



22500 Salamo Road
West Linn, Oregon 97068
<http://westlinnoregon.gov>

CITY COUNCIL AGENDA

Monday, December 2, 2024

1:00 p.m. – Work Session – Council Chambers & Virtual*

- | | |
|-----------------------|------------------|
| 1. Call to Order | [1:00 pm/5 min] |
| 2. Approval of Agenda | [1:05 pm/5 min] |
| 3. Public Comments | [1:10 pm/10 min] |

The purpose of Public Comment is to allow the community to present information or raise an issue regarding items that do not include a public hearing. All remarks should be addressed to the Council as a body. This is a time for Council to listen, they will not typically engage in discussion on topics not on the agenda. Time limit for each participant is three minutes, unless the Mayor decides to allocate more or less time. Designated representatives of Neighborhood Associations and Community Advisory Groups are granted five minutes.

- | | |
|---|------------------|
| 4. Mayor and Council Reports | [1:20 pm/10 min] |
| a. Reports from Community Advisory Groups | |
| 5. Proclamations | [1:30 pm/10 min] |
| a. Pearl Harbor Day | |
| b. Impaired Driving Prevention Month | |
| 6. Ordinance Related to Attracting & Feeding Wild Animals | [1:40 pm/15 min] |
| 7. Severely Rent-Burdened Housing Meeting | [1:55 pm/30 min] |
| 8. City Manager Report | [2:25 pm/5 min] |
| 9. Adjourn | [2:30 pm] |

**City Council meetings will be conducted in a hybrid format with some Councilors, staff, presenters, and members of the public attending virtually and others attending in person. The public can watch all meetings online via <https://westlinnoregon.gov/meetings> or on Cable Channel 30.*

Submit written comments by email to City Council at citycouncil@westlinnoregon.gov. We ask that written comments be provided before noon on the day of the meeting to allow City Council members time to review your comments.

If you cannot attend the meeting in person and would like to speak live at a public meeting by videoconferencing software or by phone, please complete the form located at: <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> by 4:00 pm the day of the meeting to be input into our system. Instructions on how to access the virtual meeting will then be provided to you by email prior to the meeting. If you miss the deadline and would like to speak at the meeting, please fill out the form and staff will send you a link as time allows.

The City abides by Public Meetings law. If you believe a violation has occurred, please [click here](#) to inform the staff of your concern.

To request an interpreter or other communication aid, please contact Kathy Mollusky at 503-742-6013 or kmollusky@westlinnoregon.gov.

When needed, the Council will meet in Executive Session pursuant to ORS 192.660(2).

PROCLAMATION

West Linn, Oregon

WHEREAS, on December 7, 1941, our Nation suffered one of the most devastating attacks ever to befall the American people. In less than two hours, the bombs that rained on Pearl Harbor robbed thousands of men, women, and children of their lives, thrusting our country into the greatest conflict the world has ever known; and

WHEREAS, in his address to Congress, President Franklin D. Roosevelt affirmed that “with confidence in our Armed Forces – with the unbounding determination of our people – we will gain the inevitable triumph; and

WHEREAS, this attack led President Roosevelt to call on Congress to declare an act of war the following day, stating December 7, 1941 would be a “date which will live in infamy”; and

WHEREAS, millions stood up and shipped out to meet that call to service, fighting heroically on Europe’s distant shores and pressing island by island across the Pacific; and

WHEREAS, millions more carried out the fight in factories and shipyards here at home, building the arsenal of democracy that propelled America to the victory President Roosevelt foresaw; and

WHEREAS, on every front, we faced down impossible odds – and out of the ashes of conflict, America rose more prepared than ever to meet the challenges of the day, sure that there was no trial we could not overcome; and

WHEREAS, as we pay solemn tribute to America’s sons and daughters who made the ultimate sacrifice, let us also reaffirm that their legacy will always burn bright – whether in the memory of those who knew them, the spirit of service that guides our men and women in uniform today, or the heart of the country they kept strong and free.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN THAT DECEMBER 7, 2024 IS:

PEARL HARBOR REMEMBRANCE DAY

And we encourage our community to observe this solemn day of remembrance and to honor our military, past and present.

DATED THIS 2ND DAY OF DECEMBER, 2024

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

West Linn, Oregon

WHEREAS, every year, thousands of lives are needlessly lost on our roadways because of alcohol and drug-impaired driving. These are avoidable tragedies that leave deep holes in our families and communities; and

WHEREAS, impaired driving is a public health concern because it not only puts the driver at risk, but also endangers the lives and safety of passengers and others sharing the road; and

WHEREAS, we remember the victims and honor their memory by making the responsible decision to drive sober and ensure others do the same; and

WHEREAS, driving while impaired by any substance – legal or illegal – is dangerous. Alcohol, illicit drugs, and even over the counter and prescription medications can impair a driver's judgment, decrease motor coordination, and slow the reaction time necessary to safely operate a motor vehicle; and

WHEREAS, alcohol-impaired driving causes over 11,000 deaths each year; and

WHEREAS, through the exercise of good judgment, personal responsibility, and a commitment to never drive while under the influence of alcohol, every community member can play a role in the fight against impaired driving; and

WHEREAS, we must also share our appreciation for the law enforcement officers who risk their lives each day to keep our communities safe while keeping impaired drivers off of our roadways.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, that December 2024 is

IMPAIRED DRIVING PREVENTION MONTH

And we urge all community members to make responsible decisions and take appropriate measures to prevent impaired driving.

DATED THIS 2ND DAY OF DECEMBER, 2024

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

Work Session Agenda Bill

Date Prepared: September 26, 2024

For Meeting Date: October 7, 2024

To: Rory Bialostosky, Mayor
West Linn City Council

Through: Elissa Preston, Assistant City Manager *EP*

From: Peter Mahuna, Police Chief *PEM*

Subject: Amending West Linn Municipal Code Chapter 5 Relating to attracting and feeding wild animals

Purpose:

Discuss possible amendment to Municipal Code Chapter 5 (Public Protection) to prohibit attracting or feeding certain wild animals.

Question(s) for Council:

Does Council wish to amend Chapter 5 to prohibit attracting and feeding wild animals?

