



Randy Lauer, *Mayor*

David Ripma

Alison Caswell

Geoffrey Wunn

Glenn White

Jordan Wittren

Sandy Glantz

# Agenda

## November 14, 2023

### Regular Meeting | 7:00 p.m.

Troutdale Police Community Center – Kellogg Room  
234 SW Kendall Ct, Troutdale, OR 97060

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. The Council and Mayor should avoid immediate or protracted responses to citizen comments.*
3. **Consent Agenda:**
  - 3.1 **Minutes:** October 11, 2023 Regular Meeting and October 24, 2023 Regular Meeting.
4. **Presentation:** A discussion on filling council vacancies. – *Paul Wilcox, Troutdale Resident*
5. **Public Hearing / Ordinance (Introduced 10/24/23):** An ordinance adopting text amendments to Chapters 3 and 5 of the Troutdale Development Code (TDC) – *Dakota Meyer, Associate Planner*
6. **Public Hearing / Ordinance (Introduction):** An ordinance amending Troutdale Municipal Code Chapter 13.20 pertaining to dogs in city parks. – *Travis Hultin, Public Works Director and Jona Jacobsen, Parks & Facilities Superintendent*
7. **Staff Communications**
8. **Council Communications**
9. **Adjournment**

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Randy Lauer, Mayor

Dated: November 7, 2023

## Meeting Participation

The public may attend the meeting in person or via Zoom. Please email [info@troutdaleoregon.gov](mailto:info@troutdaleoregon.gov) by **5:00pm on Monday, November 13<sup>th</sup>** to request Zoom meeting access credentials. You may also submit written public comments via email to [info@troutdaleoregon.gov](mailto:info@troutdaleoregon.gov) no later than **5:00pm on Monday, November 13<sup>th</sup>**. City Council Regular Meetings are 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.

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/meetings](http://www.troutdaleoregon.gov/meetings) 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, October 10, 2023 – 7:00PM**

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

Council President Ripma called the meeting to order at 6:58pm.

**PRESENT:** Council President Ripma, Councilor Caswell, Councilor Wunn, Councilor White, Councilor Wittren and Councilor Glantz.

**ABSENT:** Mayor Lauer (excused).

**STAFF:** Ray Young, City Manager; Kenda Schlaht, Deputy City Recorder; Ed Trompke, City Attorney; Erich Mueller, Finance Director; Travis Hultin, Public Works Director and Jona Jacobsen, Parks & Facilities Superintendent.

**GUESTS:** See Attached.

Council President Ripma asked for 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. CONSENT AGENDA:**

**3.1 MINUTES:** September 12, 2023 City Council Regular Meeting

**3.2 RESOLUTION:** A resolution approving an intergovernmental agreement between Metro and the City of Troutdale implementing the fiscal year 2023-24 Metro and Local Government Annual Waste Reduction Plan.

**MOTION:** Council President Ripma moved to approve the consent agenda. Seconded by Councilor Glantz.  
**Motion Passed 6-0.**

**4. PRESENTATION:** Urban Flood Safety and Water Quality District (UFSWQD), levee system background, status of GO Bond and annual operations and maintenance (O&M) funding options.

<0:03:06>

Jim Middaugh, Consecutive Director of the Multnomah County Drainage District and Urban Flood Safety and Water Quality District (UFSWQD) presented a PowerPoint (attached as Exhibit A). He explained that after Hurricane Katrina the Corp of Engineers and Federal Emergency Management Agency increased standards for certified federal flood safety systems. The system is over 100 years old. A lot of the components of the system are nearing the end of their useful life. There is a huge increase in extreme weather events and there has been a loss of federal partnership. He stated he would like to highlight the partnership with the U.S. Army Corp of Engineers in which district stands to benefit from over \$100 million in federal matching funds to enact the very projects that they need to construct to get back into federal compliance. Without a local match for those funds, which is the purpose of the new district, the investment opportunity may be lost, or a different source of revenue will need to be found for those investments. There's another partnership with the Corp of Engineers called the Rehabilitation and Inspection Program. Should there be a natural disaster and the district maintains the system to federal standards and a natural disaster damages the system the Corp will come in and repair that damage. It's an incredibly valuable insurance program for the region. The third aspect of federal partnership includes the Federal Emergency Management Agency. Currently, there is risk of losing accreditation from FEMA and what that would mean would be a remapping of the floodplain and a loss of access to the federal flood insurance program which provides low cost and subsidizes affordable flood insurance for people who live in the levee systems. If accreditation is lost it would have substantial impacts on the community. Currently because of the nature of the system and the rating it has, people are not required to buy flood insurance. If the accreditation is lost people would be required to buy flood insurance and they would no longer have access to the federal program that helps with those costs. FEMA would likely come in and remap the floodplain at higher risk and that higher risk rating would result in a required change to many of the current zoning designations and any existing building coming in for a permit or new construction would be required to obey new building construction codes.

<0:21:20>

Councilor Glantz stated she keeps seeing references to year one and this year and it's great that it shows Troutdale as being reduced and asked if that would be the case in future years.

Jim Middaugh stated it's a transition from 4 legacy drainage districts to 1 new district so that transition from the last year of the legacy districts to the new district is what they're describing as year one. They are proposing that that flood safety privilege tax that would go on the entire new district be capped at CPI.

Councilor Glantz asked what CPI is.

Jim Middaugh replied it is the Consumer Price Index capped at inflation. The Board, by statute, would not have the opportunity to increase that tax on the entire district. UFSWQD has



proposed that assessments continue to be subject to decisions by the Board. He stated that 10% rate increase in assessments today generates about \$750,000 so it will be relatively static but there will continue to be increases based on inflation primarily.

Councilor Glantz asked if the plan is to have it go on the property tax bills.

Jim Middaugh stated they're proposing two sources of revenue. The first would be property assessments on the floodplain. Properties on the floodplain would receive a bill from Multnomah County just like they do today. Then they're proposing a new tax, the Flood Safety Benefit Tax, and working collaboratively with their city partners to implement that tax. They're allocating that cost to the cities and the county by population and creating legislative changes that would give the cities significant flexibility in how to address collecting that revenue from your residents.

Councilor Glantz asked about compression and if it would impact the ability in future years to raise Troutdale's taxes because they're not as compressed as Portland.

Jim Middaugh stated it's going to depend on a lot of different factors. He's not an expert in compression but there is a cap on the overall growth and general government taxes tied to property. When that cap is reached the costs spread to other non-compressed properties. It doesn't necessarily mean a limitation; it might mean a difference in who pays that tax. It also might depend on the nature of that tax and how it's approved.

Ray Young stated he knew there would be compression questions, so he is going to forward on an 8-page memo from the League of Oregon Cities from 2017 that gives you some information on Measure 550 and what it did and how it created this thing called compression.

Jim Middaugh stated that at the end of the day it requires really a property-by-property analysis and there are a lot of things that impact how that rate changes over time.

Councilor White stated when the City first entered into this it was just to do the study. He's curious how legislation picked up on forming this district.

Jim Middaugh stated a coalition was formed called Levee Ready Columbia (LRC). Troutdale was a member of that coalition. It included all the local governments and business groups, the Port, some community-based organizations and they got together and funded a study to evaluate what it would take to obtain the federal certification and accreditation. Then there was a storm supplemental appropriations bill that Congress adopted that funded the Corp for \$3 million to do a Corp study which led to the partnership with the Corp. The LRC group also looked at a variety of different options such as the Port or the County or Metro taking over the drainage districts. They settled on a legislative proposal expecting it to take 2 sessions to pass and it passed in the first session. That created ORS 550 and that established the new district and the mechanism for dissolving the old districts.

Councilor White stated that Troutdale's section of the levee has always been paid for by the people that have property in that area. He asked if Troutdale's costs are going to go down.

Jim Middaugh replied that Troutdale's share of costs is going to go down.

Councilor White stated if Troutdale needs something built, we're used to paying for it and once it's built, it drops off. There is no longer a bill. Now Troutdale is getting asked to pay this amount forever until the entire system is built. It seems unfair because PEN 1 and PEN 2 are in worst shape. He asked how that's going to work for Troutdale.

Jim Middaugh stated there's the Capital Program and that has a certain source of revenue. The Urban District Board is likely to refer a general obligation bond to all the voters in the district. The bond is expected to raise around \$175 million or less to provide the local match and to pay for all of the capital needs for the entire district including the \$25 million for Troutdale. The assessed value of the district and who's going to be paying those property backed tax bonds, it's all of the property owners in the entire district. The share that Troutdale is contributing for that capital cost is consistent with the value that's coming from the capital program. It's a one-time expense on the capital side. On the operating side, just off of the floodplain it's been very difficult for the legacy districts to generate enough operating revenue without creating a real impact to the businesses and residents of the floodplain, so the legislature gave them the authority to impose new fees on the entire district because it's not just the floodplain residents benefitting from the levee system. If you took that flood safety tax and allocated it by individual human being across the district it would be less than 60 cents a month and less than \$8 a year. That's ongoing but it diminishes the total contribution that Troutdale has to pay which is why today Troutdale is at 11.1% of the total operating costs and then it will drop down to 7.7% in the future.

Councilor White asked why Wood Village isn't going to pay anything.

Jim Middaugh stated Wood Village has no property in the floodplain, but they will be paying the privilege tax or the flood safety tax.

Councilor Glantz asked who decides what the projects are going to be that the money is spent on.

Jim Middaugh stated the Flood Safe Columbia River website ([floodsafecolumbia.org](https://floodsafecolumbia.org)) shows all of the projects that have been identified. There was a \$3 million study with the U.S. Army Corp of Engineers to identify the weaknesses in the system. The study resulted in a capital planning program. The Legacy Drainage Districts has also each completed a Drainage Master Plan that identified inside the levee work that needs to be accomplished. The Legacy Board members were responsible for approving those capital improvement programs. Each of the projects that would be funded is fully documented and available publicly and it would take a vote of the Board to change those. In terms of the general obligation bond, once a promise is made to voters, they have to be consistent with that promise with whatever is in the ballot title.

Council President Ripma stated he will be making a report to the Council about where he stands on this. He stated he was appointed to serve on the UFSWQD Board in 2020 and prior to that he was on the Levee Ready Columbia board that helped lobby for the formation of this district.

The current district that manages the levees that protect Troutdale's north industrial area is the Sandy Drainage Improvement Company, which Tanney Staffenson is on the board. Tanney is the representative for the Sandy Drainage Improvement Company on the UFSWQD Board.

Council President Ripma stated he was skeptical at first about enlarging the flood safety district, especially charging residents and property owners who are not in the floodplain. He stated he ended up being convinced by one of the best arguments that there are properties of regional job creating significance like the Portland Airport and others that benefit the region as a whole. People who are outside of the floodplain should be contributing at least some to saving the valuable properties from floods. The new district, when it was authorized by ORS 550, passed in the legislation in 2019 and it has a fair balance of spreading the cost of the new district more widely. The capital improvements are going to be funded through general obligation bonds assessed throughout the entire district. The district is big. It's all of Multnomah County inside the UGB. The board and the staff came up with the flood safety benefits tax, also called a privilege tax, to be levied throughout the entire district including in the floodplain and outside. Exactly how it will be imposed or collected has not quite been worked out, but he doesn't have any particular objections to it. It's going to be very small like a dollar or two, or maybe less, a month on water bills. This new district is going to have greater expenses than the 4 other districts did before because the federal rules have increased on what is required for safe levees. The levees need to be upgraded regardless of what happens. Several storms over the last 10 years have damaged levees in other parts of the country so the Army Corp raised the standards for levees. What the Board and staff is proposing to fund the bulk of the operating expenses is a system of assessments that was not allowed under ORS 550. He thinks it's the opposite of the way it should be going, and he has said that all along. Assessments on properties in the managed floodplain is the basis of this. When the legislation was passed it prohibited the ad valorem or property tax assessments as a way of funding the district because of compression. The district is so big it includes properties in Portland, Fairview and other jurisdictions that are heavily compressed. The district is able to impose but not collect the entire assessment whereas, Troutdale which isn't compressed or is less compressed will pay more than its share. He read a section of page 8 of the staff report saying, "It is agreed that there is still unfair compression cost shift from Portland, Fairview and other cities to Troutdale in the first year of approximately \$73,000 for the private property assessments in the managed floodplain." He stated that that is his fundamental objection. It is both obviously unfair to Troutdale to collect the taxes that way and it shouldn't be permitted. It wasn't permitted in the original legislation. That's why the Board is proposing to go to the legislature and propose legislation permitting property taxes. He stated that with the help of Ed Trompke, he submitted to the Board a proposal to fund operating expenses using user fees. This is what the original legislation allowed. The trouble with user fees is collecting them. The particular agencies that would collect user fees efficiently don't want to do it, particularly Portland. They're saying it's too complicated. One of the justifications that was offered by the agency was that if a user fee was imposed instead of property taxes subject to compression, some of those businesses and properties would have an immediate increase in how much they pay. He stated that's not very convincing to him when they haven't been paying their share. Shifting the compression from Portland to Troutdale is very unfair.

Jim Middaugh stated if this doesn't pass then it would likely need either short term financing from the partners or probably need to move to the state and see if the state would issue some debt on the district's behalf. They've already received over \$10 million from the State of Oregon for the initial capital program and matching funds from the Corp while they're working on the bond.

Councilor Wunn asked why the state isn't contributing more.

Jim Middaugh replied that the state is saying somebody else should be paying for it. Governor Kotek has been a good partner when she was Speaker and has been supportive as Governor.

Tanney Staffenson, Sandy Drainage Improvement Company, stated he serves on the Sandy Drainage Improvement Company's Board of Directors. He has been on the board since 2015. Troutdale is the mapholder and they work for Troutdale. SDIC isn't going to do something contrary to a position that the City has and work within the guidelines that Troutdale gives them. This is going to cost more, and everybody is going to pay more. He thinks SDIC and Troutdale are working toward making it a fair split. The Multnomah County Drainage District is going to go up about 7%, PEN 1 about 13%, PEN 2 about 5% and SDIC is going to go up almost 14%. He still believes in being true to your values and true to promises to do the right thing. SDIC is working to make sure that the landowners and City are taken care of. In the statute it says that the new district must have mechanism for off grading and for capital, or dissolution can happen. Capital is a real key because capital is only addressed in the bond. Some of the money paid in fees now goes to capital. Very little of that is going to go to capital in the future. He stated they need clear direction from Council.

**Council President Ripma opened public comment at 8:03pm.**

None.

**Council President Ripma closed public comment at 8:04pm.**

**5. ORDINANCE (Introduction):** An ordinance amending Troutdale Municipal Code Chapter 13.20 to allow dogs in city parks.

<1:07:00>

Travis Hultin, Public Works Director, gave a brief overview of the staff report.

Councilor Wittren asked why it has to be all the way one way or all the way the other way instead of just designating some, not all, parks dog friendly. He asked why it couldn't be certain parks.

Travis Hultin stated under this ordinance they can. The ordinance allows staff to designate an entire park or certain areas in a park. It gives the City flexibility to designate certain parks no dogs and some parks dogs allowed.

Councilor Wittren stated it's already been discussed how there is already a problem with dogs being in the parks now that are not allowed and there is no way to enforce them. He asked how the ability to enforce dogs in parks now would be any better.

Jona Jacobsen, Parks & Facilities Superintendent, stated he would agree that the ordinance does not enhance the Parks Department ability to take enforcement actions. What it does do is strikes a reasonable compromise with members of the community who are already doing this. The outright prohibition of dogs from city parks in the ordinance as it is right now is being ignored. He stated it gives people an outlet for walking their dogs that would be a reasonable alternative to walking their dogs on the soccer field or on a playground.

Ray Young stated that as a starter, staff chose all parks so not to confuse citizens because they don't know which ones allow dogs and which ones don't. How do you pick and choose which parks they can come into or not? The Parks Advisory Committee wanted to have a blanket rule for all the parks, and it will be easier to enforce. If you read the new ordinance, it allows a fair amount of leeway by staff to tighten the rules, not loosen the rules. On the redline version of the ordinance it says, "The director may prohibit dogs or other domestic animals in certain parks or designated areas in addition to those provided above." Excluded parks can be added. It also says, "The director can establish reasonable and appropriate rules of etiquette, safety and sanitation." He stated he talked to MCSO and the deputies say it will be easier to enforce this type of ordinance than what the City has now. The deputies would rather have this type of ordinance.

Councilor Wittren stated he hopes it doesn't segregate the people that don't want to be around dogs. Don't send a message to the people that own dogs that they're more important than the people that don't. He personally does not want to bring his grandchildren around larger dog breeds.

Travis Hultin stated that staff needs to be conscientious and compassionate to the fact that some people don't want to be around dogs, for whatever reason. There are a couple provisions in the ordinance that addresses it.

Council President Ripma stated the City should try the off-leash dog park idea first and not go all out with all parks.

Travis Hultin stated that's not what people asked for during the Parks Master Plan process.

Council President Ripma stated 37% of the response to the survey wanted dogs in parks. That's not a majority. He loves dogs but he doesn't buy that that 37% represents an overwhelming demand by the public.

Ray Young stated outright bans are harder for law enforcement to enforce than having restrictions.

Councilor White stated he wouldn't have voted for a dog park if he would've known this ordinance was coming to Council. If you want to destroy somebody's quality of life just have

barking dogs every day that they can hear in their own personal space. He noticed the signs saying no dogs allowed have went away and now there are dog waste bags in parks. He questioned staff and never got a straight answer. He talked to Parks people, and they said that Council already approved because of the Mayor's proclamation. Council questioned that and altered it. It's already been said that it can't be enforced. If dogs are that popular there needs to be a more suitable place where there aren't neighbors and put the dog parks there. It's not a good situation to invite the dogs into all the parks. 1000 Acres Dog Park is close by to take the dogs.

Councilor Glantz stated that she listened to the Parks Advisory Committee (PAC) meetings when they discussed dogs in parks. The PAC, for the most part, is very pro-dogs. She is not pro-dogs due to multiple occasions of being knocked over by dogs in parks. She doesn't see where the compromise is on this issue for people who don't want to have dogs in parks. She would rather choose a couple of parks, not all parks.

Councilor Wunn stated there are always going to be bad apples that ruin it for everybody. He thinks the pros outweigh the cons in terms of letting people be with their animals.

Councilor Wittren stated he thinks a small child being bit by a dog once could permanently change the life of a child. There needs to be a better compromise.

Council President Ripma stated his position is there's another 10 days until the off-leash park is open and the City should try that first. He doesn't favor going forward with the ordinance.

#### **Council President Ripma opened the public hearing at 8:47pm.**

Shelby Staffenson, Troutdale resident, stated she feels the ordinance may affect the residents more negatively than positively. She likes dogs in some parks but not all. She used to take her dogs to 1000 Acres to play in the water. Now you're saying dogs can't play in the water and she knows people that take their dogs to Beaver Creek and play along the water. The survey for the Parks Master Plan failed in that the response rate of Troutdale residents was a mere 1.5% of the population and does not reflect a meaningful percentage. She likes the idea of being able to take her dog to parks but she doesn't like what the ordinance will do to some dogs and their owners not being able to go to certain areas as well as some residents not wanting to be around dogs.

Shelby Staffenson read a statement prepared by Sheri Winters of the Parks Advisory Committee who was unable to attend (attached as Exhibit B).

Carol Reynolds, Troutdale resident, stated the rules to allow dogs on leashes in parks is a very good one and she thinks Sunrise Park is a perfect example of that. She's there on a regular basis with her poodles. She sees a lot of responsible dog owners in Sunrise Park with their dogs on leashes. They kind of self-police and keep the area safe for everyone. Everybody seems to be able to coexist with the dogs on leashes. She thinks the request by the citizens of Troutdale is not turn all of our parks into a free for all for people with dogs but to establish rules that say you can have your dog there as long as it's behaved and on a leash. She thinks it will

be easier to enforce rules this way. She's never had a dog run up to her or one of the children that are playing with a negative result. She feels that the Parks Master Plan survey indicates that the residents in Troutdale really want to be able to take their dogs to the parks on their leashes and be safe as well.

Paul Wilcox, Troutdale resident, stated the ordinance specifies an 8-foot leash, which is the County standard, so that's probably why that length was chosen. He prefers the 6-foot standard that the Oregon State Parks use. He stated that he's seen leashes on Amazon that are 26 feet. He watched the Parks Committee meetings and got the impression that there was a general consensus that dogs in Glenn Otto Park would be inappropriate because of the setting there, not just the Glenn Otto beach but the area around the Sam Cox complex also. Sugar Pine is dog friendly so that kind of complicates the situation. He encouraged Council to encourage staff to not allow dogs in Glenn Otto Park, at the very least. He does sympathize with Councilor Wittren that there should be parks that are dog free for people that don't want to be around dogs.

**Council President Ripma closed the public hearing at 9:01pm.**

Council President Ripma stated at this point, he is not in favor of moving forward with a second reading. He has known a lot of people who walk dogs in Sunrise Park and it's the only one he can think of like that. He suggests not moving forward with the ordinance in its present form. Maybe there's a way to identify a park like Sunrise Park as permitting dogs on leashes. He would be okay with that.

Travis Hultin stated there are going to be dogs in the parks regardless of what the rules say. The ordinance would provide some structure to that. As far as concerns about the director's authority, meaning Travis Hultin, to establish some of the parks being dog friendly or not, the reason it was written that way was to give it some flexibility. If you put in the ordinance specific parks, there would be no changing it unless you had more hearings and more readings. His intent was to make it easy and flexible.

Council President Ripma stated he would entertain a motion not to move forward with the ordinance.

Ed Trompke, City Attorney, stated this is a first reading and there is no vote on it. If there is a consensus of Council to direct staff not to bring it back that's typically the way it's done.

Council President Ripma asked if there is a consensus of Council.

Councilor Wunn replied no. He thinks people need the ability to be able to walk their dogs in a park. On the other hand, people need a safe space they can go to without dogs.

Councilor Glantz stated households with dogs are not in the majority so why should they be in the majority of parks. Only make a park or two on leash dog friendly parks.

Councilor Wittren stated he would second that. In its present form, the ordinance does not work for him.

Council President Ripma stated that Troutdale is opening up the off-leash dog park on the 22<sup>nd</sup> of October. Make Sunrise Park an on-leash dog park. That's a compromise.

Ed Trompke stated what he is hearing is that there is a consensus to re-work the ordinance to the extent that there is a limited list of parks at which the dogs can be allowed on leash. It could be brought back and be done by resolution by Council so that only one vote is needed to adopt a list of parks that are on or off. That might be something that Council could vote for.

Councilor Wunn stated he doesn't want the ordinance to just go away. Amend it with a few parks that on-leash dogs are allowed.

Councilor White moved to table the ordinance indefinitely.

Council President Ripma asked if there is a second.

No second.

Councilor Glantz stated she thinks Council can provide direction to pick a park or two to trial it.

Councilor Wunn stated he thinks Council can provide direction.

Ed Trompke stated it can be done by a consensus of Council rather than as an actual vote.

Councilor Wittren suggested picking 3 parks and put in the ordinance that Council can add or subtract parks.

Travis Hultin stated staff could wait and bring the ordinance back in a couple of months if Council wants to give some time for the off-leash dog park to open. He suggested that staff bring back an amended ordinance that simply says that Council by resolution can designate parks where dogs are allowed on leash and a subsequent resolution where Council could specify the parks based on recommendations from the Parks Advisory Committee.

Councilor Wunn stated he thinks that's great.

Councilor White stated he would rather look at all the options, not just the existing parks. He thinks Sunrise Park makes sense. He would like the neighbors to be notified of the change. He kind of lost a lot of faith in staff on this subject after learning what he did tonight about staff adding waste stations for dogs and removing signage for no dogs allowed. To him, that's a loss of credibility. He would like the dog bags removed and the signs put back up.

Councilor Glantz stated she thinks it would work well to pick a park or two as a trial with Council picking which parks.



Travis Hultin stated staff is clear on Council's direction.

## **6. RESOLUTION: A resolution naming a trail in Troutdale as the "Ch'ak-Ch'ak Trail".**

<2:35:52>

Travis Hultin gave a brief overview of the staff report.

