

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

Tuesday, November 27, 2018 – 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 Morgan (via phone), Councilor White, Councilor Allen and Councilor Hudson.

ABSENT: None.

STAFF: Ray Young, City Manager; Sarah Skroch, City Recorder; Ed Trompke, City Attorney; Chris Damgen, Community Development Director and Ryan Krueger, Senior Planner.

GUESTS: See Attached.

Mayor Ryan asked, any agenda updates?

Ray Young, City Manager, replied no.

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

Paul Wilcox, Troutdale resident, stated I'm going to start off with a couple comments regarding East Metro Media. I noticed they've been getting their videos up a lot quicker than they used to. The most recent council meeting for 11/13 is posted on their website. I really appreciate that. One other thing I've been thinking about for a long time regarding their service is I'd like to request the Council arrange for copies of DVD's of the council meetings to be made available to the public perhaps through checkout at City Hall or the Troutdale Library or both. Some people don't have access to that public channel on Comcast. Just trying to make the council meetings more available to people and more options. I have a comment on the October 23rd meeting minutes. When I make corrections or comments on these minutes I like to go back to the source and fortunately MetroEast Media had this video posted. I like to make sure that the quote either wasn't misheard by the transcriber or misspoken by the speaker. In this case it's an accurate transcription but I question the statement which is under staff communication on page 14. It's from City Manager, Ray Young. About halfway through the paragraph he says, on December 5th the Citizens Advisory Committee is going to have the rate burdened public meeting. I

don't know if Ray meant to use the word rate or not but somebody reading that or hearing that on T.V. or the audio they might think it's talking rate burden like the double digit increases we've been seeing in the city utility rates, which isn't the case. What it's about is rent burdened which is called for by House Bill 4006 from the Oregon legislature and what they mean by rent burdened is anyone that is paying more than 50% of their income for rent.

Tanney Staffenson, Troutdale resident, stated I'm here on behalf of the Town Center Committee and particularly a valued member, Jamie Kranz who will be joining this body going forward. She's been a member of the committee since its inception last November and is a very valued contributor on that committee. We enjoy having her. The committee has accomplished a number of the steps and we're well on our way to our finished product. Since we've been in this process for a year already it would be somewhat difficult to bring somebody in and to replace that spot. With the Town Center Committee being an ad hoc committee we're not subject to all the same rules that the other commissions and committees are. What the committee has decided and asked me to bring forward to you is a request to have her remain on that committee as a Council liaison where she wouldn't have basically voting powers but she could contribute on the committee. That would also help with reporting back to the Council.

Mayor Ryan stated I think that's good to have a liaisons on most committees.

Council agreed.

3. CONSENT AGENDA:

3.1 MINUTES: October 16, 2018 Joint City Council & SDIC Work Session and October 23, 2018 City Council Regular Meeting.

3.2 RESOLUTION: A resolution accepting the November 6, 2018 General Election results from the Director of Elections, Multnomah County, Oregon.

MOTION: Councilor Ripma moved to approve the consent agenda. Seconded by Councilor Lauer.
Motion Passed 7-0.

4. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance to adopt Text Amendments to Chapters 1, 2, 4 and to establish Chapter 14 of the Troutdale Development Code.

Chris Damgen, Community Development Director, stated with me is Ryan Krueger, our Senior Planner and Floodplain Manager for the City of Troutdale. We are here on a first reading tonight to present proposed changes to the development codes specifically with flood management regulations. This is not an easy read. It is not an easy section of code for anybody whether it be the citizens, you, Planning Commission, let alone staff to try to figure out and navigate or do a major change. However, this is something that is before us, we have to do it and we have a very short deadline to incorporate the changes. I don't want to sound sinister here but effectively we have until February 1st to incorporate these

changes. February 1st is the date in which Troutdale's flood insurance rate maps will be updated. Anytime you have an update to a map you have to have also floodplain regulations that are in line and that are up to code and up to snuff with the feds through FEMA and with the state as well as any Metro based regulations too. Tonight is really the final acts, if you will, of a 5 to 6 year effort to update our floodplain maps and then as a result the needed code amendments that have been asked of us by the state and the feds to do this. I'm going to be going through your staff report which was included in your packet. What's prompting it is new flood maps and the related studies that are coming out. The State of Oregon also performs about every 4 to 5 years what they call community assistance visits (CAV). Troutdale had a CAV visit about 4 years ago and this was also on the heels of our situation with a former member of this body and some of the fallout there. But at that time the State Department of Land Conservation and Development (DLCDD) told us that we had some fixes to make in our flood management regulations. They wanted us to incorporate it right away at that time. The staff at that point was able to basically say, we know we're going to have to update our flood maps here in 2018-2019 roughly, can we wait until that point and we can then get a whole update where we would include the federal overview and the state agreed to that. Effectively this year or earlier this year the feds let us know that they had wrapped up their mapping project and they were intending to have the maps go into effect. So at that point that's when this 6 month clock began where we had to get the state requirements up to date and they gave us another visit and further documented needed changes earlier this year as well as have the federal government look at our standards and our proposed standards which are in front of you tonight. There's one other wrinkle to this overall flood management perspective from a regulatory standpoint. We have participated for almost 10 years now in what they call the community rating system (CRS) program. CRS basically allows reductions of insurance rates to people living in high hazard areas but also in non-high hazard areas if the city performs certain steps either through regulation or public engagement or a number of factors basically educating, informing and protecting the public against future flood risk. So right now in the City of Troutdale we have a 15% break for those properties that are in the special flood hazard area and we have a 5% discount for those who aren't. Effectively, we get graded based on the number of activities we perform. We're pretty close to being in a situation where if there was a couple of things here or there that we could do it could kick us to a higher level where you could get a 20% discount for those in the flood hazard areas and a 10% discount for anybody else carrying flood insurance in those non-high hazard areas. This is a voluntary program. Not a lot of cities do it. We're one of the few in the state that do but it has been a policy of the city to do this for quite some time for the past 10 years. Flood insurance rates do go up annually and from our citizen engagement when we talked to folks about their flood risk or they have questions about their policy the number one concern is, how do I keep my insurance rates low? What steps can the city do to help me protect my home and keep my risk low and to also keep rates low for what I'm paying? And unfortunately what we're seeing across the country is because of flood damage, particularly along the Gulf Coast, rates are continuing to go up nationwide. It's effectively a nationally backed insurance program.

