributed pursuant to ORS 221.770.  
 Other state shared revenues distributed pursuant to ORS 221.760. Each city in counties over 100,000 population to receive revenues from liquor, cigarette and gas taxes must provide four or more of the following municipal services:  
 (a) Police protection  
 (b) Fire protection  
 (c) Street construction, maintenance and lighting  
 (d) Sanitary sewers  
 (e) Storm sewers  
 (f) Planning, zoning, and subdivision control  
 (g) One or more utility services

## **RESOLUTION NO.**

### **A RESOLUTION CERTIFYING THE CITY OF TROUTDALE'S ELIGIBILITY AND ELECTION TO RECEIVE STATE SHARED REVENUES FOR FISCAL YEAR 2020-2021.**

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

1. That a share of certain revenues of the State of Oregon are apportioned among and distributed to the cities in the state for general purposes.
2. That City officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive shared revenues, such as from cigarette, gas and liquor taxes, in accordance with Oregon Revised Statutes (ORS) 221.760, as well as from marijuana tax revenues in accordance with ORS 475B.759.
3. That ORS 221.760 specifies that the officer responsible for disbursing the funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:
  - 1) Police protection
  - 2) Fire protection
  - 3) Street construction, maintenance, and lighting
  - 4) Sanitary sewer
  - 5) Storm sewers
  - 6) Planning, zoning, and subdivision control
  - 7) One or more utility services
4. That ORS 475B.759(4)(a) specifies that a city that has an ordinance prohibiting a properly state licensed marijuana retail, wholesale, processor, or production establishment is not eligible to receive a distribution of state marijuana tax revenue.
5. That a city must hold a public hearing before the Budget Committee allowing for public comment on the possible uses of State Revenue Sharing, and hold a second a public hearing before the City Council allowing for public comment on the proposed uses of State Revenue Sharing.

6. That a city must elect to receive distributions under ORS 221.770 for the fiscal year by enactment of a resolution expressing that election.

7. That it is in the City's best interest and so desires to receive state shared revenues and acknowledges that all required services are offered by the City.

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

Section 1. That the City of Troutdale is in Multnomah County, a county with population in excess of 100,000, and hereby certifies that the City currently specifically provides the following four or more municipal services enumerated in Section 1 of ORS 221.760:

- Police protection
- Fire protection
- Street construction, maintenance, and lighting
- Sanitary sewer
- Storm sewers
- Planning, zoning, and subdivision control
- Water utility services

Section 2. That the City of Troutdale hereby certifies that a public hearing before the Budget Committee of the City of Troutdale was held on May 18, 2020 giving citizens an opportunity to comment on the possible uses of State Revenue Sharing.

Section 3. That the City of Troutdale hereby certifies that a public hearing before the City Council was held on June 9, 2020 giving citizens an opportunity to comment on the proposed uses of State Revenue Sharing.

Section 4. That the City does not prohibit properly state licensed marijuana retail, wholesale, processor, or production establishments and therefore remains eligible to continue to receive a distribution of state marijuana tax revenue.

Section 5. That pursuant ORS 221.760 and 221.770, by this resolution hereby both certifies the City's eligibility to receive fiscal year 2020-2021 state shared revenues, and elects to receive state revenues for fiscal year 2020-2021.

Section 6. That the Finance Director and Budget Officer is authorized and directed to take all steps necessary to carry out the intent of this resolution including transmitting a certified copy of this resolution to the State of Oregon, Department of Administrative Services to establish the City's eligibility and election to receive distributions of state shared revenues for Fiscal Year 2020-2021.

Section 7. The Finance Director is authorized and directed to disburse funds and implement all such actions as necessary to fulfill the intent of this resolution and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 8. This Resolution shall take effect upon adoption.

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

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**Casey Ryan, Mayor**

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**Date**

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



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A Public Hearing and Resolution Adopting the City of Troutdale’s Fiscal Year 2020-2021 Annual Budget and Making Appropriations.

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

**STAFF MEMBER:**  
Erich Mueller

**MEETING DATE:**  
June 9, 2020

**DEPARTMENT:**  
Finance

**ACTION REQUIRED:**  
Resolution

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**

**PUBLIC HEARING:**  
Yes

Approval  
Per the Budget Committee

**Comments:**

**STAFF RECOMMENDATION:** Adopt the proposed budget resolution following the public hearing.

**EXHIBITS:** None

**SUBJECT / ISSUE RELATES TO:**

Council Goals

Legislative

Other (describe)

*Maintain compliance with Oregon Local Budget Law*

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Prior to adoption, Local Budget Law ORS 294, requires a public hearing on the budget “as approved” by the Budget Committee
- ◆ The proposed resolution adopts the budget and makes necessary appropriations for the coming fiscal year 2020-2021.

**BACKGROUND:**

Oregon Revised Statutes, Chapter and Sections 294.305 to 294.565, known as the Local Budget Law governs the City’s budget process.

Reviewed and Approved by City Manager:

Objectives of the Local Budget Law include citizen involvement in the development of the budget, as well as establishing standard budgeting procedures for cities across the state, and expenditure control of public funds. The process includes 3 budget versions; proposed, approved and adopted budgets. Staff prepares the proposed budget and presents to the Budget Committee.

The annual budget runs from July 1 through June 30, with a process of:

- Develop budget proposals and capital projects (November - January)
- Balance funds/finalize proposed budget (February - March)
- Budget Committee deliberations (April)
- Council adopts budget (June)
- Budget implemented (July 1)

The Budget Committee has 14 members comprised of the City Council and an equal number of appointed citizens. The Budget Committee receives the City Manager's Proposed Budget presented by staff, receives and considers any public testimony, discusses and amends the budget if necessary. The Budget Committee passes an approved budget version which is forwarded to the City Council.

The Budget Committee approved budget is published in the Local Budget Law form LB-1 required format and timeframe providing the public notice of the budget hearing of the City Council. Following the public hearing the Council may amend the budget prior to adoption. The Council may reduce by any amount the budgeted amounts, however, any increases in the budget are limited to the greater of \$5,000 or 10% of expenditures within each fund.

## **CURRENT STATUS:**

After a delay due to the COVID-19 circumstances the budget book was distributed a couple of weeks in advance of the Budget Committee meeting. The usual presentations were recorded and posted in advance for the Committee consideration. Following several hours of Committee deliberation, the budget for fiscal year 2020-2021 was approved by the Budget Committee at the May 18, 2020 committee meeting. The Budget Committee Approved Budget was published on the City web site pursuant to the Governor's Executive Order 20-16, and in the required LB-1 format in compliance with ORS 294.438.

The Budget Committee approved budget includes appropriations of \$48,581,701. All major programs are budgeted to continue as currently offered. The budget allocates \$175,000 of General Fund resources to the Full Faith and Credit Debt Service Fund to support the new \$5 million loan to the Urban Renewal Agency. The Approved Budget increases full time equivalent employees (FTE) by 1.5, comprised of three parts: a new full time Economic Development Coordinator 1.0 FTE position; and 2 increases in part time positions of 0.25 FTE each. The budget continues to allocate the estimated \$1.1 million of expected Enterprise Zone Community Service

Fee from the new Amazon distribution facility, toward the debt service requirements of the Full Faith and Credit obligations used for the \$5 million loan to the Urban Renewal Agency.