Councilor White stated he thinks this is something that the Historic Preservation Committee should have a chance to look at.

Council President Ripma asked who approached the Confederated Tribe at Grand Ronde for a consulting on this.

Travis Hultin stated it was Troutdale's previous Parks Superintendent.

**Council President Ripma opened public comment at 9:45pm.**

None.

**Council President Ripma closed public comment at 9:45pm.**

**MOTION: Councilor Wittren moved to approve the resolution naming a trail in Troutdale as the "Ch'ak-Ch'ak Trail". Seconded by Councilor Wunn.**

**VOTE: Council President Ripma - Yes; Councilor Caswell – Yes; Councilor Wunn – Yes; Councilor White – Yes; Councilor Wittren – Yes and Councilor Glantz – Yes.**

**Motion passed 6-0.**

## **7. STAFF COMMUNICATIONS**

<2:48:17>

Ray Young provided the following staff communications:

- Sunday, October 22<sup>nd</sup> is the Grand Opening of the Dog Park at 12pm.
- Planning Commission is meeting tomorrow night to discuss Main Streets on Halsey and Marijuana and Psilocybin code changes.
- Saturday, October 21<sup>st</sup> there will be a bulk waste event at the transfer station on Marine Drive and also a hazardous residential product drop off at Mt. Hood Community College
- Next week, garbage day will be picked up Thursday, not Wednesday.

## **8. COUNCIL COMMUNICATIONS**

<2:50:12>

Councilor White stated he would like to see an item put on a Council agenda on the Metro Community Enhancement fund. He hates what happened with the program. He thinks it's too

important for the community to just let it go by. He would rather Troutdale be in charge of it rather than Metro or East County Rising.

Ray Young stated Metro has a contract with East County Rising. They can't break the contract and give it back to Troutdale at this point.

Councilor Glantz stated she was listening in on the CAC meeting a week or two ago and they were curious, if they have a citizen issue that they want to discuss and maybe send to Council, can they do that or is it only via staff and Council what they talk about?

Ray Young stated he got an email from the Chairperson, and he told the Chair he would be happy to come to one of their meetings and talk through with them what the ordinance says they're allowed to do or not do. It does generally say that they are to do things as directed from Council but if they have a hot idea that they want to suggest Council or ask Council to do, they're free to do that.

## **9. ADJOURNMENT**

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

Meeting adjourned at 9:53pm.

\_\_\_\_\_  
Randy Lauer, Mayor  
Dated:

**DRAFT**

**ATTEST:**

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

**City Council – Regular Meeting  
7:00PM**

## PLEASE SIGN IN

[illegible]

## October 10, 2023 City Council Meeting Zoom Guests

<b>Name (Original Name)</b>	<b>User Email</b>	<b>Join Time</b>	<b>Leave Time</b>	<b>Duration (Minutes)</b>
Troutdale Conferencing	troutconf@troutdaleoregon.gov	10/10/2023 18:47	10/10/2023 21:54	187
MetroEast		10/10/2023 18:48	10/10/2023 21:54	187
Troutdale Conferencing	troutconf@troutdaleoregon.gov	10/10/2023 18:48	10/10/2023 21:54	186
Testimony Table		10/10/2023 18:51	10/10/2023 21:54	184
speaker table		10/10/2023 18:52	10/10/2023 21:54	182
Reed Wagner		10/10/2023 18:52	10/10/2023 20:04	72
Alison Caswell		10/10/2023 18:53	10/10/2023 19:53	61
Carol Reynolds		10/10/2023 18:54	10/10/2023 21:54	180
Geoffrey Wunn		10/10/2023 18:55	10/10/2023 21:54	179
Paul Wilcox		10/10/2023 18:56	10/10/2023 21:54	179
Sandy Glantz		10/10/2023 18:56	10/10/2023 21:54	178
ray.young		10/10/2023 18:58	10/10/2023 21:54	176
Adrian Koester		10/10/2023 19:00	10/10/2023 19:29	30
Ryan - City of Troutdale		10/10/2023 19:00	10/10/2023 19:00	1
Emily Robertson		10/10/2023 19:01	10/10/2023 20:21	80
Jordan Wittren		10/10/2023 19:21	10/10/2023 21:48	147
Glenn White		10/10/2023 19:37	10/10/2023 21:45	129
alison caswell		10/10/2023 19:54	10/10/2023 20:24	30
Adrian Koester		10/10/2023 20:15	10/10/2023 20:42	27
Alison Caswell		10/10/2023 20:24	10/10/2023 21:54	90
Adrian Koester		10/10/2023 20:43	10/10/2023 20:49	7

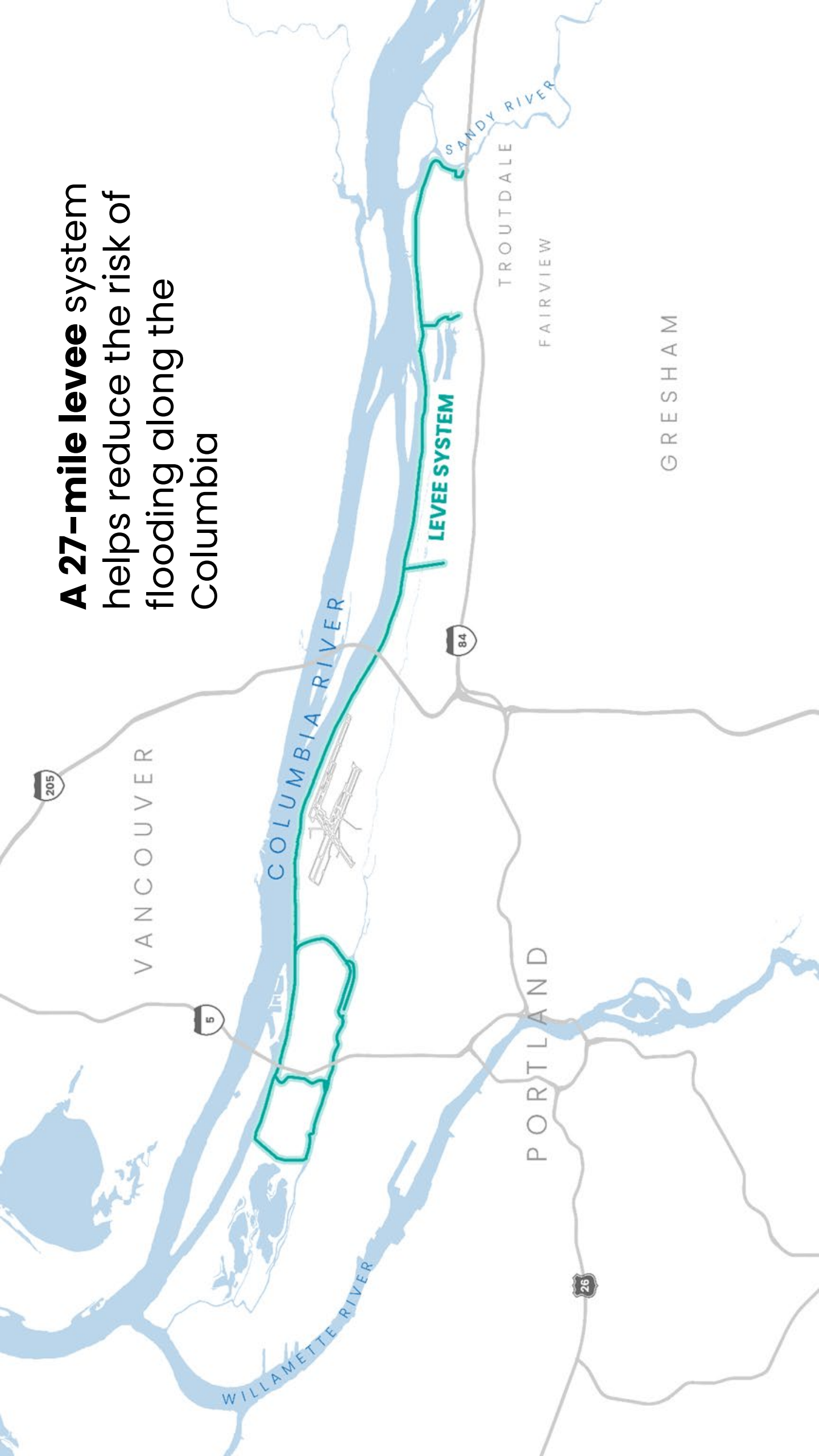
## **Exhibit A**

October 10, 2023 Council Meeting Minutes

# **Thank you**

Councilor Ripma  
Tanney Staffenson  
Ray Young  
Erich Mueller

**A 27-mile levee system**  
helps reduce the risk of  
flooding along the  
Columbia



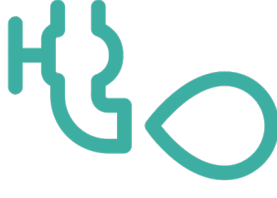
# What it protects



**8,000 residents**



**50% of the region's  
manufacturing and  
warehouse jobs**



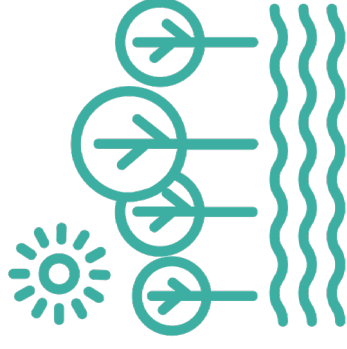
**2nd largest source of  
drinking water in Oregon**



**22M passengers  
use PDX annually**



**\$16B in annual  
economic activity**



**2,000+ acres of  
natural habitat  
and open space**

**Why are we talking about it?**



**100-year-old system**

# Extreme weather events

# Loss of federal partnership

# **New floodplain regulation**

# The proposed plan

**Year 1 costs**  
**\$16.7 million**

**Assessments on floodplain property**  
**\$9.5 million**

**Flood Safety Benefit Tax**  
**\$6.2 million**

**Services/service agreements**  
**\$1 million**

**Troutdale's share goes down**

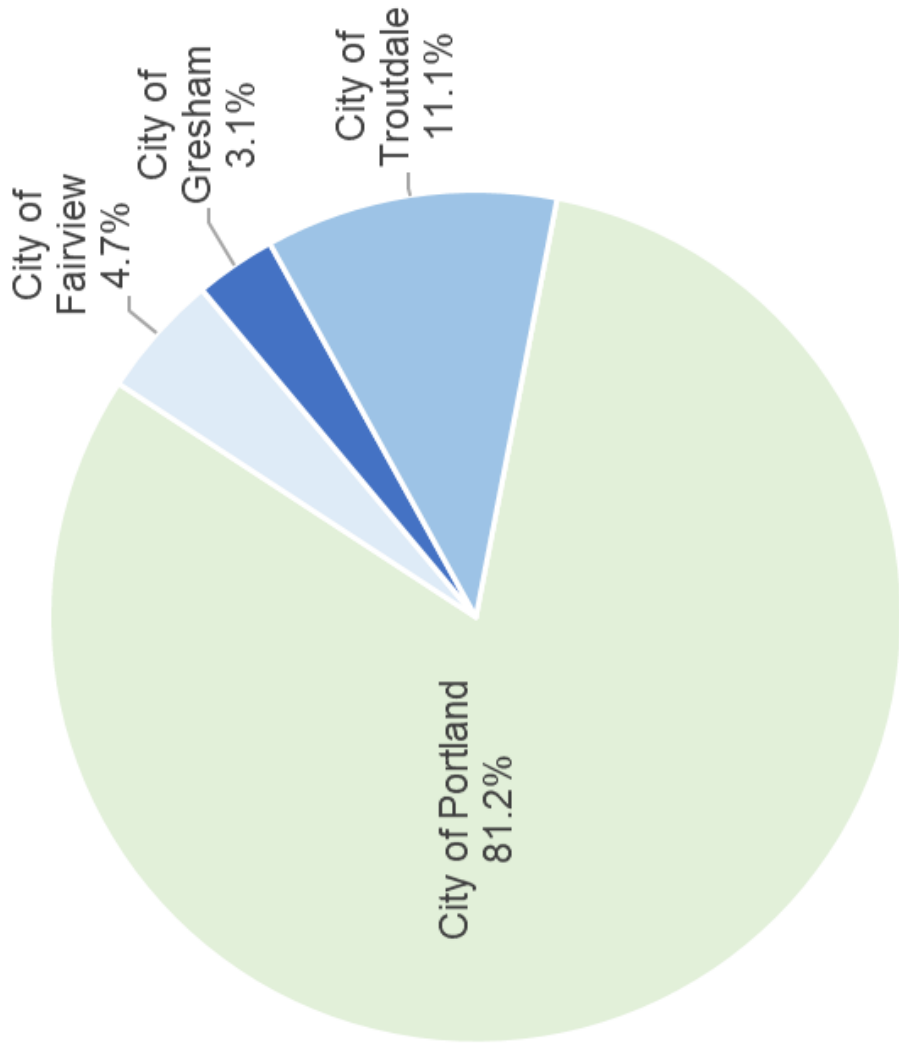
**Current Year = 11.1 percent**

**Proposed Year One = 7.7 percent**

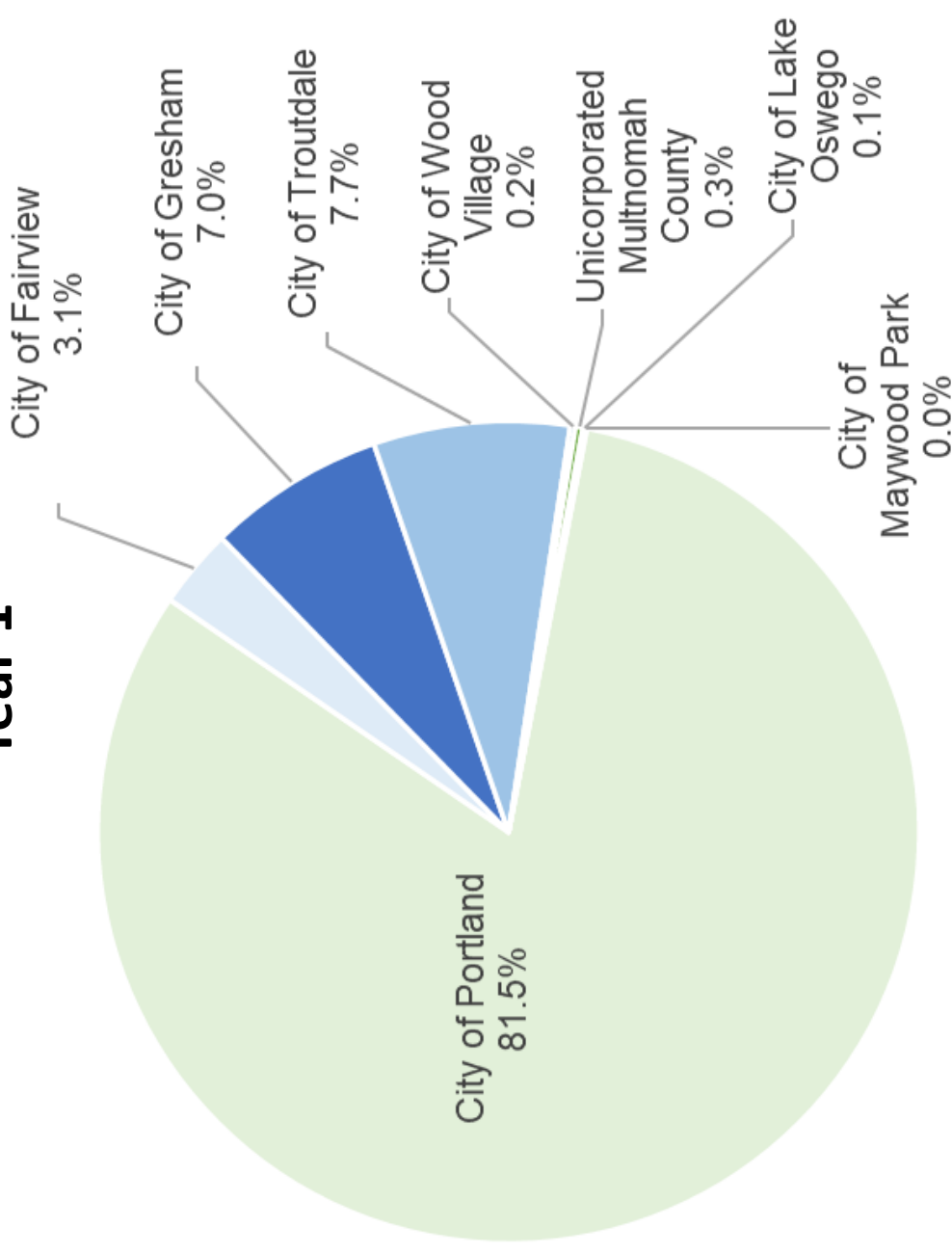


# Current vs Year 1 share of operating revenue

Current Year



Year 1



# Public land compression recovered

**Portland = \$600,000**

**Metro = \$135,000**

**Port = \$128,000**

**Others = <\$1,000**

# Some Troutdale properties are compressed so they will pay less going forward

Sample Troutdale properties subject to compression

Property ID	Assessment	Compression	Compression Rate
R320367	\$ 8,269.74	\$ 3,126.41	38%
R320368	9,861.57	4,934.70	50%
R320382	2,763.47	949.04	34%
R320388	5,912.90	1,455.81	25%

# **What about compression cost shifts?**

## **Estimated compression-based cost shift**

- Approximately 0.71% of estimated Year 1 assessments/about \$75,000
- Troutdale floodplain properties are all commercial or publicly owned
- Average increase is less than \$225/ less than 1% of average property taxes
- Out-of-state companies bear \$46,000, making the local impact about \$29,000

# **What properties in Portland pay**

**81.2% -- Current year assessments**

**81.9% -- Proposed Year 1 with service agreements**

**81.4% -- Floodplain flood safety tax alternative\***

# **What properties in East County pay (Gresham, Fairview, Troutdale)**

**18.8% -- Current year assessments**

**18.1% -- Proposed Year 1 with service agreements**

**18.6% -- Floodplain flood safety tax alternative\***

# **What Port of Portland properties pay (properties in Portland, Fairview, Troutdale)**

**37.5% -- Current year assessments**

**38.1% -- Proposed Year 1 with service agreements**

**36.6% -- Floodplain flood safety tax alternative\***

# Collection is a killer

Revenue needed to offset under collection  
(does not include *billing/service costs*)

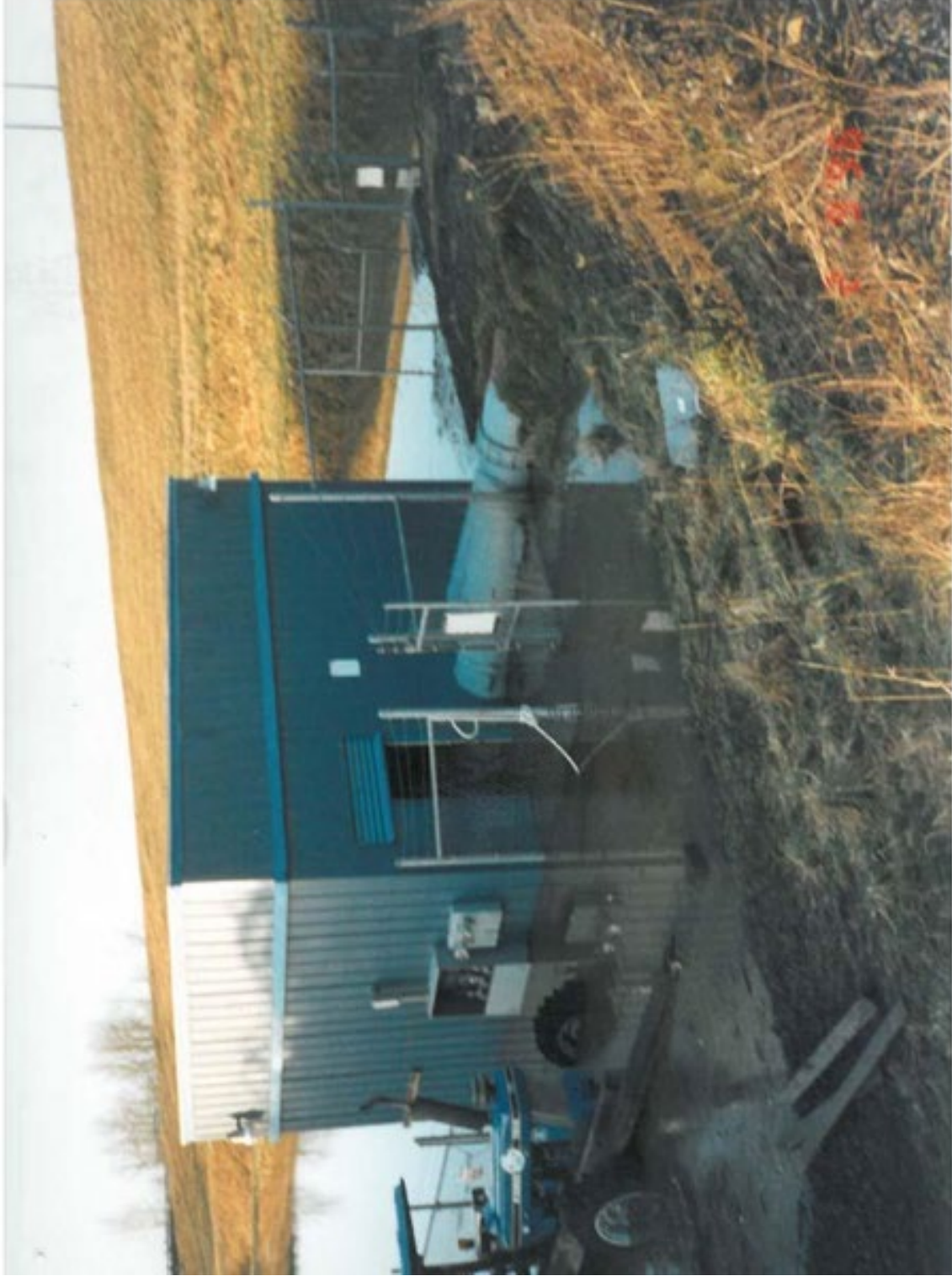
60% collection -- \$3,402,000  
70% collection -- \$2,187,000  
80% collection -- \$1,275,000



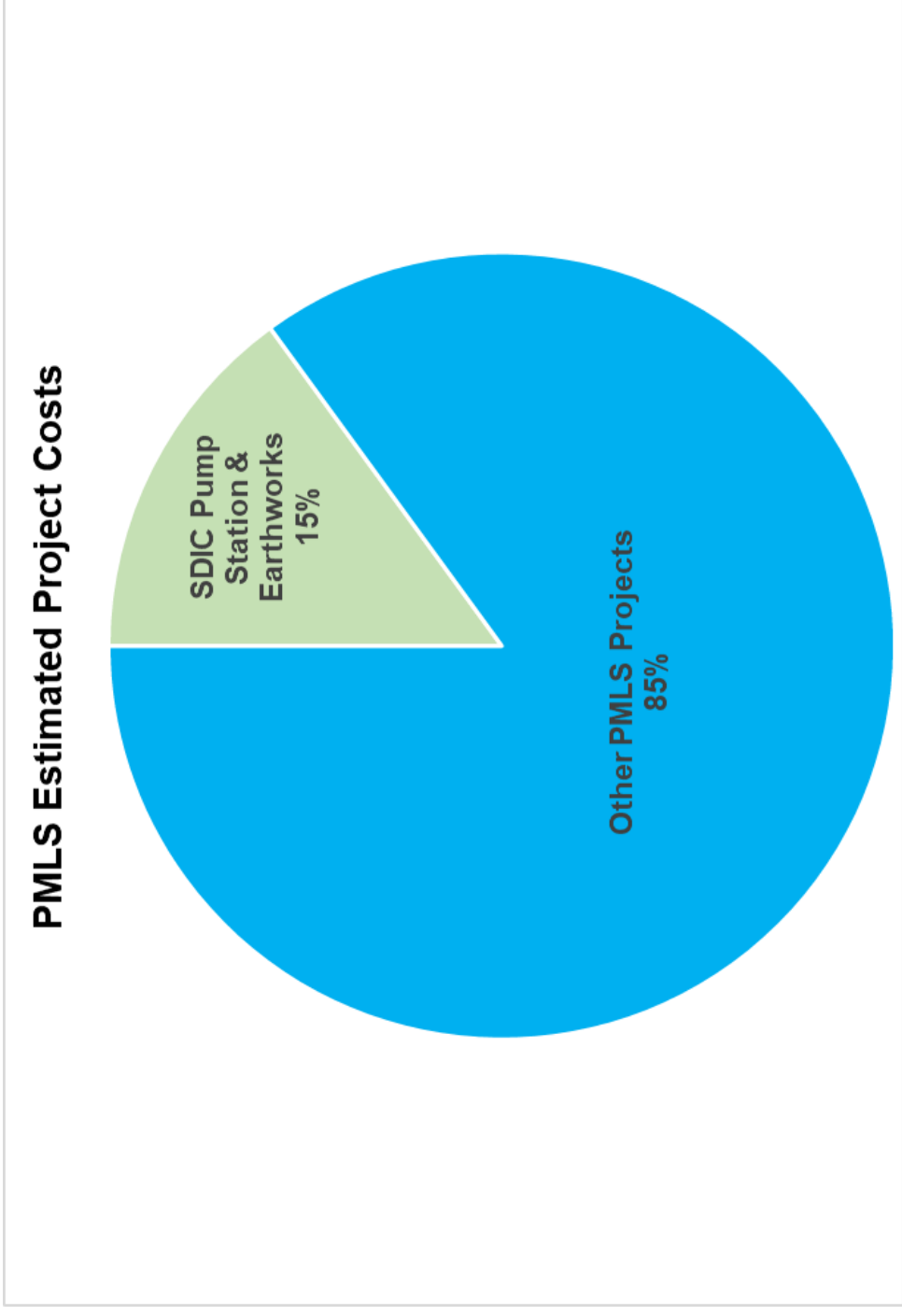
# SDIC needs investment

- 1/3 of primary levee in SDIC is doesn't meet fragility standards)
- Pump station needs to be replaced, elevated, and properly sized
- Head wall behind pump station needs to be rebuilt
- Levee by pump station needs to be raised

# SDIC Pump Station submerged in 1996



# SDIC capital projects estimated at \$25m



## **In closing...**

**Safety, the economy and federal money are at risk**

**Proposal cuts compression and Troutdale's share of costs**

**Opportunity to reduce assessments in the future**

**Other options cost Troutdale more; face opposition**

**We ask for Troutdale's support**

# Exhibit B

October 10, 2023 Council Meeting Minutes

Dear Council members

I am sorry I cannot be with you in person tonight, but I had a prior commitment. Thank you for allowing my comments to be heard.

