

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

Tuesday, November 14, 2023 – 7:00PM

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
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Mayor Lauer called the meeting to order at 7:00pm.

PRESENT: Mayor Lauer, Councilor Ripma, Councilor Caswell, Councilor Wunn, Councilor White, Councilor Wittren and Councilor Glantz.

ABSENT: None.

STAFF: Ray Young, City Manager; Kenda Rimes, Deputy City Recorder; Ed Trompke, City Attorney; Travis Hultin, Public Works Director; Jona Jacobsen, Parks & Facilities Superintendent; and Dakota Meyer, Associate Planner.

GUESTS: See Attached.

Mayor Lauer asked for agenda updates.

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

Councilor White stated he would like agenda item #6 pulled and brought back some time in January. Everybody except Councilor Wunn agreed to bring this ordinance back in 2 months to see how the new off-leash dog park was doing before making other parks on-leash dog parks.

Councilor Ripma stated that Council had directed staff to bring the ordinance back in a couple of months, not a couple of meetings.

MOTION: Councilor Ripma moved to pull Item #6 from the agenda. Seconded by Councilor Glantz.

Ray Young stated staff took all the information from Council and made all the changes that were asked for by Council and thought that with all those changes made it would be okay to put it on the agenda for this meeting.

Councilor Ripma stated the reason for waiting a couple of months was to see how the off-leash dog park worked. There was no reason to open all parks to dogs that quickly.

He amended the motion to move to table to a meeting in January.

VOTE: Councilor Wunn – No; Mayor Lauer – No; Councilor White – Yes; Councilor Wittren – No; Councilor Glantz – Yes; Councilor Ripma – Yes; and Councilor Caswell – No.

Motion failed 3-4.

Mayor Lauer stated agenda Item #6 will continue as written.

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

None.

3. CONSENT AGENDA:

3.1 MINUTES: October 10, 2023 Regular Meeting and October 24, 2023 Regular Meeting.

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

4. PRESENTATION: A discussion on filling council vacancies.

<0:11:50>

Paul Wilcox, Troutdale resident, read a self-prepared statement (attached as Exhibit A).

Mayor Lauer asked if Paul is asking for support from Council and starting a Charter amendment committee to look at putting this on the 2024 ballot.

Paul Wilcox stated he's not asking for a charter review committee, just for the Council to consider some Charter amendments that apply to that vacancy section in particular of the Charter to address some of the issues he raised. It's not just 2-year councilor appointments, there were some other problems he saw. It needs to be looked at more closely. He thinks there were some errors made.

Mayor Lauer asked if Paul was wanting the Charter language cleaned up and then adding the word "remaining" in front of Council where it talks about the Council is to appoint the replacement for the vacancy. He asked if he's wanting a charter amendment to make these changes at the very least.

Paul Wilcox replied, right. He thinks another one text wise would also be the reference under Section 28B at the very bottom, "as defined by state law followed by the 61st day after the position becomes vacant." The problem with that is the filing deadline is also 61 days out. If you had a vacancy occur 62 days out, you would only have one day to go out and gather candidates. He thinks that could be eliminated entirely.

Councilor Ripma stated he's not a fan of changing the Charter. He stated that Council used to have Mayors serve 2-year terms, elected every 2 years with 6 councilors and the mayor only voted when there was a tie. It worked for 40 years or for quite a long time that way. He didn't favor the change then and he doesn't favor any further changes for special elections.

Councilor Glantz asked if this is something the Citizens Advisory Committee (CAC) should look at for objectiveness.

Mayor Lauer stated he doesn't disagree with that suggestion.

Councilor Ripma stated his comment is, don't refer it to the CAC unless the Council is in favor of it. If Council refers something to the CAC, it will seem like Council is endorsing it. He truly thinks that.

Mayor Lauer stated he doesn't not like the idea of referring this to the CAC. He feels that it is in the purview of the CAC to deliberate and chew on things like this. He doesn't necessarily see it as a Council endorsement sending it to CAC.

Councilor Wittren asked if Council could send it to CAC with a preference from Council saying they don't know if it needs to be changed or not, just look over it with no Council endorsement.

Councilor Wunn stated he doesn't think that the way it was done recently was a problem and he doesn't see it being a problem in the future. People elect the Council to represent the residents in the whole scheme of things and in this case to expedite a process to get somebody else on the Council to help with the democratic process. Sending this to the voters would prolong it even longer. He doesn't see the need to change things.