The proposed resolution outlines the appropriation categories at the departmental level, as required for the organizational type funds, and at the category level for the single service type funds. The budget approved and forwarded to Council by the Budget Committee for adoption has the following City-Wide Totals:

<b>FINANCIAL SUMMARY - REQUIREMENTS BY OBJECT CLASSIFICATION</b>	
Personnel Services	\$ 6,598,639
Materials and Services	13,604,401
Capital Outlay	13,738,247
Debt Service	736,500
Interfund Transfers	5,484,800
Contingencies	8,419,115
Reserved for Future Expenditure	2,164,604
Unappropriated Ending Balance	5,033,832
<b>Total Requirements</b>	<b>\$55,780,137</b>

**SUMMARY:**

The City Council, in accordance with Oregon Budget Law, must conduct a public hearing regarding the budget and consider any public testimony prior to adoption of the budget. The public hearing on the budget to be held this evening was noticed and published in the required form.

**PROS & CONS:**

- A. Approve the prepared budget resolution providing appropriation authority for FY 2020-2021 in compliance with ORS 294 Local Budget Law.
- B. Not approve the prepared budget resolution prohibiting City expenditures after June 30, 2020, placing the City being out of compliance with ORS 294 Local Budget Law.

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

**Future Fiscal Impacts:**    Yes (*describe*)    N/A  
 Authorizes budget appropriations level for FY 2020-2021 totaling \$44,730,317 for all funds.

**City Attorney Approved:**    Yes (*describe*)    N/A

**Community Involvement Process:**    Yes:  
 Adopts the budget approved by the Budget Committee.

## **RESOLUTION NO.**

### **A RESOLUTION ADOPTING THE CITY OF TROUTDALE'S FISCAL YEAR 2020-2021 ANNUAL BUDGET AND MAKING APPROPRIATIONS.**

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

1. That a budget for Fiscal Year 2020-2021 was prepared to commence the July 1, 2020 to ensure compliance with the Local Budget Law, Oregon Revised Statutes, Chapter and Sections 294.305 to 294.565.
2. That the budget was approved by the Budget Committee on May 18, 2020 and is on file for public inspection.
3. That the budget has been published in the Local Budget Law form LB-1 required format and timeframe, pursuant to Oregon Revised Statutes 294.438.
4. That it is necessary to pass a resolution adopting the budget and making appropriations for Fiscal Year 2020-2021 to provide for ongoing City operations.

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

Section 1. That the Budget Committee Approved Fiscal Year 2020-2021 Budget, as proposed with total requirements of \$55,780,137 including reserved for future expenditure and unappropriated fund balances of \$7,198,436 and appropriated sums of \$48,581,701 as on file at Troutdale City Hall, 219 E. Historic Columbia River Hwy, Troutdale, Oregon, which is now hereby adopted.

Section 2. The amounts listed below are hereby appropriated for the fiscal year beginning July 1, 2020 for the purposes stated:

#### **GENERAL FUND**

Legislative	52,318
Judicial	128,334
Legal	291,976
General Government	517,915
Administration	834,440
Community Services	173,881
Information Services	307,361

Finance	704,572
Police Operations	4,169,736
Public Safety Bldg. Operations	172,820
Solid Waste/Recycling	45,400
Fire Protection Services	2,389,129
Planning	599,897
Tourism & Economic Development	256,678
Parks & Greenways	1,256,103
Facilities	977,928
Transfers to Other Funds	1,927,222
Contingency	2,000,000
	<hr/>
Total General Fund Appropriations	16,805,709
Unappropriated Fund Balance	2,277,253
	<hr/>
Total General Fund Requirements	19,082,962
	<hr/> <hr/>

**CODE SPECIALTIES**

Building Inspections	521,421
Electrical Inspections	94,718
Plumbing Inspections	184,323
Contingency	1,804,279
	<hr/>
Total Code Specialties Fund Appropriations	2,604,741
Unappropriated Fund Balance	-
	<hr/>
Total Code Specialties Fund Requirements	2,604,741
	<hr/> <hr/>

**WATER FUND**

Personnel Services	602,562
Materials & Services	939,697
Capital Outlay	1,347,300
Transfers to Other Funds	741,570
Contingency	325,000
	<hr/>
Total Water Fund Appropriations	3,956,129
Unappropriated Fund Balance	323,761
	<hr/>
Total Water Fund Requirements	4,279,890
	<hr/> <hr/>

**SEWER FUND**

Personnel Services	692,003
Materials & Services	1,276,804
Capital Outlay	1,973,500
Transfers to Other Funds	975,296

Contingency		200,000
	Total Sewer Fund Appropriations	5,117,603
Unappropriated Fund Balance		252,429
	Total Sewer Fund Requirements	<u>5,370,032</u>

**STREET FUND**

Personnel Services		277,140
Materials & Services		1,188,884
Capital Outlay		851,300
Transfers to Other Funds		592,071
Contingency		900,000
	Total Street Fund Appropriations	3,809,395
Unappropriated Fund Balance		1,766,847
	Total Street Fund Requirements	<u>5,576,242</u>

**INTERNAL SERVICES FUND**

Equipment Maintenance		391,861
Public Works Management		1,801,436
Contingency		356,421
	Total Internal Services Fund Appropriations	2,549,718
Unappropriated Fund Balance		-
	Total Internal Services Fund Requirements	<u>2,549,718</u>

**DEBT SERVICE FUND**

Debt Service		569,500
	Total Debt Service Fund Appropriations	569,500
Unappropriated Fund Balance		246,541
	Total Debt Service Fund Requirements	<u>816,041</u>

**WATER IMPROVEMENT FUND**

Materials & Services		56,000
Capital Outlay		160,718
Contingency		-
	Total Water Improvement Fund Appropriations	216,718
Unappropriated Fund Balance		-
	Total Water Improvement Fund Requirements	<u>216,718</u>

**SEWER IMPROVEMENT FUND**

Materials & Services	56,000
Capital Outlay	1,243,064
Transfers to Other Funds	-
Contingency	-
Total Sewer Improvement Fund Appropriations	<u>1,299,064</u>
Unappropriated Fund Balance	-
Total Sewer Improvement Fund Requirements	<u><u>1,299,064</u></u>

**STREET TREE FUND**

Materials & Services	<u>41,303</u>
Total Street Tree Fund Appropriations	41,303
Unappropriated Fund Balance	-
Total Street Tree Fund Requirements	<u><u>41,303</u></u>

**STREET IMPROVEMENT FUND**

Materials & Services	25,000
Capital Outlay	831,595
Transfers to other Funds	-
Contingency	-
Total Street Improvement Fund Appropriations	<u>856,595</u>
Unappropriated Fund Balance	-
Total Street Improvement Fund Requirements	<u><u>856,595</u></u>

**STORM SEWER IMPROVEMENT FUND**

Materials & Services	55,000
Capital Outlay	1,325,000
Contingency	<u>1,201,815</u>
Total Storm Sewer Improvement Fund Appropriations	2,581,815
Unappropriated Fund Balance	-
Total Storm Sewer Improvement Fund Requirements	<u><u>2,581,815</u></u>

**PARKS IMPROVEMENT FUND**

Materials & Services	75,000
Capital Outlay	717,500
Transfers to Other Funds	400,000
Contingency	<u>944,010</u>
Total Parks Improvement Fund Appropriations	2,136,510
Unappropriated Fund Balance	-