I am Sheri Winters and I am on the PAC. But tonight I come to you as a citizen of Troutdale for nearly 30 years concerned about the effect of part of this dog ordinance. Three points I would like to bring up:

First, I would like to draw attention to part D - 4 which states dogs will be prohibited

*Within 100' feet of the ordinary high-water line of a river, stream, or other surface water body, unless otherwise posted.*

I do not own a dog but love dogs and know that some dogs love the water. This ordinance seems to be written in such a way that dogs and dog owners/handlers would now be excluded from many areas including the Sandy River and Beavercreek (Beavercreek Canyon). Also, the future development of the waterfront (the Confluence) would fall within this 100 ft line thus preventing walking dogs in that area.

As for Beavercreek Canyon, this ordinance makes it impossible to go down into the Canyon with a dog. I have frequented this area on many occasions over the last 20+ years and have never gone down there without a dog for my own safety. I have encountered kids swimming, searching for crawdads, and riding bikes. Sometimes the kids have dogs with them. There are also people that walk down there with dogs especially looking for a little workout and an escape to nature. I have run into horses as well as homeless camping. I have watched kids on motorcycles come flying down the trail and have seen the tracks made in the lower flat area by them. Garbage, tires, bike frames, and car parts are some of the items I have seen in or by the creek, none of which come from dogs.

If you limit who can go into the green space (the canyon), you close off a piece of Troutdale to responsible dog owners that pick up after their dogs as well as people like me that want to visit this space but do not feel safe without a dog as a form of protection. Responsible residents are the eyes needed to keep the City aware of what is going on in that space. The net result is punishing these residents.

Secondly, I was told the reason for the 100 foot water line has some connection with salmon habitat. I would argue that dogs in that area are not compromising the salmon habitat. The greater impact on the habitat in the canyon comes from others' usage as well as the impacts from upstream. Runoff from roads and properties have a greater impact on water quality. I have seen salmon on a few occasions, but the low and warm water levels would be the cause for little or no salmon returning.

Lastly, I have a great deal of concern with the "Director" having the say over these areas. From the ordinance:

*"Director" means the dDirector of community developmentPublic Works for the city and the dDirector's authorized representatives.*

1. As staff are not necessarily residents of Troutdale, I believe we need to keep the accountability with those who are elected. I do not believe it is in the best interest of Troutdale to give this responsibility to anyone other than those elected.

2. I cannot see how this part of the ordinance could reasonably be enforced.

Please don't punish responsible individuals.

Thank you so much for your time. I strongly urge you to modify the dog ordinance language.

Sheri Winters

**DRAFT**

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

**Tuesday, October 24, 2023 – 7:00PM**

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

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

**PRESENT:** Mayor Lauer, Councilor Ripma, Councilor Caswell, Councilor Wunn, Councilor White (7:07pm) and Councilor Wittren.

**ABSENT:** Councilor Glantz (excused).

**STAFF:** Ray Young, City Manager; Sarah Skroch, City Recorder; Ed Trompke, City Attorney; Heather Jones, Interim Community Development Director; Dakota Meyer, Associate Planner and Ryan Largura, Environmental Specialist.

**GUESTS:** See Attached.

Mayor Lauer asked for 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.

Adrian Koester, Troutdale resident, stated that he was unfortunately unable to stay through the entirety of the previous Council meeting but regarding the discussion on the dog ordinance, it is important for the community and for Council to get the matter resolved sooner rather than later. He thinks a couple months is too long simply because the status quo, as has been pointed out by a number of staff and law enforcement, is fundamentally unenforceable. Dogs exist, people want to walk their dogs and paths should be available whether they're a park path or a sidewalk in the City with the same rules no matter what. It needs to be settled because the status quo is just going to be ignored.

### **3. CONSENT AGENDA:**

#### **3.1 MINUTES:** September 26, 2023 City Council Regular Meeting.

**MOTION:** Councilor Ripma moved to approve the consent agenda. Seconded by Councilor Wunn.  
**Motion Passed 5-0.**

### **4. REPORT:** A report from American Medical Response (AMR) regarding lifeguards in Glenn Otto Park.

Rob McDonald, AMR, introduced himself and Sean Rawson of AMR.

Sean Rawson presented a PowerPoint (attached as Exhibit A).

Rob McDonald thanked Sean Rawson for the work he has done with the program.

Councilor White stated AMR does outstanding work. The river used to be worse but it's still dangerous and it's easy to get into trouble in certain spots.

Councilor Wunn stated prevention is number one. Great job. He stated to reach out if AMR needs anything from Council to keep the program going.

Mayor Lauer stated he enjoys watching the training. He had friends and family in town a couple of months ago and they watched the swift water rescue training. It was awesome. He really appreciates it, and the community appreciates it.

### **5. ORDINANCE (Introduction):** An ordinance adopting text amendments to Chapters 3 and 5 of the Troutdale Development Code (TDC).

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

**Mayor Lauer opened the public hearing at 7:30pm.**

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

Tanney Staffenson, Troutdale resident, stated looking at the economics, it looks like \$20,000 income from marijuana. Something that should be considered is not economic development but economic underdevelopment. Many businesses would prefer not to have one of these facilities next to them.

**Mayor Lauer closed the public hearing at 7:37pm.**

## **6. DISCUSSION: A discussion on the franchise agreement with Waste Management.**

Ryan Largura gave a brief overview of the staff report and presented a PowerPoint (attached as Exhibit D) and did a demonstration of the locking roll carts.

Councilor Ripma stated he had a problem reaching a person at Waste Management. The automated system was fine for some choices, but the truck had taken his whole yard debris container and he needed it back. It was hard to get in touch with someone, ridiculous. They replaced it quickly. He suggested adding a "0" to talk to a live person. He added this is the only complaint he has.

Councilor Wunn stated the bungee cord on his cart broke and they replaced it right away. Now it's broken again. Troutdale needs something that locks.

Mayor Lauer stated he has no complaints or problems. He thinks locking carts are overdue.

Ryan Largura stated he was thinking that recyclables might be the first one to take on the cost because those materials are always loose in the bin versus garbage which should be bagged.

Mayor Lauer stated more bulky waste events would be beneficial. More opportunities throughout the year would be helpful. He asked about added costs.

Ryan Largura stated as far as the carts, Waste Management estimated \$1 per person per month or \$2 and some cents for 2 carts. For bulky waste events, they're thinking a flat rate for a large item, or the City might want to take on that cost. He's not anticipating a fee for the annual curb side events. That cost is rolled into the rate. It's very popular.

Councilor White asked how much longer until residents will have to do food scraps in separate containers.

Ryan Largura stated that the consultant, Chris Bell, has stated it's expensive to do because of the added weight in the carts.

David Huber, Waste Management, stated more cities are moving to the food waste. Unincorporated Washington County now includes food waste in the yard debris.

### **Mayor Lauer opened public comment at 8:08pm.**

Tannev Staffenson stated Waste Management does a very good job, but he wonders about an 8-year agreement. The City finds themselves time after time getting into long term agreements and then part way through them wondering why they chose such a long agreement. Competition makes people better. He thinks it's strange that there's a guarantee of a rate of return on a private business. He stated that since 2006 rates have gone up 63%.

### **Mayor Lauer closed public comment at 8:11pm.**



Ray Young stated a number of months ago staff did a survey and brought in results from other local cities and what they pay with different providers to give the Council a feel for price and quality of service and there was an option of going out to bid for other things. Going out for bid costs a lot of money and takes a lot of time and sometimes consultants are hired to compare services. The feedback from the survey was good and Council wanted to keep with Waste Management.

Ryan Largura stated that 8 years is on the short side of these agreements. They tend to be 10 or more years contracts. It's an expensive process to pay a consultant. He stated the longer the agreement is obviously Waste Management can amortize those costs over a longer period.

## **7. STAFF COMMUNICATIONS**

Ray Young provided the following staff communications:

- Sunday was the Grand Opening of the dog park with at least 25 dogs in the costume contest and it was a great event
- Trick or Treat event on 10/31 from 4-5:30pm and the Outlet Mall from 5-7pm
- City Offices will be closed 11/10 for Veterans Day
- Planning Commission meeting on 11/8

## **8. COUNCIL COMMUNICATIONS**

Councilor White stated he was at the League of Oregon Cities conference in Eugene, and he didn't really see anybody other than Ray that he recognized. There's a new LOC President and his legislative priorities are going to be property tax reform and permanent mechanism for funding the homeless.

Councilor Wittren stated he thinks the City is getting a good ROI on social media for the bulky waste and the high turnout it's had. The social media presence is paying off and he thinks optically it's a good investment.

Mayor Lauer stated the Public Safety Working Group met on 10/23 and they're just about ready to bring some items to Council for consideration with regards to the Fire & Police contracts that are coming up.

## **9. ADJOURNMENT**

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

Meeting adjourned at 8:20pm.

\_\_\_\_\_  
Randy Lauer, Mayor  
Dated:

**DRAFT**

**ATTEST:**

\_\_\_\_\_  
Kenda Rimes, Deputy City Recorder

# CITY OF TROUTDALE

**City Council – Regular Meeting  
7:00PM**

**Tuesday, October 24, 2023**

# PLEASE SIGN IN

[illegible]

## October 24, 2023 City Council Meeting Zoom Guests

Name (Original Name)	User Email	Join Time	Leave Time	Duration (Minutes)
Troutdale Conferencing	troutconf@troutdaleoregon.gov	10/24/2023 18:43	10/24/2023 20:20	98
MetroEast		10/24/2023 18:43	10/24/2023 20:20	98
speaker table		10/24/2023 18:43	10/24/2023 20:20	98
Sarah Skroch		10/24/2023 18:45	10/24/2023 20:20	95
Alison Caswell		10/24/2023 18:49	10/24/2023 20:20	91
Pat		10/24/2023 18:50	10/24/2023 19:22	32
Dakota Meyer (He/Him) - City of Troutdale Associate Planner		10/24/2023 18:50	10/24/2023 19:40	50
ray.young		10/24/2023 18:52	10/24/2023 20:20	89
Randy Lauer		10/24/2023 18:53	10/24/2023 20:20	87
Jordan Wittren		10/24/2023 18:54	10/24/2023 20:20	86
Dave Ripma		10/24/2023 18:55	10/24/2023 20:20	86
Carol Reynolds		10/24/2023 18:56	10/24/2023 20:20	85
becki		10/24/2023 18:57	10/24/2023 19:22	25





## Exhibit A

October 24, 2023 Council  
Meeting Minutes

Troutdale City Council  
October 2023



AMR River Rescue Program-2023 Season Review



# Program Overview

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- Team made up of 23 EMTs and Paramedics trained in swift water rescue and open water lifeguarding
- Program is certified as an Advanced Agency of the United States Lifesaving Association
- Program has been active at Glenn Otto Community Park since 1999 and High Rocks Park since 2002







# Program Overview

---

- Two-week training academy in May and then in service at both Glenn Otto and High Rocks parks every day from Memorial Day weekend until Labor Day
- Hours of Operation at Glenn Otto park: 10:00 am to 8:00 pm
- Staffing: minimum 2 River Rescue EMTs, up to 4 depending on weather



# Historical Data (2002-2023)

- Total census: 1,165,968
- Total assists: 2,089
- Total rescues: 112





# 2023 Statistics- Glenn Otto Park

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- Assists: 50
- Rescues: 2
- PFDs loaned: 1500
- Preventative Actions: 696
- Info talks with public: 982





# Program Activities

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## **Prevention:**

- PFD advisories with the public
- Safe swimming recommendations
- Warnings for at-risk behavior
- Guiding swimmers, tubers and paddleboarders around hazards

## **Response:**

- Entering the water to assist swimmers in distress
- Activating a 911 Water Rescue response when needed
- Medical emergencies on-land
- Responding with allied agencies as mutual aid





# Rescue incident at Glenn Otto: July, 2023

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- “RRT 282 made contact with subject river right of Pilot Rock where subject became entrapped by root wad strainer and his entire body submerged under water. 282 surface dived and contacted subject underwater and pulled subject above water to maintain airway. 282 maintained contact with subject as subject’s lower body remained entrapped on root wad strainer...281 met 282 and subject at the submerged root wad strainer and assisted in extricating subject.”





# Other Program Activities

- Public Education events:
  - Sweetbriar Elementary School and Fairview Sunday Market safety talks
- Removing hazards in the river
- Media interviews to discuss water safety





# Partner Organizations

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- City of Troutdale
  - Troutdale Public Works Department
- Troutdale Booster Club
- Gresham Fire Department
- Corbett Fire Department
- Multnomah County Sheriff  
Department











Thank you to Troutdale City Council for being  
such a supportive partner over all these years!



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

## Exhibit B

October 24, 2023 Council Meeting Minutes

City Council

October 24, 2023





# THE APPLICATION

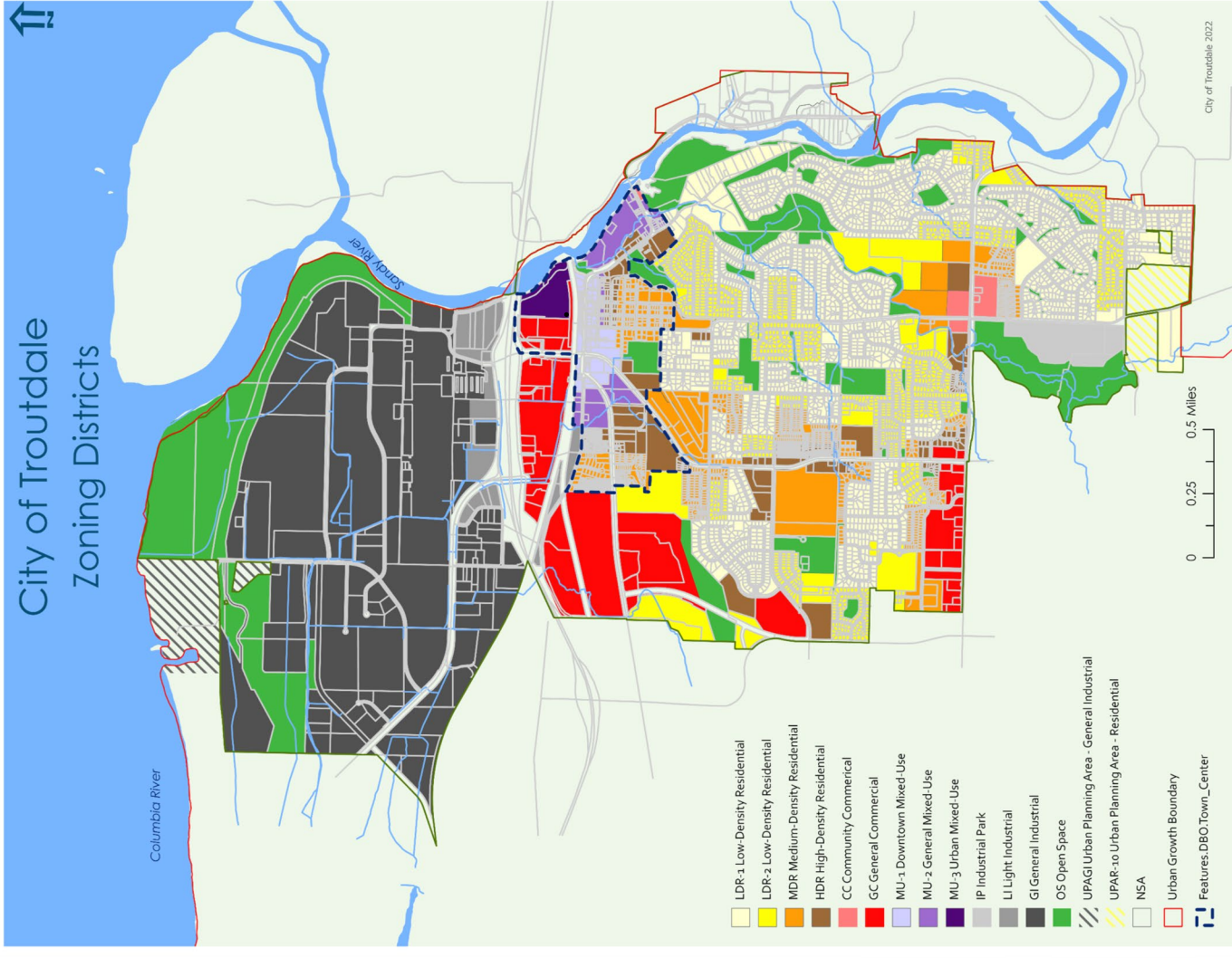
[CASE FILE 75-14]

## 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

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- 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

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- 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]

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

# COUNCIL ACTION

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- PC recommends approval to City Council
- City Council Hearings
  - October 24<sup>th</sup>, 2023 (Introduction)
  - November 14<sup>th</sup>, 2023 (Adoption)
- Actions: TDC 15.030
  - Confirm, amend or reverse PC's recommendation
  - Enact or defeat all or part of ordinance
  - Remand some or all of the proposal to PC

## Exhibit C

October 24, 2023 Council Meeting Minutes

Mayor and Councilors,

During the Planning Commission meeting Associate Planner Meyer was asked what would happen to the TDC language regarding marijuana facilities if the voters rejected the Ordinance 882 ban. His response was that they would be going back to conditional uses in the three development zones. Planning Commission Chair Staffenson also stated they would re-do the code. Community Development, Planning Commission, and City Council are not obligated or required to do that. The across the board prohibition could remain in effect, or where facilities are allowed could be altered in any number of ways. This also leaves voters in the dark as to what will be allowed post Ordinance 882 if the ban is not upheld. Prior to changing all three development zones from conditional to not permitted, the major scrivener's error omission had been corrected.

I learned recently that Oregon HB 4016 put into effect a moratorium on new marijuana licenses submitted between Jan. 1, 2022 and March 31, 2024 to address imbalances in supply and demand. In the short term anyway, this may have made Troutdale Ordinance 882 unnecessary.

One effect of Ordinance 882 has been the city's loss of state shared tax revenues in the tens of thousands of dollars until voters have an opportunity to weigh in. Those losses would of course continue beyond the election if voters uphold the ban, but would also continue if the TDC language remains the same as approved here.

In the staff report under cons it reads "Changing Marijuana Facilities from a Conditional to a Not Permitted Use may lead to loss in potential tax income. The city should consider what the opportunity cost of its proposed amendment could be in terms of lost economic development opportunities." This appears to contradict that the code would revert back to the previous code language if Ordinance 882's ban is not upheld by voters. My understanding is that the tax spigot was turned off back in March when 882 was passed.

With the only pre-existing marijuana retailer grandfathered in, that property owner has total control over whether there will be any retail marijuana within Troutdale, depending of course on the length and terms of the current lease agreement.



My position was that the current code language should have been left in place so that a return to pre Ordinance 882 would seamlessly occur if the voters rejected the ban. There would be no harm in leaving it in place since the language in Ordinance 882 would disallow any application prior to the November 2024 election.

I might add that there's nothing in the ballot measure language saying what happens if the measure fails.