Mayor Lauer stated he doesn't feel like the system is broken. He feels like it's worked in the few instances that it has, and he agrees with Councilor Ripma in that opening up the Charter for a change that's not necessarily a glaring problem, he doesn't see it as a necessary move or step forward.

Paul Wilcox stated from his perspective as a voter, he thinks a 2-year appointment is too long. His dilemma as a voter is if he votes for that mid-term councilor for another office and that candidate wins that office that creates a 2-year vacancy, which he doesn't approve of.

Mayor Lauer opened public comment at 7:32pm.

None.

Mayor Lauer closed public comment at 7:33pm.

Mayor Lauer thanked Paul for the discussion.

5. PUBLIC HEARING / ORDINANCE (Introduced 10/24/23): An ordinance adopting text amendments to Chapters 3 and 5 of the Troutdale Development Code (TDC).

<0:32:33>

Dakota Meyer, Associate Planner, gave a brief overview of the staff report and presented a PowerPoint (attached as Exhibit B).

Councilor White stated he thinks it's noteworthy to mention that recently there was a pilot that attempted to crash a plane he was on due to using psilocybin the day before.

Mayor Lauer opened the public hearing at 7:41pm.

Paul Wilcox stated he has a question regarding Councilor Caswell and whether she has a conflict of interest with the ordinance.

Councilor Caswell stated the only thing that she can think of is that she leases to Tetra, a marijuana dispensary, in Troutdale. Other than that, she can't think of anything applicable.

Ed Trompke stated Councilor Caswell could recuse herself if she has any concerns. She said a dispensary but there are no dispensaries in Troutdale. It's a recreational facility. Unless there is a term in the lease that makes the revenue or profit from the sales in that facility a portion of it payable to the landlord, called a performance lease or a performing lease, it may not have a conflict. It's possible it does because there is a facility there, but it doesn't affect that facility except to possibly increase its value. He would leave it up to Councilor Caswell to think about herself and if she has questions to talk to OGEC about it.

Councilor Caswell stated if it would make everybody feel more comfortable, she could recuse herself. She doesn't have strong opinions on it so she would be happy to recuse herself.

Councilor Caswell recused herself.

Tanney Staffenson, Troutdale resident, stated he is a member of the Planning Commission. He stated the text amendments are just to clean things up as far as an error that was made in the past so that the development code lines up with Ordinance No. 882. This makes it clear about what someone can do and cannot do.

Mayor Lauer closed the public hearing at 7:46pm.

Councilor Wunn stated he thinks that this should go to the voters. He doesn't think that Council saying no more facilities is the job of the City Council. It should go to the voters before Council adopts any more amendments to what's already there.

Ed Trompke stated that Ordinance No. 882 did have in it an immediate text change. It wasn't clear that all of the notices that were required by DLCD had gotten filed in the proper way. The text has been put back in, the text that was accidentally omitted during putting it into tabular form. That was put back already and reinstated. This language was in that ordinance referring

to the voters but simply reiterates it to make sure that it is 100% done right. There were just some notice questions about whether it was done properly.

MOTION: Councilor Ripma moved to adopt the ordinance adopting text amendments to Chapters 3 and 5 of the Troutdale Development Code (TDC). Seconded by Councilor Glantz.

VOTE: Councilor Wunn – Yes; Mayor Lauer – Yes; Councilor White – Yes; Councilor Wittren – Yes; Councilor Glantz – Yes and Councilor Ripma – Yes.

Motion passed 6-0 (Councilor Caswell abstained)

6. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending Troutdale Municipal Code Chapter 13.20 pertaining to dogs in city parks.

<0:55:46>

Travis Hultin, Public Works Director, gave a brief overview of the staff report. He reminded Council that tonight is the first hearing/discussion and there will be no vote tonight.

Councilor Ripma stated even though he didn't want to get into this tonight the amended version of the ordinance addresses most all of the concerns he had with the previous one. He requested that it say designated by Council by resolution, not by the Director in Section 13.20.160B. He commended staff on the amended version.

Councilor White stated he would like to see the leash length changed to 6 feet because it matches what is said in Section 13.20.160G and H.

Travis Hultin stated the reason that the 8-foot leash was chosen is that it's the same as the Multnomah County Animal Services ordinance.

Councilor White stated the previous Director had the authority to allow dogs in parks while we have an ordinance that says no dogs allowed. He's having trouble understanding that.