Total Parks Improvement Fund Requirements	<u><u>2,136,510</u></u>
 <b>STORM SEWER UTILITY FUND</b>	
Personnel Services	244,140
Materials & Services	334,651
Capital Outlay	189,000
Transfers to Other Funds	294,672
Contingency	<u>687,432</u>
Total Storm Sewer Utility Fund Appropriations	1,749,894
Unappropriated Fund Balance	<u>-</u>
Total Storm Sewer Utility Fund Requirements	<u><u>1,749,894</u></u>
 <b>UTILITIES UNDERGROUNDING FUND</b>	
Capital Outlay	2,854,527
Contingency	<u>-</u>
Total Utilities Undergrounding Fund Appropriations	2,854,527
Unappropriated Fund Balance	<u>-</u>
Total Utilities Undergrounding Fund Requirements	<u><u>2,854,527</u></u>
 <b>BIKE PATHS &amp; TRAILS FUND</b>	
Capital Outlay	<u>40,132</u>
Total Bike Paths & Trails Fund Appropriations	40,132
Unappropriated Fund Balance	<u>-</u>
Total Bike Paths & Trails Fund Requirements	<u><u>40,132</u></u>
 <b>COMMUNITY ENHANCEMENT PROGRAM</b>	
Materials & Services	109,345
Transfers to other Funds	19,852
Contingency	<u>-</u>
Total Comm Enhancement Prog. Appropriations	129,197
Unappropriated Fund Balance	<u>-</u>
Total Comm Enhancement Prog. Requirements	<u><u>129,197</u></u>
 <b>SAM COX BLDG FUND</b>	
Materials & Services	4,241
Capital Outlay	1,000
Transfers to other Funds	22,500
Contingency	<u>159</u>
Total Sam Cox Bldg. Fund Appropriations	27,900

Unappropriated Fund Balance	-
Total Sam Cox Bldg. Fund Requirements	<u>27,900</u>

**POLICE FACILITY PROJECT**

Capital Outlay	-
Contingency	0
Total Police Facility Project Fund Appropriations	<u>0</u>
Unappropriated Fund Balance	-
Total Police Facility Project Fund Requirements	<u>0</u>

**FF&C DEBT SERVICE FUND**

Debt Service	167,000
Total FF&C Debt Service Fund Appropriations	<u>167,000</u>
Reserve for Future Expenditure	2,164,604
Unappropriated Fund Balance	167,000
Total FF&C Debt Service Fund Requirements	<u>2,498,604</u>

**STORM SEWER REIMBURSEMENT FUND**

Materials & Services	55,000
Capital Outlay	7,080
Contingency	-
Total Storm Sewer Reimbursement Fund Appropriations	<u>62,080</u>
Unappropriated Fund Balance	-
Total Storm Sewer Reimbursement Fund Requirements	<u>62,080</u>

**WATER REIMBURSEMENT FUND**

Materials & Services	6,000
Capital Outlay	28,188
Contingency	-
Total Water Reimbursement Fund Appropriations	<u>34,188</u>
Unappropriated Fund Balance	-
Total Water Reimbursement Fund Requirements	<u>34,188</u>

**SEWER REIMBURSEMENT FUND**

Materials & Services	56,000
Capital Outlay	724,271
Contingency	-
Total Sewer Reimbursement Fund Appropriations	<u>780,271</u>
Unappropriated Fund Balance	-

Total Sewer Reimbursement Fund Requirements	<u>780,271</u>
<b>STREET REIMBURSEMENT FUND</b>	
Materials & Services	55,000
Capital Outlay	136,713
Contingency	-
Total Street Reimbursement Fund Appropriations	<u>191,713</u>
Unappropriated Fund Balance	-
Total Street Reimbursement Fund Requirements	<u>191,713</u>
<b>- ALL FUNDS -</b>	
<b>TOTAL APPROPRIATION</b>	48,581,701
<b>TOTAL UNAPPROPRIATED &amp; RESERVE AMOUNTS</b>	<u>7,198,436</u>
<b>TOTAL REQUIREMENTS</b>	<u>55,780,137</u>

Section 3. The Finance Director and Budget Officer is authorized and directed to take all steps necessary to carry out the intent of this resolution and to implement all such actions necessary to ensure compliance with the Local Budget Law, Oregon Revised Statutes, Chapter and Sections 294.305 to 294.565.

Section 4. This Resolution shall take effect upon adoption.

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

Casey Ryan, Mayor

Date

Sarah Skroch, City Recorder  
**Adopted:**



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A Resolution Imposing and Categorizing Ad Valorem Property Tax Levies for Fiscal Year 2020-2021.

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

**STAFF MEMBER:**  
Erich Mueller

**MEETING DATE:**  
June 9, 2020

**DEPARTMENT:**  
Finance

**ACTION REQUIRED:**  
Resolution

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**

**PUBLIC HEARING:**  
No

Approval  
Per the Budget Committee

**Comments:**

**STAFF RECOMMENDATION:** Adopt the proposed resolution imposing and categorizing property tax levies

**EXHIBITS:** None

**SUBJECT / ISSUE RELATES TO:**

Council Goals

Legislative

Other (describe)

*Maintain compliance with Oregon Local Budget Law*

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Authorize General Property Tax Levy
- ◆ Authorize General Obligation Bond Debt Service Property Tax Levy

**BACKGROUND:**

Pursuant to Measure 50 and legislative action, the Oregon Department of Revenue certified the permanent tax rate for general operation purposes for taxing districts for the 1997-98 tax year. Troutdale's permanent tax rate was set at \$3.7652 per \$1,000 of assessed value. The permanent rates became final on June 30, 1998 and State statutes prohibit any rate change.

Reviewed and Approved by City Manager:

In FY 2020-2021, it is projected that Troutdale's permanent rate will raise property taxes totaling \$5,973,000. This amount of projected taxes is based on the estimated taxable assessed value of \$1,587,000,000. The estimated taxable assessed value includes a 3% estimated value increase and estimated new property from construction and development.

This year the General Obligation (GO) Bond tax indebtedness of the City is only for the Community Police Facility project. The Wastewater Treatment Plant relocation project bond debt repayment was completed in FY 2017-18.

The Community Police Facility debt service requires a property tax levy of \$310,000 in FY 2020-2021. This equates to approximately \$0.20 per \$1,000 of assessed value, the same rate as the prior year. A portion of the building lease revenue received from the MCSO, totaling \$175,000 will continue to be used to reduce the required debt service levy.

This resolution imposes and categorizes property taxes for FY 2020-2021 as follows:

General Fund for operations:	\$3.7652 rate per \$1,000 of assessed value
Debt Service Fund for GO bonds:	Dollar amount of \$310,000

**PROS & CONS:**

- A. Approve the proposed Ad Valorem Tax Levies for FY 2020-2021 resolution as necessary to support the adopted budget under ORS 294 Local Budget Law.
- B. Not approve the proposed resolution, resulting in financially crippling City operations and services for the coming year, and destroying the City's credit rating.

<p><b>Current Year Budget Impacts</b>   <input type="checkbox"/> Yes (<i>describe</i>)   <input checked="" type="checkbox"/> N/A</p> <p><b>Future Fiscal Impacts:</b>   <input checked="" type="checkbox"/> Yes (<i>describe</i>)   <input type="checkbox"/> N/A</p> <p>A.   First Year &amp; Impact to property owners: Authorizes City to levy the full permanent rate of \$3.7652 per \$1,000 of assessed value with estimated proceeds of \$5,973,461 (net proceeds of \$5,615,053) and debt service for bonds in the amount of \$310,000 (net proceeds of \$291,400).</p> <p><b>City Attorney Approved:</b>   <input type="checkbox"/> Yes (<i>describe</i>)   <input checked="" type="checkbox"/> N/A</p> <p><b>Community Involvement Process:</b>   <input checked="" type="checkbox"/> Yes: Adopts the levies approved by the Budget Committee.</p>
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## RESOLUTION NO.

### A RESOLUTION IMPOSING AND CATEGORIZING AD VALOREM TAXES FOR FISCAL YEAR 2020-2021.

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

1. That the budget for Fiscal Year 2020-2021 was adopted by the Council on June 9, 2020.
2. That a portion of the budgeted resources is to be provided by ad valorem taxes.
3. That it is necessary to pass a resolution the imposing and categorizing ad valorem taxes, and to certify the tax levies to the Multnomah County Tax Assessor.