Submitted by:

Paul Wilcox

10/24/23

# **A Discussion on the Franchise Agreement with Waste Management**

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City of Troutdale

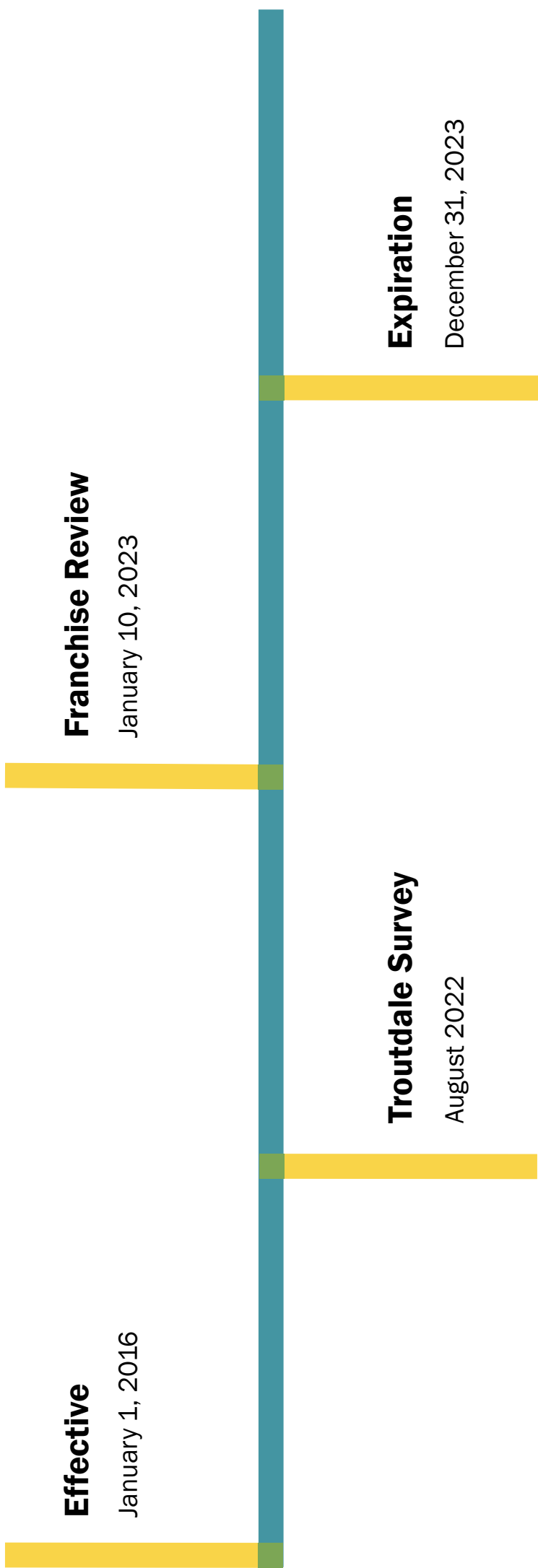
Public Works Department

October 24, 2023

## **Exhibit D**

October 24, 2023 Council  
Meeting Minutes

# Franchise Agreement Timeline



# Discussion Topics



**Format Changes**



**Customer Service**



**Transfer Station  
Services**



**Support For**



**Receptacles**

# Format Changes

**1.0 Agreement**

**2.0 Collection  
Support and  
Management**

**3.0 Service  
Standards**

**4.0 Compensation**

**5.0 General Terms &  
Conditions**

# Collection Support & Management



## Billing

- Expand language for credit risk guidelines
- Simplify vacation credit rules

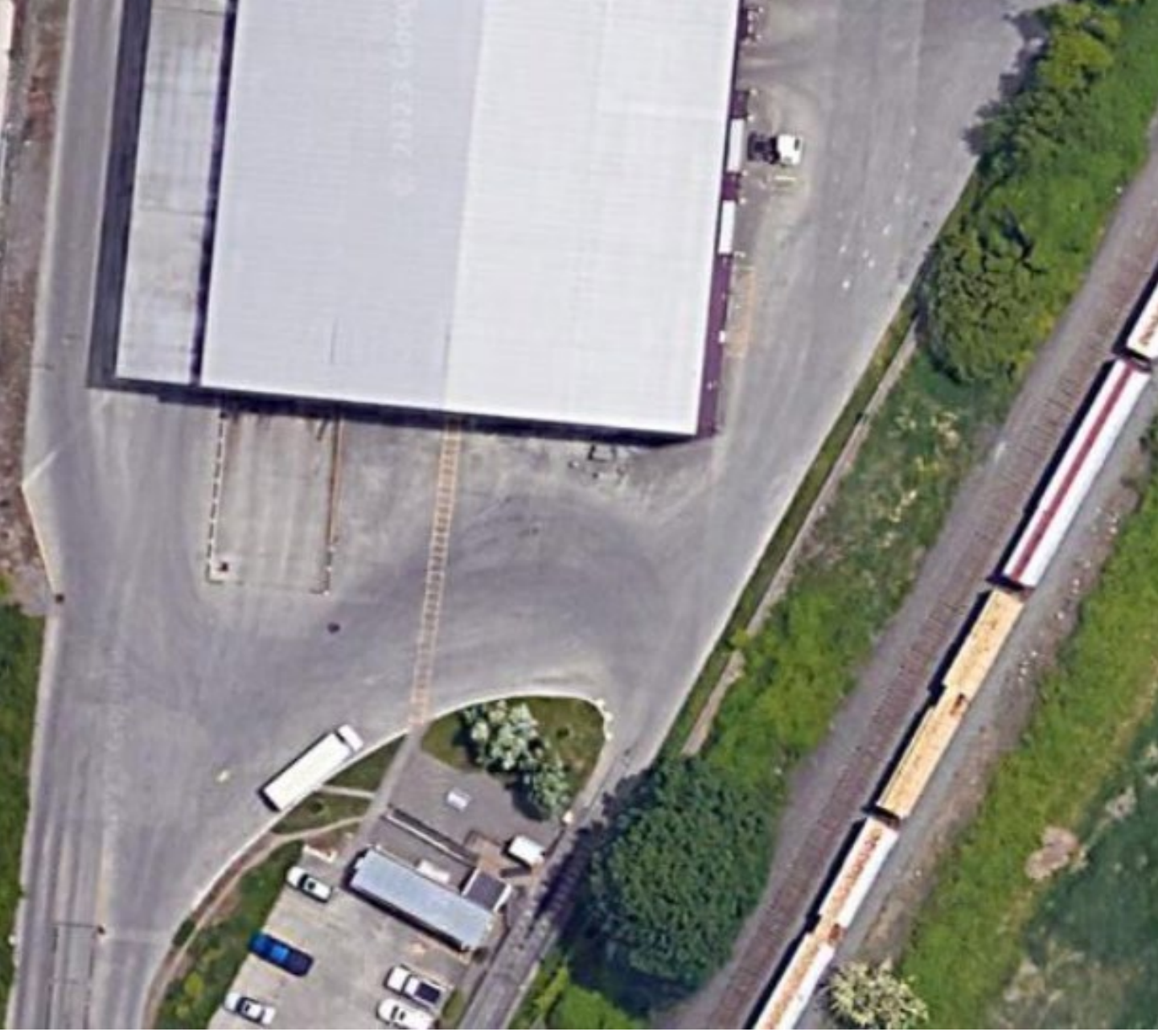
## Communication

- 2022 survey of 76 responses indicated positive telephone customer service.
- This year automated calls and technology dependent communication has become more pervasive.
- Have heard from public and senior residents in particular.
- How do you make it easier for the public to reach a “live” agent?

# Transfer Station Services

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- Quarterly bulky waste events open to the public on Saturday morning
- Flat rate cost of service
- Items may include:
  - Household bulky waste items
  - Non-curbide recyclables
  - Sharps containers
  - Tires



# Support for

## Emergency Response

- Assist City in the event of a natural disaster or emergency declaration
- Assist City in developing any reports or applications necessary to seek Federal assistance

## Community Events

- Potential support of First Friday events in the summer
- Other City-led events



# Receptacles

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- Need to match Metro regional standards for multi-family containers
- Require single-family carts with automatic locking mechanism
- Could roll-out for only recyclables and/or garbage





**CITY OF TROUTDALE**  
**PUBLIC WORKS**  
**DEPARTMENT**

# Questions?

Thank you for your time.

City of Troutdale  
Public Works Department

Mayor and Councilors,

The recent situation with Nick Moon brought attention to the City policy and procedure for filling Councilor vacancies. The City Charter includes a list of how vacancies occur, and if they will be addressed. I intentionally use the word “if” because several of the causes are preceded by the phrase “‘may’ be declared to be vacant”, which implies declaration is optional. Included in that secondary list is “Ceases to reside in the city”. Thus, Council could choose to allow a non-resident to continue to serve on the Council. Most of the listed causes have never occurred in Troutdale's election history, as far as I have found. Vacancies have occurred due to resignation for personal reasons, resignation due to being elected to another office, and of course in the case of Nick Moon becoming a non-resident, thereby being disqualified from taking the oath of office. By far the most likely event-based cause is if a mid-term Councilor runs for Mayor, and if elected, their Council seat becomes vacant. Historically, this has occurred only once in recent history, 2008, when Jim Kight was elected Mayor as a mid-term Councilor. However, in 5 of the last 6 Mayoral elections since 2000 a mid-term Councilor has in fact ran for Mayor. In all but that one election the Council seat was not vacated because the voters preferred another candidate for Mayor. That does not change the fact that a clear avenue existed for the two-year balance of that Councilor's term to be subject to appointment. A mid-term Councilor running for “any” elective office creates a similar situation if they're elected. These Councilor vacancies follow a flow chart process, if elected then vacancy is created. Three of the four Councilor vacancies filled since 2008 have been due to election results, with only one resignation. There was a second resignation which occurred in May of the election year but was left vacant. That gets to the key issue I have with the filling of vacancies which occur as the result of an election. These end up being nearly two-year appointments, which I consider excessive for a non-elected officer. The City Charter requires that Mayoral vacancies be filled only by election, but Councilor vacancies are only subject to appointment. Why is that? Troutdale has what is described as a “weak” Mayor form of government. For example, the Mayor has no veto power and has a single vote, the same as any Councilor. Citing the recent timeline of the most recent appointment, that appointment occurred at the end of February, following the November election. The Council only met once in March, April, and May, so if that vacancy had been filled by special election in May, only an additional 2-3 meetings with a six-member Council would have been held. Some are concerned about the cost of a special election for Councilor, but the alternative is a nearly two-year appointee, which I'm not sure most voters would approve of, if asked. Conversely, removing the requirement for an elected Mayor to fill a vacancy would save taxpayer funds because odd year elections are funded proportionally by the City. That Troutdale requirement is not the norm. From an expense perspective, Troutdale is the only East County city that requires that Mayoral vacancies be filled by election only. Even Gresham allows for a Mayoral appointment up to two

years in duration. I have just recently learned from County Elections that if Troutdale had placed the Councilor vacancy on the May 2023 ballot the cost would have been under \$2,000. The May odd-year ballots generally have quite a few candidates filing, mostly school boards and other service districts. This past May also had a County Commissioner vacancy on the ballot.

A no-cost alternative would be for the Council President to be declared Mayor for the balance of the term, but that would also require a Charter Amendment and an appointed replacement Councilor.

I would be remiss if I didn't at least mention an alternative solution to the election-created vacancies, which is resign-to-run. That was discussed briefly by a previous Council and summarily dismissed for various reasons. Lake Oswego and Tigard do have voter-approved resign-to-run, as well as term limits. I have no idea how those ended up on the ballot, but my best guess would be charter review committee recommendations. The last two Tigard Mayors have in fact had to go that route since they were mid-term Councilors. However, Tigard is in the process of putting a new City Charter before the voters which removes the resign-to-run requirement, but does also call for vacancies of more than a year to be filled by election.

Another consideration of course is when a Councilor vacancy occurs which is not election related. Multnomah County elections holds candidate elections only in May of odd years and May and November of even years, and there are candidate filing deadlines prior to those elections. There might not be sufficient time to fill a vacancy by election if the vacancy occurs during the second year of a term. In the past, those vacancies have been both filled by appointment and also left vacant until the next November election. Filling Councilor vacancies is not absolutely required by the City Charter.

The City of West Linn recently went through a process that nearly paralleled what would have occurred in Troutdale if Mayor Lauer had been elected to the Oregon House in November 2022. West Linn's Mayor was in fact elected to the Oregon House, resulting in a Mayoral vacancy. A special election for Mayor was held in May, at which a City Councilor was elected Mayor for the balance of that term. In turn, that Councilor's seat was then subject to election in November because West Linn's City Charter requires that all Council vacancies be ultimately filled by election if the opening is for more than a year. In both cases, there was an interim appointee pending the election results.

Obviously, the major difference between West Linn and Troutdale is that the Councilor vacancy was also subject to election, while it would have been filled by appointment in Troutdale.

If Council is not willing to go as far as a Charter Amendment requiring Councilor vacancies of a certain duration requiring election, there are a couple elements within the text that I consider flaws. I alluded to one earlier, where the word "may" is used to apply whether a vacancy will be declared. The other is the wording that refers to the vote to

appoint, which reads “A vacancy in the office of councilor shall be filled by appointment by a majority of the council.” The flaw in the wording is the omission of the word “remaining” council, or remaining members of Council. The League of Oregon Cities Model Charter includes the word remaining, as do every other City Charter I’ve reviewed, or specifies that the vacancy-filling is addressed only after the vacancy actually exists. As at least two members of the Council will recall, a sitting Councilor was allowed to participate in selecting their replacement because the appointment process occurred before the effective date of the resignation. Also, the requirement that the election occur following the sixty-first day after the position becomes vacant could be problematic. The vacancy might occur too near that cut-off because the filing deadline for candidates is also sixty-one days out from Election Day, allowing little or no time to advertise for candidates. The way Gresham addresses this is “The date the vacancy occurred must be more than thirty days before the filing deadline for that election date.” In the case of an election-created vacancy Council and city staff would be fully aware of a pending vacancy once November election results had been certified. Additionally, it might be worthwhile to add elected to another office as creating a vacancy, although that is a disqualification under Section 13, Qualifications For Elective Office.

The entire City Charter section on Council Vacancies is as presented to the voters in 1994. No revisions or updates have been made, which I would consider long overdue. The requirement that Mayoral vacancies be filled by election was new to that Charter, as was a four-year term for Mayor. That new City Charter was at least partly in response to events occurring in 1993, when a newly-elected Mayor resigned, resulting in an appointed Mayor and in turn an appointed Councilor. Minutes from 4/27/93 read “Councilor Burger-Kimber made a motion to have a charter amendment to address vacancies on the Council whether Mayor or Councilors which would address elections in the next general election.” Later in the same meeting the minutes read “Mayor Thalhofer discussed a Charter Review Committee. No elected officials but let people take outdated Charters and suggest what should go to voters. In order to have election to these type positions in future.” There were apparently two Council Work Sessions in August 1994 after the Council received the Charter Review Committee recommendations but no minutes exist from those meetings.

In summary, I would encourage a Charter Amendment Measure be placed on the May 2024 ballot, asking whether voters would prefer that Councilor vacancies of an extended time frame be subject to election, and possibly “clean up” some of the existing language. I consider those first two revisions at least as important as the May 2016 Measure regarding communication between Council and the City Manager. 2024 being a Presidential election year will see higher voter turnout in both May and November. The purpose of a May Measure is that passage would apply to any relevant November election results.

There is some urgency to the decision because the measure language has to be in to the elections office by March 1, 2024. None of these changes would have any effect whatsoever on incumbent Council members.

Submitted by:

Paul Wilcox

Troutdale

Meeting date: 11/14/23

## 1994 City Charter

### **CHAPTER VII. - VACANCIES IN OFFICE**

#### **SECTION 27. WHAT CREATES A VACANCY.**

A. The office of the mayor or councilor becomes vacant if the incumbent:

1. Dies;
2. Is adjudged to be incompetent;
3. Is recalled from office; or,
4. Resigns.

B. In addition, the office of mayor or councilor **may be declared to be vacant** by the council if the incumbent;

1. Is convicted of a felony or crime pertaining to the incumbent's office;
2. Fails to qualify for the office within ten days after the term for the office is supposed to begin;
3. Ceases to reside in the city;
4. Ceases to be a qualified elector under state law;
5. Is absent from the city for more than thirty consecutive days without consent of the council; or,
6. Is absent from three consecutive regular meetings of the council without consent of the council.

#### **SECTION 28. FILLING OF VACANCIES.**

A. A vacancy in the office of councilor shall be filled by appointment of **by a majority of the council**. The appointee's term of office runs from the time of appointment and qualification until expiration of the term of the predecessor who left the office vacant. If, however, the vacancy is filled prior to July 15 of the second year of the term, the appointee's term of office runs only until the first council meeting in the third year of the term. At the general biennial election in the second year of the term, a person shall be elected to the council for a two-year term.

B. A vacancy in the office of the mayor shall be filled by election only. That election shall be called for at the next regular election date as defined by state law following the sixty-first day after the position becomes vacant.

## 1942 City Charter

### CHAPTER VII.

#### VACANCIES IN OFFICE

##### SECTION 32. WHEN OFFICE IS VACANT.

An office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, removal from the City, absence from the City for a period of thirty (30) days without the consent of the council, or ceasing to possess the qualifications necessary for the office; or upon the failure of the person elected or appointed to an office to qualify therefor on or before the date his term commences; and in the case of the mayor or a member of the council, in addition to the above causes upon his absence from a meeting of the council for a period of sixty (60) days without the consent of the council.

##### SECTION 33. FILLING OF VACANCIES.

Vacancies in office shall be filled by appointment of the council and the appointee shall serve the unexpired term of his predecessor. Within twenty-four (24) hours after his appointment, an officer appointed to fill a vacancy must qualify for the office in case of an officer elected, and in case he fails to qualify he shall be deemed to have declined the office and the office shall be deemed vacant.



## Vacancy and Appointment History

1993, started year with a Council vacancy due to resignation.

Prickett appointed to existing vacancy.

Newly-elected Mayor Bui resigned 4/93.

Council President Thalhofer appointed Mayor, 4/93.

Lloyd appointed to Thalhofer's Council Position, 5/93.

2008, Councilor Kight elected Mayor.

Hartmann appointed to Kight's Council Position, 2/9; resigned 5/10, not replaced.

2010, Councilor Wand elected to Oregon House.

Anderson appointed to Councilor Wand's Council Position, 1/11.

2016, Councilor Anderson resigns, 4/16.

Brooks appointed to Councilor Anderson's Council Position, 4/16.

2022, Moon elected to Council as non-resident.

Wittren appointed to vacated Council Position, 2/23.

Mid-term Councilors running for Mayor:

1994, Burger-Kimber vs Thalhofer

2000, Smith vs Thalhofer

2004, Kyle and Thomas vs Thalhofer

2008, Kight vs Ripma; no incumbent

2016, Allen vs Casey; no incumbent

2020, Ripma vs Lauer; no incumbent

Mid-term Councilor running for Oregon House, Wand 2010 (won)

Mid-term Mayor running for Oregon House, Lauer 2022 (lost)

Council minutes, 4/27/93

11. DISCUSSION/ACTION: Selection of Mayor and Selection of Possible City Council Position Vacancy

President Thalhofer called this agenda item.

Jennings stated the Charter requires specifically that Council shall [mandatory] choose a new Mayor upon resignation of old Mayor. No time frame for doing so but in reviewing ordinance it does appear to attach some urgency to doing that. The Charter didn't limit selection process to Council members, can be chosen from population at large resident of city, still resident and eligible to vote, as well as Federal regulations.

Councilor Ripma stated in addition to comments by Brookhart - mechanical problems of amending Charter first. There were other reasons to act quickly and he proposed to act tonight. It would eliminate the City from having a Mayor until an election, and create a Council being short one position. He didn't feel that would be good for Troutdale and wished to move ahead to select a Mayor and had a suggestion.

President Thalhofer asked to hear from the public first.

Martin. Michael, 123 SE 34th Circle, Troutdale. Opposed to selecting for the position at this meeting until there was a full Council. .[Martin letter on file].

Councilor Ripma stated he had spoken with Schmunk and she would be gone for three weeks. She told him she didn't object to the Council proceeding. She had no objection to a selection and

he didn't feel uncomfortable about making the recommendation.

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Martin stated the voters made a choice in the election and spent a lot of time and effort as well as candidates did as well. He stated [even though biased] to wait since she did have a vote since

her vote may be a deciding vote. He didn't know if the Council had made up their minds but it would only be fair to voters to wait until she returned. She had indicated to him something different than what Ripma spoke of.

Councilor Burger-Kimber [10:41 Side 7 which is 3]. Difficult time with this process, as citizen and had been frustrated with little control and felt strongly citizens needed input to process that is why she is on Council now. Ran in 1990 and lost to Thalhofer. After that, a Council position was vacant and an appointment was made. Accepted process. In 1992 ran for Council and was successful. Her promise to the community was to promote change and encourage citizen participation. She was very concerned now and recognized there are legal restrictions within the Charter that mandate what Jennings stated earlier. She wished to challenge the restrictions and was very concerned. There had been a lot of publicity about divisiveness on this Council. An opportunity for differences of opinion, continue to do so, encourage others that do. Look at Mayor and two council positions - Prickett was an appointee - three appointed people in elected positions which were representing the community. She strongly disagreed. She believed there should be a full Council present. It wasn't necessary to rush into the process. The Council President was taking over role of Mayor temporarily and believed Council could get by until negotiation toward a solution could be affected and put elected positions back into hands of

people.

Jennings reiterated his earlier comments. The only avenue available was a decision to amend the

Charter to provide for direct election of the Mayor.

Councilor Ripma asked if Councilor Burger-Kimber was proposing they not follow the Charter?

Councilor Burger-Kimber made a motion to have a charter amendment to address vacancies on the Council whether Mayor or Councilors which would address elections in the next general election.

Councilor Ripma had concerns he had mentioned earlier. There was little more than 1 year in the term remaining. That would require two elections at x amount of money each. Challenge the arithmetic of three appointed positions. Appoint someone from Council the number of positions appointed [not elected] would still be Prickett and therefore, at the most would be two. He stated they were elected to do that job and he took it seriously. He suggested a very short term that someone would be appointed to and more for sake of appearance than the sake of the City. The Mayor was a unique position in the City and he believed the powers of Council President didn't carry over to acting Mayor status. You were content to go through the process when you could appoint someone to your liking and now suddenly the process was not suitable and challenged her motives.

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April 27, 1993 Page 13

Councilor Thompson stated in reading of code and charter Council can refer any matter to voters

including the Mayor. If Council wants to refer to voters it is Council right to do that. Given a short term that was involved it didn't seem financially wise to spend money for a special election for essentially 1 yr. left of term. There were candidates on this Council that could fill the position. They would have experience in City government and a responsible person. Difficult to find from public in an interview process only. Because of experience on Council the next Mayor should be appointed by Council and a member of that Council. He sympathized with public that had commented. However, the fact that Bui resigned wasn't anyone on Council faults. He chose to resign. He resented being responsible for that. The City deserved a full time Mayor and full Council. He supported appointing a Mayor and appointing the vacancy that would be created. He saw no purpose in delaying this issue.

Councilor Prickett asked the City Attorney for clarification. President Thalsofer was not a vice Mayor as President of Council?

Jennings spoke to issues relating to 'what President of Council can do. 'clothed with all powers and duties as the Mayor'. He wasn't able to state where that power ends and begins. He understands it to mean he can sign any legislation that comes in during the time. The Charter is a 1942 Charter. Jennings stated there was need to update the Charter and it was possible to come up with any conclusion you choose to in this document. The President sits as Mayor until a new Mayor is appointed.

Jennings stated his disagreement with Councilor Thompson about a special election.

President Thalsofer asked if there were any more public comments? There were none.

Councilor Ripma nominated Paul Thalsofer as the new Mayor of Troutdale to fill the term of Gene Bui. Councilor Prickett seconded the motion.

Councilor Burger-Kimber respectfully submitted her comments had no reflection on anyone here.

She was still concerned and hoped all appreciated her concern and asked if it could be resolved somehow. If casting a negative vote, it was not a reflection on Thalhofer but because she wished to wait for other options.

Councilor Thompson Sec. 24 simply states "by resolution Council may call for a special election" he took that to be as any type of election.

Jennings agreed except in Sec. 33 vacancies 'shall' be filled by appointment. A direct charge to council that it should be done by appointment.

Councilor Ripma stated that was the perfect ambiguity that needs something to be done.

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April 27, 1993 Page 14

Councilor Burger-Kimber asked Jennings if the appointment shall be made by Council to fill vacancy. It didn't say how much time, so a position could be filled temporarily and a special election called. The appointment to the vacancy could be temporary until the election could be held. He didn't agree with that however. There was no reason to do it tonight but didn't feel it would change the outcome. No objection to taking additional time to meditate on matter to decide what should be done.

Councilor Ripma urged to go forward and called for the question.

Jennings method of voting not specified. President Thalhofer would have the right to vote.

President Thalhofer asked the Council choice in a roll call or voice vote.

President Thalhofer roll call.

YEAS: 4 [Prickett; Ripma; Thompson; Thalhofer]

NAYS: 0

ABSTAINED: 1 [Burger-Kimber]

Thalhofer called an official end to break at 8:45 p.m

Jennings stated for clarification - Thalhofer served as Council president until sworn in. Raglione would make preparations for the next meeting.

Dealing with Council vacancy same mandates as Charter. Appointed by Mayor/President with approval of Council. He could vote until taking office as Mayor.

#### 8/9/94 Council minutes

Councilor Ripma asked about Section 28, Section 2, Filling a Vacancy, you have a very good solution to filling vacancies on council, but why is the mayor position different?

Schmidt stated that they felt the Mayor's position should be filled by an election. The president of the council could fill in until the election.

Councilor Ripma asked if that was controversial among the committee?

McGinnis stated that it was.

Councilor Ripma stated that the way it is worded the mayor could stand for election twice in the same year. I would like to see it the same for the mayor and council.

#### 8/23/94 Council minutes

MOTION: Councilor Ripma moved to amend Section 28. by Deleting Section 28.2 and amending the first sentence in Section 28.1 to read "A vacancy in the office Councilor or Mayor shall be filled by appointment by a majority of the council." Councilor Schmunk seconded the motion.