Travis Hultin stated a number of ordinances are written so there's a rule and then it gives an exception to the rule. That's how it was written back whenever this previous ordinance was created. It said the general rule is dogs aren't allowed in the parks and then it gave the Director the authority to designate areas for pets. His interpretation is that authorizes the Director to designate areas within parks, not an entire park.

Councilor White asked who is going to enforce the rules.

Travis Hultin stated right now there is no dedicated enforcement staff, just the parks maintenance workers. If staff sees somebody with a dog off leash, he thinks they would talk to the person. There are no park rangers or people to enforce any of the park rules full time. It's a matter of if there's anybody from the city staff that happens to be there at that time. There are occasional complaints.

Jona Jacobsen, Parks & Facilities Superintendent, stated he doesn't believe that law enforcement is included in the job descriptions of parks workers in their collective bargaining agreement. He will kindly and respectfully approach people and let them know to follow the rules and direct them to the off-leash dog park.

Councilor White asked how nearby residents are going to be notified of a park that is maybe chosen to have dogs in it. He thinks they should be notified.

Travis Hultin stated staff can conduct whatever notification process the Council directs.

Councilor White stated he would like Council to make decisions, not the Director.

Councilor Wunn stated that every neighboring city allows dogs in parks. He believes Troutdale should allow dogs in all the parks. He realized after the last discussion that not everybody is on board with that. He suggested a compromise with dogs allowed on leash in some parks. The Parks Advisory Committee also recommended dogs be allowed in all parks with a vote of 10-1.

Councilor Glantz stated only about 30% of households have dogs so why would you allow dogs in 100% of the parks. She thinks there should be a campaign to educate which parks allow dogs and which ones don't allow dogs.

Councilor Wittren stated he thinks some park could be dog friendly but not all parks. He's looking for a compromise.

Mayor Lauer opened the public hearing at 8:34pm.

Lori Hansen, Gresham resident, thanked Councilors for the new dog park. She stated as far as enforcement, Multnomah County Animal Control does enforce off-leash. Signs to call animal control could be posted for reporting off-leash dogs. There is definitely a need for more dog friendly parks in the area, but she thinks playgrounds should remain dog free. She stated she is a single woman who likes to walk her dog and she does feel safer when she has her dog with her.

Adrian Koester, Troutdale resident, stated as far as the 30% of dog owners that Councilor Glantz mentions, he doesn't doubt that statistic, he would suspect that the percentage of households that are park going would be significantly higher than 30%. He stated he thinks it would behoove the City and Council to consider how much more restrictive they want walkways and neighborhoods parks to be than simply the public sidewalks within the City of Troutdale where people can walk their dogs on leash on sidewalks all they want. He thinks it would be very incongruous for the dog owning public and the non-dog owning public to have significantly more restrictive rules on walkways in neighborhood parks, which in many cases, look very much like extensions to city sidewalks, than the rules that apply to city sidewalks themselves.

Carol Reynolds, Troutdale resident, stated she is a dog owner, and she walks her dogs in Sunrise Park. As far as enforcing rules in the parks, park goers are good at enforcing rules. The citizens are really good at calling for help or confronting the issue if there's a problem in the park. She feels safe walking in Sunrise Park with her dogs because there are a lot of people and like-minded folks there enjoying the area in a safe manner. She stated she lives in a small neighborhood in a very small section and there are about 15 houses in the neighborhood. 13 of those houses have dogs and probably 12 of them use Sunrise Park. There are probably more people in the area that do have dogs and they do use the parks and the more of them that use the parks the safer the parks will be.

Mayor Lauer closed the public hearing at 8:43pm.

Mayor Lauer stated the first time that he heard Council would be talking about dogs in parks he was dumbfounded that Troutdale did not allow dogs in parks. He was very surprised that there are actual restrictions on dogs in city parks. Fairview has so many parks and the majority of them welcome dogs on-leash. As far as removing the dog waste stations, it is a mixed signal but without those stations, parks staff would be fighting a mountain of filth. He would prefer Troutdale be a more dog friendly city.

Councilor Ripma requested that in Section 13.20.160B it would be Council by resolution that designates which parks, not the Director.

Councilor Glantz asked if it is the expectation of a dog owner to be provided waste bags by the park when they take their dogs there.

Travis Hultin stated it's typical in most parks he's been to that allow dogs on-leash. It's a practical matter if you want people to clean up after their dogs.