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

Section 1. The City Council hereby declares and certifies to the Multnomah County Tax Assessor that ad valorem property taxes are hereby levied as provided for in the adopted budget at the rate of \$3.7652 per \$1,000 of assessed value for operations, and in the amount of \$310,000 for bonds; and that these taxes are hereby imposed and categorized for tax year 2020-2021 upon the assessed value of all taxable property within the City of Troutdale:

	<u>General Government</u>	<u>Excluded from Limitation</u>
General Fund	\$3.7652 per \$1,000 of Assessed Value	
Debt Service Fund		\$ 310,000

Section 2. The Finance Director and Budget Officer is authorized and directed to certify to the County Assessor of Multnomah County, Oregon, the tax levy made by this resolution and to take all steps necessary to carry out the intent of this resolution and implement all such actions necessary to ensure compliance with the Local Budget Law, Oregon Revised Statutes, Chapter and Sections 294.305 to 294.565.

Section 3. This Resolution shall take effect upon adoption.

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

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**Casey Ryan, Mayor**

---

**Date**

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



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** Discussion of Current City, County and State Firearms laws

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

**STAFF MEMBER:**  
Ray Young

**MEETING DATE:**  
June 9, 2020

**DEPARTMENT:**  
Executive

**ACTION REQUIRED:**  
Information / Discussion

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**

**PUBLIC HEARING:**  
No

N/A

**Comments:**

**STAFF RECOMMENDATION:** Staff has no position

**EXHIBITS:**

- A. News Article
- B. News Article
- C. News Article
- D. News Article
- E. Multnomah County Frequently Asked Question on Firearms Ordinances Exhibit
- F. City of Troutdale Firearms Ordinances Exhibit
- G. Multnomah County Firearms Ordinances
- H. State of Oregon Firearms Statutes

**SUBJECT / ISSUE RELATES TO:**

- Council Goals                     
  Legislative                                     
  Other (describe)

**ISSUE / COUNCIL DECISION & DISCUSSION POINTS:**

- ◆ Are current Troutdale Ordinances regarding firearm ownership, storage and use sufficient, in conjunction with State and County laws, to protect people
- ◆ Should City ordinances be maintained or amended to better balance safety with gunowners rights.

Reviewed and Approved by City Manager:

**BACKGROUND:**

Councilor Hudson has asked that Council have a discussion on the current state of Troutdale’s ordinances regarding firearms. The last time the issue came before Council was in 2014. Attached as Exhibit A is a news article giving context for why it was discussed by Council in 2014. Attached as Exhibits B and C are two news articles from 2014 reporting on the issue discussed by Council.

Councilor Hudson has also asked that Exhibit D (Article describing firearms incident in Missouri in 2019) and Exhibit E (Multnomah County’s *Firearms Ordinance-Frequently Asked Questions* information sheet) be included for review.

Staff has added Exhibits F (Troutdale relevant ordinances), Exhibit G (Multnomah County relevant ordinances) and Exhibit H (relevant State statutes) for further understanding of the issues involved.

**PROS AND CONS: N/A**

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

# Oregon school shooting: Armed man arrested near Reynolds High School went to help sister, police say

Updated Jan 10, 2019; Posted Jun 11, 2014

By Kelly House | The Oregonian/OregonLive

The Gresham man who was arrested after police found him with a gun following Tuesday's Reynolds High School shooting told police he was there to protect his sister, a freshman at the school.

Joseff Powell, 21, plead not guilty to on one count of unlawful possession of a firearm, a misdemeanor, during an arraignment Wednesday afternoon in Multnomah County Circuit Court.

Gresham police arrested Powell Tuesday morning, after officers found him carrying a concealed handgun near Reynolds High School, shortly after a 15-year-old Reynolds student opened fire at the school, killing 14-year-old freshman Emilio Hoffman and grazing teacher Todd Rispler's hip.

According to a probable cause affidavit filed with the court, a Multnomah County sheriff's sergeant came across Powell near a church parking lot where police had corralled students after the shooting.

The officer saw Powell trying to walk around the search checkpoint, and motioned him over to the search area.

"Powell appeared unusually nervous," the affidavit states.

The officer searched Powell, and found a 9-millimeter Taurus semi-automatic handgun in his waistband. The gun was loaded. When a detective asked Powell why he had a gun, Powell said "he heard there was a shooting and he wanted to find his sister who is a freshman at Reynolds and protect her," according to the affidavit. "He acknowledged that bringing the gun with him was stupid."

Powell does not have a permit to carry a concealed firearm.

He declined to comment on the details of his arrest Wednesday afternoon, but said "I wasn't there to harm anybody."

Powell's mother, 40-year-old Brandy Church, of Rockwood, said she frantically called her son Tuesday morning after watching police cars speed to Reynolds while she drove home from Mt. Hood Community College, where she is a student.

Church's daughter (Powell's sister) is a 15-year-old freshman at Reynolds.

"I was absolutely terrified," Church said.

Church said when her son arrived, he told her he was going to walk to the church parking lot to find his sister. She later found out that her son had been arrested. She claims that Powell, who had come from his home, did not intentionally bring the gun to the church.

"I said 'why didn't you leave it in the car?'" she said. "He told me he didn't realize he had a weapon on him."

Judge Eric J. Bloch, who presided over Powell's arraignment, banned him from possessing a firearm until his trial is complete. Powell's next court appearance is scheduled for June 18 at 9 a.m.

# Gun control: Confusion over Multnomah County ordinance complicates legal case

Updated Jan 10, 2019; Posted Jul 13, 2014  
By Kelly House | The Oregonian/OregonLive

Multnomah County Chairwoman Deborah Kafoury, second from left, and Portland Mayor Charlie Hales, center, joined in a rally Friday afternoon against gun violence. The county's gun ordinance is subject to a legal battle over how broadly county leaders can apply it.

As a judge prepares to rule on the legal merits of Multnomah County's gun control ordinance, confusion has emerged over exactly how the law applies within the county's cities.

At issue is whether or not the Board of Commissioners last year voted to impose new gun restrictions on all 150,000 people who live outside Portland city limits – whose gun restrictions match the county's -- or just residents of unincorporated areas, who number closer to 15,000.

The law itself says simply: "This ordinance will apply countywide unless a city within Multnomah County enacts separate legislation on this same subject matter."

Five Multnomah County residents took this phrase to mean the county intended to supersede narrower gun restrictions in their hometowns of Gresham, Fairview and Troutdale. They sued in 2013, saying the county had overstepped its authority.

The District Attorney's Office interpreted the ordinance the same way. In June, prosecutors charged a man with violating it in Troutdale, where the city's gun law prohibits carrying a concealed weapon without a permit but allows anyone to carry a loaded weapon in the open. The county ordinance goes further. With limited exceptions, it bars people from carrying a loaded gun in public, as 21-year-old Joseff Powell was accused of doing June 10.

But on Monday, County Attorney Jenny Madkour emailed Senior Deputy District Attorney Brian Davidson saying the county ordinance didn't apply in Troutdale and the charge against Powell should be dropped. Madkour repeated that stance in court on Wednesday, saying that the county ordinance was not intended to apply in any city with its own gun control law. She argued for that reason, the city residents suing the county had no basis for their complaints.

## Multnomah County gun ordinance

The ordinance, passed in April 2013, imposes stricter gun control measures than the state. The ordinance makes it illegal to carry a loaded weapon in public and mandates that gun owners take pains to keep their weapons out of a minor's hands. With some exceptions, it also prohibits firing a gun anywhere in the county.