Councilor Burger-Kimber stated I intend to vote no on this. I feel that the paragraph presented to us by the committee was appropriate. We have had problems in the past with filling elected positions by appointment. I don't know if we will be able to alleviate that problem because of the number of people and the fact that it is a volunteer position. The mayor is an important position to the city and if I can't fight for the election of council members which I feel strongly about, I would at least want to encourage us to elect at the earliest convenience because that position is the executive of the city, represents the community, and must be an elected position.

Councilor Ripma stated the office of mayor is very important, under the provision the way it is written could remain vacant for many months while we wait for the next general election. It could be filled at a very low turn out, mail in type of election.

Councilor Thompson stated the mayor's position should be filled by election. I feel even with a low voter turn out you have a lot more people with a say than if the council appoints.

Mayor Thalsofer stated I would support the charter as proposed because even with the mayor's position vacant the president of the council would be the presiding officer while there is no elected mayor.

The council discussed this issue.

YEAS: 3

NAYS: 4 (Tie Vote Thalsofer Voted);

ABSTAINED: 0

MOTION: Councilor Burger-Kimber moved to amend Section 11 to read "the mayor shall be elected for a two year term." Councilor Ripma seconded the motion.

Councilor Ripma stated I favor this because I favor the way our current charter has worked in this respect. I can't predict how this vote is going to go but I felt it should be voted on. It has worked well for us for a long time.

Councilor Thompson stated overall the city is probably better served by having a mayor that runs every two years. I certainly don't want to be in the position that the City of Gresham is in, where you could have the entire council run every two years.

Mayor Thalsofer stated I favor the current proposed charter, the experience that you gain in the first two years is very valuable and you are still learning the ropes.

YEAS: 3

NAYS: 4 (Tie Vote Thalsofer Voted)

ABSTAINED: 0



# STAFF REPORT

**SUBJECT:** An ordinance amending Troutdale Municipal Code Chapter 13.20 pertaining to dogs in City parks.

**MEETING TYPE:** City Council - Regular Meeting

**MEETING DATE:** November 14, 2023

**PRESENTER:** Travis Hultin

**DEPARTMENT / AFFILIATION:** Public Works

**ACTION REQUIRED:** Ordinance - Introduction

**PUBLIC HEARING:** Yes

**COMMITTEE / COMMISSION RECOMMENDATION:** Approval

Parks Advisory Committee

**STAFF RECOMMENDATION:** Approval

PW Director & Parks Superintendent

## Exhibits:

- A. Redlined Version of proposed amendments to Chapter 13.20
- B. Pages 15 & 27, Appendices B5 & B6 of the final approved 2023 Parks Master Plan
- C. Mayor Lauer's 1/12/2021 Proclamation declaring Troutdale a dog-friendly City.

## Subject Relates to:

☐ Council Goals    ☒ Legislative    ☐ Land Use / Development    ☐ Other (describe)

Amend Troutdale Municipal Code(s) 13.20

## Discussion Points:

- Should dogs be allowed in some City parks that would be chosen only by the City Council and designated only by Resolution?
- Will allowing dogs in Council-selected City parks be responsive to the expressed desires of Troutdale residents and park users?
- Should the municipal code change to accommodate, at least to a limited degree, the practical reality of residents who commonly bring their dogs to parks presently?
- Does the proposed ordinance revision appropriately merge the PAC's recommendations and the Council's direction?



- Does the proposed ordinance provide an appropriate framework for permitting dogs in some City parks while adequately protecting other parks and sensitive areas within parks?
- Does the proposed ordinance provide an appropriate framework for rules, and enforcement of rules, relating to dogs in City parks?

**Background:**

Title 13 of the Troutdale Municipal Code addresses “Street Trees, Parks, and Recreation Areas”.

Chapter 13.20.160, Domestic Animals, addresses “dogs and other domestic animals”. Dogs specifically are by far the most common domestic animal that park users might bring to a City park, with all other domestic animals combined constituting a tiny percentage. Therefore, for ease of the reader, wherever the term “dog” is used herein it should be understood to refer to “dogs or other domestic animals”.

The existing definitions in Chapter 13.20 define the “Director” (for the purposes of that chapter) as the Community Development Director since the Parks Division was in the Department of Community Development when the existing ordinance was adopted. Several years ago, the Parks Division was moved into the Public Works Department, and since then the City staff have construed Director in Chapter 13.20 to mean the Public Works Director as a practical matter when the context clearly suggests so, pending a formal update to that chapter.

Troutdale Municipal Code 13.20.160 states that dogs are prohibited from all City parks and Greenways, regardless of leashed or not. The existing code also grants authority to the Director to designate pet areas (within parks) where dogs are permitted either on or off-leash. In recent years, the City has relaxed its attitude to dogs in parks through official proclamations, the installation of practical dog-related infrastructure such as waste disposal stations, and relaxed enforcement of dog prohibitions at many parks. In recent years, responding to desires of residents expressed by and/or through the PAC, previous Public Works Directors have somewhat broadly exercised the authority granted by existing code to allow dogs in select parks as a quiet “pilot” program. Some parks have had “No Dogs” signs removed, while others have not. There is ambiguity surrounding regulations and the de-facto status quo is that dogs are often present in most or all Troutdale parks, leashed and unleashed, despite existing code prohibiting them.

Dogs being allowed in Troutdale Parks is a topic with strong feelings on both sides of the issue. Despite the existing code, dog walking is ubiquitous in most or all City parks. The Parks Division fields many inquiries about dogs, and questions about what is allowed and what is not, and the current ambiguity has led to semi-frequent complaints. Most notably, the public outreach process conducted by MIG as part of the recently approved Parks Master Plan process demonstrated that the community views dog-friendly park access as the most popular overall choice for improvements in the City’s Parks system.

The City held the grand opening of its first-ever off-leash dog park at Columbia Park on October 22nd, meeting a long-held goal of the City and one of the goals outlined in the Parks Master Plan, to address the community’s need for a place to exercise their dogs and for socialization of dogs and people. The

off-leash dog park, while an important and laudable step, cannot adequately serve the needs of the entire community of Troutdale or their pets, and does not entirely fulfill the desires of the community expressed during the Parks Master Plan process. In researching the topic, staff has found that all of the other east county cities generally allow dogs on-leash in their city parks. Troutdale is unique amongst its east county neighbors in having a general prohibition of dogs in its parks. While other dog-friendly parks exist in east county, they are not within walking distance or a short drive for most residents, and are certainly not convenient nor readily accessible for the frequent, even daily, active recreation or exercise with their pets that many residents desire. Exhibit B attached herewith, from the Parks Master Plan, shows dog-friendly park access as the top-rated parks priority for Troutdale residents overall, and in 6 out of 10 neighborhoods sampled, including the entire east side of the City.

Though allowing dogs in parks is the most popular potential parks amenity among Troutdale residents, it is important that the City remain sensitive and compassionate to those who are uncomfortable around dogs, those who don't like dogs, and in some cases even have an innate fear of dogs. With that in mind, the PAC and staff have sought to provide some basic protections in this ordinance for park users that may want to avoid close contact with dogs in Troutdale's parks.

While access for pets in City parks is a relatively popular proposition among Troutdale's parks users, there are some areas that are ill-suited to dog access due to the nature of their use (e.g., play structures, beaches, sports fields) and where dogs should still not be allowed, even in Parks where dogs are permitted. Additionally, certain environmentally sensitive areas require protection from domestic animal access, either temporarily or permanently, including in some cases as a condition of environmental permits that the City is bound by.

Enforcement provisions in the existing code provide no incentive to comply for violators. Existing code provides that a park user can be ejected from a park, and excluded for a period of time, for violating parks rules. If a person violates an exclusion order, the City's only remedy is to eject them again. Considering it critically, that effectively means there is no real motivation for a person to comply with an exclusion order, as the only consequence, if they are even caught, is to be ejected from a park they were already excluded from. Therefore, staff proposed and the PAC supported escalating fines for violation of an exclusion order, similar to violation provisions in various other parts of the municipal code.

The existing code empowers City staff and the police to seize property of a park user when used in violation of parks rules. Pets are very different from other property, a very unique class of property, being sentient living things and being that pet owners have a powerful emotional connection to their animals. That being the case, staff suggests that there should be a higher bar, and far narrower circumstances, when seizure of a pet would be warranted, and the PAC ultimately concurred. The Multnomah County Animal Services Code and State Law already set out appropriate circumstances when a pet can or should be taken from its owner by a government authority.

The Parks Advisory Committee spent considerable time reviewing and discussing proposed updates to the subject code at its regular meetings during the months of July, August & September 2023. They provided several opportunities for public input, and heard public input, in addition to the substantial

public input provided by the Parks Master Plan. Ultimately, on 9/20/2023 the PAC voted to recommend an updated ordinance that generally allowed dogs in City parks, while including provisions establishing administrative authority to exclude dogs from select parks or designated areas within parks. The PAC's input, perspectives, and collaboration were invaluable in the process of drafting the proposed ordinance presented to the Troutdale City Council in October, and by extension the modified version presented to Council today.

At the October 10, 2023 City Council Meeting, staff presented to Council an ordinance amending the municipal code as developed in collaboration with the PAC. This version of the ordinance removed the prohibition of on-leash dogs in City parks generally, while establishing administrative authority to designate entire parks, or areas within parks, as prohibited for dogs or other domestic animals. This ordinance also addressed definitions, rules for dogs in parks, and updates to the enforcement provisions of the parks code. The Council rejected that proposed ordinance, holding that dogs should not be generally allowed in City parks, and should only be permitted in a few select parks to be chosen by the Council. The Council provided direction to staff that dogs should still be generally excluded from all City parks, and that any revision to the ordinance should establish that the Council may designate by Resolution any park(s) that generally allow dogs on-leash. The Council directed staff to bring back such version of the ordinance at a later date. The ordinance presented at this Council Meeting is intended to comport with the Council's direction.

**Summary:**

Proposed updates to TMC 13.20.020 include updated and additional definitions to facilitate the provisions that would allow dogs in select parks, and providing a framework for rules pertaining to dogs in parks. This includes a housekeeping revision to change the "Director" (for purposes of Chapter 13.20) from the Community Development Director to the Public Works Director.

The currently proposed amendments to 13.20.160 Domestic Animals retain the general exclusion of dogs from City parks, both on and off-leash. New language is added establishing that the City Council may designate specific parks where dogs are generally permitted on-leash. It specifies certain exclusionary areas (playgrounds, sports fields, beaches) outright within any park, including Council-designated on-leash dog parks. The current draft removes the previously proposed 100' buffer from surface waters following comments from the public at the previous Council hearing, and consultation with environmental permitting staff. It outlines basic rules for handlers, including responsible disposal of pet waste into appropriate containers and basic requirements for responsible dog handling including interactions with other park users and animals. It clarifies the Director's the authority to promulgate reasonable and customary rules for etiquette and conduct related to dogs at on or off-leash parks and authorizes the Director to establish exclusionary areas temporarily or permanently within parks to protect ecologically sensitive areas, if these needs arise.

Proposed updates to 13.20.380 Authority to Eject & Exclude adds a progressive enforcement system of escalating monetary penalties for violations of exclusionary orders for parks.

Proposed updates to 13.20.390 Seizure of Property denies City of Troutdale staff the authority to seize a handler's dog from them as a punitive action for a mere violation of parks rules. City Police would be able to seize a dog from its handler only if authorized by and pursuant to Multnomah County Animal Services Code or ORS 167.

**Pros & Cons:**

Pros:

The proposed changes to the municipal code:

- Reflect the Council's desire to generally maintain the exclusion of dogs from City parks as expressed at the October 10<sup>th</sup> Council meeting.
- Establish the Council's option under the code to designate select parks as dogs-allowed (on-leash).
- Settle existing uncertainty and ambiguity related to the City's policies regarding dogs in City parks.
- Provide an appropriate and clear basis for, and progressive enforcement of, rules related to dogs in Troutdale parks.
- Protect certain unique areas within parks where dogs might otherwise be allowed.

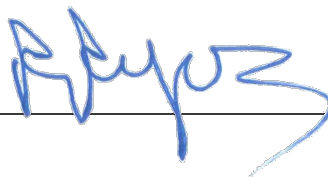
Cons:

- Some parks users may not feel this fully realizes their desires expressed during the Park Master Plan process, depending on how many and which parks, if any, the Council subsequently designates as on-leash.
- If the Council designates some parks as on-leash parks, irresponsible dog owners may lead to sanitation or other issues, and require enforcement (though this would be comparable to the status quo).

**Oversight:**

- *Budget Impact:* ☐ Yes, current year (describe) ☐ Yes ☒ N/A
- *Community Involvement Process:* ☒ Yes (PAC, Parks Master Plan, previous Council meeting)  
☐ N/A
- *Approval by City Attorney:* ☐ Yes ☐ N/A

Reviewed and Approved by the City Manager: \_\_\_\_\_



## **Title 13 - STREET TREES, PARKS AND RECREATION AREAS**

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### **13.20.020 Definitions**

As used in this chapter, unless the context requires otherwise:

"City" means the incorporated areas of the city of Troutdale, Oregon.

"Council" means the city council of the city.

"Director" means the ~~director~~ of ~~community development~~ Public Works for the city and the ~~director's~~ authorized representatives.

"Dog Handler" or "Handler" means any person that brings a dog or other domestic animal into a park.

"On-leash" means that an animal is securely tethered to the handler with a leash, tether, or other physical control device not exceeding eight feet in length and that the handler is capable of maintaining physical control and restraint of the animal and capable of maintaining compliance with this chapter.

"On-leash Park" means a City park where dogs and other domestic animals are generally permitted on-leash by Council Resolution.

"Off-leash" means any animal that is not On-leash as defined in this chapter.

"Park" means a forest, reservation, playground, beach, recreation center or any other area in the city, owned or used by the city and devoted to active or passive recreation.

"Person" means an individual, partnership, company, association, corporation or any other legal entity.

"Vehicle" means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled, including a bicycle and includes any trailer in tow of any size, kind or description, but does not include baby carriages and vehicles in the service of the city parks.

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## 13.20.160 - Domestic animals.

- A. The Council may, by Resolution, designate On-leash Parks where dogs or other domestic animals are generally permitted on-leash. On-leash Parks shall be clearly posted at public park entrances indicating that dogs or other domestic animals are permitted on-leash.
- B. Except as provided in paragraph A, No person shall bring a dog or other domestic animal into a park, on or off-leash, except within designated pet areas specifically designated by the Director.
- C. Designated pet areas within parks shall be appropriately signed by the city to identify the boundaries of the area and to identify rules of etiquette for public safety and sanitation.
- D. The Director may designate and post areas within On-leash Parks where dogs or other domestic animals are prohibited upon a reasonable determination that such prohibition is necessary for the protection of ecologically sensitive areas.
- E. Paragraphs A-C of this Section notwithstanding, dogs and other domestic animals are prohibited in the following areas within parks:
  - 1. Within 25' of a play structure.
  - 2. Within the bounds of a storm water quality treatment facility.
  - 3. Upon a sports field unless allowed by written permit from the Director or City Manager.
  - 4. An area within a park that is clearly posted to indicate dogs and/or other domestic animals are prohibited.
- F. A Handler is responsible for promptly collecting all feces of their animal, and for disposing of such feces in appropriate solid waste receptacles.
- G. A Handler shall not allow their dog or other domestic animal On-leash to approach within 6' of another person that by word or action clearly indicates an intent to avoid contact with the animal.
- H. A Handler shall not allow their dog or other domestic animal On-leash to approach within 6' of a dog or domestic animal of another Handler when that other Handler by word or action clearly indicates an intent to avoid contact between the animals.
- I. A Handler shall not allow their dog or other domestic animal to approach, attack, menace, or harass wildlife within a park.
- J. A person shall not attack, menace, or harass a Handler nor their dog or other domestic animal when the Handler and their dog or other domestic animal is in compliance with this chapter.
- K. A Handler is responsible for diligently complying with the Duties of Owners provided in the Multnomah County Animal Services code, and with ORS Chapter 167, to the extent applicable to the activities of the Handler and/or the animal in a park.
- L. A Handler is responsible for reporting to the City any and all damage to City property caused by their animal and for the cost of repairing any such damage.
- M. Service animals as defined by the Americans with Disabilities Act are exempt from the prohibitions of this chapter.

- N. The Director may establish reasonable and appropriate rules of etiquette, safety, and sanitation for dogs or domestic animals in parks in addition to the rules provided herein. Any such rules shall be posted in applicable areas. Any violation of rules so established shall constitute a violation of this chapter.
- O. The Director may post some or all of the rules established in this Chapter in summary and/or in plain language in applicable areas.
- P. The Director may delegate authorities provided in this chapter to authorized representatives.

\*\*\*

### **13.20.380 - Authority to eject and exclude.**

The ~~d~~Director, the ~~d~~Director's authorized representative and city police shall each have the authority to eject from any or all city parks any person acting in violation of this chapter, any city ordinances, or the laws of the state. A person that is ejected shall be excluded from the park for a minimum of thirty days. Any person that has been ejected from any park at least one time in the past twelve months may be excluded from any and all parks for up to twelve months.

In addition to any other penalties or enforcement, any person that has been excluded from any or all city parks pursuant to this section that subsequently enters a City park in violation of said exclusion shall be subject to a penalty not to exceed:

- A. \$250 for the first occurrence
- Q. \$500 for the second occurrence
- R. \$1,000 for the third and each subsequent occurrence

### **13.20.390 - Enforcement—Seizure of property.**

The ~~d~~Director and any of the ~~d~~Director's authorized representatives shall have the authority to seize and confiscate any property, thing or device in the park ~~or~~ used in violation of this chapter.

The above provisions of this section notwithstanding, the Director and the Director's authorized representatives shall not have the authority to seize a dog or other domestic animal for violation of this chapter.

Furthermore, the city police shall not have the authority to seize a dog or other domestic animal for violation of this chapter unless such seizure is authorized by and pursuant to the Multnomah County Animal Services Code or ORS 167.

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**Ensure that all neighborhoods within the city are adequately served by a variety of recreation areas and facilities.**

*Objectives*

- |  |  |
|--|--|
| 1.1. Provide community parks at a level of service of 3.3 acres per 1,000 persons.   | 1.6. Explore options for providing structured recreation facilities including a community skate park and disc golf course. |
| 1.2. Provide neighborhood parks at a level of service of 1.8 acres per 1,000 persons.  | 1.7. Explore options for allowing on-leash dog access to parks as well as an off-leash dog park.                           |
| 1.3. Acquire land for parks in underserved areas with the greatest need.   | 1.8. Provide more diverse play opportunities such as nature play, creative play, and a splash pad.                         |
| 1.4. Collaborate with the School District to allow public use of school facilities during non-school hours.  | 1.9. Increase amenities to support outdoor gatherings and events in parks.   |
| 1.5. Consider the acquisition of parks and conservation lands that have community-wide significance, such as historic, cultural, archaeological, natural or other meaningful features. |  |

## KEY NEEDS

There are several key needs based on results of the community outreach process. Recreation trends at the national, state and regional level provide additional insight on popular activities, challenges, and potential opportunities to consider in the city's park and recreation system.

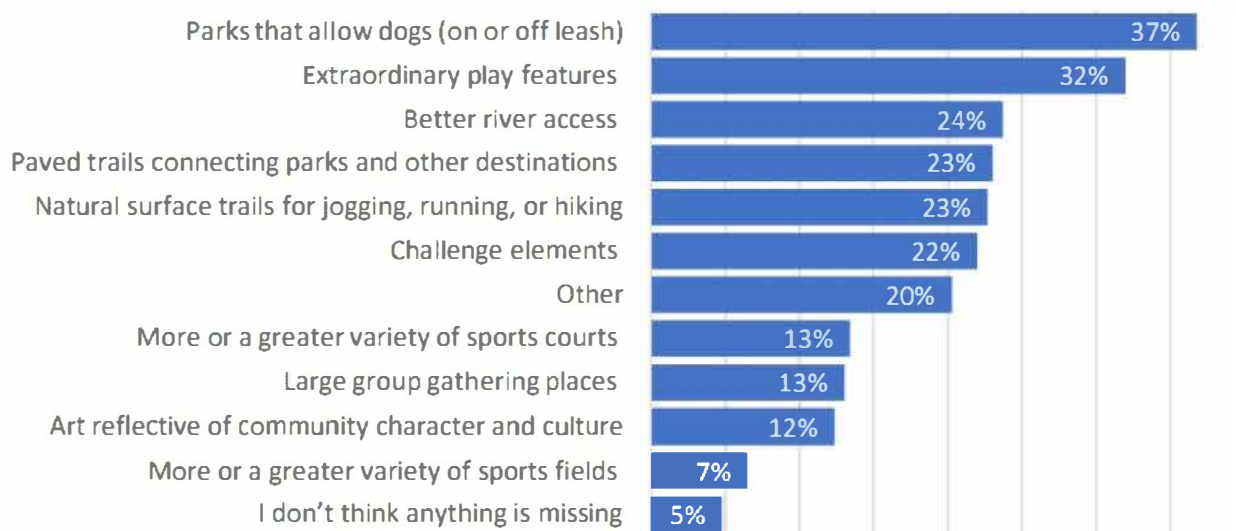
This section includes relevant needs from the Statewide Comprehensive Outdoor Recreation Plan (SCORP). Oregon Parks and Recreation Department relies on the SCORP as criteria for distributing important grant funding sources to local communities.

The COVID-19 pandemic has resulted in more people venturing out for recreational, social, and physical and mental health purposes. The 2021 Outdoor Foundation Outdoor Participation Study (OFOPS) reported the largest single-year jump in outdoor activity participation between 2020-2021. Research done by the Outdoor Industry Association indicates

that three-quarters of new outdoor recreation participants want to continue their increased outdoor activities.

According to the online questionnaire, parks that allow dogs (37%), extraordinary play features (32%), better river access (24%) and paved and natural surface trails (both 23%) were the top opportunities currently lacking in existing parks. Open ended responses added ideas including a skatepark, disc golf play and pickleball courts. Figure 7 shows top responses based on respondent location within Troutdale by neighborhood.

Figure 7. "What is missing or needed most in Troutdale's parks?"  
Online Survey Questionnaire Responses



Source: MIG

- When asked what would makes programs, events and services more appealing, the top responses were more options that are low cost or free (47%), more options that are held on weekends (35%) and more options that are held in the evening (25%).