Councilor Allen asked, how does the National Flood Insurance Program (NFIP) compare to private programs locally based?

Ryan Krueger replied they're still going to be consistent with the risks that are associated with grading the exposure to such hazards in those areas. The simple answer to that question is they will be similar rates but there may be some differentials in some of the premiums but if they're grading on the scale that you're generally going to see as far as the exposure risk the likelihood that something like that's going to happen, they'll be very similar. A good example of this is the state of Florida. Following a number of instances down there, there was a local insurance provider that was propped up by the state in order to fill some of the gaps. What ended up happening is while they were able to provide maybe a little bit more modest rate reductions the bottom fell out when they had a massive hurricane and then they were not able to pay claims. One of the issues that came as a result of that is they shifted a lot of that risk off into the insurers that were backed by the NFIP and that's what we've tended to see in most of those markets is that they've been reluctant to provide a large scale relief.

Councilor White asked, how much staff does it take to prepare for those audits?

Chris Damgen replied with the CRS there's annual reporting that takes place and there's a pretty considerable amount of staff time to accumulate information. As far as assembling the information providing a response to a company that actually does the insurance rating on behalf of the feds, it's a considerable effort. And then once every 4 years there's a deeper dive to really give you that score that can lock you in for a certain year period. It's a lot of work.

Ryan Krueger stated and I will just follow up on that to say that because there has been a maybe unavailability of staff over the previous 5 year term that encapsulated the CRS review cycle a lot of what our work in the last 2 ½ years was getting that documentation back to a level that would allow us to be able to move forward. At this point the staff time is more minimal than it was 2 ½ years ago when we started.

Councilor White asked, do you know how many people are eligible for flood insurance in Troutdale?

Chris Damgen replied everybody. Historically we think of flood risk as being in a flood zone. But effectively everybody lives in a flood zone. FEMA has been very adamant to say flood risk can occur anywhere. In fact, a good number of claims in Houston came from properties that were outside of the special flood hazard areas. You can have risk even if you're not within that color shaded area of the map.

Ryan Krueger stated to follow up on that we have somewhere between 30 and 40% of the policies that are in effect under that NFIP that are in the zone X areas so they are seeing a discount on their insurance.

Councilor White stated I remember in your presentation that it was only 43 participants in that program so I'm trying to weigh that with staff time. It depends on who you are if you think that's a good deal or not to have increased regulations to save a small percentage on flood insurance that's going through the roof anyway. It's doubling and tripling.

Ryan Krueger stated I would say that increased regulations isn't the most precise way to term that. It's actually more increased documentation rather than increased regulations.

Chris Damgen stated again, because this is something you guys don't normally see there's terminology that's out there so we want to make sure we are all on the same page with you. I kind of just alluded to flood zone. What you guys typically think of the flood zone is what we call the special flood hazard area (SFHA). So if you hear that term or read that term in the documents that's what historically most people think of the 100 flood the area of the greatest risk. We call it the flood management area. Within a special flood hazard area you also have a higher risk area called a floodway. Chris Damgen showed the Council a PowerPoint presentation (which was Exhibit A in the meeting packet). You will see throughout the code proposal we have a higher standard or higher restriction placed on the type of development that can occur in the floodway. The good news for Troutdale is we have very little actual structures. Do you have the actual number?

Ryan Krueger replied in the floodway? None. The floodway is the highest velocity water. Unless it's a legacy structure there's not going to be anything that's really been developed in the floodway other than infrastructure.

Chris Damgen stated so when we're talking about properties or structures that might be in that special flood hazard they might be in this floodway fringe area where there's great accommodation and greater allowances given for developing. That's an important distinction when you see these sections. I wanted to make you aware that there's a distinction between floodway and special flood hazard area.

Councilor Ripma stated everybody in Troutdale is eligible to buy flood insurance. I wasn't clear on this 20% reduction and 5% reduction numbers you were talking about, does that apply across the city then?

Chris Damgen replied so right now if you were not in a special flood hazard area if you choose to just buy flood insurance there's a 5% reduction on that because our community's participation. If you were in the special flood hazard area it would be a 15% reduction. With some additional effort, reporting, and potentially a regulation here and there based on building elevation these folks could move from 15 to 20% and everybody else could move from 5 to 10%.

Councilor Ripma asked, is there a map that shows where the 100 year floodplain is and the floodway and the fringe areas are in Troutdale?

Chris Damgen replied we can pull that up if we could defer that to the end of the presentation we can show you more precisely with that.

Councilor White stated I intended to declare a potential conflict of interest because I do own property in Troutdale that is within the special flood hazard area. I checked with the ethics board and they said it is not a conflict. I don't technically have to declare it but I'm doing it as a courtesy.