Background & Discussion:

A community member spoke at the September 9, 2024, City Council Meeting about the potential health impacts and public nuisance issues with residents feeding wild animals and the unintended consequences of doing so. The food being left out was initially intended for feral cats, however it has attracted skunks, rats, and crows. The amount of bird droppings that cover play structures and backyard furniture creates a health hazard. Community members have asked for an ordinance to be created to prohibit the attracting and feeding of wild animals.

Proposed Ordinance Change

An ordinance is attached. It would add new sections to the West Linn Municipal Code that better define attractants, feeders, water features, and wild animals. The new section would prohibit attracting or feeding of wild animals by declaring it to be a public nuisance, but would create exceptions, including for birdfeeders, feeding of domesticated rabbits, and feeding under permits obtained from state agencies.

Other Considerations

This ordinance would create standards within the City of West Linn but could be very challenging to enforce, as will be discussed at the Work Session. Enforcement may be simpler with very egregious cases. Enforcement would follow the process requirements of other nuisances, which begin in MC 5.495.

The proposed ordinance has been reviewed by the City Attorney.

Council Options:

- 1) Direct staff to bring the proposed ordinance to the next Council Meeting for adoption.
- 2) Direct staff to revise the proposed ordinance and bring to the next Council Meeting for adoption.
- 3) Direct staff to conduct public outreach prior to returning to Council for a decision.
- 4) Direct staff to leave the Code as is.

Staff Recommendation:

Staff recommends moving forward with the Ordinance and recommends allowing public comment prior to further consideration, including forwarding to all neighborhood associations in a timely manner to allow their discussion at an upcoming meeting.

Attachments:

1. Draft Ordinance

ORDINANCE XXXX

AN ORDINANCE RELATING TO ATTRACTING AND FEEDING WILD ANIMALS AND AMENDING WEST LINN'S MUNICIPAL CODE

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~**bold lined through**~~ and additions are **bold underlined**.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, the feeding of wild life animals, including pests, in an urban environment can lead to create a public health hazard, public nuisance, and negative impacts on animals, to people, animals, and the environment; and

WHEREAS, feeding wild life animals can lead to aggressive behavior towards humans, which presents health and safety concerns for residents and visitors; and

WHEREAS, feeding wild life animals can artificially support the growth and carrying of capacity of urban wildlife populations, compromising wildlife health, and increasing human exposure to and conflict with wildlife; and

WHEREAS, feeding wild life animals can cause certain species to localize activity in the vicinity of those food sources, thus increasing associated negative impacts on residents and visitors within those neighborhoods; and

WHEREAS, the City Council has a duty and interest in protecting public health, safety, and welfare within the City of West Linn.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. New Section(s). West Linn Municipal Code Section(s) ~~5.540~~ 5.4## Purpose through ~~5.545~~ 5.4## Exemptions are added to read as follows:

5.540 Purpose. Feeding wild animals in an urban environment is-can be both detrimental to wildlife health, and causes-create a public health and safety hazard, and become a public nuisance -and safety hazard that negatively impacts public health, safety, and general welfare. This chapter is intended to prohibit, with exceptions, the feeding of certain wild animals within the City of West Linn so-asin order to protect public health, safety, and welfare-; reduce public health risks in residential areas caused by elevated rat and mice populations, and significant accumulation of bird or other animal feces; and to prescribe penalties for failure to comply.

5.545 Definitions.

“Attractant” means any substance that draws animals to a particular location and includes, but is not limited to, food and garbage. Attractant does not include ponds, water features, lawns, flowers, shrubs, trees, fallen fruit, or gardens that are eaten by wild animals.

“Feeder” means any device or container used for feeding animals.

“Bird feeder” A container, receptacle or apparatus designed for the feeding of songbirds or other backyard birds.

“Feed” to give, place, expose, deposit, distribute or scatter any edible material which can be utilized for consumption by wild animals. Feeding does not include baiting for the legal taking of fish and/or game.

“Water feature” means a decorative landscaping element that incorporates water.

“Wild animal” means, for the purpose of this chapter, all non-domesticated animals, including but not limited to ~~(i.e.,~~ bear, cougar, coyote, deer, fox, opossum, rabbit, raccoon, skunk, rats, ~~and other rodents), and crows.~~

5.540. Attracting or Feeding Wild Animals Prohibited. The attracting or feeding of wild animals within the city limits is declared to be a public nuisance and is prohibited. This prohibition includes a person repetitively placing or knowingly allowing food or other attractants to be placed on private property or public property with the intent of attracting or feeding wild animals. No person shall store pet food or animal feed in a ~~negligent-open and accessible~~ manner likely to attract wild animals.

5.545. Exceptions. The prohibitions in this section do not apply to:

A. Feeding of birds, ~~other than crows~~; provided that the food is contained in a bird feeder which is reasonably designed to avoid access by wild animals and placed in a manner to avoid access by wild animals. ~~[consider addition of sample city code from NJ]~~

B. Feeding of domesticated rabbits kept in an enclosure.

C. Feeding of wild animals kept under a valid permit issued by the Oregon Department of Fish and Wildlife.

D. Any state, county or local government employee or agent authorized to implement a wildlife management program involving baiting, or any other person authorized to bait and trap wildlife pursuant to state law.

E. Baiting rats and mice to control population growth in the interest of public health.

F. Trapping of wild animals for the purpose of relocation to appropriate animal service organizations.

[Insert section on Enforcement and Violations/Penalties, or cross reference to existing code providing Violations/Penalties for nuisances]

SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder or the designee is authorized to correct any cross-references and any typographical errors.

SECTION X. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the ____ day of _____, 2024, and duly PASSED and ADOPTED this ____ day of _____, 2024.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Work Session Agenda Bill

Date: December 2, 2024

To: Rory Bialostosky, Mayor
Members, West Linn City Council

Through: Elissa Preston, Deputy City Manager *EP*

From: Darren Wyss, Planning Manager *DSW*

Subject: Severely Rent Burdened Meeting

Purpose:

Conduct a public meeting per OAR 813-112 to discuss the City's designation as severely rent burdened.

Question(s) for Council:

What are possible solutions to reduce the number of severely rent burdened households within the City?

Background & Discussion:

In 2018, the Oregon Legislature passed [HB 4006](#) outlining several housing reporting requirements for cities with populations greater than 10,000. This legislation identifies definitions for "severe rent burden" or "severely rent burdened" as the circumstance where a household spends more than 50 percent of the household income on gross rent for housing. A "severely rent burdened city" is a city where at least 25 percent of the renter households in the city are severely rent burdened. The determination for a severely rent burdened city is implemented by [OAR 813-112-0020](#).