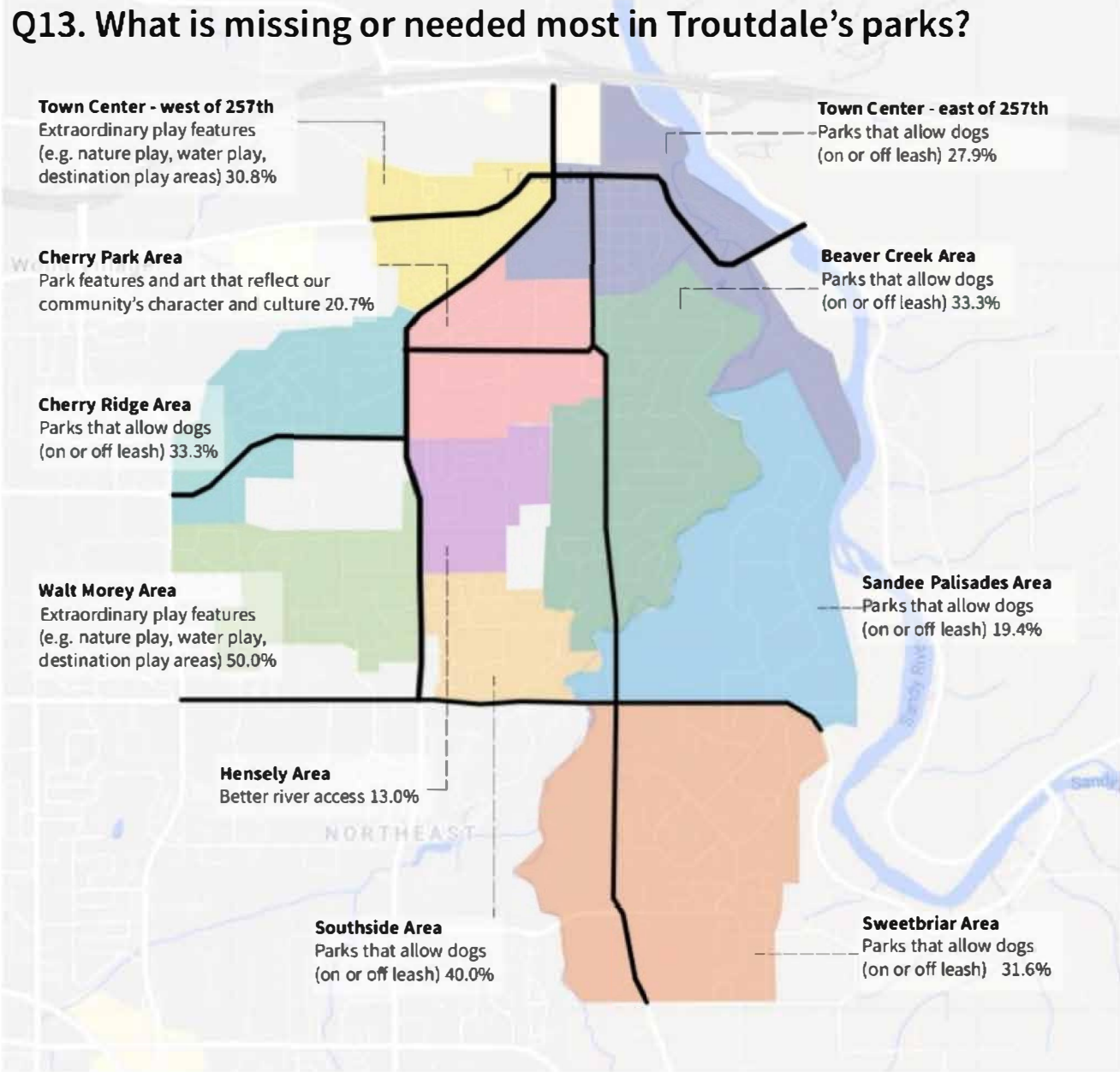
## PRIORITIES

- Respondents provided input on priority improvements for the future. Overall, parks that allow dogs (37%), extraordinary play features (32%), better river access (24%) and paved and natural surface trails (both 23%) were the top responses. Open ended responses added ideas including a skatepark, disc golf play and pickleball courts. Figure 4 highlights top responses based on respondent location within Troutdale by neighborhood.

*Figure 3: “What is missing or needed most in Troutdale’s parks?”*



Figure 4: “What is Missing or Needed Most?” Top Responses by Neighborhood



CITY OF TROUTDALE

*Proclamation*

*Making Troutdale a Dog Friendly City*

*Whereas:* When Troutdale was formed as a city in 1907, the local dogs were working breeds used to work on the area farms. Those early area dogs also played a crucial role of companionship, family pets and family protection,

*Whereas:* Times have truly changed and more people rely on their pets to provide emotional support, comfort, and friendship and keeping their owners active thru dog walking, outdoor exercise, and getting to enjoy the city parks, and the Troutdale area green spaces,

*Whereas:* Our dogs and pets show a unique sense of love and caring for their owners,

*Whereas:* People who own dogs are generally healthier, happier and are sick less often,

*Whereas:* Dogs are especially beneficial for older Troutdale citizens and are particularly beneficial in times of a pandemic, loneliness, stress, and ill-health,

*Whereas:* Making Troutdale a Dog Friendly City will encourage more people to come to Troutdale and enjoy the old fashioned and relaxed atmosphere, and spend more time with us.

*Now, Therefore, I, Randy Lauer, Mayor of the City of Troutdale, do hereby proclaim January 12<sup>th</sup>, 2021 as Dog Friendly Day in the City of Troutdale,*

*Further, I declare Troutdale as a Dog Friendly City and urge all citizens to enjoy the benefits of dog ownership, be responsible in keeping their pets on leashes and to always pick up after their pet,*

*Further, I urge all citizens to gladden their hearts and promote healthy and responsible dog ownership within the City of Troutdale.*

***Dated this 12<sup>th</sup> day of January, 2021***

  
\_\_\_\_\_  
**Randy Lauer, Mayor**



## **ORDINANCE NO.**

### **AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE CHAPTER 13.20 PERTAINING TO DOGS IN CITY PARKS**

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

1. Current Municipal Code Chapter 13.20 prohibits dogs and other domestic animals, on or off leash, from entering all Parks & Greenways in The City of Troutdale.
2. Respondents to a community survey conducted in 2023 in the drafting of the Parks Master Plan chose “parks that allow dogs” as the highest-ranking response to the question “what is missing or needed most” in Troutdale Parks.
3. Dogs and other domestic animals should remain prohibited in City parks, generally.
4. It is the purview of the City Council to select and designate certain City parks where dogs or other domestic animals are generally permitted on-leash.
5. The permission of dogs into Troutdale parks, if any, warrants updates to the Municipal Code to establish basic rules for handlers and allow City staff and Police the authority to reasonably enforce applicable rules.

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

Section 1. Chapter 13.20 is amended as set forth in Attachment A, attached hereto as if fully set forth.

Section 2. This ordinance will be effective 30 days after approval.

**YEAS:**

**NAYS:**

**ABSTAINED:**

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**Randy Lauer, Mayor**

**Date:**

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**Sarah Skroch, City Recorder**

**Adopted:**

## **Title 13 - STREET TREES, PARKS AND RECREATION AREAS**

**\*\*\***

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"On-leash Park" means a City park where dogs and other domestic animals are generally permitted on-leash by Council Resolution.

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**\*\*\***

### **13.20.160 - Domestic animals.**

- A. The Council may, by Resolution, designate On-leash Parks where dogs or other domestic animals are generally permitted on-leash. On-leash Parks shall be clearly posted at public park entrances indicating that dogs or other domestic animals are permitted on-leash.
- B. Except as provided in paragraph A, no person shall bring a dog or other domestic animal into a park, on or off-leash, except within designated pet areas specifically designated by the Director.
- C. Designated pet areas within parks shall be appropriately signed by the city to identify the boundaries of the area and to identify rules of etiquette for public safety and sanitation.
- D. The Director may designate and post areas within On-leash Parks where dogs or other domestic animals are prohibited upon a reasonable determination that such prohibition is necessary for the protection of ecologically sensitive areas.
- E. Paragraphs A-C of this Section notwithstanding, dogs and other domestic animals are prohibited in the following areas within parks:
  - 1. Within 25' of a play structure.
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  - 3. Upon a sports field unless allowed by written permit from the Director or City Manager.
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- O. The Director may post some or all of the rules established in this Chapter in summary and/or in plain language in applicable areas.
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\*\*\*

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### **13.20.390 - Enforcement—Seizure of property.**

The Director and any of the Director's authorized representatives shall have the authority to seize and confiscate any property, thing or device in the park used in violation of this chapter.

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Furthermore, the city police shall not have the authority to seize a dog or other domestic animal for violation of this chapter unless such seizure is authorized by and pursuant to the Multnomah County Animal Services Code or ORS 167.

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# STAFF REPORT

**SUBJECT:** An ordinance adopting text amendments to Chapters 3 and 5 of the Troutdale Development Code (TDC)

**MEETING TYPE:** City Council - Regular Meeting **MEETING DATE:** November 14, 2023

**PRESENTER:** Dakota Meyer, Associate Planner **DEPARTMENT / AFFILIATION:** Community Development

**ACTION REQUIRED:** Ordinance - Adoption **PUBLIC HEARING:** Yes

**COMMITTEE / COMMISSION RECOMMENDATION:** Approval Planning Commission recommended approval with a 4-1-2 vote on October 11, 2023

**STAFF RECOMMENDATION:** Approval

## Exhibits:

- A. Proposed Text Amendments to Chapters 3 & 5 Development Code
- B. Current Development Code, Chapters 3.320 and 3.420 Use Tables & 5.000 Miscellaneous Uses & Standards
- C. Planning Commission Staff Report from October 11<sup>th</sup>, 2023, with attachments
- D. Staff Findings

## Subject Relates to:

☐ Council Goals ☒ Legislative ☐ Land Use / Development ☐ Other

## Discussion Points:

- Should a conditional use in General Commercial, Light Industrial, and General Industrial zoned areas now become a not permitted use.
- Should there be a subchapter reserved in Chapter 5 for future psilocybin standards.

## Discussion:

This is a proposed Development Code Text Amendment which makes two specific changes. The first one had previously been considered by Council a year ago and failed to pass based upon unrelated issues involving another concurrent change.



The second is a new one purposed by the Planning Commission. Both have been approved by the Planning Commission.

The Council considered this matter, and took public testimony, at the first reading of the ordinance on October 24<sup>th</sup>, 2023. Council did not make any requests for changes.

**1. Move Marijuana Facility Conditional Use in General Commercial, Light Industrial, and General Industrial zones to a Not Permitted Use.**

The first change affects the Marijuana Facilities use in areas zoned for General Commercial, Light Industrial, and General Industrial, 3.320 and 3.420 of the Development Code. (Attached as Ex. A.) The substance of the requested change is to move Marijuana Facilities from the listed conditional uses to the list of not permitted uses. At public hearings held on November 8, 2022, and December 13, 2022, City Council deliberated over a previous similar Development Code Amendment. A motion to approve failed due to concerns of the proposed land use regulations' effect on Marijuana Facilities. The City Council preferred any revisions to Marijuana Facilities in the Industrial Zone be considered at the same time as revisions to the land use regulation for Marijuana Facilities in the City's commercial zoning districts.

On May 24, 2023, the Planning Commission held a work session on the proposed text amendments to the Industrial Zoning District as well as consideration of text amendments to the Commercial Zoning Districts for the regulations affecting Marijuana Facilities. The Planning Commission proposed amendments to Marijuana Facilities in several Commercial and Industrial zones in order for the Development Code to be consistent with Ordinance 882.

The proposed amendments were initially heard by Planning Commission on August 2, 2023. Upon further review by the City Attorney and City Staff, the decision was made to remove an immediate ban of new retail facilities of marijuana and any regulation of psilocybin from moving forward due to errors in noticing (Measure 56) of the amendment to change use regulations regarding marijuana facilities in the General Commercial, Light Industrial, and General Industrial zones. A Measure 56 notice is required to comply with Oregon Revised Statutes (ORS) 227.186 and notifies property owners of potential code changes that may affect the uses or values of their property. The amendments proposed are the same text amendments proposed by the Planning Commission at the May 24<sup>th</sup> work session.

The Planning Commission considered and approved this change at the August 2<sup>nd</sup> public hearing, and again at its meeting on October 11<sup>th</sup>. Attached hereto is the Staff

Report to the Planning Commission (Ex. C.), and the Staff Findings (Ex. D) for that meeting.

The referral of new retail marijuana sales prohibition to the votes is not affected, and will continue to ban new marijuana retail stores until the November 2024 election.

## **2. Change to Chapter 5 of the Development Code to reserve Subchapter 5.900 for future psilocybin standards.**

The second change is to reserve a section under Chapter 5 of the Development Code for future psilocybin standards. At the May 24<sup>th</sup>, 2023 Planning Commission work session, the Planning Commission discussed reserving a Subchapter in Chapter 5 Miscellaneous Uses and Standards for future Psilocybin regulations since draft regulations are not yet available. Creating a reserved section under Chapter 5 for future psilocybin standards is in response to the passing of Ballot Measure 109 allowing the growth, administration, and sale of psychoactive mushrooms in licensed facilities regulated by the Oregon Health Authority.

This proposed ordinance does not address psilocybin related uses, because that topic should first be addressed by Planning Commission and have a public discussion. A proposal addressing the four state-imposed licenses of psilocybin businesses will be proposed to Planning Commission in the near future. As a result of the state definitions, the staff believes that it can address any applications that are received under existing code prior to new code adoption, and staff will propose code additions to clarify policy choices of Planning Commission and the Council. The proposed amendment would simply reserve Subchapter 5.900 for Psilocybin standards. The Planning Commission voted 4-1-2 to forward a recommendation of approval to City Council.

### **Pros & Cons:**

#### **Pros:**

- Brings the Troutdale Development Code into compliance with Ordinance 882 banning additional marijuana facilities within the General Commercial, Light Industrial, and General Industrial zones.
- Reserving psilocybin standards can help ensure that the substance is produced, distributed, and consumed in a safe and regulated manner, reducing potential risks associated with its use.

#### **Cons:**

- Changing Marijuana Facilities from a Conditional to a Not Permitted Use may lead to loss in potential tax income. The city should consider what the

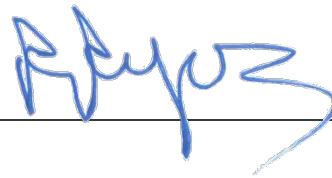
opportunity cost of its proposed amendment could be in terms of lost economic development opportunities.

- Establishing a subchapter for psilocybin standards requires significant administrative and regulatory resources, which can be costly and complex to set up and maintain.

**Oversight:**

- *Budget Impact:* ☐ Yes, current year (describe) ☐ Yes, future (describe) ☒ N/A
- *Community Involvement Process:* ☒ Yes (describe) ☐ N/A  
A public hearing was held at Planning Commission and two hearings are scheduled for City Council.
- *Approval by City Attorney:* ☒ Yes ☐ N/A

**Reviewed and Approved by the City Manager:** \_\_\_\_\_



**EXHIBIT A: Adoption Draft**

3.320 Land Use Table for Commercial Zoning Districts

Land Use	CC	GC	Specific Standards
<i><b>Residential Dwellings and Uses</b></i>			
Residential facilities	P	P	
Other residential uses	N	N	
<i><b>Mixed-Uses</b></i>			
Live-Work units (residential/commercial)	P	N	
Live-Make units (residential/industrial)	C	N	
Flex units (commercial/industrial)	C	C	
<i><b>Commercial Uses</b></i>			
General retail (up to 60,000 s.f.)	P	P	
General retail (above 60,000 s.f.)	C	P	
Offices (up to 60,000 s.f.)	P	P	
Offices (above 60,000 s.f.)	N	P	
Eating & drinking establishments			
Restaurants & bars (no drive-thru)	P	P	
Restaurants & bars (with drive-thru)	P	P	
Kiosks (drive-thru only)	P	P	5.200
Mobile food vendor (individually placed, in park or right-of-way)	P	P	5.200
Mobile food vendor (individually placed, on privately owned lot)	P	P	5.200
Food cart pod, micro-retail pod, or outdoor market	P	P	5.200
Financial institutions (no drive-thru)	P	P	
Financial institutions (with drive-thru)	P	P	
Personal services	P	P	
Human services	P	P	

(continued on next page)

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
<b>Industrial Uses</b>			
Warehousing or distribution outlets	N	C	
Marijuana processors	N	N	
LI permitted uses (unless otherwise listed in table)	N	N	
<b>Other Uses</b>			
Agricultural or animal-based uses	N	P	
Community service uses	C	C	
Recreation facilities (active)	C	C	
Recreation facilities (passive)	P	P	
Utility facilities (major)	C	C	
Utility facilities (minor)	P	P	

### 3.325 Additional Requirements

- A. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.



### 3.420 Use Table for Industrial Zoning Districts

A. Uses that are permitted are marked with a “P”, with specific standards for the use listed in the far-right column as shown below.

B. Uses that require conditional use approval in accordance with Section 6.300 of this Code are marked with a “C”, with specific standards for the use listed in the far-right column as shown below.

C. Uses that are not permitted are marked with a “N”.

Land Use	IP	LI	GI	Specific Standards
<b><i>Residential Uses</i></b>				
One Caretaker unit in conjunction with an existing industrial use	N	P	P	
All other residential uses	N	N	N	
<b><i>Commercial Uses</i></b>				
Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities	N	C	C	
Convenience stores	C	N	N	3.440.I
Eating and drinking establishments				
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
Professional Offices	P	P	N	3.440.D.1
Storage facilities	N	C	N	3.440.J
Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home services				

Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.	N	C	P	
Repair and modification shops	N	P	P	
Sales and rentals	N	P	P	3.440.D.1 3.440.D.3
Wholesale trade/retail/discount sales and services	C	P	P	3.440.D.1

Land Use	IP	LI	GI	Specific Standards
<b>Industrial Uses</b>				
Aggregate resource	N	N	P	4.000
Manufacturing, milling, and processing				
Assembly and limited manufacturing	C	P	P	
Concrete and asphalt manufacturing plants	N	N	C	
Electronic and appliance products	N	C	P	
Food and beverage products				
Food processing involving slaughtering, fermentation, or fat rendering	N	N	C	
Beverage processing involving brewing, distilling, roasting, or fermentation	C	P	P	
Other food and beverage products	P	P	P	
Furniture and related products	N	P	P	
Machinery and transportation equipment	N	C	P	
Use and temporary storage in the manufacturing process of toxic or hazardous material by-products	N	N	P	
The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations	N	N	C	
Marijuana processors	N	N	C	3.440.G
Metal and fabricated metal products				
Primary manufacturing or milling	N	N	P	
Secondary manufacturing or processing	N	P	P	

Nonmetallic mineral products	N	C	P
Plastic or rubber products	N	C	P
Printing	C	P	P
Textile, apparel, and leather products	N	C	P
Wood or paper products			
Primary manufacturing and milling	N	N	P
Secondary manufacturing and processing	N	C	P
Transportation facilities			
Airports (including heliports)	N	P	P
Heliports (not within an airport)	N	C	P
Marinas	C	P	P
Freight and trucking firm	N	C	P

Land Use	IP	LI	GI	Specific Standards
Warehousing and Storage				
Warehouse	N	P	P	
Accessory storage	P	P	P	
Storage facilities	N	C	N	3.440.J
Junk yard	N	N	C	
Marine industrial or service facilities	N	N	P	
Research, experimental, or testing laboratories	P	P	P	
Sanitary landfills, recycling centers, and transfer stations.	N	N	C	
Trade or commercial schools	P	P	P	
<b>Other Uses</b>				
Agricultural or animal-based uses	N	N	N	
Child-care facilities in conjunction with a permitted use or an approved conditional use	C	C	C	3.440.D.1
Community service uses	C	C	C	
Public Parks, parkways, trails, and related facilities	P	P	P	
Recreation facilities (active)	C	C	C	
Recreation facilities (passive)	P	P	P	
Utility facilities (major)	C	C	P	
Utility facilities (minor)	P	P	P	

Other uses similar to those listed above	P/C	P/C	P/C
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### 3.430 Dimensional Standards for Industrial Zoning Districts

#### A. Dimensional Standards Table for Industrial Zoning Districts

Land Use	IP	LI	GI
Lot Size and Coverage			
Minimum lot width	150 ft.	None	None
Maximum lot coverage	60% of the site	None	None
Setbacks			
Front yard setback	20 ft.	20 ft.	20 ft.
Side yard setback	15 ft.	10 ft.	None see 3.430.B.4
Street side yard setback:	15 ft.	10 ft.	None see 3.430.B.4
Rear yard setback	10 ft.	None	None see 3.430.B.4
Setbacks for insufficient right-of-way	see 3.430.B.1	see 3.430.B.1	see 3.430.B.1
Additional setback requirements	None	see 3.430.B.3	see 3.430.B.3
Maximum Height of the Structure	35 ft.	45 ft. see 3.430.B.2	see 3.430.B.2
Lot Area	No minimum	No minimum	see 3.430.B.5

#### B. Additional Dimensional Standards

1. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths, and the additional yard or setback requirements in such cases, shall be determined.
2. Unless otherwise limited by the Federal Aviation Administration.
3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.
4. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.
5. Lot Area. Division of lots or parcels are permitted as follows:

- a. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.
- b. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.
- c. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Code.
- d. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
  - i. To provide public facilities and services;
  - ii. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
  - iii. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
  - iv. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

### 3.440 Additional Requirements

- A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.



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- D. Commercial uses, as indicated in the specific standards column in TDC 3.420, are subject to the following standards:
1. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; banks; restaurants; and retail, wholesale, and discount sales and service shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
  2. Drive-thru and drive-up service windows are not permitted in the general industrial zoning district.
  3. In areas zoned Light Industrial that are designated "Regionally Significant Industrial Areas" (RSIAs) on the Metro Title 4 Map, the buildings associated with the retail commercial use are limited to no more than 3,000 square feet of sales or service area in a single outlet. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
- E. Development is subject to compliance with any applicable overlay zoning district standards.
- F. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.
- G. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.
- H. Eating and drinking establishment, subject to the following requirements:
1. The use is located within a building which houses another permitted use.
  2. No drive-through window is permitted.
  3. Inside seating area shall not exceed fifty percent (50%) of the use's gross floor area or one hundred fifty (150) square feet, whichever is the lesser.

- I. In the industrial park zoning district, convenience stores, not to exceed thirty-five hundred (3,500) square feet in size.
- J. In the light industrial zoning district, storage facilities are allowed when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, “within one- quarter mile (1/4 mile)” means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.
- K. In the light industrial and general industrial zoning districts, product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use are allowed provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.

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## Chapter 5 – Miscellaneous Uses and Standards

### **5.000** MISCELLANEOUS REGULATIONS

### **5.900** Psilocybin Chapter – RESERVED

**ATTACHMENT B: Current Development Code Ch 3 & 5**

3.320 Land Use Table for Commercial Zoning Districts

Land Use	CC	GC	Specific Standards
<i><b>Residential Dwellings and Uses</b></i>			
Residential facilities	P	P	
Other residential uses	N	N	
<i><b>Mixed-Uses</b></i>			
Live-Work units (residential/commercial)	P	N	
Live-Make units (residential/industrial)	C	N	
Flex units (commercial/industrial)	C	C	
<i><b>Commercial Uses</b></i>			
General retail (up to 60,000 s.f.)	P	P	
General retail (above 60,000 s.f.)	C	P	
Offices (up to 60,000 s.f.)	P	P	
Offices (above 60,000 s.f.)	N	P	
Eating & drinking establishments			
Restaurants & bars (no drive-thru)	P	P	
Restaurants & bars (with drive-thru)	P	P	
Kiosks (drive-thru only)	P	P	5.200
Mobile food vendor (individually placed, in park or right-of-way)	P	P	5.200
Mobile food vendor (individually placed, on privately owned lot)	P	P	5.200
Food cart pod, micro-retail pod, or outdoor market	P	P	5.200
Financial institutions (no drive-thru)	P	P	
Financial institutions (with drive-thru)	P	P	
Personal services	P	P	
Human services	P	P	

(continued on next page)

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	C	3.325.A
<b>Industrial Uses</b>			
Warehousing or distribution outlets	N	C	
Marijuana processors	N	N	
LI permitted uses (unless otherwise listed in table)	N	N	
<b>Other Uses</b>			
Agricultural or animal-based uses	N	P	
Community service uses	C	C	
Recreation facilities (active)	C	C	
Recreation facilities (passive)	P	P	
Utility facilities (major)	C	C	
Utility facilities (minor)	P	P	

### 3.325 Additional Requirements

- A. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.



### 3.420 Use Table for Industrial Zoning Districts

A. Uses that are permitted are marked with a “P”, with specific standards for the use listed in the far-right column as shown below.

B. Uses that require conditional use approval in accordance with Section 6.300 of this Code are marked with a “C”, with specific standards for the use listed in the far-right column as shown below.