Chris Damgen stated we are going to come back to what the actual text amendments are going to be because what we need to focus on, particularly for you guys as with any text amendment, you have to have decision criteria which basically states that what is being proposed in the draft meets certain criteria. We're going to jump to that real quick and keep those criteria points in mind as we go through the sections. We're not going to go line item by line item of all of this but we are going to stick to the notes we provided to you in the staff report. We're going to jump down to that part. These are the findings and these are proposed by staff and were endorsed by Planning Commission with a 6-0 vote 2 weeks ago. The proposed change to the development code does not conflict with the applicable comprehensive land use plan goals or policies. We believe that they are quite in line. Goal 5 and Policy 9 states that the city should notify and coordinate development proposals within natural resource areas with other local, state and federal agencies. We believe we've accomplished that with the draft. Goal 7 speaks to ensure that development in highly hazardous areas will be restricted or prohibited. That's really the floodway we're talking about. Development may be allowed in areas of potential hazard if appropriate safeguards are taken in the design and construction to protect effected persons and property. We believe that Goal 7 and Goal 5 those criterion points have been met with the comprehensive plan. The proposed changes consistent with the applicable statewide planning goals, text amendments are in line with the state land use planning goals. We have had DLCDC review our draft several times and the most up to date draft is in compliance so we believe the criterion has met.

Ryan Krueger stated we do have some changes that they've requested that we'll share with you this evening that we'll pass around.

Chris Damgen stated the proposed changes consistent with the applicable provisions of the Metro code really doesn't dabble as much into flood hazard standards. They lean on the state and federal requirements. But there are some water quality and flood management standards in Title 3. We did have to be more specific of when conditions of approval have to be included in a decision for a permit that has to take place in there. We concluded that language and we believe the criterion is met. Public need is best satisfied by this particular change. Flood management is an exercise of protecting property and life from hazardous conditions. Really in this case, we do not have a lot of properties that are in this area that are directly affected. There may also be some financial benefit to the city residents if there's a desire to continue on this CRS program with the current text amendment in place that would reduce insurance costs. We believe the criterion is met there. This is an ordinance that seeks to protect property and life. It does not weaken

already existing standards that would suggest development activities, however, there are opportunities to either clarify or even reduce the application burden on some applicants. We believe the criterion is met. We do recommend approval. Planning Commission also forwarded a recommendation of approval of 6-0 to you. On their iteration and as Mr. Krueger just alluded to, there are a couple of changes from that Planning Commission recommended draft. And here's why, with every iteration that we have to do with a code update we have to get FEMA to review it and FEMA has to sign off on it. We've gone through multiple iterations of our draft with FEMA. We at times have been able to score some things on behalf of the community that we believe the community would value. But there are other things sometimes where the feds just say, no you can't do that, we know better than you. Know that there might be some things in here, some things that had been in the previous code that had to either be clarified or removed. A lot of that had to do with permit exemptions. Some of these are more minor. This is not necessarily taking away a person's right to develop. It just means that permitting requirements may now exist where they may not have previously existed. Understand that staff is in kind of a similar predicament. If you see something that you don't like or see something that seems ridiculous, we don't necessarily disagree. These are changes that we have to still keep in mind to balance the need to protect life and property here in Troutdale and still try to represent the community's greater interest and need. This is not an easy proposition and we certainly have taken a lot of time to try to do this right and to get it as best for Troutdale as possible.

Councilor Allen stated when you say the deadline is February 1st, does that include us making any changes?

Chris Damgen replied effectively, you have to have development standards in place that pass muster with the feds that you as a body have approved the final version of their approved review and you have to have that in place by February 1st. FEMA has been extremely adamant that you have to have those standards in place or you get suspended from the NFIP. That's not something we take lightly.

Councilor Allen stated these are actual code changes that affect people's lives and the timeline in which to make any changes, we really don't have enough time.

Chris Damgen replied I don't know if I would go quite to that level. Flood regulations are there for protecting property and life. But there is a ticking clock and the feds give local jurisdictions 6 months from the time when these maps go into effect to get their regulations in order. So we're now on month four.

Councilor White stated it is really dense material and it has really far reaching ramifications. I think it's fair to point out that the Planning Commission did their vote with a couple saying they were under duress and they were mainly doing it because of the timeframe. It's been my experience that now is the time to make the changes and not after we've passed this thing. It's like pulling teeth after you've passed something to get it changed. I definitely need more time. I made it through Section G which is the biggest

part. I have questions on almost every page throughout Section G. I just ran out of time quite frankly. It affects a small number of people in our city and they've been through the wringer already on regulation after regulation. We have a riparian zone that scientifically was adequate to provide the animal corridors and the clean water. Now we're trying to include the floodplain in addition to the riparian zone and doubling of setbacks and watching waterways get turned into navigable rivers. There's tons of ramifications. In the past we've always had expert help. That's how we met our city attorney. I really think this needs a second set of eyes. We did the same thing when they did this new mapping. We hired Wayne Huber who was able to really help us understand that process a lot better. He caught mistakes that FEMA missed. FEMA didn't calculate the protection we were getting from the pumps that were down in the TRIP property that the Sandy Drainage Improvement Company runs and that was able to lower the floodplain down to where Amazon came in. I'm really pushing for a more thorough process on where we're headed. I think FEMA doesn't want any bad PR. They're still recovering from Katrina. We've been waiting on them to finish the maps. They've delayed it and delayed it. I think it would only be fair that we either try to get it done by February but I think we're going to need an additional meeting to accomplish this.