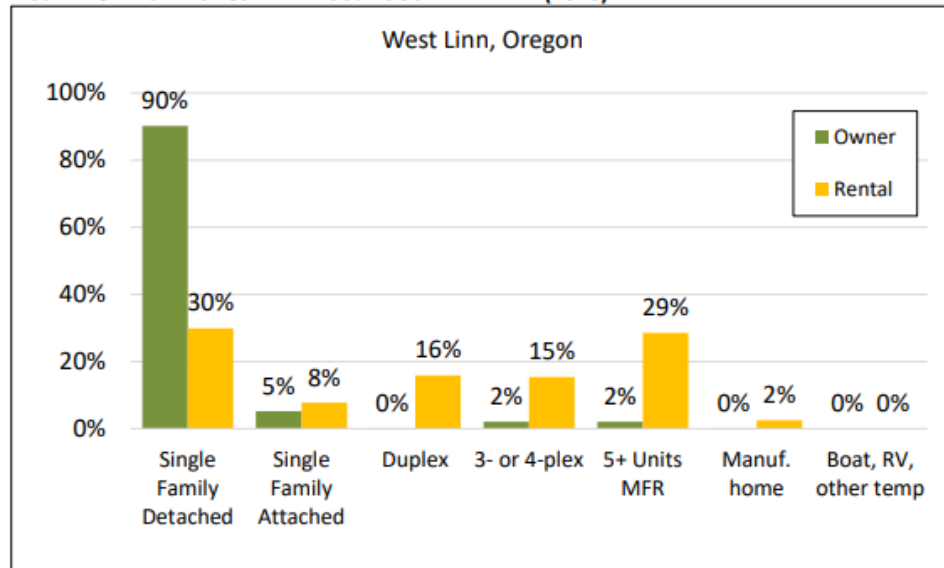
The City of West Linn was notified of its severely rent burdened status in March 2024 (see attached document from Oregon Housing and Community Services (OHCS)). This determination (30.8 percent of renter households in West Linn spend more than 50 percent of income on rent – up from 26.0 percent during last year's reporting) requires the City to hold a public meeting in accordance with [OAR-813-0030](#) to discuss the following:

1. The causes and consequences of severe rent burdens within the city;
2. The barriers to reducing rent burdens; and
3. Possible solutions to reduce the number of severely rent burdened households within the city.

Staff have invited representatives from local non-profit housing providers, Clackamas County Housing Authority, and state agencies to attend and participate in the discussion.

In addition to the attached OHCS document, as part of HB2003 implementation, the City has collected additional data on housing conditions and needs within the community. This data is included in the [2021 West Linn Housing Capacity Analysis \(HCA\)](#) the City adopted in October 2023.

Staff recommends reviewing the linked documents, but here are a couple of tables from the HCA that are relevant to the discussion:

FIGURE 4.3: PROFILE OF CURRENT HOUSING SUPPLY BY TYPE (2020)


Sources: US Census, PSU Population Research Center, JOHNSON ECONOMICS
 Census Tables: B25004, B25032, B25063, B25075 (2018 ACS 5-yr Estimates)

FIGURE 4.4: PROFILE OF CURRENT HOUSING SUPPLY, ESTIMATED AFFORDABILITY (2020)

Income Range	Ownership Housing		Rental Housing		Share of Total Units
	Affordable Price Level	Estimated Units	Affordable Rent Level	Estimated Units	
Less than \$15,000	\$0k - \$80k	89	\$0 - \$400	0	1%
\$15,000 - \$24,999	\$80k - \$130k	143	\$400 - \$700	87	2%
\$25,000 - \$34,999	\$130k - \$190k	155	\$700 - \$900	234	4%
\$35,000 - \$49,999	\$190k - \$250k	425	\$900 - \$1200	469	9%
\$50,000 - \$74,999	\$250k - \$330k	838	\$1200 - \$1600	438	12%
\$75,000 - \$99,999	\$330k - \$390k	1,139	\$1600 - \$1900	305	14%
\$100,000 - \$124,999	\$390k - \$470k	1,371	\$1900 - \$2200	244	15%
\$125,000 - \$149,999	\$470k - \$540k	948	\$2200 - \$2500	214	11%
\$150,000 - \$199,999	\$540k - \$710k	1,783	\$2500 - \$3400	159	19%
\$200,000+	\$710k +	1,374	\$3400 +	62	14%
	79%	8,264	21%	2,212	

Sources: US Census, PSU Population Research Center, JOHNSON ECONOMICS
 Census Tables: B25004, B25032, B25063, B25075 (2018 ACS 5-yr Estimates)

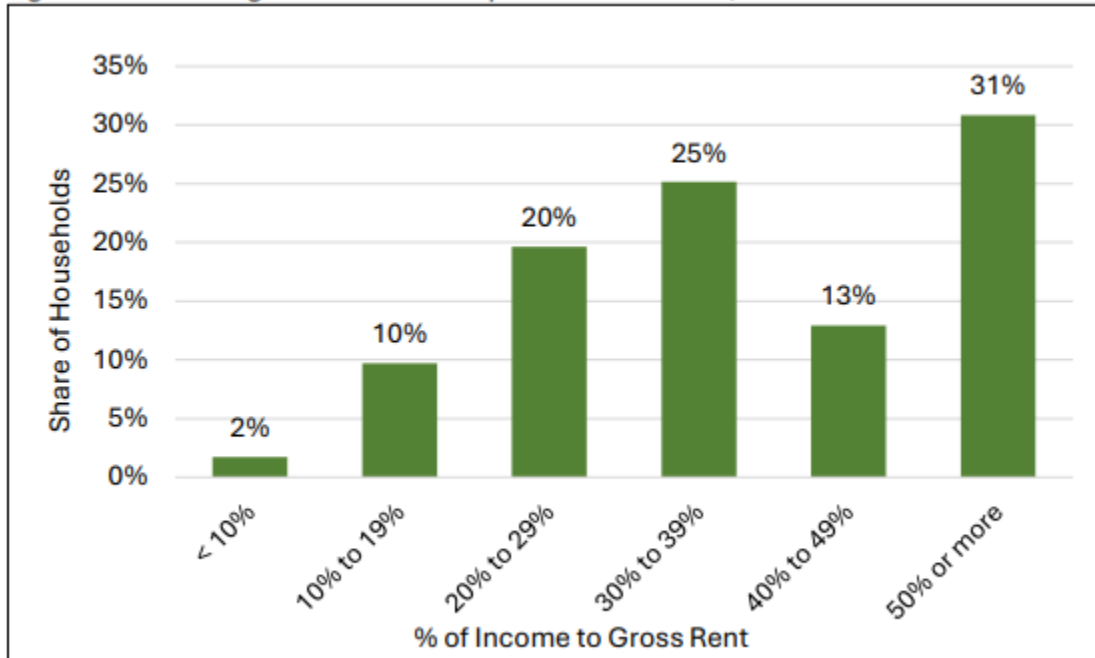
- Most housing in West Linn is found in price and rent levels affordable to those earning at least \$50,000 per year. There is very little housing available to those in lower income segments.