7. STAFF COMMUNICATIONS

<1:55:16>

Ray Young provided the following staff communications:

- Next Council meeting will be December 12th
- Half yearly Budget Committee meeting will be December 5th
- Windy Wonderland will be held the weekend of December 1st, 2nd and 3rd with the Tree Lighting on December 1st at 5pm.
- City Offices will be closed November 23rd and 24th for the Thanksgiving holiday
- ADA improvements are being made at Columbia Park, but it will not impact the usage of the park
- Away Days Brewery is hoping to be open in early Spring

8. COUNCIL COMMUNICATIONS

<1:57:17>

Councilor Wunn stated his brother and sister-in-law live next to Sunrise Park and about a month ago there was somebody camping behind some bushes right behind their house in the park. His brother-in-law called non-emergency and couldn't get through. Councilor Wunn called and

was able to get through to 311 but they don't serve the City of Troutdale. He found out that 311 is just for the City of Portland. He encountered another person sleeping in an alcove in downtown Troutdale so he contacted Ray Young and MCSO was able to identify the shortcoming so now when you call non-emergency, they will direct you to MCSO to get a more timely and accurate response.

Councilor White wished everybody a Happy Thanksgiving.

Councilor Wittren wished everybody Happy Holidays.

Councilor Glantz stated on December 2nd during the Windy Wonderland event, the General Store will have the Main Streets on Halsey consultant group taking opinions on what that plan should be.

Councilor Ripma stated that there will be a Christmas at the Barn event on December 2nd from 12-3pm. Santa and Mrs. Claus will be there along with gifts for the children and a book signing by Helen Wand.

Mayor Lauer wished everybody a Happy Thanksgiving.

9. ADJOURNMENT

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

Meeting adjourned at 9:04pm.



Randy Lauer, Mayor

Dated: December 13, 2023

ATTEST:



Kenda Rimes, Deputy City Recorder

CITY OF TROUTDALE

City Council – Regular Meeting

7:00PM

Tuesday, November 14, 2023

PLEASE SIGN IN

[illegible]

November 14, 2023 City Council Meeting Zoom Guests

Name (Original Name)	User Email	Join Time	Leave Time	Duration (Minutes)
Troutdale Conferencing	troutconf@troutdaleoregon.gov	11/14/2023 18:49	11/14/2023 21:04	136
MetroEast		11/14/2023 18:49	11/14/2023 21:04	136
Troutdale Conferencing	troutconf@troutdaleoregon.gov	11/14/2023 18:49	11/14/2023 21:04	135
Paul Wilcox		11/14/2023 18:50	11/14/2023 21:04	135
speaker table		11/14/2023 18:50	11/14/2023 21:04	134
Alison Caswell		11/14/2023 18:53	11/14/2023 21:04	132
Dave Ripma		11/14/2023 18:54	11/14/2023 21:04	130
Jordan Wittren		11/14/2023 18:54	11/14/2023 21:04	130
Adrian Koester		11/14/2023 18:55	11/14/2023 21:04	129
Carol Reynolds		11/14/2023 18:55	11/14/2023 21:04	129
Randy Lauer		11/14/2023 18:56	11/14/2023 21:04	128
Dakota Meyer (He/Him) - City of Troutdale Associate Planner		11/14/2023 18:57	11/14/2023 19:56	60
Sandy Glantz		11/14/2023 18:59	11/14/2023 21:04	125
Geoffrey Wunn		11/14/2023 19:00	11/14/2023 21:04	124
19713209000		11/14/2023 19:01	11/14/2023 21:04	123
lorihansen		11/14/2023 19:02	11/14/2023 20:56	114
ray.young		11/14/2023 19:03	11/14/2023 20:54	112
Kelley Graham		11/14/2023 19:21	11/14/2023 21:04	104

Exhibit A

11/14/23 Council Mtg. Item #4

Mayor and Councilors,

I have a few preliminary remarks before addressing the main topic.

I would normally prefer to comment in person but it seems that half the Council is most recently on ZOOM anyway. However, my main reason to be on ZOOM is that I've noticed the audio quality coming from the testimony table can be quite poor, so I think it will be easier to hear me from the home studio.

I also wanted to mention that I've been working on getting CAC to address the issue of filling Councilor vacancies. I sent them a public comment in February, with a follow-up in April. We met in April and they seemed somewhat interested but had a question about the cost of a special election, which I have since provided. I sent another follow-up comment in September, and we met in October and November. CAC has been reluctant to take up the issue fully without Council authorization. They've had little subject material this past year, having cancelled four meetings. I've decided at this point in time it's too late for them to get involved in a meaningful way. Finally, I want to be clear that raising the issue of Councilor appointments is nothing against Councilor Wittren, although I would have preferred that the February applicants had been November candidates instead.