Ray Young stated what I can offer and I'm offering 2 people's time and I didn't ask them, if there was no more than 3 council members at a time who wanted extra educational discussions and sit down conference room and go through it line by line, staff would provide that for up to 3 councilors at a time between now and the 11th to really dive into this information. I don't know if a third party would be a possibility or if it would do any good but we could do that. That's something we could at least look at but we definitely want to provide an opportunity for council to digest it and understand it and ask questions.

Councilor Allen stated this doesn't actually affect me a whole lot but I think that we do owe it to the people that are affected by it to actually give a fair consideration.

Chris Damgen stated certainly we welcome any conversations with councilors. I do think it's only fair for the record to mention we have had this draft, the initial iteration, for the public view since mid-October. We had a work session prior to the Planning Commission hearing on November 8th and we also had the hearing on the 14th. This is one we knew was going to be tough, we knew it was going to be complicated and we went to a length to get the information out ahead of time. It is well within this body's right to adjust the calendar accordingly and to take great care and consideration of this draft but I do think it's only fair for the record to reflect that we have tried to make those accommodations already and we will continue to make those accommodations moving forward.

Councilor Ripma stated this CRS, you mentioned most cities don't participate. Why? If we weren't participating in the community rates system, would we still have to do this by February 1st?

Chris Damgen replied the short answer to the latter part of your question is yes.

Councilor Ripma stated we would still have to have these changes in effect by February 1st.

Ryan Krueger stated there are 5 instances in the code that are directly related to the CRS. That's it. Everything else is verbatim, code federal regulation standards that there's no wiggle room on. The feds have said, do it our way or it's the highway. Respectfully, Councilor White, the way that they've been articulated to us by the reviewers is that if we're not done by February 1st suspension is the only thing that follows. That's what we've been advised.

Councilor White stated I'm just curious if Ed has a legal opinion on that.

Ed Trompke, City Attorney, stated I can't say that I've read all of the federal regulations on this but I do know that FEMA has been pushed since the rounds of hurricanes beginning with Andrew to upgrade all of their standards and they started back then. They are making it much more mandatory on cities and they're taking a harder line with states and cities to get everybody in line. I can't say that that's absolutely drop dead the truth but I have no reason not to believe it without looking.

Mayor Ryan stated we spend all this time reading it, digesting it and a few people just have an issue with it. Does it really matter? They're not going to change it. These are federally regulated to all cities.

Chris Damgen stated the ones that are currently in this mapping process, yes.

Ryan Krueger stated for the ones that have mapped floodplain areas and that participate in the NFIP, which in our state that's something that certain areas that are mandated to do so and we are one of those, you are required to have verbatim.

Mayor Ryan stated so these text amendments are verbatim. So we may not like them.

Chris Damgen stated with the 5 instances that Mr. Krueger alluded to where there might be, and that's more of a policy decision locally, but effectively any change you make here tonight has to be recycled back to FEMA.

Ryan Krueger stated for example, there are ways that we are changing our code at this point or recommending changes to our code that would allow for allowances for developers that are coming in and the submittal criteria. Previously our submittal criteria was shall do this, you must do that and those types of things. We're making changes with a little more flexibility. The definitions and standards under 14.040 pretty much everything in there, except for the 5 that I alluded to under the community rating system, are verbatim.

Mayor Ryan stated what I don't want to do is spend a whole lot of time and energy on something that is pointless.

Councilor White asked, wasn't there some things like raising the foundation an extra foot that weren't required that we have in here?

Ryan Krueger replied that's in 14.040 which is not a verbatim which is one of the 5.

Councilor White asked, what were the other 4?

Ryan Krueger replied in Section 1.040.89 on page 1-32 in Exhibit B. Changing the substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 49%. So going from 50 to 49 can accrue us up to 20 points. Just for the record, we are currently at 1814 points so we need basically 286 points to get us to a Class 7.

Ray Young stated let's put this in perspective. What I'm hearing you say is that before this was a 50% number and now it's a 49. So here's the reality, if your home gets destroyed now and 50% of it's damaged, you get 50% or less is what you can get away with and rebuild your house without having to do additional things. We're bumping it down to 49% of your existing home has to be left. So we're losing 1 percentage point of how much your house was damaged before you have to do more rules. So I guess in reality what we're saying is, why is that 1% loss going to matter if it gets us enough points and saves 5% on the insurance?

Councilor Ripma asked, what are the points?

Chris Damgen replied when a community gets a score which determines the insurance break they get there's a criteria of things that contribute to an overall score. When you hit a certain threshold your score improves. If you're say a class 1 community you have the most stringent most exceptional floodplain standards. Right now we're at a class 7 which is where a lot of communities are but there are also communities that are a class 6. By these 5 items that we're going through right now that determines whether or not we could get past that goal to get up to a class 6 and therefore get that additional 5% across the board.

Ray Young stated what the rating system is, they take your community and you get points for all the things you do within your community to reduce the risk of flood causing damage to your community. You get points for educational programs, education flyers, points for sending emails to your citizens about stuff like that and making your standards a little more stringent. You take all of this across the board stuff and it's like when your insurance company asks you if you smoke before you get life insurance. It effects your rating and the rate you get. This is just one of the many things that the feds look at to decide what our insurance rate will be.

Councilor White stated it's been my experience in talking to people that they don't want to get the flood insurance but their mortgage requires them to do it. It's very expensive.

The people that have their properties paid for don't choose to buy it. They would rather face some minor flooding and repair that when the time comes than to shell out all that money annually. That's my concern here. One little change like that can make an impact on a much bigger development.