FIGURE 5.2: PROJECTED OCCUPIED FUTURE HOUSING DEMAND (2040)

Rental				
Rent Level	# of Households	Income Range	% of Total	Cumulative
\$0 - \$400	202	Less than \$15,000	8.4%	8.4%
\$400 - \$700	287	\$15,000 - \$24,999	11.9%	20.3%
\$700 - \$900	235	\$25,000 - \$34,999	9.8%	30.0%
\$900 - \$1200	250	\$35,000 - \$49,999	10.4%	40.4%
\$1200 - \$1600	538	\$50,000 - \$74,999	22.3%	62.7%
\$1600 - \$1900	174	\$75,000 - \$99,999	7.2%	69.9%
\$1900 - \$2200	235	\$100,000 - \$124,999	9.8%	79.7%
\$2200 - \$2500	171	\$125,000 - \$149,999	7.1%	86.8%
\$2500 - \$3400	101	\$150,000 - \$199,999	4.2%	91.0%
\$3400 +	218	\$200,000+	9.0%	100.0%
Totals:	2,411		% of All:	22.1%

Sources: Census, Envirionics Analytics, JOHNSON ECONOMICS

The City has received grant funds from the Department of Land Conservation and Development (DLCD) to develop the Housing Production Strategy (HPS) required by HB2003. Staff and the consultant team have finalized a [Contextualized Housing Needs Assessment](#) that provides more detail about housing in West Linn, including this table on household costs for gross rent.

Figure 21. Percentage of Households Spent on Gross Rent, West Linn Renter Households


Sources: US Census, 2022 ACS 5-yr Estimates, Table B25070, Johnson Economics

The primary component of the HPS project is to adopt strategies the City will implement to address needed housing over the six-year planning cycle of HB2003. Council received a briefing on the recommended strategies from the HPS Project Working Group on Monday, November 18, 2024. The recommended strategies include:

Summary of Housing Strategies

1. Recommended Strategies

1.1	Rezone Land (A02)	A. Zoning and Code Changes	Medium Term
1.2	Use Tax Increment Financing (TIF) to support affordable housing development (D10)	D. Financial Resources	Medium Term
1.3	Update SDCs (C01 – C03)	C. Financial Incentives	Longer Term
1.4	Surplus Land, Land Acquisition, and Land Banking Affordable Housing (F01, F12 & F18)	F. Land, Acquisition, Lease, and Partnerships	Medium Term
1.5	Fair Housing Education, Referral, and Other Services (F20)	F. Land, Acquisition, Lease, and Partnerships	Medium Term
1.6	Small Dwelling Unit Development (A17)	F. Zoning and Code Changes	Near Term
1.7	Public-Private Partnership (PPP) for Affordable Housing (F04)	F. Land, Acquisition, Lease, and Partnerships	Medium Term
1.8	Low Income Rental Housing Tax Exemption (E01 and/or E02)	E. Tax Exemption and Abatement	Near Term
1.9	Multiple Unit Property Tax Exemption (MUPTE) (E04)	D. Tax Exemption and Abatement	TBD
1.10	Homebuyer Opportunity Limited Tax Exemption Program (HOLTE) (E06)	E. Tax Exemption and Abatement	Near Term
1.11	Zoning Incentives for Workforce and Affordable Housing (A03)	A. Zoning and Code Changes	TBD
1.12	Construction Excise Tax (CET) (D09)	D. Financial Resources	TBD
2. Not Recommended			
2.1	UGB Amendments and Planning	N/A	N/A
2.2	Promote ADUs (A05)	A. Zoning and Code Changes	N/A
2.3	Accessible Design (A23)	A. Zoning and Code Changes	
2.4	Financial Assistance and Homebuyer Education Programs	N/A	N/A
2.5	Expedited Development Review (B03 & B06)	B. Reduce Regulatory Impediments	N/A

Council Options:

Discuss topics per OAR 813-112-0030 and identify possible solutions to the City's severely rent burdened status and future housing needs.

Staff Recommendation:

Identify possible solutions that staff can recommend as policies/programs to include in the Housing Production Strategy that will be before Council for adoption in Spring 2025.

Attachments:

1. Oregon Housing and Community Services Report on Severely Rent Burdened Cities

Severe Rent Burden in Oregon (2022)

Severe rent burden by City (population >10,000): Share of households that spend more than 50 percent of income on rent