C. Uses that are not permitted are marked with a “N”.

Land Use	IP	LI	GI	Specific Standards
<b><i>Residential Uses</i></b>				
One Caretaker unit in conjunction with an existing industrial use	N	P	P	
All other residential uses	N	N	N	
<b><i>Commercial Uses</i></b>				
Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities	N	C	C	
Convenience stores	C	N	N	3.440.I
Eating and drinking establishments				
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	C	C	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
Professional Offices	P	P	N	3.440.D.1
Storage facilities	N	C	N	3.440.J
Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home services				

Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.	N	C	P	
Repair and modification shops	N	P	P	
Sales and rentals	N	P	P	3.440.D.1 3.440.D.3
Wholesale trade/retail/discount sales and services	C	P	P	3.440.D.1

Land Use	IP	LI	GI	Specific Standards
<b>Industrial Uses</b>				
Aggregate resource	N	N	P	4.000
Manufacturing, milling, and processing				
Assembly and limited manufacturing	C	P	P	
Concrete and asphalt manufacturing plants	N	N	C	
Electronic and appliance products	N	C	P	
Food and beverage products				
Food processing involving slaughtering, fermentation, or fat rendering	N	N	C	
Beverage processing involving brewing, distilling, roasting, or fermentation	C	P	P	
Other food and beverage products	P	P	P	
Furniture and related products	N	P	P	
Machinery and transportation equipment	N	C	P	
Use and temporary storage in the manufacturing process of toxic or hazardous material by-products	N	N	P	
The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations	N	N	C	
Marijuana processors	N	N	C	3.440.G
Metal and fabricated metal products				
Primary manufacturing or milling	N	N	P	
Secondary manufacturing or processing	N	P	P	

Nonmetallic mineral products	N	C	P
Plastic or rubber products	N	C	P
Printing	C	P	P
Textile, apparel, and leather products	N	C	P
Wood or paper products			
Primary manufacturing and milling	N	N	P
Secondary manufacturing and processing	N	C	P
Transportation facilities			
Airports (including heliports)	N	P	P
Heliports (not within an airport)	N	C	P
Marinas	C	P	P
Freight and trucking firm	N	C	P

Land Use	IP	LI	GI	Specific Standards
Warehousing and Storage				
Warehouse	N	P	P	
Accessory storage	P	P	P	
Storage facilities	N	C	N	3.440.J
Junk yard	N	N	C	
Marine industrial or service facilities	N	N	P	
Research, experimental, or testing laboratories	P	P	P	
Sanitary landfills, recycling centers, and transfer stations.	N	N	C	
Trade or commercial schools	P	P	P	
<b>Other Uses</b>				
Agricultural or animal-based uses	N	N	N	
Child-care facilities in conjunction with a permitted use or an approved conditional use	C	C	C	3.440.D.1
Community service uses	C	C	C	
Public Parks, parkways, trails, and related facilities	P	P	P	
Recreation facilities (active)	C	C	C	
Recreation facilities (passive)	P	P	P	
Utility facilities (major)	C	C	P	
Utility facilities (minor)	P	P	P	

Other uses similar to those listed above	P/C	P/C	P/C
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### 3.430 Dimensional Standards for Industrial Zoning Districts

#### A. Dimensional Standards Table for Industrial Zoning Districts

Land Use	IP	LI	GI
Lot Size and Coverage			
Minimum lot width	150 ft.	None	None
Maximum lot coverage	60% of the site	None	None
Setbacks			
Front yard setback	20 ft.	20 ft.	20 ft.
Side yard setback	15 ft.	10 ft.	None see 3.430.B.4
Street side yard setback:	15 ft.	10 ft.	None see 3.430.B.4
Rear yard setback	10 ft.	None	None see 3.430.B.4
Setbacks for insufficient right-of-way	see 3.430.B.1	see 3.430.B.1	see 3.430.B.1
Additional setback requirements	None	see 3.430.B.3	see 3.430.B.3
Maximum Height of the Structure	35 ft.	45 ft. see 3.430.B.2	see 3.430.B.2
Lot Area	No minimum	No minimum	see 3.430.B.5

#### B. Additional Dimensional Standards

1. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths, and the additional yard or setback requirements in such cases, shall be determined.
2. Unless otherwise limited by the Federal Aviation Administration.
3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.
4. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.
5. Lot Area. Division of lots or parcels are permitted as follows:

- a. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.
- b. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.
- c. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Code.
- d. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
  - i. To provide public facilities and services;
  - ii. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
  - iii. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
  - iv. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

### 3.440 Additional Requirements

- A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

- 
- D. Commercial uses, as indicated in the specific standards column in TDC 3.420, are subject to the following standards:
1. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; banks; restaurants; and retail, wholesale, and discount sales and service shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
  2. Drive-thru and drive-up service windows are not permitted in the general industrial zoning district.
  3. In areas zoned Light Industrial that are designated "Regionally Significant Industrial Areas" (RSIAs) on the Metro Title 4 Map, the buildings associated with the retail commercial use are limited to no more than 3,000 square feet of sales or service area in a single outlet. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
- E. Development is subject to compliance with any applicable overlay zoning district standards.
- F. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.
- G. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.
- H. Eating and drinking establishment, subject to the following requirements:
1. The use is located within a building which houses another permitted use.
  2. No drive-through window is permitted.
  3. Inside seating area shall not exceed fifty percent (50%) of the use's gross floor area or one hundred fifty (150) square feet, whichever is the lesser.



- I. In the industrial park zoning district, convenience stores, not to exceed thirty-five hundred (3,500) square feet in size.
- J. In the light industrial zoning district, storage facilities are allowed when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, “within one- quarter mile (1/4 mile)” means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.
- K. In the light industrial and general industrial zoning districts, product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use are allowed provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.

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## Chapter 5 – Miscellaneous Uses and Standards

### **5.000 MISCELLANEOUS REGULATIONS**

#### **5.000 Miscellaneous Standards**

#### **5.100 Home Occupations**

#### **5.200 Mobile Food Vendors**

#### **5.300 Nonconforming Uses**

#### **5.400 PLAN REQUIREMENTS FOR MASTER PLAN/MIXED USE (MPMU) DESIGNATIONS**

#### **5.500 Bed and Breakfast Inn**

#### **5.600 Erosion Control and Water Quality Standards**

#### **5.700 Stormwater Management**

#### **5.800 Public Improvements**



# Staff report

Case File:	<b>75-14 Marijuana Facilities &amp; Psilocybin Development Code Update</b>
Staff Report Date:	Wednesday, October 3, 2023
Initial Hearing Date:	Wednesday, October 11, 2023
Staff / Applicant:	Dakota Meyer, Associate planner Carrie Brennecke, Contract Planner, MIG
Subject:	<b>Proposed Text Amendment to the Troutdale Development Code</b>
Requests:	1) Update the Use Tables for the GC, LI, and GI zones to change the Marijuana Facilities use from a “Conditional” to “Not Permitted” use. 2) Minor edits to Chapter 5 to reserve Section 5.900 for future code on Psilocybin Standards.
Applicable Criteria:	Troutdale Development Code (TDC) Sections 2.065 (Type IV Procedures) and 6.1100 (Text Amendment)
Staff Recommendation:	Approval (a recommendation to City Council for approval)

The following chapters and sections of the TDC are proposed to be amended:

- TDC Chapter 3 (Zoning Districts)
- TDC 3.320 (Use Table): Change Marijuana Facilities from Conditional Use in the GC zone to Not Permitted.
- TDC 3.420 (Use Table): 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.

Text amendment applications are required to have public hearings and undergo a Type IV legislative procedure, in which the Troutdale Planning Commission may recommend approval, approval with conditions, or denial of the application to the Troutdale City Council, which is the decision-making entity. [TDC 2.065]

## BACKGROUND

This is a new proposed Development Code Text Amendment initiated by the City of Troutdale. This proposed amendment follows a previous similar Development Code Text Amendment (75-12 Industrial Zone Uses) that was denied by City Council December 12, 2022.

On September 10, 2022, city staff initiated a Type IV application proposing Text Amendments to the Troutdale Development Code for Industrial Zone Land Uses (75-12). The Planning Commission held the initial public hearing on September 28, 2022, and recommended approval of the text amendments to the City Council. The City Council held public hearings and deliberations on November 8, 2022, and December 13, 2022. A motion to approve 75-12 failed 4-13 due to concern of the proposed land use regulations' effect on Marijuana Facilities. The City Council did not want to change the code regulations regarding Marijuana Facilities and preferred any revisions to Marijuana Facilities in the Industrial Zone be considered at the same time as revisions to the land use regulation for Marijuana Facilities in the City's commercial zoning districts. City Council remanded the application back to Planning Commission for further refinement.

On March 14, 2023 the City Council passed Ordinance 882 Approving a Ban on additional retailers and referring the ban to the voters.

On May 24, 2023, the Planning Commission held a work session on the proposed text amendments to the Industrial Zoning District as well as consideration of text amendments to the Commercial Zoning Districts for the regulations affecting Marijuana Facilities. The Planning Commission also considered the reserve of a subchapter in Chapter 5 Miscellaneous Uses and Standards for future Psilocybin regulations since the draft regulations are not yet available. The Planning Commission proposed amendments to Marijuana Facilities in several Commercial and Industrial zones in order for the Development Code to be consistent with Ordinance 882.

The proposed amendments were initially heard by Planning Commission on August 2, 2023 under Case File No. 75-13. Upon further review by the City Attorney and City Staff, the decision was made to remove an immediate ban of new retail facilities of marijuana and any regulation of psilocybin from moving forward due to errors in noticing (Measure 56) of the amendment to change use regulations regarding marijuana facilities in the General Commercial, Light Industrial, and General Industrial zones. A Measure 56 notice is required to comply with Oregon Revised Statutes (ORS) 227.186 and notifies property owners of potential code changes that may affect the uses or values of their property. The amendments proposed under Case File No. 75-14 Marijuana Facilities and Psilocybin are the same text amendments proposed by the Planning Commission at the May 24<sup>th</sup> work session.

This proposed ordinance does not address psilocybin related uses, because that topic should first be addressed by Planning Commission and have a public discussion. A proposal addressing the four state-imposed licenses of psilocybin businesses will be proposed to Planning Commission in the near future. Places where psilocybin is administered may not be licensed in residential zones. As a result of the state definitions, the staff believes that it can address any applications that are received under existing code prior to new code adoption, and staff will propose code additions to clarify policy choices of Planning Commission and the Council.

## **REVIEW TIMELINE**

The current Troutdale Development Code was adopted in 2017 [Ordinance No. 842]. The most current version of the TDC came into effect on June 28, 2022 [Ordinance No. 879].

A Post-Acknowledgment Plan Application (PAPA) was submitted to the Oregon Department of Land Conservation and Development on August 30, 2023, to alert the agency of the City's intentions. The initial public hearing was scheduled for Wednesday, October 11, 2023. On September 6, 2023, the PAPA submission was updated to reflect the proposed code changes.

A Measure 56 notice was mailed to all property owners within the General Commercial, Light Industrial, and General Industrial zones on August 31, 2023. The noticed informed owners of a change to the Development Code that may affect the permissible uses of their property and other properties in the affected zones and may change the value of their property.

Public Notice of the initial public hearing was provided in accordance with the Type IV Procedures in the TDC 2.090. Note this is a legislative Type IV hearing, not a quasi-judicial land use hearing so no mailed notice to property owners was provided.

The Troutdale City Council is scheduled to hold two hearings on this matter on dates to be determined. The hearings will be scheduled when the Planning Commission forwards their recommendation to City Council.

#### **TESTIMONY RECEIVED**

No public testimony was received.

#### **PROPOSED TEXT AMENDMENTS**

Code sections that are to be affected by the proposed amendments are included in Attachment A and B of this report. The following text is a summary of the proposed amendments.

- Within "Chapter 3 - Zoning Districts," edits are proposed to change the Marijuana Facilities use from Conditional to Not Permitted with the intention of bringing the Development Code into alignment with Ordinance 882: An Ordinance Approving a Ban on Additional Recreational Marijuana Retailers and Referring the Ordinance to the Electors of the City, Declaring an Emergency. In Chapter 5 (Miscellaneous), Section 5.900 (Psilocybin Chapter - Reserved) will be added for future psilocybin standards.

Staff recommend the following edits.

#### **3.320 Land Use Table for Commercial Zoning Districts**

*Staff Notes:*

- *Change Marijuana Facilities from Conditional Use in the GC zone to Not Permitted.*

#### **3.420 Land Use Table for Industrial Zoning Districts**

*Staff Notes:*

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- *Change Marijuana Facilities from Conditional Use in the LI and GI zones to Not Permitted.*

### 5.900 Reserve – Psilocybin Chapter

*Staff Note: Reserve a section in Chapter 5 for future Psilocybin Standards, If necessary.*

#### **PROPOSED FINDINGS**

TDC Section 2.065 specifies that the City Council is the decision-making body for text amendment applications after the Planning Commission forwards a recommendation for their consideration. Planning Commission is charged with making a finding for each applicable criterion point as listed in TDC Section 6.1120. Listed below are draft findings prepared by Staff for Planning Commission to review and amend as needed upon the conclusion of the public hearing portion of the meeting and prior to a vote for recommendation.

**A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.**

Marijuana Facilities are not addressed in the comprehensive plan. The revisions to the Land Use Tables for Commercial and Industrial Zoning Districts for Marijuana Facilities are in response to the passing of Ordinance 882 by the City Council on March 14, 2023. Ordinance 882 bans additional marijuana retailers and refers the ban to a vote. The proposed revisions to the Development Code bring the land uses permitted into alignment with Ordinance 882.

Psilocybin is not addressed in the comprehensive plan. Creating a reserved section under Chapter 5 for future psilocybin standards is in response to the passing of Ballot Measure 109 allowing the growth, administration, and sale of psychoactive mushrooms in licensed facilities regulated by the Oregon Health Authority. The change involves general edits but does not alter the content of the code.

**The criterion is met.**

**B. The proposed change is consistent with the applicable Statewide Planning Goals.**

Marijuana Facilities are not addressed in the Statewide Planning Goals. Goal 9 (Economic Development) speaks to the need for cities to have enough land available to realize economic growth and development opportunities. Existing marijuana facilities (retail) are allowed in industrial zones and shall remain so. In the Industrial Zone not permitting the use of land for Marijuana retail (commercial use) furthers the goal of having industrial land available for industrial uses. No changes to the permitted land uses for Marijuana Processors are proposed. The Development Code continues to show Marijuana Processors as Conditional Use in the GI zone. The revisions to the Land Use Tables for Commercial and Industrial Zoning Districts are in response to the passing of Ordinance 882 by the City Council on March 14, 2023. Ordinance 882 bans additional marijuana retailers and refers the ban to a vote. The proposed revisions to the Development Code bring the land uses permitted into alignment with Ordinance 882. The addition of a reserved section for future psilocybin standards are not related to the Statewide Planning Goals.



**The criterion is met.**

**C. The proposed change is consistent with the applicable provisions of Metro Code.**

Chapter 3.07 of the Metro Code contains the Urban Growth Management Functional Plan ("Functional Plan"). Title 4 of the Functional Plan contains standards for "Industrial and Other Employment Area". Title 4 "seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas." The zoning districts that are directly affected by this application are industrial zoning districts in a designated Employment Area according to Metro's 2040 Growth Concept Map.

Marijuana Facilities (retail) are proposed to move from 'Conditional Use' to 'Not Permitted' in the LI and GI zones. This amendment furthers the goals of Title 4 by further restricting non-industrial uses (i.e. commercial retail or stores) in RISA, Industrial or Employment zones and is therefore consistent with the UGMFP. The Conditional Use for Marijuana Processors in the GI Zone remains unaltered. Marijuana Processing is an industrial use.

The addition of a reserved section to Chapter 5 for future psilocybin standards are not related to the Metro Code.

**The criterion is met.**

**D. Public need is best satisfied by this particular change.**

The revisions to the Land Use Tables for Commercial and Industrial Zoning Districts for Marijuana Facilities are in response to the passing of Ordinance 882 by the City Council on March 14, 2023. Ordinance 882 bans additional marijuana retailers and refers the ban to a vote. The proposed revisions to the Development Code bring the land uses permitted into alignment with Ordinance 882. Since Ordinance 882 was recently passed by City Council and the issue is referred to the voters, it can be concluded that the public need is best satisfied by the proposed code revisions.

The addition of a reserved section under Chapter 5 for future psilocybin standards is in response to the passing of Ballot Measure 109 allowing the growth, administration, and sale of psychoactive mushrooms in licensed facilities regulated by the Oregon Health Authority. A proposal addressing psilocybin businesses will be proposed to Planning Commission for public discussion in the future.

**The criterion is met.**

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

The health, safety and welfare of the community were considered by the City Council in the passing of Ordinance 882. The City will be referring the ban to voters in 2024. The proposed amendments regarding Marijuana Facilities brings the Development Code into compliance with the City's ordinance banning new Marijuana Facilities. The addition of a reserved section under Chapter 5 for future psilocybin standards is not related to the health, safety, or welfare of the community as this is a placeholder for standards that have not yet been written.

**The criterion is met.**

**STAFF RECOMMENDATIONS**

Staff offers the following recommendations for the conduct of the October 11, 2023, public hearing regarding the proposed amendments to the Troutdale Development Code.

- A. Deliberate on policy issues, proposed amendments, and other issues identified by the Commission, Staff, other public entities, or the public.
- B. Recommend approval of the proposed text amendments to the City Council for its consideration at the public hearings. Schedule to be determined.

**Attachments**

- A. Proposed Development Code Revisions – Redline
- B. Proposed Development Code Revisions – Clean Version



**ATTACHMENT A: Proposed Code Revisions - Redline**

3.320 Land Use Table for Commercial Zoning Districts

Land Use	CC	GC	Specific Standards
<i><b>Residential Dwellings and Uses</b></i>			
Residential facilities	P	P	
Other residential uses	N	N	
<i><b>Mixed-Uses</b></i>			
Live-Work units (residential/commercial)	P	N	
Live-Make units (residential/industrial)	C	N	
Flex units (commercial/industrial)	C	C	
<i><b>Commercial Uses</b></i>			
General retail (up to 60,000 s.f.)	P	P	
General retail (above 60,000 s.f.)	C	P	
Offices (up to 60,000 s.f.)	P	P	
Offices (above 60,000 s.f.)	N	P	
Eating & drinking establishments			
Restaurants & bars (no drive-thru)	P	P	
Restaurants & bars (with drive-thru)	P	P	
Kiosks (drive-thru only)	P	P	5.200
Mobile food vendor (individually placed, in park or right-of-way)	P	P	5.200
Mobile food vendor (individually placed, on privately owned lot)	P	P	5.200
Food cart pod, micro-retail pod, or outdoor market	P	P	5.200
Financial institutions (no drive-thru)	P	P	
Financial institutions (with drive-thru)	P	P	
Personal services	P	P	
Human services	P	P	

(continued on next page)

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
<b>Industrial Uses</b>			
Warehousing or distribution outlets	N	C	
Marijuana processors	N	N	
LI permitted uses (unless otherwise listed in table)	N	N	
<b>Other Uses</b>			
Agricultural or animal-based uses	N	P	
Community service uses	C	C	
Recreation facilities (active)	C	C	
Recreation facilities (passive)	P	P	
Utility facilities (major)	C	C	
Utility facilities (minor)	P	P	

### 3.325 Additional Requirements

- A. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

### 3.420 Use Table for Industrial Zoning Districts

A. Uses that are permitted are marked with a “P”, with specific standards for the use listed in the far-right column as shown below.

B. Uses that require conditional use approval in accordance with Section 6.300 of this Code are marked with a “C”, with specific standards for the use listed in the far-right column as shown below.

C. Uses that are not permitted are marked with a “N”.

Land Use	IP	LI	GI	Specific Standards
<b><i>Residential Uses</i></b>				
One Caretaker unit in conjunction with an existing industrial use	N	P	P	
All other residential uses	N	N	N	
<b><i>Commercial Uses</i></b>				
Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities	N	C	C	
Convenience stores	C	N	N	3.440.I
Eating and drinking establishments				
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
Professional Offices	P	P	N	3.440.D.1
Storage facilities	N	C	N	3.440.J
Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home services				

Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.	N	C	P	
Repair and modification shops	N	P	P	
Sales and rentals	N	P	P	3.440.D.1 3.440.D.3
Wholesale trade/retail/discount sales and services	C	P	P	3.440.D.1

Land Use	IP	LI	GI	Specific Standards
<b>Industrial Uses</b>				
Aggregate resource	N	N	P	4.000
Manufacturing, milling, and processing				
Assembly and limited manufacturing	C	P	P	
Concrete and asphalt manufacturing plants	N	N	C	
Electronic and appliance products	N	C	P	
Food and beverage products				
Food processing involving slaughtering, fermentation, or fat rendering	N	N	C	
Beverage processing involving brewing, distilling, roasting, or fermentation	C	P	P	
Other food and beverage products	P	P	P	
Furniture and related products	N	P	P	
Machinery and transportation equipment	N	C	P	
Use and temporary storage in the manufacturing process of toxic or hazardous material by-products	N	N	P	
The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations	N	N	C	
Marijuana processors	N	N	C	3.440.G
Metal and fabricated metal products				
Primary manufacturing or milling	N	N	P	
Secondary manufacturing or processing	N	P	P	



Nonmetallic mineral products	N	C	P
Plastic or rubber products	N	C	P
Printing	C	P	P
Textile, apparel, and leather products	N	C	P
Wood or paper products			
Primary manufacturing and milling	N	N	P
Secondary manufacturing and processing	N	C	P
Transportation facilities			
Airports (including heliports)	N	P	P
Heliports (not within an airport)	N	C	P
Marinas	C	P	P
Freight and trucking firm	N	C	P

Land Use	IP	LI	GI	Specific Standards
Warehousing and Storage				
Warehouse	N	P	P	
Accessory storage	P	P	P	
Storage facilities	N	C	N	3.440.J
Junk yard	N	N	C	
Marine industrial or service facilities	N	N	P	
Research, experimental, or testing laboratories	P	P	P	
Sanitary landfills, recycling centers, and transfer stations.	N	N	C	
Trade or commercial schools	P	P	P	
<b>Other Uses</b>				
Agricultural or animal-based uses	N	N	N	
Child-care facilities in conjunction with a permitted use or an approved conditional use	C	C	C	3.440.D.1
Community service uses	C	C	C	
Public Parks, parkways, trails, and related facilities	P	P	P	
Recreation facilities (active)	C	C	C	
Recreation facilities (passive)	P	P	P	
Utility facilities (major)	C	C	P	
Utility facilities (minor)	P	P	P	

Other uses similar to those listed above	P/C	P/C	P/C
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### 3.430 Dimensional Standards for Industrial Zoning Districts

#### A. Dimensional Standards Table for Industrial Zoning Districts

Land Use	IP	LI	GI
Lot Size and Coverage			
Minimum lot width	150 ft.	None	None
Maximum lot coverage	60% of the site	None	None
Setbacks			
Front yard setback	20 ft.	20 ft.	20 ft.
Side yard setback	15 ft.	10 ft.	None see 3.430.B.4
Street side yard setback:	15 ft.	10 ft.	None see 3.430.B.4
Rear yard setback	10 ft.	None	None see 3.430.B.4
Setbacks for insufficient right-of-way	see 3.430.B.1	see 3.430.B.1	see 3.430.B.1
Additional setback requirements	None	see 3.430.B.3	see 3.430.B.3
Maximum Height of the Structure	35 ft.	45 ft. see 3.430.B.2	see 3.430.B.2
Lot Area	No minimum	No minimum	see 3.430.B.5

#### B. Additional Dimensional Standards

1. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths, and the additional yard or setback requirements in such cases, shall be determined.
2. Unless otherwise limited by the Federal Aviation Administration.
3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.
4. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.
5. Lot Area. Division of lots or parcels are permitted as follows:

- a. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.
- b. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.
- c. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Code.
- d. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
  - i. To provide public facilities and services;
  - ii. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
  - iii. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
  - iv. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

### 3.440 Additional Requirements

- A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

- 
- D. Commercial uses, as indicated in the specific standards column in TDC 3.420, are subject to the following standards:
1. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; banks; restaurants; and retail, wholesale, and discount sales and service shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
  2. Drive-thru and drive-up service windows are not permitted in the general industrial zoning district.
  3. In areas zoned Light Industrial that are designated "Regionally Significant Industrial Areas" (RSIAs) on the Metro Title 4 Map, the buildings associated with the retail commercial use are limited to no more than 3,000 square feet of sales or service area in a single outlet. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
- E. Development is subject to compliance with any applicable overlay zoning district standards.
- F. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.
- G. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.
- H. Eating and drinking establishment, subject to the following requirements:
1. The use is located within a building which houses another permitted use.
  2. No drive-through window is permitted.
  3. Inside seating area shall not exceed fifty percent (50%) of the use's gross floor area or one hundred fifty (150) square feet, whichever is the lesser.