Chris Damgen stated all we're trying to do is let you as a body know where we stand on the insurance break. These are proposals that we're trying to follow through based on previous council policy to seek ways to reduce insurance impact on citizens.

Councilor Ripma asked, where is the one foot thing? You were going to point out the 5.

Ryan Krueger replied we can go back to that and I can give you some more frame of reference on the actual cost associated with one additional foot. That is going to be in Chapter 14 in Attachment E. This is going to be on page 14-22 under Section H1. Making that change we can accrue up to 250 points which would get us across our threshold. The associated cost, just for the public record, it generally costs about \$2345.00 to elevate 1 foot. To go up 2 feet, depending upon the type of foundation that you would use, if you were to use a concrete block piers it could be as little as \$890.00 for an additional foot of elevation and all the way up to \$4400.00 if you were to bring in fill. Generally the average cost of the flood insurance premium built to the base flood elevation (BFE) is going to be \$2100.00. If you build 2 feet above the BFE it's going to be \$730.00. So your savings are substantial.

Councilor White stated you have to assume that if they're in a special flood hazard area they might be 2 feet below the base flood elevation so now they're going to have to build a 4 foot foundation. One, it's going to look really funny compared to all their other neighbors that didn't have to do that rule. Then the costs really go up. And if you're talking a project that could go in at our Urban Renewal or a redevelopment someday of our RV park or the 5 acre property that's for sale right next to the RV park. It would be my preference to say leave that one alone. I don't care about saving a little percentage off 43 people's flood insurance as compared to what that could cost us down the road to losing a great development that could really put our city on the map. We're the only city that hasn't really done much for development of our waterfront. I think we're missing out. I think that's starting to change. Even Oregon City just recently is involved with a huge waterfront development project and I think it's great for all of us regionally. People are attracted to the water and they want to live there and they want to recreate there. I think we should make it as easy as possible for that to happen on a city that's bordered by water.

Ray Young stated it's my understanding the rules require us to have 1 foot above the base flood elevation, correct?

Ryan Krueger replied yes.

Ray Young stated so in your example if somebodys property is 2 feet below that they're still, under the feds, going to have to put a 3 foot foundation there anyway. We're simply suggesting if you want to save more money on your flood insurance you make that one extra foot. I think Ryan was saying the analysis done indicates that that pays for itself in 3.5 years on a single family home.

Ryan Krueger stated to alleviate some of your concerns with regards to the Urban Renewal Area, this is the developed footprint here on the maps. These are the new maps that are coming out. There is a little bit of area down there on the southern section underneath the bridge that's expected to be within the special flood hazard area within the floodway but the majority of the site is outside the special flood hazard area.

Ray Young stated we're likely to have that as being the city owned property for the park because actually that area under the bridge is now currently a sidewalk that ODOT put in that we will match up with.

Councilor Ripma asked, did the Planning Commission get into all of this exact same stuff?

Chris Damgen replied they got into the text. We didn't pull the map up for their benefit. We probably should have.

Ryan Krueger stated we looked at some maps during the work session but I don't know if we got into the URA.

Councilor Ripma stated I was thinking of the 5 discretionary points.

Ryan Krueger stated yes. They were all discussed.

Mayor Ryan asked, can I ask Tanney, I heard that 2 people were under duress, did you feel that during the committee meetings? I hear often how much certain councilors have a lot of faith in certain committees. So I want to make sure how much information was given to the committee. And how sure were they when they voted 6-0 on this?

Tanney Staffenson, Planning Commission Chair, replied I'm not speaking on authority of the Planning Commission. There was a work session done in October with the Citizens Advisory Committee and the Planning Commission on this subject. Planning Commission had an additional work session of their own which was November 8th and then the hearing was on the 14th. We did raise quite a few concerns. There was a number of them. We chewed on this thing for quite a while and frankly it didn't taste very good. We went through it and I will say that I believe that the vote was 6-0 because of the timeline.

Mayor Ryan stated the time we can't do anything about but there's still some unanswered questions.

Ryan Krueger stated there's 5 things currently that are under the community rating system that are included in the code that we can augment. There are other issues that have been raised during those previous sessions that we may or may not ultimately have as much flexibility over. The same 2 foot elevation is also in there with regards to our flood proofing for our non-residential structures. So we don't necessarily have to go through that verbatim. It's basically the exact same thing. As far as the number of commercial and industrial properties that are impacted those are the areas that are most constrained by development for both the VECO and our steep slope areas as well as the floodplain. Now we are looking at 14.040(G)(5) on page 14-20. This here is the section that I am referring to as all new buildings built on fill in the regulatory floodplain shall be constructed on fill that's certified by a professional engineer and provides protection from erosion and scour. The bigger change is to provide protection from erosion and scour. They're still going to have to certify with an engineer that any fill in the regulatory floodplain is designed and compacted for development. That is not a change. That's a standard. That one would be up to 35 points for that change. This is 14.040(R)(5) on page 14-28. The final sentence, roads built in the floodplain shall be built at or above the base flood elevation to provide access to emergency vehicles during a flood. That one gets us up to 100 points. The final one is 14.040(U)(3) on page 14-29. This is regards to critical facilities which includes hospitals and other medical facilities having surgery and emergency treatment areas, fire and police stations, tanks or other structures containing housing or supporting water or fire suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures. The tanks and other structures do not include city water distribution facilities. Emergency vehicles shelters and garages, structures and equipment and emergency preparedness centers, standby power generating equipment for essential facilities, structures and equipment in government communications centers and other facilities required for emergency response or other facilities as determined by the floodplain manager or designee. I can tell you the Planning Commission weighed whether or not to include a little bit more specificity to Section H there which is the other facilities and ultimately determined that the floodplain manager was a reasonable enough authority to determine what else might fall under that that may be necessary for a critical facility. That being said, critical facility not only represents an area where we would ultimately want to see the health and the welfare of the population be protected but also represents generally a smart investment for our tax dollars. So this standard here requires that any critical facility constructed within the special flood hazard area shall have the lowest floor elevated one foot above the height of the 500-year flood level. That's going to be the change there, the one foot above the 500-year flood level. For the majority of the properties it's not going to be different than the boundaries for which you are going to see for the special flood hazard area. There's going to be modest changes in those boundaries. The points on that are up to 40 points. So we're looking at a total with those changes up to 445 points which gets us to just 2250 points which is very well into the class 6 which gives us 20% discount on flood insurance for properties within the special flood hazard area and 10% across the entire city.