City	% Severe Burden (50% or More)	# Severe Rent Burdened	Total Renter Households	Population
Albany	25.2%	2,061	8,182	57,997
Ashland	32.1%	1,341	4,180	21,457
Astoria	25.0%	492	1,967	10,167
Baker City	29.7%	328	1,106	10,102
Beaverton	24.5%	4,858	19,860	101,165
Bend	24.6%	3,802	15,466	106,275
Canby	29.1%	607	2,085	19,045
CentralPoint	22.4%	493	2,205	19,666
CoosBay	24.5%	699	2,856	16,533
Cornelius	18.5%	211	1,140	14,387
Corvallis	39.2%	5,223	13,325	61,669
CottageGrove	26.5%	420	1,583	11,095
Dallas	33.0%	616	1,866	17,989
Eugene	30.6%	11,670	38,158	177,339
Fairview	18.5%	356	1,922	10,671
ForestGrove	35.1%	1,167	3,325	27,551
Gladstone	26.9%	456	1,698	12,140
GrantsPass	26.7%	1,882	7,042	40,102
Gresham	31.5%	5,658	17,973	117,107
HappyValley	25.4%	292	1,151	26,799
Hermiston	12.8%	298	2,320	20,322
Hillsboro	16.4%	3,245	19,805	110,874
Independence	19.9%	240	1,208	10,274
Keizer	23.9%	1,185	4,951	39,169
KlamathFalls	33.4%	1,503	4,495	22,966
LaGrande	23.0%	548	2,385	13,558
LakeOswego	27.8%	1,355	4,868	41,396
Lebanon	22.3%	736	3,296	20,329
Lincoln City	26.0%	417	1,603	10,372
McMinnville	26.1%	1,235	4,737	34,612
Medford	25.8%	3,839	14,884	90,887
Milwaukie	22.1%	827	3,750	21,341
Molalla	19.9%	272	1,368	10,335
Monmouth	32.9%	584	1,774	11,019
Newberg	25.7%	827	3,220	26,728
Newport	22.7%	385	1,695	11,083
NorthBend	13.8%	220	1,589	10,769
Ontario	21.0%	406	1,929	12,206

Oregon City	23.6%	1,100	4,670	38,049
Pendleton	26.8%	680	2,533	17,006
Portland	25.0%	31,734	126,861	648,097
Prineville	19.1%	320	1,672	11,598
Redmond	26.4%	1,191	4,515	38,208
Roseburg	21.8%	899	4,125	24,258
Salem	26.9%	7,861	29,210	182,726
Sandy	30.3%	305	1,007	13,159
Sherwood	15.6%	259	1,664	20,868
Silverton	31.6%	476	1,504	10,660
Springfield	24.7%	2,727	11,031	63,078
St.Helens	13.5%	228	1,693	15,009
Sweet Home	16.5%	222	1,349	10,028
TheDalles	29.3%	640	2,187	16,417
Tigard	28.1%	2,308	8,216	55,868
Troutdale	25.8%	429	1,660	17,005
Tualatin	26.8%	1,259	4,693	27,910
WestLinn	30.8%	479	1,554	27,360
Wilsonville	28.8%	1,477	5,136	27,634
Woodburn	27.5%	803	2,923	27,044

Source: 2018-2022 American Community Survey 5-Year Estimates, Table B25070 and PSU Certified

Mollusky, Kathy

From: Bob Stewart <[REDACTED]>
Sent: Thursday, November 28, 2024 4:43 PM
To: City Council
Subject: feeding wild animals in West Linn

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi,
This is a reply I made on NextDoor regarding a post by David Jones:

Bob S.

•Lake Grove•14m • Edited

I'd like to find out whoever came up with this idea, and shake their hand. If you go to any National Park, in the world, it's illegal to feed the animals. Why? Because they are trying to maintain the balance of nature so us humans can enjoy nature, keep the animals healthy, and other reasons. The population of crows, squirrels, raccoons, coyotes and other "nuisance" animals in cities is completely out of control. Why? I'll give you three guesses. We used to have songbirds 20 years ago. They are completely gone, thanks to crows. They squawk all day long from sunup to dark, ruining the peace of our neighborhood, and there is hardly a day go by where 30-40 aren't harassing the few eagles and hawks we have left. Of course a law like this won't be 100% enforceable, but it might discourage a few folks that are simply ignorant of the issue and would otherwise wish to do the right thing.

Like

Reply Share



Add a comment...[]

Bob Stewart Services
3800 Upper Dr
Lake Oswego, OR 97035
[REDACTED]
[REDACTED]

Mollusky, Kathy

From: Brandy Sargent <[REDACTED]>
Sent: Sunday, December 1, 2024 8:33 PM
To: City Council
Subject: Proposed Revisions to Nuisance Ordinance

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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Mr. Mayor and Councilors,

I understand that there have been recent examples of use of property that require correction for the health and safety of the community. However I am writing to ask you to consider changes to the proposed revised nuisance ordinance, which, as drafted, is discriminatory in its targeting of crow populations and concerning because it condones poisoning wildlife.

West Linn already has a section of the municipal code that covers the described situation: Chapter 5.425 provides that “no owner or person in charge of property may permit or cause a nuisance affecting public health.” The examples given of feeding skunks to excess could be cited under this existing provision without criminalizing the behavior of our otherwise engaged, considerate neighbors.

As a bird loving resident, how am I to distinguish feeding "songbirds" from crows? A sign that reads "cute songbirds only? No Corvids allowed?"

If the concern is property damage, why are woodpeckers not included in the prohibition? The population of woodpeckers in our neighborhood will take out your siding and trees as soon as look at you.

Rather than trying to parse desirable and undesirable animals, we should focus on the excessive behavior that creates the unhealthy situation.

I am also very concerned about the most recent draft of the legislation that I saw which specifically condones poisoning wildlife by excluding from the prohibition: “E. Baiting rats and mice to control population growth in the interest of public health.”

“Baiting” is a euphemism for leaving out food laced with poison to attract wildlife with the intent to kill it. Those rats and mice may be eaten by cats, dogs, crows, owls and other wildlife which then become critically ill or die.

It breaks my heart that in the interests of addressing a single or limited issue we assume we have to interfere with the quiet enjoyment of our neighbors and become the suburb that tacitly (or explicitly rather) condones poisoning wildlife.

Please consider keeping the municipal code “as is”. If revisions are absolutely necessary, please focus on the excess that creates the nuisance. The revisions can be drafted like any other statute that targets too much of anything, not the thing itself.

Finally, thank you for the hard work you do and your efforts to strike the right balance for our community.

Your neighbor in love of our town.

Brandy Sargent

Mollusky, Kathy

From: Cheryl Russo <[REDACTED]>
Sent: Saturday, November 30, 2024 10:39 AM
To: City Council; Sen.RobWagner@oregonlegislature.gov
Subject: 5.540 wildlife

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Respected members of the West Linn City Council and Senator Wagner,
This is my first letter to the city council since moving to West Linn in 2018. My husband and I are both productive members of our loved community. I hope I have some of the facts wrong about the measure soon to be voted on regarding the feeding of wildlife, specifically crows. My goodness, this is certainly overreach and in the wake of the events of P'Nut the squirrel I certainly hope this motion will be unanimously shot down. The state of New York and its involved departments are going to be sued. This is how it begins. I have to assume this is in response to a neighbor, or more than one, who is against seeing any form of wildlife near their home. In my neighborhood some of us feed the squirrels peanuts, some the hummingbirds, some the crows, and there is one neighbor in the middle, hostile to it all. How ridiculous. Yes, we don't want to make wildlife dependent but showing a little love to creatures during cold spells or because we like our yards to be a haven to birds and squirrels is not something that should be punished. If hummingbirds were not fed, they would not survive the cold snaps/ice storms. How exactly will this be enforced? Are neighbors going to show proof by invading privacy and property with drones and pictures over fences? Have the unintended consequences of property rights and privacy rights been thought through? I doubt it.