Now, to the main issue. I'm not going to read my packet commentary since you've already seen it. However, I think it is worth repeating how and why the current Charter came to be in 1994. The year 1993 opened with a pending four-year vacancy for a Council position. In mid-April the newly elected Mayor resigned. Some Council members felt those vacancies should be filled by election, but they were told by staff that the existing 1942 Charter didn't allow for that. Ultimately, during the period of 1993-1994 the City had an appointed Mayor and three appointed Councilors. It was considered problematic enough that the newly-appointed Mayor called for the formation of a Charter Review Committee, comprised wholly of citizens. Very briefly, what I consider the three major changes recommended were a four-year term for Mayor, Mayoral vacancies to be filled by election, and the July 15th rule, which eliminated four-year appointments. The first two turned out to be very contentious within the Council, resulting in a tie vote which was settled by the Mayor casting the deciding vote. One Council member felt so strongly that the new Charter

was not ready for prime time that they submitted an argument against it in the voters' pamphlet.

Now, to the main topic. Bottom line is that I think a majority of voters would agree with me that allowing for a nearly two-year appointment to Council is excessive, nearly as long as an entire Oregon or U.S. House term. To the greatest extent possible, office-holders should be endorsed by the voters. Of course, the only way to know that for sure is to put an alternative before the citizens. A major distinction is that two-year vacancies that occur from a mid-term Councilor running for and being elected to another office are entirely predictable. The potential for a Moon vacancy was also predictable. My main issue has been with two-year appointments, but there are problems also with the requirement that Mayoral vacancies be filled by election only. If Fairview had the same requirement they'd have a Mayoral election in May 2024, and another in November. In Troutdale, it might be a year or more before an election date came around. In the meantime the Council President would be interim Mayor with a six-member Council.

Submitted by:

Paul Wilcox

Troutdale

11-14-23

**MARIJUANA FACILITIES &
PSILOCYBIN TEXT AMENDMENT
(75-14)**

City Council

October 24, 2023

Exhibit B

11/14/23 Council Mtg. Item #5



THE APPLICATION

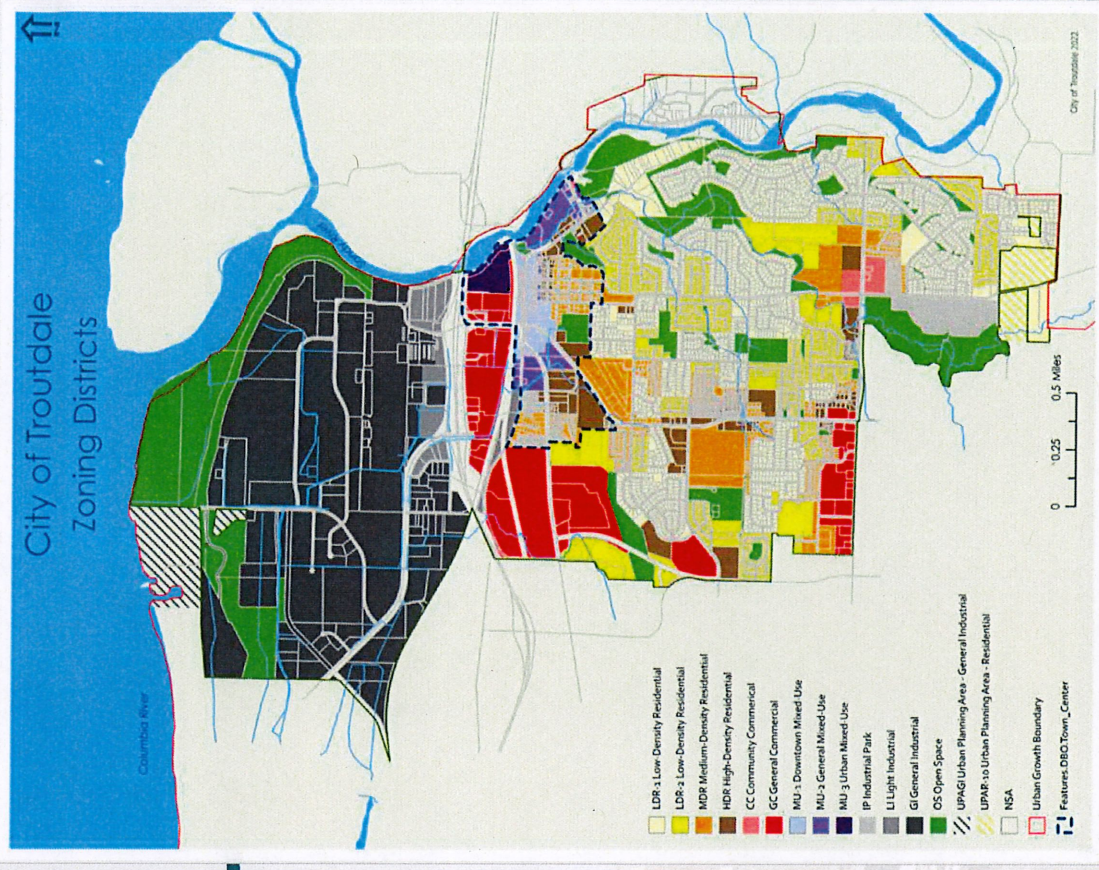
[CASE FILE 75-14]