Councilor White stated we could still get into the class 6 though if we removed the one foot requirement. Not from the hospital one. I'm not worried about that one.

Ryan Krueger stated we would be really close. We would be basically 9 points over.

Ray Young stated but there's other options. Is 18 inches an option?

Ryan Krueger replied unfortunately it's not in the way that this is written. There are other ways to do it as far as getting additional points. For example we had reached out during our previous recertification cycle to our partners with the Multnomah County Drainage District including internal departments with the Public Works Department and our Building Department to try and have more rigorous documentation for inspections that were being conducted for example and unfortunately the bandwidth really isn't there right now for them to be able to partner with us. So we recognize this as a way to be able to look at mechanisms by which we could help get across that threshold and then look at even further options in the future. The other reason for this was diversifying. If the recertification criteria changes we want to make sure that we're ultimately spread evenly across a number of different areas so that if we lose a bunch of points in area we don't fall back down to a level below which we already are at. This offers us a chance to diversify the point score for which we would be able to classify ourselves and be able to maintain that insurance coverage and discounts.

Ray Young stated staff has been operating for a decade under direction from council. We need to do everything we can within reason to improve our insurance ratings and within reason. As you know, we don't have to have these ratings. We could live without a 6 or a 7 if council wanted that. But they've worked really hard and Ryan has done an excellent job. They've worked all around the code to get points to add up to get us to level 6. Lower insurance rates is the mindset we've been operating under. It's not that we want more regulations but we believe that the savings in insurance rates justifies these types of changes to get us the extra points across the board.

Ryan Krueger stated I would like to add one thing on top of that. The particular framework by which we're proposing this here ultimately can be changed during future discussions on policy or under this framework as well. But we've heard from the folks and we keep a record of everybody that comes to us throughout the year and ask us questions and we do hear time and again that they want to save money on their insurance. They want to save money across the board on the things that they're able to do on their property and that's one reason we put some of the specific follow-ups in here with regards to submittal requirements and standards that are necessary. We had some of our property owners say that want this more in line with what the expectations are across multiple jurisdictions. I want to be able have more understanding of what's going to be expected of me. But in this particular instance we have heard time and again that folks want to save money and this in one way we thought we might be able to help them.

Councilor Allen asked, do we know what the 500-year flood level looks like in Troutdale?

Ryan Krueger replied in some locations, yes. The orange on the map is the 500-year.

Chris Damgen stated and keep in mind, the existing maps have that layer too. What you're looking at is the February 1st map. There isn't major shifts in the 500-year floodplain.

Councilor Ripma stated I recognize that most of the changes proposed to the code are moving things around into the new floodplain section or chapter 14 and no real change there. You did mention that some of the changes that we're making were required by FEMA. How long is that list? I couldn't tell from the staff report and looking through the code. If it's 25 things I don't want to go through them all. I would like them to be identified to us before we vote. Do you have that? All the others that are just moving things around and have no change really in our actual code, those don't bother me.

Ryan Krueger replied the short answer is that there is a way to generate that as far as what those changes are. We have that from the community assistance visit from our CAV. We have a number of changes that are required there. Broadly, the definition section, great example. All the definitions, we moved some of the stuff from our previous chapter 4 to the definition section and then all the definitions are now verbatim code of federal regulations. So every definition that's in there that's from the flood hazard zone, VECO and floodplain are in there together, all the floodplain specific definitions. Let's just say 75 to 85% of the definitions in chapter 1 are now verbatim FEMA. So that was one big change. It had to be verbatim code of federal regulations definitions.

Chris Damgen asked, in preparation for the next hearing, are you looking maybe as part of your packet maybe an exhibit saying of the changes that are to occur, what's been FEMA mandated and what is community rating system suggested? Is that kind of what you're looking for?

Councilor Ripma replied you've identified those 5. But yes. I'm just kind of throwing this out to the council but if we could have that and some maps, detailed maps, that show these areas that are really affected. My modest proposal is that we get one more packet for the next meeting and not vote on the next meeting. Do one more iteration on this so that we can study those and understand them better. That would be my preference is to request that staff reformulate the packet or at least the listings and identify which ones were FEMA mandated so we know what they are.

Councilor Lauer asked, is that what Councilor White and Councilor Allen are also asking?

Councilor Allen replied I think that understanding goes a long way.

Councilor White stated that would work for me. That would be adequate.

Councilor Lauer asked, is that doable with staff?

Councilor Ripma stated if we had the first reading not tonight but December 11th.

Chris Damgen stated from a scheduling perspective the 11th would be the next meeting.

Ray Young stated gentlemen, it's up to you. You could have a meeting on the 18th to do a final vote on it and just have a short meeting that night.