A couple of summers ago we found a poor raccoon who had a broken limb in the park near us. I could get absolutely no help from any agency, state or local. Not the Audubon Society (who had the nerve to tell me they couldn't help because raccoons weren't native- exactly how many millenia are they going back?). Not Oregon Fish and Wildlife and not any other of the dozen "rescue" offices I called throughout the state and city. Should I have let this poor creature sit in the road and die? No, I fed it as often as I could and would never apologize for doing so. All our neighbors felt awful for this creature in agony. It did not threaten anything or anyone- it needed help and none was to be had. I could not even find help to get it euthanized. The person in West Linn was on vacation and despite numerous calls- I never received one back. Oregon Fish and Wildlife would not return my calls even to direct me to another agency despite numerous messages. My neighbors and I could find no help across county lines as they could not cross them to help. How about improving these mostly tax funded services instead?

I'm currently trying to befriend a stray/lost cat by leaving it some food at night when it comes by. It's too scared to approach me so this will take some time but hopefully I can humanely trap before the freezing weather sets in. What if a crow grabs some left behind kibble? Am I going to receive a fine or worse? Are we not supposed to show compassion now because of the few who FEAR wildlife rather than respect and revere it?

How about a wildlife crossing sign or slower speed signs at Mary's Woods and Mary S. Young Park where deer and wildlife are consistently mowed down. How about when you call for a deer pick up killed by the

side of the road it doesn't take 3 phone calls and subsequent days to put these beautiful creatures to rest?

Perhaps there would be a better argument to be had if this type of help was available. No one is trying to hurt wildlife. A little help and push through winter for creatures we share the land with should not be made a crime and I'm quite disgusted that there is time and effort put forth on this. How about some education programs on wildlife instead? Time and effort would be better spent on roads, schools, and supporting local businesses (many of which are suffering in West Linn) or any of the wildlife support suggestions above.

Don't turn our neighborhoods into warzones of neighbors against neighbors. Haven't we had enough of this? Enough overreach, enough bureaucracy and wasted tax money. Enough on fines that only serve to fill coffers and take away from hard working and well meaning citizens. In other words, your constituency.

Thank you for your time,
Cheryl Russo

Mollusky, Kathy

From: Clarity Sanderson <[REDACTED]>
Sent: Saturday, November 30, 2024 6:32 PM
To: City Council
Subject: Opposition to proposal to outlaw feeding wild animals

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To whom it may concern,

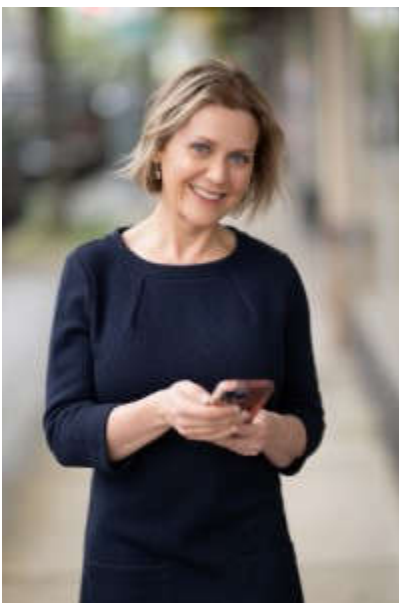
I wanted to make my opposition known in regard to outlawing feeding wildlife in West Linn.

We take such joy in feeding the birds, especially the crows. I understand the concern for the impact that may have, but I think that concern may be blown out of proportion and I do hope the council will move to keep it legal for me to throw a peanut out for my crow friends.

Many thanks,

Clarity Sanderson
5331 Windsor Terrace
West Linn, OR 97068

Clarity Sanderson, CRS, ABR, e-PRO®



(she/her)

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My clients deserve my undivided loyalty and priority scheduling. Therefore, I exclusively serve buyers and sellers with whom I have signed representation agreements.

Mollusky, Kathy

From: David D. Jones <[REDACTED]>
Sent: Monday, December 2, 2024 9:01 AM
To: Bialostosky, Rory; Baumgardner, Mary; Groner, Lou; Bryck, Carol; Bonnington, Kevin; City Council
Cc: David D. Jones
Subject: Written testimony for Dec 2nd for City Council Work Session

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Dear Mr. Mayor and Members of City Council,

Re: Proposed Attracting and Feeding Wild Animal Ordinance and addition to West Linn Municipal Code 5.540-5.545.

Thank you very much for this opportunity to speak on this issue. The ordinance that is before the council appears to be in response to one single (1) resident's actions on their own private property in a city of over 26,000 people. The individual is reported to be in violation, per given testimony for a contiguous 33 years, by their actions of Class A violations of **Offensive** and **Public Nuisance** covered under 5.400-5.495 of the West Linn Municipal code for their interactions with skunks.

5.400 Definitions.

For purposes of Sections [5.400](#) to [5.527](#), except where the context indicates otherwise, the following terms shall have the meanings given to them in this section:

Offensive. A condition that impacts the appearance of an area and offends the surrounding neighbors or is a fire or health hazard. This definition applies to the word "offends."

5.495 Violations – Public Nuisance Declaration – Abatement.

(1) The acts, conditions or objects specifically enumerated and defined in Sections [5.405](#) to [5.490](#) are declared to be Class A violations and public nuisances, and such acts, conditions or objects as a public nuisance may be abated by any of the procedures set forth in Sections [5.400](#) to [5.527](#).

As this seems to be one of the largest questions raised by the proposal of this new broad, sweeping, yet highly selective and targeted ordinance, please confirm in writing: the agencies involved, the abatement actions taken, and explain why this is an ongoing issue for apparently 33 years per testimony could not be resolved through communication of enforcement of existing codes or the cause for their failure.