Zoning Map

- The following areas represent the zones affected by this application: **RED** General Commercial (GC), **GRAY** Light Industrial (LI), and **DARK GRAY** General Industrial (GI).

Requests:

- Update the Use Tables for the GC, LI, and GI zones to change the Marijuana Facilities use from a "Conditional" to "Not Permitted" use.
- Minor edits to Chapter 5 to reserve Section 5.900 for future code on Psilocybin Standards.



TDC SECTIONS, PROPOSED AMENDMENTS

- TDC Chapter 3
- TDC 3.320 – Use Table for Commercial Zoning Districts
 - Change Marijuana Facilities from Conditional Use in the GC zone to Not Permitted.
- TDC 3.420 – Use Table for Industrial Zoning Districts
 - Change Marijuana Facilities from Conditional Use in the LI and GI zones to Not Permitted.
- TDC 5.000 – Miscellaneous Uses & Standards
 - Reserve a section in Chapter 5 under Subchapter 5.900 for future Psilocybin Standards.



PROPOSED TEXT AMENDMENTS

- TDC 3.320 - Use Table
 - Change Marijuana Facilities from *Conditional Use* in the CC zone to *Not Permitted*.
- TDC 3.420 - Use Table
 - Change Marijuana Facilities from *Conditional Use* in the LI and GI zones to *Not Permitted*.

Land Use		CC	GC	Specific Standards
Vehicular and equipment services				
Fueling stations		C	P	
Repair shops		N	P	
Sales or rentals		C	C	
Lodging facilities		P	P	
Bed & breakfast inns		N	N	
Entertainment facilities (major)		C	C	
Entertainment facilities (minor)		P	P	
Storage facilities		N	N	
Marijuana facilities		N	€N	3.325.A

Land Use		IP	LI	GI	Specific Standards
Restaurants and bars		P	N	N	3.440.H
Mobile Food Vendor operating a Food Stand, Food Cart, and Food Trailer		P	P	P	5.200
Financial institutions		C	N	N	3.440.D.1
Hotels/Motels/Convention Halls		C	C	N	
Marijuana facilities		N	€N	€N	3.440.F
Medical and dental clinics		C	P	P	3.440.D.1
Personal services		C	N	N	3.440.D.1
Product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use		N	P	P	3.440.K



PROPOSED TEXT AMENDMENTS

- TDC 5.000 – Miscellaneous Uses & Standards
 - Reserve a section in Chapter 5 under Subchapter 5.900 for future Psilocybin Standards.

CITY OF TROUTDALE

Chapter 5 – Miscellaneous Uses

Chapter 5 – Miscellaneous Uses and Standards

5.000 MISCELLANEOUS REGULATIONS

5.900 Psilocybin Chapter - RESERVED



PROPOSED FINDINGS [TDC 6.1120] TEXT AMENDMENT APPROVAL CRITERIA

- A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.
- B. The proposed change is consistent with the applicable Statewide Planning Goals.
- C. The proposed change is consistent with the applicable provisions of Metro Code.
- D. Public need is best satisfied by this particular change.
- E. The change will not adversely affect the health, safety, and welfare of the community.

These criteria are met.



PROCEDURE [TDC 2.065]

- Type IV Land Use Application
- PC Recommendation to Council
- City Council is the decision-making body
- Notice
 - Newspaper
 - Online
 - DLCD
 - Measure 56



COUNCIL ACTION

- PC recommends approval to City Council
- Adoption Hearing Actions
 - Confirm, amend or reverse PC's recommendation
 - Enact or defeat all or part of the ordinance
 - Remand some or all of the proposal to PC