Chris Damgen stated for the sake of staff preparation we do have a couple questions for what council would be expecting.

Ryan Krueger stated so we want changes mandated by FEMA, not reorganizational changes that we have put into place. So basically you want to know precisely where a FEMA mandate was expected versus, for example in the first section of chapter 14, I just want to point something out so you can get a better idea of what I'm referencing here. In attachment E, the purpose section there has been consolidated to align with FEMA requirements as well as some of our local requirements but it is a consolidation that we just basically said we're going to put all of this under a purpose. How would you like to see that? Do you want us to call out under the purpose all the ones that are mandated by FEMA versus local inclusions? How would the council like to see those call outs versus FEMA call outs versus some reorganizational?

Mayor Ryan asked, that sounds more reorganizational, doesn't it?

Ray Young stated right but it's also just the purposes. These aren't the actual rules.

Mayor Ryan stated I think Councilor Ripma is looking for the things that actually affect our code. That would be good. And then the 5 things we went over to get to the rating system and any detailed mapping that would show that.

Chris Damgen stated the one thing we do have to stress to council, we have the ability within reason to look at the text. The maps themselves are a product of FEMA through their contractor. We do not have the ability to change a map. We want to be 100% clear with you. We do not have the editing pen for the map.

Mayor Ryan stated I guess what we're looking for is an executive summary. These are the things that you have to have no matter what. These are the things that we're looking to change because of the rating system and the insurance. And then Councilor White mentioned some Metro stuff. For the most part, just give it to us that way because we're not the experts.

Chris Damgen stated part of the issue when they create the maps is they have a certain cut-off date for when they actually look at what they call letters of map change so there have been actions that have occurred after this cut-off date that are just not shown on this map.

Ray Young stated I think we understand what council wants and we'll get it to you as quickly as possible. I'll make sure that the maps are easy to read and see.

Councilor White stated since we have someone on staff that's so knowledgeable on this subject, would it be possible to get Ed to chime in on a quick review of this as well at the next meeting?

Ed Trompke replied sure.

Councilor White stated a lot of this stuff that you're saying is mandatory changes was stuff that we fought hard for in Title 13 and Goal 3 and Goal 5 as this progressed. And now to see us be forced to change that is pretty upsetting. One little word change can make a major difference on what that means to a developer.

Ryan Krueger stated Councilor White, if you have specific examples from the areas that you feel like were ultimately as a result of those other actions that are now being changed, because from what I understand, most of those were related to the VECO standards which are only part of the definitions section. If they're actually directly related to our floodplain code that's news to me and I would like to learn a little bit more. The only area that I'm aware of is the Metro Title 3 maps which were adopted by reference only, they're not regulatory and that is in our chapter 14 but it ultimately just guides us so that if someone comes in says they have questions about where the '96 flood was on my property we can give them that reference information but it doesn't regulate they have to develop to that standard. So that's the only one that I'm aware of at this point.

Mayor Ryan stated I strongly encourage councilors who have direct questions to meet with them.

Chris Damgen stated and just for the record, Mr. Krueger won't be available after the 18th of December.

Mayor Ryan opened the public hearing at 8:42pm.

Diane Castillo-White, Troutdale resident, stated the planners did a really good job. I understand a lot more and I appreciate all their work. As we're talking about different things for the CRS that are above and beyond what's required, is there anything in the old ones that were passed that are highly restrictive for development or improvements of the property that we could possibly look at and say, this just inhibits and like let's say from Depot Park to the Sandy River and I don't recall what the right word is. It's called sheeting or sheathing the water. That was something that went above and beyond so I don't know how that applies like if it's so many feet from that you can't maybe improve or you can't develop or whatever. My question to the planners is, was there anything that maybe we could look at that was only a few points but that would help us to be able to improve and make that area as part of the Halsey Corridor more desirable and improved upon? Again, the area between Depot Park and the Sandy River Bridge. That's one thing I have.

Chris Damgen stated I'll defer a little bit to Mr. Krueger. One of his earlier points in the presentation he talked about some middle standards for certain types of applications. The current code talks about shall, you shall submit this documentation with this particular type of approval and he brought up the example of the outdoor heat pump where we can be more cerebral as far as what the actual submittal requirements might be. We have that flexibility in certain cases. We do have certain flexibilities built into this draft where we didn't have them before. In our mind it makes it somewhat clearer and in some cases less burdensome for people to do certain things to their property.

Ryan Krueger stated I pulled up our recertification standards from the 2017 recertification cycle which talks about our higher regulatory standards. We have 7 of them in here that we got points for. The development limitations we have one that talks about hazardous materials stored indoors above the base flood elevation, that's remaining and hasn't changed. We talked about the freeboard this evening, that's something that is an extension and advancement of the other one. Lower substantial improvement threshold, this is one that is in line with what we've talked about this evening as well. Without getting too far into the weeds on these next two, this is called building code 1 and building code 2 which basically means that we have adopted the Oregon structural specialty code and we have received a certification for our building permit review. Then I also have local drainage protection which is in regards to ORS standards and the building department standards and then we employ me as a certified floodplain manager. We don't have anything in here about sheet flow or any other additional regulatory requirements that we are currently getting credit for nor is there anything in the code that speaks to that at this point. There aren't very many sheet flow areas within our jurisdiction.