Several groups are exempt from the ordinance, including concealed handgun permit owners, police and military on duty and hunters.

By Friday, policy experts in County Chairwoman Deborah Kafoury's office had stated a different position. The ordinance should fill in only when cities fail to legislate in one of three general areas: Possessing guns, firing guns, and keeping guns from children. That's a broader view than the one Madkour expressed in court, but narrower than the one that led the plaintiffs to challenge the law in the first place.

The scope of the county ordinance has implications for a measure that backers said was an important statement against gun violence. Depending on the interpretations under discussion, it could affect a population as small as the 2 percent of county residents who live in unincorporated areas or as large as the 20 percent who live outside Portland city limits.

Whether the law is sweeping or narrow also is central to the legal case being brought against the county, which asserts the plaintiffs fear arrest under the ordinance. If Circuit Court Judge Kathleen Dailey were to use the narrowest interpretation, that assertion would carry no weight for the city-dwelling plaintiffs.

Paul Diller, an associate law professor at Willamette University, said if the judge believes the ordinance doesn't pose a threat to the plaintiffs, she could decline to answer the broader legal question about the limits to county authority over cities.

"Courts don't decide these questions in the abstract, generally," he said. "They only like to decide these when they're dealing with real parties, bearing real consequences."

Dailey has said she won't rule on the lawsuit for several weeks.

During an anti-violence rally in North Portland on Friday afternoon, County Chairwoman Deborah Kafoury said the ordinance was never meant to create controversy between the county and its city leaders and citizens.

Rather, she said, when members of the county board unanimously adopted the ordinance in April 2013, they were attempting use their limited legislative power over firearms to address gun violence in the wake of shootings at Clackamas Town Center and Sandy Hook Elementary.

"I don't want to get the message lost in the details," she said. "I feel an obligation to do whatever I can do if it means even saving a life of one child."

Bruce McCain, the attorney representing the plaintiffs, argues that regardless of county leaders' intent, unilaterally applying the gun law in cities under any circumstances would overstep county authority.

"I don't even care how the county thinks they're going to enforce the law," he said. "It's unenforceable in its entirety."

# **Gun control: Troutdale City Council passes emergency ordinance in opposition to Multnomah County gun law**

Updated Jan 10, 2019; Posted Jul 09, 2014  
By [Kelly House | The Oregonian/OregonLive](#)

The lawsuit against Multnomah County's gun control ordinance just got some official support from the leaders of the county's third-largest city.

The Troutdale City Council on Tuesday night passed an emergency ordinance that asserts the council's belief that Multnomah County has no right to impose its gun control rules within the limits of the 16,425-person city.

The city's ordinance comes mere hours before Multnomah County Circuit Court Judge Kathleen Dailey is scheduled to hear arguments in a lawsuit to determine how broadly Multnomah County officials can apply the gun control measures the county board passed 14 months ago.

Oral arguments are scheduled to begin Wednesday morning.

The county ordinance goes beyond state gun law, making it illegal to carry a loaded weapon in public and mandating that gun owners take pains to keep their weapons out of a minor's hands. With some exceptions, it also prohibits firing a gun anywhere in the county.

Some local police forces – including Troutdale's – have refused to enforce the ordinance, arguing that they aren't required to follow county law enforcement rules unless their city officials consent to the rules.

Now, Troutdale's elected officials have formally asserted their stance that local governments are not required to follow county ordinances.

"No ordinance of any county or other local government (whether under home rule, statutory or other authority) shall be enforceable within the City of Troutdale, except (a) with the express consent of the electors of the city or City Council (and only to the extent of such consent) or (b) as required by the constitution of Oregon," the ordinance states.

## **Armed Man Who Terrified Missouri Walmart to Test Second Amendment Rights Pleads Guilty to Minor Offense**

By Asher Stockler On 11/1/19 at 4:16 PM EDT  
**SHARE**

U.S.SECOND AMENDMENTWALMARTGUN RIGHTS

A man who terrified a Walmart in Springfield, Missouri, in August after he entered the store clad in body armor while carrying a loaded rifle and handgun pleaded guilty on Friday to a less severe misdemeanor charge.

Dmitriy Andreychenko, 21, was originally charged with making terrorist threats, a second-degree felony punishable by up to four years in prison. But on Friday prosecutors instead allowed Andreychenko to enter a guilty plea to a charge of causing a false police report to be made.

This Class D misdemeanor carries a potential penalty of six months imprisonment, but Andreychenko received just two days "shock time" and earned credit for time served. As part of his sentence, he must complete community service hours, attend a firearm educational course and participate in a restorative justice program.

Andreychenko comes from a Ukrainian family and lives in Missouri, with his pregnant wife, on a green card. He entered the Springfield-area Walmart store in August, brandishing loaded firearms and donning body armor that he had retrieved from the trunk of his car.

Dee Wampler, Andreychenko's attorney, told *Newsweek* that his client is a "good man" who erred in judgment.

"His wife and sister told him not to do it," Wampler said. "Next time, he should listen to them."

If Andreychenko had been prosecuted on the original felony charge, Wampler said, he could have faced deportation if convicted.

The August incident occurred as Americans across the country were still on edge from a mass shooting just days before, when a suspected white supremacist killed 22 people at a Walmart in El Paso, Texas.

Andreychenko was apparently attempting to test the reach of his federal gun rights, according to a probable cause statement filed in the case. He was also recording himself on a cellphone "in case somebody was going to stop him and tell him to leave."

"I wanted to know if Walmart honored the Second Amendment," he reportedly told a police officer.

The Second Amendment prevents the government from unduly restricting gun rights but does not impose requirements on private businesses.

"Missouri protects the right of people to open carry a firearm, but that right does not allow an individual to act in a reckless and criminal

manner endangering other citizens," Greene County Prosecuting Attorney Dan Patterson said in a press release just after the incident.

"As Justice Oliver Wendell Holmes famously explained, 'the most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic.' Mr. Patterson also asks everyone who exercises their right to carry a weapon to do so in a responsible manner," the release added.

In response to a request for comment, a Walmart spokesperson told *Newsweek* that the company "would not be a barrier" to any of its employees participating in a restorative justice program with Andreychenko if they wish to do so.

The Missouri Department of Corrections administers a restorative justice program which is intended to provide "a means for [offenders] to repay their debt to the victim and the community."

These programs act as a means for victims and offenders to interact, learn more about each other and develop ways of redressing the wrongs committed by the offender without jail or prison time.

## **Firearms Ordinance – Frequently Asked Questions**

On April 18<sup>th</sup>, the Board of County Commissioners approved a first reading of an ordinance “Adding new ordinances to Chapter 15 and Amending Chapter §15.051 to address firearm safety in Multnomah County.” The second reading is scheduled for April 25<sup>th</sup>.

### **Why is the County considering this ordinance?**

Gun violence kills about 30,000 Americans each year and injures more than twice as many, according to the Centers for Disease Control. Many of these deaths and injuries are preventable. Right now, Federal, State and local governments are looking for ways to reduce the violence caused by guns. Oregon law authorizes counties to adopt ordinances to regulate, restrict or prohibit the discharge of firearms within their boundaries.