Our community's response is weighty and rapid due to the comment in the Nov 18th meeting stating that this ordinance was to be considered in December with the addition of an emergency clause to go into effect right away. No date was given on which December meeting the vote would take place.

Selective:

The [draft copies](#) of the ordinance from the City Council agenda, specifically added on and targeted crows.

5.545 Definitions. “...including but not limited to (i.e., bear, cougar, coyote, deer, fox, opossum, rabbit, raccoon, skunk, rats, and other rodents), and crows.”

5.545. Exceptions. The prohibitions in this section do not apply to:

A. Feeding of birds, other than crows; provided that the food is contained in a bird feeder which is reasonably designed to avoid access by wild animals and placed in a manner to avoid access by wild animals. [consider addition of sample city code from NJ]*

- Please tell us that we are not using New Jersey as our template for model wildlife management.

This and the rest of the wording around the addition of crows feels deliberately personal or arbitrary from the perspective of the writer(s), with qualifications tacked on to fit later. It does not read as scientifically backed, objective, or give cause as to why specifically *Corvus brachyrhyncho* is targeted and not other raptors, vultures, or other native species of birds in the Willamette Valley.

Unintended Consequences:

Proposed Ordinance 5.545 Exceptions: **“E. Baiting rats and mice to control population growth in the interest of public health”**

“Baiting” is widely and collectively known as a reference to leaving exposed poison in this case for rodents. Which is illegal in many cities, municipalities and as of Oct 1st 2021, the entire state of [California](#).

Do we really have to walk through the chain of not only complicity but direct consequences of the city inadvertently suggesting this as an alternative means of population control?

It is not a targeted kill method, there are numerous studies, articles, and nauseum showing how effectively this kills wholesale indiscriminately and throughout the food chain including protected/endangered wildlife, (Cougars, Bald Eagles.) Pets cats and dogs, and children.

I ask that you please remove any variations of Item E. in any and all actions going forward.

Damages/Dangers

In the [testimony](#) given on the Nov 18th City Council meeting and in subsequent discussions, neighbors to the single (1) individual that is the cause, there are mentions of “property damage” attributed by crows. This and ‘public health hazard’ have been ascribed to them in these conversations.

I spent an unexpectedly very enjoyable afternoon reaching out to insurance companies and speaking with 1. Insurance Agents. 2. Property Claims Departments. 3. Insurance Adjusters. I say enjoyable due to the large amount of laughter the conversations created by those in the insurance industries. None of them had EVER heard of claims in Oregon attached to damage by crows or birds to property. Further, none of them could find any claims of property damage claims attributed to members of the Corvidae family. I was thanked personally by over three of the individuals for changing and brightening their day investigating the reported ‘massive property damage’ created by crows and ravens. Unless testimony can be backed by any insurance claims, or

direct relevant local evidence of genuine public health hazards, I ask that all references of these types be stricken from consideration and influence.

Governance:

It is deeply concerning that the option of creating a new ordinance a law in perpetuity affecting all residents current and future caused by a single (1) resident whose actions can already be curtailed by existing ordinances and laws, has been put forth before the council as a viable option, over enforcement of existing ordinances and laws. We would want to see leadership of enforcement through existing laws and communication, it does not speak of strength of leadership to use such a punitive broad sweeping measure in lieu of existing and sufficient codes and opportunities of communication.

Unless we are taking the wrong tone here, and this is the right and just means of dealing with such issues based on the actions of a single (1) individual. If we choose to go forward via Governance via Ordinance from 2020 to the end of 2023. West Linn Police [Logs](#) shows Driving Under the Influence as having 388 calls with 191 arrests made of adults and juveniles. And as losing a loved one to a DUI collision is far more damaging to the community and its members. And whereas proposed municipal code 5.540-5.545 sets such firm precedence of how we will govern, then it is inescapable that if the actions of a single (1) resident shall possibly criminalize the behavior of over 26,000 residents, then the actions of between 388 to 191 residents dictate that West Linn Must have an ordinance banning all liquor sales and making West Linn a dry town effective immediately.

We must either apply this measure to all relating causes or abandon our faith in the pleasant poetry of Governance via Ordinance.

Enforcement:

Enforcement and reporting appear to learn towards neighbors reporting on each other, there is a great weariness of continued divisiveness of citizens being divided against citizens. This ordinance has the feel of community tearing rather than building in its execution.

Religion and Faith:

Please keep in mind that the way the ordinance is written or at least as it appears on paper, it weirdly and creepily singles out Crows. Which regardless of anyone of our individual thoughts, are sacred in many religions, belief systems, and to individuals. The overwhelming majority of people I have spoken with each feel a special connected relationship with members of the Corvus family. Adding them to the ordinance is not only attacking their friend, but attacking their beliefs and identity. Which is how you get people to react quickly and not in a good way.

Real quick skimming of their place in human history and faith.

As every schoolchild knows Raven created the world in in cauldron, Crows and Corvids, his Divine Cousins.

They are protected and to befriend them is to befriend the Divine.

Hinduism: As everyone knows they are most favored of Lord Rama.

Christianity: Among many others Crows are Sacred to St. Vincent, messengers to him and God.

Aboriginal culture is forever indebted to Crows for bringing man Fire.

There are so many more. But for even agnostic people in Greater West Linn they still have an aura, a sanctity, they remain the messengers, whether between their backyard, Nature, realms, their intentions, connections to God and carriers of wisdom.

None of this proves anything in particular, but when you target Crows specifically to be excluded from human interactions here on a day-to-day level, you are chipping away, taking the magic out of the Forest, the beauty out of the Wind, God out of the cathedral. You are messing with people's personal connection to nature, the planet they walk. Taking away their spirit animal and their connection, their communion with the World and the semi-otherworldly. You are taking away their connection to the Divine.

Due to Crows being a holy animal in several faiths, feeding them might be interpreted as a religious right. The specific targeting of crows in the ordinance for many, was a personal attack on their identity as an individual, how they see themselves in relation to the world and their beliefs. Blowback on such an attack had to be expected. It just seems like a better focus could have been directed elsewhere.