- I. In the industrial park zoning district, convenience stores, not to exceed thirty-five hundred (3,500) square feet in size.
- J. In the light industrial zoning district, storage facilities are allowed when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, “within one- quarter mile (1/4 mile)” means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.
- K. In the light industrial and general industrial zoning districts, product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use are allowed provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.

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## Chapter 5 – Miscellaneous Uses and Standards

### 5.000 MISCELLANEOUS REGULATIONS

### 5.900 Psilocybin Chapter - RESERVED





**ATTACHMENT B: Adoption Draft (Clean Copy)**

3.320 Land Use Table for Commercial Zoning Districts

Land Use	CC	GC	Specific Standards
<i><b>Residential Dwellings and Uses</b></i>			
Residential facilities	P	P	
Other residential uses	N	N	
<i><b>Mixed-Uses</b></i>			
Live-Work units (residential/commercial)	P	N	
Live-Make units (residential/industrial)	C	N	
Flex units (commercial/industrial)	C	C	
<i><b>Commercial Uses</b></i>			
General retail (up to 60,000 s.f.)	P	P	
General retail (above 60,000 s.f.)	C	P	
Offices (up to 60,000 s.f.)	P	P	
Offices (above 60,000 s.f.)	N	P	
Eating & drinking establishments			
Restaurants & bars (no drive-thru)	P	P	
Restaurants & bars (with drive-thru)	P	P	
Kiosks (drive-thru only)	P	P	5.200
Mobile food vendor (individually placed, in park or right-of-way)	P	P	5.200
Mobile food vendor (individually placed, on privately owned lot)	P	P	5.200
Food cart pod, micro-retail pod, or outdoor market	P	P	5.200
Financial institutions (no drive-thru)	P	P	
Financial institutions (with drive-thru)	P	P	
Personal services	P	P	
Human services	P	P	

(continued on next page)

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
<b>Industrial Uses</b>			
Warehousing or distribution outlets	N	C	
Marijuana processors	N	N	
LI permitted uses (unless otherwise listed in table)	N	N	
<b>Other Uses</b>			
Agricultural or animal-based uses	N	P	
Community service uses	C	C	
Recreation facilities (active)	C	C	
Recreation facilities (passive)	P	P	
Utility facilities (major)	C	C	
Utility facilities (minor)	P	P	

### 3.325 Additional Requirements

- A. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

### 3.420 Use Table for Industrial Zoning Districts

A. Uses that are permitted are marked with a “P”, with specific standards for the use listed in the far-right column as shown below.

B. Uses that require conditional use approval in accordance with Section 6.300 of this Code are marked with a “C”, with specific standards for the use listed in the far-right column as shown below.

C. Uses that are not permitted are marked with a “N”.

Land Use	IP	LI	GI	Specific Standards
<b><i>Residential Uses</i></b>				
One Caretaker unit in conjunction with an existing industrial use	N	P	P	
All other residential uses	N	N	N	
<b><i>Commercial Uses</i></b>				
Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities	N	C	C	
Convenience stores	C	N	N	3.440.I
Eating and drinking establishments				
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
Professional Offices	P	P	N	3.440.D.1
Storage facilities	N	C	N	3.440.J
Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home services				

Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.	N	C	P	
Repair and modification shops	N	P	P	
Sales and rentals	N	P	P	3.440.D.1 3.440.D.3
Wholesale trade/retail/discount sales and services	C	P	P	3.440.D.1

Land Use	IP	LI	GI	Specific Standards
<b>Industrial Uses</b>				
Aggregate resource	N	N	P	4.000
Manufacturing, milling, and processing				
Assembly and limited manufacturing	C	P	P	
Concrete and asphalt manufacturing plants	N	N	C	
Electronic and appliance products	N	C	P	
Food and beverage products				
Food processing involving slaughtering, fermentation, or fat rendering	N	N	C	
Beverage processing involving brewing, distilling, roasting, or fermentation	C	P	P	
Other food and beverage products	P	P	P	
Furniture and related products	N	P	P	
Machinery and transportation equipment	N	C	P	
Use and temporary storage in the manufacturing process of toxic or hazardous material by-products	N	N	P	
The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations	N	N	C	
Marijuana processors	N	N	C	3.440.G
Metal and fabricated metal products				
Primary manufacturing or milling	N	N	P	
Secondary manufacturing or processing	N	P	P	

Nonmetallic mineral products	N	C	P
Plastic or rubber products	N	C	P
Printing	C	P	P
Textile, apparel, and leather products	N	C	P
Wood or paper products			
Primary manufacturing and milling	N	N	P
Secondary manufacturing and processing	N	C	P
Transportation facilities			
Airports (including heliports)	N	P	P
Heliports (not within an airport)	N	C	P
Marinas	C	P	P
Freight and trucking firm	N	C	P

Land Use	IP	LI	GI	Specific Standards
Warehousing and Storage				
Warehouse	N	P	P	
Accessory storage	P	P	P	
Storage facilities	N	C	N	3.440.J
Junk yard	N	N	C	
Marine industrial or service facilities	N	N	P	
Research, experimental, or testing laboratories	P	P	P	
Sanitary landfills, recycling centers, and transfer stations.	N	N	C	
Trade or commercial schools	P	P	P	
<b>Other Uses</b>				
Agricultural or animal-based uses	N	N	N	
Child-care facilities in conjunction with a permitted use or an approved conditional use	C	C	C	3.440.D.1
Community service uses	C	C	C	
Public Parks, parkways, trails, and related facilities	P	P	P	
Recreation facilities (active)	C	C	C	
Recreation facilities (passive)	P	P	P	
Utility facilities (major)	C	C	P	
Utility facilities (minor)	P	P	P	

Other uses similar to those listed above	P/C	P/C	P/C
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### 3.430 Dimensional Standards for Industrial Zoning Districts

#### A. Dimensional Standards Table for Industrial Zoning Districts

Land Use	IP	LI	GI
Lot Size and Coverage			
Minimum lot width	150 ft.	None	None
Maximum lot coverage	60% of the site	None	None
Setbacks			
Front yard setback	20 ft.	20 ft.	20 ft.
Side yard setback	15 ft.	10 ft.	None see 3.430.B.4
Street side yard setback:	15 ft.	10 ft.	None see 3.430.B.4
Rear yard setback	10 ft.	None	None see 3.430.B.4
Setbacks for insufficient right-of-way	see 3.430.B.1	see 3.430.B.1	see 3.430.B.1
Additional setback requirements	None	see 3.430.B.3	see 3.430.B.3
Maximum Height of the Structure	35 ft.	45 ft. see 3.430.B.2	see 3.430.B.2
Lot Area	No minimum	No minimum	see 3.430.B.5

#### B. Additional Dimensional Standards

1. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths, and the additional yard or setback requirements in such cases, shall be determined.
2. Unless otherwise limited by the Federal Aviation Administration.
3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.
4. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.
5. Lot Area. Division of lots or parcels are permitted as follows:



- a. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.
- b. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.
- c. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Code.
- d. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
  - i. To provide public facilities and services;
  - ii. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
  - iii. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
  - iv. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

### 3.440 Additional Requirements

- A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

- D. Commercial uses, as indicated in the specific standards column in TDC 3.420, are subject to the following standards:
1. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; banks; restaurants; and retail, wholesale, and discount sales and service shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
  2. Drive-thru and drive-up service windows are not permitted in the general industrial zoning district.
  3. In areas zoned Light Industrial that are designated "Regionally Significant Industrial Areas" (RSIAs) on the Metro Title 4 Map, the buildings associated with the retail commercial use are limited to no more than 3,000 square feet of sales or service area in a single outlet. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
- E. Development is subject to compliance with any applicable overlay zoning district standards.
- F. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.
- G. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.
- H. Eating and drinking establishment, subject to the following requirements:
1. The use is located within a building which houses another permitted use.
  2. No drive-through window is permitted.
  3. Inside seating area shall not exceed fifty percent (50%) of the use's gross floor area or one hundred fifty (150) square feet, whichever is the lesser.

- I. In the industrial park zoning district, convenience stores, not to exceed thirty-five hundred (3,500) square feet in size.
- J. In the light industrial zoning district, storage facilities are allowed when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, "within one- quarter mile (1/4 mile)" means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.
- K. In the light industrial and general industrial zoning districts, product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use are allowed provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.

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## **Chapter 5 – Miscellaneous Uses and Standards**

### **5.000 MISCELLANEOUS REGULATIONS**

### **5.900 Psilocybin Chapter – RESERVED**



**CASE FILE:** **75-14 Text Amendments to Chapters 3 and 5 of the Troutdale Development Code (TDC)**

**PREPARED BY:** Dakota Meyer, Associate Planner

**SUBJECT:** **Findings of Fact - Proposed Text Amendment to the Troutdale Development Code**

**REQUESTS:** Update the Use Tables for the General Commercial, Light Industrial, and General Industrial 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.

**Applicable Criteria:** Troutdale Development Code (TDC) Sections 2.065 (Type IV Procedures) and 6.1100 (Text Amendment)

## **PROPOSED FINDINGS**

TDC Section 2.065 specifies that the City Council is the decision-making body for text amendment applications after the Planning Commission forwards a recommendation for their consideration. City Council is charged with making a finding for each applicable criterion point as listed in TDC Section 6.1120. Listed below are draft findings prepared by Staff for City Council to review and amend as needed upon the conclusion of the public hearing portion of the meeting and prior to a vote on the adoption of the proposed amendments.

**A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.**

Marijuana Facilities are not addressed in the comprehensive plan. The revisions to the Land Use Tables for Commercial and Industrial Zoning Districts for Marijuana Facilities are in response to the passing of Ordinance 882 by the City Council on March 14, 2023. Ordinance 882 bans additional marijuana retailers and refers the ban to a vote. The proposed revisions to the Development Code bring the land uses permitted into alignment with Ordinance 882.

Psilocybin is not addressed in the comprehensive plan. Creating a reserved section under Chapter 5 for future psilocybin standards is in response to the passing of Ballot Measure 109 allowing the growth, administration, and sale of psychoactive mushrooms in licensed facilities regulated by the Oregon Health Authority. The change involves general edits but does not alter the content of the code.

**The criterion is met.**

**B. The proposed change is consistent with the applicable Statewide Planning Goals.**

Marijuana Facilities are not addressed in the Statewide Planning Goals. Goal 9 (Economic Development) speaks to the need for cities to have enough land available to realize economic growth and development opportunities. Existing marijuana facilities (retail) are allowed in industrial zones and shall remain so. In the Industrial Zone not permitting the use of land for Marijuana retail (commercial use) furthers the goal of having industrial land available for industrial uses. No changes to the permitted land uses for Marijuana Processors are proposed. The Development Code continues to show Marijuana Processors as Conditional Use in the GI zone. The revisions to the Land Use Tables for Commercial and Industrial Zoning Districts are in response to the passing of Ordinance 882 by the City Council on March 14, 2023. Ordinance 882 bans additional marijuana retailers and refers the ban to a vote. The proposed revisions to the Development Code bring the land uses permitted into alignment with Ordinance 882. The addition of a reserved section for future psilocybin standards are not related to the Statewide Planning Goals.

**The criterion is met.**

**C. The proposed change is consistent with the applicable provisions of Metro Code.**

Chapter 3.07 of the Metro Code contains the Urban Growth Management Functional Plan ("Functional Plan"). Title 4 of the Functional Plan contains standards for "Industrial and Other Employment Area". Title 4 "seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas." The zoning districts that are directly affected by this application are industrial zoning districts in a designated Employment Area according to Metro's 2040 Growth Concept Map.

Marijuana Facilities (retail) are proposed to move from 'Conditional Use' to 'Not Permitted' in the LI and GI zones. This amendment furthers the goals of Title 4 by further restricting non-industrial uses (i.e. commercial retail or stores) in RISA, Industrial or Employment zones and is therefore consistent with the UGMFP. The Conditional Use for Marijuana Processors in the GI Zone remains unaltered. Marijuana Processing is an industrial use.

The addition of a reserved section to Chapter 5 for future psilocybin standards are not related to the Metro Code.

**The criterion is met.**

**D. Public need is best satisfied by this particular change.**

The revisions to the Land Use Tables for Commercial and Industrial Zoning Districts for Marijuana Facilities are in response to the passing of Ordinance 882 by the City Council on March 14, 2023. Ordinance 882 bans additional marijuana retailers and refers the ban to a vote. The proposed revisions to the Development Code bring the land uses permitted into alignment with Ordinance 882. Since Ordinance 882 was recently passed by City Council and the issue is referred to the voters, it can be concluded that the public need is best satisfied by the proposed code revisions.

The addition of a reserved section under Chapter 5 for future psilocybin standards is in response to the passing of Ballot Measure 109 allowing the growth, administration, and sale of psychoactive mushrooms in licensed facilities regulated by the Oregon Health Authority. A



proposal addressing psilocybin businesses will be proposed to Planning Commission for public discussion in the future.

**The criterion is met.**

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

The health, safety and welfare of the community were considered by the City Council in the passing of Ordinance 882. The City will be referring the ban to voters in 2024. The proposed amendments regarding Marijuana Facilities brings the Development Code into compliance with the City's ordinance banning new Marijuana Facilities. The addition of a reserved section under Chapter 5 for future psilocybin standards is not related to the health, safety, or welfare of the community as this is a placeholder for standards that have not yet been written.

**The criterion is met.**

To the extent the aforementioned criteria apply to TDC 3.320 and 3.420, they are incorporated and are met.

## **ORDINANCE NO.**

### **AN ORDINANCE ADOPTING TEXT AMENDMENTS TO CHAPTERS 3 AND 5 OF THE TROUTDALE DEVELOPMENT CODE.**

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

1. The Troutdale City Council held a public hearing on November 14, 2023, to take public testimony on the amendments recommended by the Planning Commission to consider text amendments to Chapters 3 and 5 of the Troutdale Development Code concerning the commercial zoning district, industrial zoning district and miscellaneous used and standards.
2. The Troutdale Planning Commission held a public hearing on October 11, 2023, to take public testimony and to make a recommendation to the City Council concerning text amendments to Chapters 3 and 5 of the Troutdale Development Code.
3. The change of “Marijuana Facilities” from conditional use to a not permitted use in the light industrial and general commercial zoning districts brings the Development Code into alignment with Ordinance 882: An Ordinance Approving a Ban on Additional Recreational Marijuana Retailers and Referring the Ordinance to the Electors of the City, Declaring an Emergency.
4. The amendments to Chapter 5 miscellaneous uses and standards brings the Troutdale Development Code into conformance with Ballot Measure 109 allowing the growth, administration, and sale of psychoactive mushrooms in licensed facilities regulated by the Oregon Health Authority.
5. Notice of the public hearing has been provided in accordance with applicable law.

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

Section 1. Chapters 3 and 5 shall be amended as set forth in Attachment A.

Section 2. This ordinance shall be effective 30 days after approval.

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

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**Randy Lauer, Mayor**  
**Date:**

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

Adoption Draft 75-14 Text Amendments to Chapters 3 and 5 of the Troutdale Development Code (TDC)

**3.320 Land Use Table for Commercial Zoning Districts**

Land Use	CC	GC	Specific Standards
<b><i>Residential Dwellings and Uses</i></b>			
Residential facilities	P	P	
Other residential uses	N	N	
<b><i>Mixed-Uses</i></b>			
Live-Work units (residential/commercial)	P	N	
Live-Make units (residential/industrial)	C	N	
Flex units (commercial/industrial)	C	C	
<b><i>Commercial Uses</i></b>			
General retail (up to 60,000 s.f.)	P	P	
General retail (above 60,000 s.f.)	C	P	
Offices (up to 60,000 s.f.)	P	P	
Offices (above 60,000 s.f.)	N	P	
Eating & drinking establishments			
Restaurants & bars (no drive-thru)	P	P	
Restaurants & bars (with drive-thru)	P	P	
Kiosks (drive-thru only)	P	P	5.200
Mobile food vendor (individually placed, in park or right-of-way)	P	P	5.200
Mobile food vendor (individually placed, on privately owned lot)	P	P	5.200
Food cart pod, micro-retail pod, or outdoor market	P	P	5.200
Financial institutions (no drive-thru)	P	P	
Financial institutions (with drive-thru)	P	P	
Personal services	P	P	
Human services	P	P	

(continued on next page)

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
<b>Industrial Uses</b>			
Warehousing or distribution outlets	N	C	
Marijuana processors	N	N	
LI permitted uses (unless otherwise listed in table)	N	N	
<b>Other Uses</b>			
Agricultural or animal-based uses	N	P	
Community service uses	C	C	
Recreation facilities (active)	C	C	
Recreation facilities (passive)	P	P	
Utility facilities (major)	C	C	
Utility facilities (minor)	P	P	

### 3.325 Additional Requirements

- A. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

### 3.020 Zoning District Outline

All areas within the city limits of Troutdale are divided into the following zoning districts. The use of each tract of land within the corporate limits of the City of Troutdale shall be limited to those uses permitted within the applicable zoning district.

<i><b>Industrial Districts</b></i>		<b>3.400</b>
IP	Industrial Park	3.411
LI	Light Industrial	3.412
GI	General Industrial	3.413

### 3.400 INDUSTRIAL ZONING DISTRICTS

#### 3.410 General Purpose

The purpose of industrial zoning districts is to provide dedicated industrial areas in certain areas of the city that are best suited for businesses that involve an industrial process and that may operate in a way that is less desirable for adjacent residential uses and certain commercial uses. These areas are also often considered employment centers and may conduct activities at various hours of the day.

#### 3.411 IP | Industrial Park

This district is intended for a mix of employee-intensive industries, offices, services, and retail commercial uses, which have no off-site impacts in terms of noise, odor, glare, light, vibration, smoke, dust, or other types of off-site impacts. It provides for combining parking, landscaping, and other design features which physically and visually link structures and uses within one (1) development. Offices, services, and retail commercial uses are permitted in compliance with the Troutdale Development Code.

#### 3.412 LI | Light Industrial

Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with limited outdoor accessory storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as bright yard lights, continuous noise, or objectionable odors, or significant outdoor accessory storage. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with appropriate adequate buffering.

#### 3.413 GI | General Industrial

This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.



### 3.420 Use Table for Industrial Zoning Districts

A. Uses that are permitted are marked with a "P", with specific standards for the use listed in the far-right column as shown below.

B. Uses that require conditional use approval in accordance with Section 6.300 of this Code are marked with a "C", with specific standards for the use listed in the far-right column as shown below.

C. Uses that are not permitted are marked with a "N".

Land Use	IP	LI	GI	Specific Standards
<b><i>Residential Uses</i></b>				
One Caretaker unit in conjunction with an existing industrial use	N	P	P	
All other residential uses	N	N	N	
<b><i>Commercial Uses</i></b>				
Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities	N	C	C	
Convenience stores	C	N	N	3.440.I
Eating and drinking establishments				
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
Professional Offices	P	P	N	3.440.D.1
Storage facilities	N	C	N	3.440.J
Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home services				

Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.	N	C	P	
Repair and modification shops	N	P	P	
Sales and rentals	N	P	P	3.440.D.1 3.440.D.3
Wholesale trade/retail/discount sales and services	C	P	P	3.440.D.1

Land Use	IP	LI	GI	Specific Standards
<b>Industrial Uses</b>				
Aggregate resource	N	N	P	4.000
Manufacturing, milling, and processing				
Assembly and limited manufacturing	C	P	P	
Concrete and asphalt manufacturing plants	N	N	C	
Electronic and appliance products	N	C	P	
Food and beverage products				
Food processing involving slaughtering, fermentation, or fat rendering	N	N	C	
Beverage processing involving brewing, distilling, roasting, or fermentation	C	P	P	
Other food and beverage products	P	P	P	
Furniture and related products	N	P	P	
Machinery and transportation equipment	N	C	P	
Use and temporary storage in the manufacturing process of toxic or hazardous material by-products	N	N	P	
The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations	N	N	C	
Marijuana processors	N	N	C	3.440.G
Metal and fabricated metal products				
Primary manufacturing or milling	N	N	P	
Secondary manufacturing or processing	N	P	P	

Nonmetallic mineral products	N	C	P
Plastic or rubber products	N	C	P
Printing	C	P	P
Textile, apparel, and leather products	N	C	P
Wood or paper products			
Primary manufacturing and milling	N	N	P
Secondary manufacturing and processing	N	C	P
Transportation facilities			
Airports (including heliports)	N	P	P
Heliports (not within an airport)	N	C	P
Marinas	C	P	P
Freight and trucking firm	N	C	P

Land Use	IP	LI	GI	Specific Standards
Warehousing and Storage				
Warehouse	N	P	P	
Accessory storage	P	P	P	
Storage facilities	N	C	N	3.440.J
Junk yard	N	N	C	
Marine industrial or service facilities	N	N	P	
Research, experimental, or testing laboratories	P	P	P	
Sanitary landfills, recycling centers, and transfer stations.	N	N	C	
Trade or commercial schools	P	P	P	
<b>Other Uses</b>				
Agricultural or animal-based uses	N	N	N	
Child-care facilities in conjunction with a permitted use or an approved conditional use	C	C	C	3.440.D.1
Community service uses	C	C	C	
Public Parks, parkways, trails, and related facilities	P	P	P	
Recreation facilities (active)	C	C	C	
Recreation facilities (passive)	P	P	P	
Utility facilities (major)	C	C	P	
Utility facilities (minor)	P	P	P	

Other uses similar to those listed above	P/C	P/C	P/C
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### 3.430 Dimensional Standards for Industrial Zoning Districts

#### A. Dimensional Standards Table for Industrial Zoning Districts

Land Use	IP	LI	GI
Lot Size and Coverage			
Minimum lot width	150 ft.	None	None
Maximum lot coverage	60% of the site	None	None
Setbacks			
Front yard setback	20 ft.	20 ft.	20 ft.
Side yard setback	15 ft.	10 ft.	None see 3.430.B.4
Street side yard setback:	15 ft.	10 ft.	None see 3.430.B.4
Rear yard setback	10 ft.	None	None see 3.430.B.4
Setbacks for insufficient right-of-way	see 3.430.B.1	see 3.430.B.1	see 3.430.B.1
Additional setback requirements	None	see 3.430.B.3	see 3.430.B.3
Maximum Height of the Structure	35 ft.	45 ft. see 3.430.B.2	see 3.430.B.2
Lot Area	No minimum	No minimum	see 3.430.B.5

#### B. Additional Dimensional Standards

1. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths, and the additional yard or setback requirements in such cases, shall be determined.
2. Unless otherwise limited by the Federal Aviation Administration.
3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.
4. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.
5. Lot Area. Division of lots or parcels are permitted as follows:

- a. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.
- b. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.
- c. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Code.
- d. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
  - i. To provide public facilities and services;
  - ii. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
  - iii. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
  - iv. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

### 3.440 Additional Requirements

- A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

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- D. Commercial uses, as indicated in the specific standards column in TDC 3.420, are subject to the following standards:
1. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; banks; restaurants; and retail, wholesale, and discount sales and service shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
  2. Drive-thru and drive-up service windows are not permitted in the general industrial zoning district.
  3. In areas zoned Light Industrial that are designated "Regionally Significant Industrial Areas" (RSIAs) on the Metro Title 4 Map, the buildings associated with the retail commercial use are limited to no more than 3,000 square feet of sales or service area in a single outlet. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.
- E. Development is subject to compliance with any applicable overlay zoning district standards.
- F. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.
- G. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within one thousand (1,000) feet" means a straight-line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.
- H. Eating and drinking establishment, subject to the following requirements:
1. The use is located within a building which houses another permitted use.
  2. No drive-through window is permitted.
  3. Inside seating area shall not exceed fifty percent (50%) of the use's gross floor area or one hundred fifty (150) square feet, whichever is the lesser.



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- I. In the industrial park zoning district, convenience stores, not to exceed thirty-five hundred (3,500) square feet in size.
  - J. In the light industrial zoning district, storage facilities are allowed when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, "within one- quarter mile (1/4 mile)" means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.
  - K. In the light industrial and general industrial zoning districts, product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use are allowed provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.

## Chapter 5 – Miscellaneous Uses and Standards

### 5.000 MISCELLANEOUS REGULATIONS

### 5.900 PSILOCYBIN STANDARDS - RESERVED