### **Where can I read the full ordinance?**

The ordinance is available online at:

[http://multnomah.granicus.com/MetaViewer.php?meta\\_id=38223&view=&showpdf=1](http://multnomah.granicus.com/MetaViewer.php?meta_id=38223&view=&showpdf=1)

### **What does the ordinance do?**

1. Prohibits possession of a loaded firearm in a public place and includes penalties. This subsection does not apply or affect those listed in ORS 166.173 (2):
  - A law enforcement officer in the performance of official duty.
  - A member of the military in the performance of official duty.
  - A person licensed to carry a concealed handgun.
  - A person authorized to possess a loaded firearm while in or on a public building or court facility under ORS 166.370.
  - An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a loaded firearm in the course of the lawful taking of wildlife.and does not affect or apply to:
  - Licensed hunters engaged in lawful hunting.
  - Persons engaged in target shooting at an established shooting range, shooting gallery or other area designed and built for the purpose of target shooting.
  - A government employee authorized or required by his or her employment or office to carry firearms.
  - A security guard employed at a financial institution insured by the Federal Deposit Insurance Corporation while the security guard is on duty.
  - A person with written authorization from the Multnomah County Sheriff or his designee.
2. Prohibits discharge of a firearm within the boundaries of the County and includes penalties. This subsection does not apply to or affect those listed in ORS 166.171 (2):
  - A person discharging a firearm in the lawful defense of person or property.
  - A person discharging a firearm in the course of lawful hunting.
  - A landowner and guests of the landowner discharging a firearm, when the discharge will not endanger adjacent persons or property.
  - A person discharging a firearm on a public or private shooting range, shooting gallery or other area designed and built for the purpose of target shooting.

- A person discharging a firearm in the course of target shooting on public land that is not inside an urban growth boundary or the boundary of a city, if the discharge will not endanger persons or property.
  - An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.
3. Prohibits endangering a child by allowing access to a firearm and includes penalties.
  4. Requires reporting a theft or loss of a firearm within 48 hours of knowing a firearm is stolen and includes penalties.
  5. Extends curfew hours for minors on parole and probation for a charge related to a gun.

**What if I have an Oregon Concealed Handgun License?**

As required by State law, the ordinance exempts concealed handgun permit holders, and others, from the loaded open carry provisions.

**What if I have a Concealed Handgun License from another state?**

This ordinance applies to you if you have a Concealed Handgun License from a state other than Oregon. You cannot carry a concealed handgun in Oregon unless you have an Oregon CHL, which you can obtain only in the county of your residence. No other state's permit is recognized or acknowledged.

**What do you mean by a "public place?"**

As defined by State law "public place" means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation. ORS 161.015(10).

**Can I shoot my gun on my own property?**

This ordinance limits the discharge of a weapon and specifically excludes those persons listed in ORS 166.171(2). You may discharge a weapon on private property if you fall within one of those categories and are not otherwise prohibited by law to do so. Those categories are:

- A person discharging a firearm in the lawful defense of person or property.
- A person discharging a firearm in the course of lawful hunting.
- A landowner and guests of the landowner discharging a firearm, when the discharge will not endanger adjacent persons or property.
- A person discharging a firearm on a public or private shooting range, shooting gallery or other area designed and built for the purpose of target shooting.
- A person discharging a firearm in the course of target shooting on public land that is not inside an urban growth boundary or the boundary of a city, if the discharge will not endanger persons or property.
- An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.

**Does this mean I can't hunt in Multnomah County?**

This ordinance will not affect licensed hunters engaged in lawful hunting.

**What about gun ranges?**

This ordinance does not prohibit a person discharging a firearm on a public or private shooting range, shooting gallery or other area designed and built for the purpose of target shooting.

**If I am on National Forestry land within Multnomah County, do the discharge and possession of loaded weapon requirements still apply?**

Yes.

**Why is the firearms ordinance limited to these topics? Why doesn't it include things like universal background checks, banning assault rifles and limiting magazine sizes?**

State law limits counties from legislating in other areas related to gun violence prevention - issues like banning assault rifles and limiting magazine sizes can only be addressed by the State Legislature and are not included in this ordinance. ORS 166.170

**When will this go into effect?**

The second reading of the ordinance is on April 25<sup>th</sup> at 9:30am. The ordinance will go into effect 30 days after the second reading and approval by the Board of County Commissioners.

**Why do we need a second reading if it passed unanimously?**

County Code requires a second reading at a public meeting for all ordinances.

**What does "endangering a child by allowing access to a firearm" mean?**

A person commits the offense of endangering a child if a person fails to prevent access to a loaded or unloaded firearm by a minor without the permission of the person, a parent or guardian, when the person knew or reasonably should have known that a minor could gain access to the firearm.

**What if a minor steals a gun from my house?**

The "endangering a child" subsection does not apply when the minor obtains the firearm as a result of illegal entry into any premises under the person's custody or control. However, you would be required to report the theft of a firearm under County Code section 15.067.

**What is the purpose of making it a crime if someone fails to report a lost or stolen gun?**

The purpose of this ordinance is to facilitate the apprehension of criminals who commit crimes with stolen or lost weapons; deter the criminal use of stolen and lost weapons; facilitate the recovery of stolen and lost weapons; prevent unwarranted criminal accusations against firearms owners who suffer the loss or theft of a firearm; and, deter persons from falsely claiming that a firearm was lost or stolen to avoid punishment for an illegal firearm transfer.

**How would reporting lost or stolen guns promptly help police?**

Reporting lost or stolen guns assists local law enforcement in two ways: It enables police to respond more rapidly to a report that a gun was stolen and possibly return it to its owners or track down the thieves. If a trafficker or straw buyer is identified through gun tracing and confronted by police, such a requirement prevents them from evading responsibility by claiming that the crime gun was stolen from them.

**Where do I report my gun if it is lost or stolen?**

Report lost or stolen guns to your local police or to the County Sheriff if you do not have police. The non-emergency line for the Sheriff is (503) 823-3333.

**What if I don't know the gun is missing?**

You cannot be charged under the ordinance unless you knew or had reason to know the firearm was missing. Then, you have 48 hours to report it missing to the police chief or sheriff.

**How can I prevent access to a gun by a minor?**

King County, Washington Public Health's [website LOK-IT-UP](http://www.kingcounty.gov/healthservices/health/injury/lokitup.aspx) has great information about how to safely store guns.

<http://www.kingcounty.gov/healthservices/health/injury/lokitup.aspx>

**What impact will the proposed earlier curfew have on youth?**

This ordinance change only applies to minors who are on probation for a gun-related offense.

**What happens if a minor has somewhere they need to be after curfew, like a school-sponsored event or a job?**

This proposal allows a probation or parole officer or juvenile court counselor to provide exceptions to the curfew.

**Will this affect the ability of an off duty or retired police officer to lawfully carry a concealed handgun?**

No, this will not affect the ability of off duty or retired police officers to lawfully carry a concealed handgun. ORS 116.173 states that a local ordinance does not apply to persons licensed to carry a concealed handgun, and ORS 166.260(1) specifically states that the law requiring a concealed handgun license does not apply to: "Sheriffs, constables, marshals, parole and probation officers, police officers, whether active or honorably retired, or other duly appointed peace officers."

**Who can I call if I have additional questions?**

Chair Jeff Cogen's Office – (503) 988-3308

Commissioner Deborah Kafoury's office – (503) 988-5220

**Exhibit F**  
6/9/20 Council Mtg. Item #8

## Chapter 9.48 - WEAPONS

**Sections:**

## 9.48.010 - Possession of concealed weapons prohibited.

No person other than an authorized peace officer or person licensed pursuant to Oregon Revised Statutes Section 166.290, as now or hereafter amended shall carry concealed on or about his person in any manner any revolver, pistol, other firearm, knife other than an ordinary pocketknife with a blade less than three and one-half inches long, dirk, dagger, stiletto, metal knuckles or weapon, the use of which could inflict injury upon a person or property.

