

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

**Tuesday, May 12, 2020 – 7:00PM**

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

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

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

**ABSENT:** None.

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

**GUESTS:** See Attached.

Mayor Ryan asked, are there any agenda updates?

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

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

None.

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

<0:02:26>

Ray Young gave a brief overview of the staff report.

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

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

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

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

**Motion passed 6-1.**

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

<0:07:26>

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

<0:16:40>

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

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

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

Chris Damgen replied that would be the anticipation.

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

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

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

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

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

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

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

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

Chris Damgen continued the PowerPoint presentation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<1:07:56>

Ed Trompke gave a brief overview of the staff report.

Councilor Ripma asked when it would take effect.

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

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

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

**6. STAFF COMMUNICATIONS**

<1:12:10>

Ray Young provided the following staff communications:

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

**7. COUNCIL COMMUNICATIONS**

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

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

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

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

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

Councilor Moon stated he enjoyed working with Casey as Mayor.

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

**8. ADJOURNMENT**

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

Meeting adjourned at 8:27pm.

  
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**Casey Ryan, Mayor**  
**Dated: June 11, 2020**

**ATTEST:**

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



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

Troutdale City Council

May 12, 2020

**Exhibit A**

May 12, 2020 Council Meeting Minutes

# Why changes are being considered

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

## **How we got here**

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

## **Next Steps**

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

# Summary of Proposed Changes

## **Initial Changes Proposed**

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

## **Feedback from March 2020 Discussion**

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

# Proposed Amendments

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

# Proposed Amendments

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

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

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

## 4. Restricting commercial vehicle ROW parking

### THIS SLIDE FROM DISCUSSION IN MARCH

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

# Public Comments – submitted by Paul Wilcox

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

## Exhibit B

May 12, 2020 Council Meeting Minutes

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

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

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

*I found the following within Title 8:*

8.28.070 - Specific nuisances prohibited.

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

11. Any abandoned vehicle upon private or public property;

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

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

### **10.04.170 – Storage.**

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

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

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

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

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

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

10.12.020 - Unlawful parking or standing.

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

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

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

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

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

10.12.050 - RV and other vehicle parking.

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

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

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

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

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

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

Troutdale:

10.12.020 - Unlawful parking or standing.

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

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

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

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

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

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

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

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