Paul Wilcox, Troutdale resident, stated I don't have any comments on the language specifically but I first ran across this before it went to the Planning Commission's work session so I saw the redline version. I didn't go through that one because I figured in the work session the Planning Commission would be making changes to that anyway. I did read the clean version that came out Wednesday. I did read the clean line version word for word and I met with Ryan this afternoon for about an hour making some minor word and punctuation corrections. Also, he answered quite a few of my questions where I wasn't clear on some of the language. I would encourage councilors to meet with Ryan if you have specific problems. I thought Ryan did a really outstanding job and it looked really comprehensive to me. There weren't any red flags in my mind when I read it. I don't see problems with the enhancements that are being called for. I just think Ryan did an outstanding job.

Taney Staffenson, Troutdale resident, stated I want to thank staff. Those gentlemen put in a lot of time and have done an immense amount of work to get the document where it is. This is some really hard stuff and you're dealing with FEMA and the Corps and Metro and there's a lot of things I'd rather do. We spent some time on this and one of the things I think about when I hear about saving money on insurance I think about a television ad. How easy it is to save so much on your insurance. There's nothing about this that's easy. I'm very respectful of trying to keep the insurance rates down but it's very painful usually

for a lot of parties. I look at a few things, I don't know how you address some of these and some of these are things that I brought up at planning. We were talking a few minutes ago about roads and if we were to elevate roads, how would we elevate Jackson Park? We already have one. We have the off-ramp for I-84 that is below the floodplain. How is it that some of those things would get addressed? Another concern, this is where it gets kind of interesting because talking about development permits, I was in exhibit G in the redline version requiring development permits. The reason I bring that up is most of the work that is done on the levees is charged to the Sandy Drainage Improvement Company. Some of the requirements are going to make their job more difficult and add more cost. They're also charged by the same government agency that's doing this and it makes me think that maybe somebody needs to pop the 500mg reality tablet because you're not really thinking. I know there isn't much we can do about it but the government really isn't thinking about the people. You've got somebody on the 8th floor making a rule that affects somebody on the 9th floor and the 2 floors aren't talking to each other but yet at the end of the day the real work that gets done for flood protection ends up being more difficult to do and costs more money. And I really can't see a great reason for it. Another one that I was looking at and I kind of had a personal thing with this from the '96 flood, talking about emergency tree removal. One of the things that you can do is you can cut down a tree if it's threatening something which actually happened in '96 but after that you have to go in and get a permit and show erosion control and those types of things. That again is kind of a reality thing. After an emergency flood, is anyone really going to do it? Don't we have bigger things to worry about? My last concern is if we work to get rid of invasive species and plant things that are going to withhold the bank better and things like that and so the blackberry grows pretty well around here but if you cut the blackberry to the ground, that's a no-no. Those are just some of the things that I noticed. I don't know that there's an easy solution. Planning voted on it kind of because we had to but certainly I wish at a higher level this would be looked at in a more comprehensive manner. There's been a lot of public meetings over the years. I went to one that the County had where some of our residents were there and FEMA told them their property is going to flood and you can't do what you want to do on your property. I know we have better data but sometimes it's pretty hard when we tell people things like that.

Mayor Ryan closed the public hearing at 8:55pm.

Mayor Ryan stated we're going to table this to December 11th.

Ed Trompke stated technically not tabling it.

Chris Damgen stated we have a handout of a tabulation of changes from the Planning Commission recommended things. This is for your disposal.

Councilor White stated I just want to make sure that the Port's aware of these changes that we're looking at.

Ryan Krueger stated they have been in communication with us. We have received no public comment from the Port and none from the Drainage District either. I don't disagree with much of what Tanney said. If this is an issue that the city council sees as relevant I would encourage us in 2019 to see about the possibility of bringing this to a higher level whether it's our regional policy makers or state policy makers or even our representatives at the national level. The NFIP is up for reauthorization on the 30th of this month. They're likely just going to have another continual resolution. We probably need to see some fundamental changes to the program. More voices adding to that can't hurt.

Councilor White stated I have another question on the Multnomah County Hazard Mitigation Manual. How did that come into play on this FEMA?

Ryan Krueger replied in the action items identified under the Multnomah County Natural Hazard Mitigation Plan one of the action items identified for Troutdale was inclusion in updates to codes, ordinances, comprehensive development plans, those types of things. So the inclusion there is as a result of that action by this body and as a part of that action item under that framework.

5. STAFF COMMUNICATIONS

Ray Young stated next Tuesday evening we have our half-yearly budget meeting. The Budget Committee will be here and the 2 new Council members have been invited also. Next Wednesday night we have the rent burden meeting on December 5th that will be in this room if you would like to come to that. Next Thursday night is the committee interview night. We have plenty of interviews for you and we will have dinner for you at 6 o'clock and we'll start the interviews at 6:30. Then Friday, December 7th we have the Tree Lighting Ceremony at 5:30. The week after we will have the December 11th regular council meeting but from 6:00 to 6:45 we are honoring Councilor Allen and Councilor Morgan and then the meeting starts at 7 o'clock. Just in case you missed the news, last Friday all of the Historic Columbia River Highway is open. Our new web page is up and if you see anything that needs changing, please let us know.

6. COUNCIL COMMUNICATIONS

Councilor Ripma stated I'm responding to Paul's request for DVD's available for the council meetings. I just wanted to say that if you call MetroEast they will make DVD's available.

Sarah Skroch, City Recorder, stated I believe MetroEast will provide that. There may be a cost associated with that.

Councilor White stated I want to welcome Apollo Plumbing. I had the pleasure of going to their grand opening. It's a nice family owned business with living wage jobs. I just want to welcome them to the community.

7. ADJOURNMENT

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

Meeting adjourned at 9:03pm.



Casey Ryan, Mayor

Dated: January 11, 2019

ATTEST:



Kenda Schlaht, Deputy City Recorder