(Ord. 754 § 13 Att. M (part), 2004; Ord. 352-O § 2 (7.60.160), 1981)

## 9.48.020 - Discharge of weapons—Prohibited.

- A. No person other than an authorized peace officer shall fire or discharge a gun or other weapon, including spring or air-actuated pellet guns, airguns or BB guns, or weapon which propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion within the city.
- B. The provisions of this section shall not be construed to prohibit the firing or discharging of a weapon by any person:
  - 1. In the lawful defense of the person or of another person; or
  - 2. Upon real property constituting the Troutdale Airport and adjacent Troutdale Reynolds Industrial Park, for the purpose of taking or dispersing wildlife which pose a risk to aircraft safety, in accordance with U.S. Fish and Wildlife Service and Federal Aviation Administration authorizations.

(Ord. 754 § 13 Att. M (part), 2004; Ord. 364-O, 1982; Ord. 352-O § 2 (7.60.165), 1981)

(Ord. No. 832, § 1, 5-26-2015)

## 9.48.030 - Violation—Penalty.

A violation of this chapter is a Class A misdemeanor as defined by state law.

(Ord. 754 § 13 Att. M (part), 2004; Ord. 352-O § 2 (7.60.170), 1981)

13.20.240 - Firearms.

No person shall discharge a firearm, air rifle, spring gun, bow and arrow or other weapon in or over any park except for areas specifically designated for that purpose.

(Ord. 747 § 2 Att. 2 (part), 2004)

## 2.52.040 - Weapons or illegal substances.

Weapons or illegal substances confiscated or impounded by any police officer shall be held under the custody of the police department of the city for so long as it may be necessary to be used as evidence in any court law. Such property shall be held a minimum of thirty days after the expiration of the appeal process. Unless it is found by a court of competent jurisdiction that the weapon or illegal substances should be returned to the person from whom it was confiscated or impounded, it shall be destroyed in the presence of two witnesses and disposed of in such manner as it may not be recovered or repaired or used for its intended purpose. Upon destruction the witnesses shall certify that the weapon or illegal substance has been destroyed and such certificate shall be retained per the state retention schedule.

(Ord. 720 § 1, Exh. A (part), 2002; Ord. 283 § 4, 1979)

**§ 15.033 ADMINISTRATION.**

This subchapter shall be administered by the Sheriff, subject to review by the Board.  
(‘ 90 Code, § 2.70.220, 07/01/1998; Ord. 398, passed, 09/22/1983)

***CURFEW FOR MINORS***

**§ 15.050- CURFEW ESTABLISHED.**

It shall be unlawful for any minor under 18 years of age to be, or remain in or upon any street, highway, park, alley or other public place outside incorporated cities in the county between the hours specified in § 15.051, unless such minor is accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent or by law to have the care and custody of the minor, or unless such minor is then and there engaged in a lawful pursuit or activity which requires their presence in or upon such street, highway, park, alley or other public place during the hours specified in § 15.051.

Penalty, see § 15.999  
(Ord. 1272, Amended, 06/06/2019; ‘ 90 Code, § 7.45.100, 07/01/1998)

**§ 15.051 CURFEW HOURS.**

For the purposes of this subchapter, the applicable hours of curfew shall be:

(A) As to minors under 14 years of age who have not begun high school, the hours shall be between 9:15 p.m. and 6:00 a.m. of the following morning, except that during the months of June, July and August, the hours shall be between 10:15 p.m. and 6:00 a.m. of the following morning, except as further limited by subsection (C) of this section.

(B) As to minors 14 years of age or over who have begun high school, the hours shall be between 10:15 p.m. Sunday, Monday, Tuesday, Wednesday or Thursday, and 6:00 a.m. of the following morning, and between 12:00 midnight on Friday or Saturday, or any legal holiday, and 6:00 a.m. of the following morning, except that during the months of June, July and August, the hours shall be between 12:00 midnight and 6:00 a.m. of the following morning, except as further limited by subsection (C) of this section.

(S-1 2019)

(C) For minors who have been found by a court to have possessed, purchased, used, transferred or transported a firearm unlawfully and are under the jurisdiction of the court as a result of that adjudication, curfew is between 7:00 p.m. and 6:00 a.m. of the following morning except for minors meeting the exception of §15.050 or with written permission of the minor’s probation or parole officer or juvenile court counselor.

(Ord. 1199, amended 4/25/13; ‘ 90 Code, § 7.45.200, 07/01/1998; Ord. 163, passed 1963)  
Penalty, see § 15.999

***FIREARMS***

**§ 15.060 TITLE AND AREA OF APPLICATION.**

This subchapter shall be known and cited as the County Firearms Law.  
(Ord. 1199, passed 4/25/13)

**§ 15.061 CONSISTENCY WITH STATE LAW.**

This subchapter shall be construed consistent with state law, and any procedures or defenses made available in the prosecution of the same or similar offenses under state criminal law shall apply in prosecutions under this subchapter.  
(Ord. 1203, Amended 7/11/13; Ord. 1199, passed 4/25/13)

**§ 15.062 PENALTY FOR VIOLATION.**

Unless a different penalty is specifically provided, any violation of any provision of this subchapter shall upon conviction be punished by a fine of not more than \$500, or by imprisonment of not more than 6 months, or by both. However, no greater penalty shall be imposed than allowed under state law.  
(Ord. 1199, passed 4/25/13)

**§ 15.063 DEFINITIONS.**

For purposes of this subchapter, the following definitions apply unless the context requires a different meaning:

(A) **HANDGUN:** has the meaning as provided in ORS 166.210(5).

(B) **CONCEALED HANDGUN LICENSE:** a license issued pursuant to ORS 166.291 to 166.295 that allows an individual to carry a concealed handgun in public places as provided by state law.

(C) **FIREARM:** has the meaning as provided in ORS 166.210(3).

(D) **PUBLIC PLACE:** has the meaning as provided ORS 161.015(10).  
(Ord. 1199, passed 4/25/13)

**§ 15.064 POSSESSION OF A LOADED FIREARM IN A PUBLIC PLACE.**

(A) It is unlawful for any person in a public place, to carry a firearm upon the person, or while in a vehicle in a public place, unless all ammunition has been removed from the chamber and from the cylinder, clip, or magazine. A person who violates this section is subject to penalty even if the person did not know that ammunition was in the cylinder, chamber, clip or magazine.

(B) The prohibitions of subsection (A) of this section do not apply to or affect:

- (1) Those listed in ORS 166.173(2).
- (2) Licensed hunters engaged in lawful hunting.
- (3) Persons engaged in target shooting at an established shooting range, shooting gallery or other area designed and built for the purpose of target shooting.
- (4) A government employee authorized or required by their employment or office to carry firearms.
- (5) A security guard employed at a financial institution insured by the Federal Deposit Insurance Corporation and an armed security professional that is certified by the Department of Public Safety Standards and Training while on duty.

(6) Any person otherwise authorized by law to possess a loaded firearm in a public place.

(7) A person with written authorization from the Multnomah County Sheriff or their designee.

(C) It is unlawful for any person who possesses a firearm, clip or magazine in or upon a public place, or while in a vehicle in a public place, to refuse to permit a peace officer to inspect that firearm, clip or magazine after the peace officer has identified himself or herself as such. The prohibitions of this subsection do not apply to or affect the persons listed in subsection (B) of this section.

(Ord. 1272, Amended, 06/06/2019; Ord. 1203, Amended 7/11/13; Ord. 1199, passed 4/25/13)

**§ 15.065 DISCHARGE OF A FIREARM.**

(A) It is unlawful for any person to fire or discharge a firearm within the boundaries of the County.

(B) The prohibition of subsection (A) of this section does not apply to or affect those listed in ORS 166.171(2) or otherwise authorized by law to fire or discharge a firearm.

(Ord. 1203, Amended 7/11/13; Ord. 1199, passed 4/25/13)

**§ 15.066 ENDANGERING A CHILD BY ALLOWING ACCESS TO A FIREARM.**

(A) A person commits the offense of endangering a child if a person fails to prevent access to a loaded or unloaded firearm by a minor without the permission of the person, a parent or guardian, when the person knew or reasonably should have known that a minor could gain access to the firearm.

(B) Subsection (A) of this section does not apply when:

- (1) The minor obtains the firearm as a result of an illegal entry into any premises under the person's custody or control.
- (2) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure from entry by the minor.

(3) The firearm is locked with a device that has rendered the firearm inoperable and is designed to prevent minors and unauthorized users from firing the firearm. The device may be installed on the firearm, be incorporated into the design of the firearm, or prevent access to the firearm.

(C) Penalty: Violation of subsection (A) of this section is punishable by incarceration for not more than 10 days and a fine of not more than \$500.  
(Ord. 1199, passed 4/25/13)

### § 15.067 FAILURE TO REPORT THEFT.

(A) Any person who possesses, owns or controls a firearm in the County shall report the theft or misplacement of the firearm to law enforcement and provide a description of the firearm, within 48 hours of knowing, or having reason to know, the firearm is stolen or cannot be located through reasonable effort.

(B) A person who possesses, owns or controls a firearm in the County and fails to provide the serial number of the firearm when reporting the firearm in accordance with subsection (A) of this section is subject to a \$200 administrative fee.

(C) Violation of subsection (A) of this section is punishable by a fine of \$2,500.  
(Ord. 1199, passed 4/25/13)

### *TOWING SERVICES*

#### § 15.100- TITLE.

This subchapter shall be known and cited as the Towing Law and may be so cited.  
(‘90 Code, § 6.20.105, 07/01/1998; Ord. 63, passed, 12/14/1972)

#### § 15.101 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

***DOING BUSINESS IN THE COUNTY.*** Any acceptance of tows for hire as defined in this section.

***EMPLOYEE.*** An employee, agent or driver of towing vehicle, employed by the licensee in the business of towing for hire.

***LICENSE.*** A nontransferable, nonassignable annual permit, personal to whom it is issued, issued by the Sheriff authorizing the person whose name appears on it as a licensee to tow vehicles in the county for hire.

***LICENSEE.*** A person possessing a valid license under this subchapter.

### ***MOTOR VEHICLE RELATED CONVICTIONS.***

(1) Conviction upon a charge of manslaughter or criminally negligent homicide resulting from operation of a motor vehicle;

(2) Conviction or forfeiture of bail upon two charges of reckless driving within the preceding 12 months;

(3) Conviction upon a charge of failing to stop and disclose identity at the scene of an accident, where the driver was involved in that accident;

(4) Conviction upon a charge of driving while under the influence of intoxicating liquor or dangerous or narcotic drugs;

(5) Conviction for any crime punishable as a felony in the commission of which a motor vehicle was used; or

(6) Conviction for any crime upon the charge of theft, burglary, arson or robbery of a motor vehicle.

***TOW FOR HIRE.*** The towing for a price or charge of a wrecked, abandoned, disabled or non-functional motor vehicle from any location within the county, outside incorporated cities, whether originating upon public or private property, regardless of whether the destination for such tow for hire lies within, or outside, the county.

## **ORS 166.170<sup>1</sup> State preemption**

(1) Except as expressly authorized by state statute, the authority to regulate in any matter whatsoever the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition, is vested solely in the Legislative Assembly.

(2) Except as expressly authorized by state statute, no county, city or other municipal corporation or district may enact civil or criminal ordinances, including but not limited to zoning ordinances, to regulate, restrict or prohibit the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition. Ordinances that are contrary to this subsection are void. [1995 s.s. c.1 §1]

## **ORS 166.171<sup>1</sup> Authority of county to regulate discharge of firearms**

(1) A county may adopt ordinances to regulate, restrict or prohibit the discharge of firearms within their boundaries.

(2) Ordinances adopted under subsection (1) of this section may not apply to or affect:

(a) A person discharging a firearm in the lawful defense of person or property.

(b) A person discharging a firearm in the course of lawful hunting.

(c) A landowner and guests of the landowner discharging a firearm, when the discharge will not endanger adjacent persons or property.

(d) A person discharging a firearm on a public or private shooting range, shooting gallery or other area designed and built for the purpose of target shooting.

(e) A person discharging a firearm in the course of target shooting on public land that is not inside an urban growth boundary or the boundary of a city, if the discharge will not endanger persons or property.

(f) An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife. [1995 s.s. c.1 §2; 2009 c.556 §1]

## **ORS 166.172<sup>1</sup> Authority of city to regulate discharge of firearms**

(1) A city may adopt ordinances to regulate, restrict or prohibit the discharge of firearms within the city's boundaries.

(2) Ordinances adopted under subsection (1) of this section may not apply to or affect:

(a) A person discharging a firearm in the lawful defense of person or property.

(b) A person discharging a firearm on a public or private shooting range, shooting gallery or other area designed and built for the purpose of target shooting.

(c) An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife. [1995 s.s. c.1 §3; 2009 c.556 §2]

## **ORS 166.173<sup>1</sup> Authority of city or county to regulate possession of loaded firearms in public places**

(1) A city or county may adopt ordinances to regulate, restrict or prohibit the possession of loaded firearms in public places as defined in ORS 161.015 (General definitions).

(2) Ordinances adopted under subsection (1) of this section do not apply to or affect:

(a) A law enforcement officer.

(b) A member of the military in the performance of official duty.

(c) A person licensed to carry a concealed handgun.

(d) A person authorized to possess a loaded firearm while in or on a public building or court facility under ORS 166.370 (Possession of firearm or dangerous weapon in public building or court facility).

(e) An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a loaded firearm in the course of the lawful taking of wildlife.

(f) An honorably retired law enforcement officer, unless the person who is a retired law enforcement officer has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 (Issuance of concealed handgun license) and 166.292 (Procedure for issuing). [1995 s.s. c.1 §4; 1999 c.782 §8; 2009 c.556 §3; 2015 c.709 §1]

## **ORS 166.174<sup>1</sup> Authority of city, county, municipal corporation or district to regulate possession or sale of firearms**

Notwithstanding any other provision of law, a city, county or other municipal corporation or district may not adopt ordinances that regulate, restrict or prohibit the possession or sale of firearms in a public building that is rented or leased to a person during the term of the lease. [1995 s.s. c.1 §5]

## **ORS 166.175<sup>1</sup> Authority of city to regulate purchase of used firearms**

(1) Notwithstanding any other provision of law, a city may continue to regulate the purchase of used firearms by pawnshops and secondhand stores.

(2) As used in this section, “secondhand store” means a store or business whose primary source of revenue is the sale of used merchandise. [1995 s.s. c.1 §6]

## **ORS 166.176<sup>1</sup> Exception to preemption for certain county ordinances**

(1) Nothing in ORS 166.170 (State preemption) or 166.171 (Authority of county to regulate discharge of firearms) is intended to preempt, invalidate or in any way affect the operation of any provision of a county ordinance that was in effect on November 2, 1995, to the extent that the provision:

- (a) Established a procedure for regulating, restricting or prohibiting the discharge of firearms; or
- (b) Regulated, restricted or prohibited the discharge of firearms.

(2) Subsection (1) of this section does not apply to:

(a) Ordinances regulating, restricting or prohibiting the discharge of firearms on a shooting range or in a shooting gallery or other area designed and built for the purpose of target shooting.

(b) An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife. [1997 c.403 §1; 2009 c.556 §4]