We live in a Wild Place:

I am not trying to make your life difficult. I am speaking from a place of deep and grateful love of where we live. We live in a wild place. During the last week of October, we graced with the beautiful sounding howls of coyotes along Fern Creek. In the Fall young male coyotes break off from their pack to try and form their own packs. Every one to two years in the Fall we look forward to hearing them come up our little hollow and then the overwhelming response of every single dog on each side of the ridge lighting up with barks, howls and yells that encourages our young coyote friends to keep looking. Less than 5 days later we had a cougar screaming just under and around our house. Another week later we watched a skunk trotting along some streets as we drove home at night. We have for the last two decades turned to each other and smiled as some other poor creature finding out a skunk's effluvium defenses. When we first moved to West Linn, we loved watching the bats dance and hunt among the trees at dusk, sadly we believe pesticides are the reason we have not had that pleasure in over a decade.

We live in a wild place; it is why we live here, it is why many residents have chosen to live here. This is why our children have love for West Linn in their hearts. The deer that constantly devour our roses and the doe and her fawns who nest under the house next door. (Our girls named the youngest one Cocco.) The adolescent bald eagles that rest atop the trees at eye level with our bedroom. The half dozen Northern Nocturnal flying squirrels we have rescued and released. The Barred owls, Barn owls, Great Horned owls, Western Screech-owls, and so many others who we have silently watched and listened too for two plus decades from our back window and porches.

The newts, snakes, salamanders, frogs, lizards that we shoo out of our garden and some serenade us at night. Earlier this Fall I called my wife up as a very large Western Garter snake had made its way into our entryway. It was safely released and told to have a sssupper afternoon. The first month we had moved into our house an exhausted colony of bees came in through a pet door and expired, we suspect as part of extended colony collapse. Unlike every other instance, none of these were a pest, nuisance, or issue, and the only time an outside agency was contacted was concerning the bees, we called OSHU to see if they wanted samples for study. We live in a wild place. Just because you don't see them or perhaps even like some of these animals does not make them not exist. This is their ecosystem as well and crows are an essential part of pest and predator control in that balance. The choices made in animals picked, again specifically crows, feels arbitrary or personal.

One of the rebuttals often cited is of a dead skunk found. I will not bother with a list of all reported road kill by county, year etc. It happens almost everywhere there is life, regardless of a person feeding or not.

Conclusion:

Please consider retaining and enforcing the existing municipal code “as is”. If further solutions or code adjustment is required, focusing on the excessive actions that caused the initial issues feels much more productive and balanced. The targeting of crows in the manner that it is written is egregious and unwarranted.

Please remove all exceptions to poison as it sounds as an endorsement and it could end in a favored pet or child’s death, plus the widespread indiscriminate killing of wildlife through connected food chains.

Thank you so very dearly for your time and diligence on this and so many matters that improve our community, we truly appreciate your time and work. It is also wonderful to see how many people are engaged with the political process in this issue, for some it’s their first time being an active participant. Thank you for allowing them the opportunity.

David D. Jones
19667 Sun Cir
West Linn OR 97068

Mollusky, Kathy

From: Don Young <[REDACTED]>
Sent: Sunday, December 1, 2024 12:44 PM
To: City Council
Subject: I will always feed birds and animals

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Sent from my iPhone

Mollusky, Kathy

From: Gail Parnell <[REDACTED]>
Sent: Sunday, December 1, 2024 10:46 AM
To: City Council
Subject: Proposed Feeding Wildlife Ordinance

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Mayor and City Council members,

Dec. 1, 2024

Mr. Mayor and City Council,

Re: Proposed no feeding wildlife ordinance

You have before you an issue that appears to have some of our city constituents in favor of such an ordinance and an equal number opposed. As I understand it, this issue arose because neighbors complained about the feeding of feral cats creating a skunk nuisance and then was followed with a few similar complaints.

This issue appears to be addressed in our City code, including the appropriate penalty.

NUISANCES

5.400 Definitions.

For purposes of Sections [5.400](#) to [5.527](#), except where the context indicates otherwise, the following terms shall have the meanings given to them in this section:

Offensive. A condition that impacts the appearance of an area and offends the surrounding neighbors or is a fire or health hazard. This definition applies to the word “offends.”

5.495 Violations – Public Nuisance Declaration – Abatement.

(1) The acts, conditions or objects specifically enumerated and defined in Sections [5.405](#) to [5.490](#) are declared to be Class A violations and public nuisances, and such acts, conditions or objects as a public nuisance may be abated by any of the procedures set forth in Sections [5.400](#) to [5.527](#).

Before voting to enact this new ordinance, please confirm in writing to me and the public that the steps in place to abate the problem were taken along with the results. If the results were not successful, why not?

In my career of negotiating a few hundred agreements, often either party would bring forward a 1 or even 10-person issue when the agreement covered a thousand. From what has been published about this issue, it appears to be a small issue to be managed without creating a division of constituents in our city with a new controversial ordinance.

I have received bird feeders as gifts. I purchase my feed from our local Backyard Bird Store. I also talk to our crows and they are allowed to eat the slugs and bugs in my gardens and occasionally apple peels from my compost.

I request that you each read the attached document, postpone your vote until you have additional information and try to come to a solution that unites our citizens, not divides us.

Gail E. Parnell

19672 Sun Circle

West Linn, OR 97068

[REDACTED]

Page 2

Parnell letter to WL Mayor & Council

Oregon has ordinances and laws that prohibit feeding wild animals, including birds, in certain areas:

- **City limits:** Many cities in Oregon, including Portland and Warrenton, prohibit feeding wild animals within city limits. **These ordinances may allow feeding songbirds in a bird feeder that's designed to keep wild animals out.** Songbirds range in size from tiny hummingbirds to comparatively large crows. They are mainly land birds that live in a wide variety of situations, from open grasslands to forests.

Oregon Department of Fish and Wildlife:

<https://www.dfw.state.or.us/conservationstrategy/naturescaping/docs/feedingbirds.pdf>

Most important of the three essentials for bird life is food. Water and shelter play a lesser role. Feeding may be of two different kinds -- summer and winter. Correct feeding requires varying diet with the season. Summer feeding is usually unnecessary but will bring more birds to the feeding area for people to enjoy. Winter is the important time for feeding. Begin in early fall to attract and hold birds that would otherwise migrate farther south. Once lured from their natural wintering areas, birds concentrate around feeders in larger numbers than the area can naturally support. They are now your dependents. Feeding must continue until spring when natural foods are again abundant.

Bird Diets: Feeding birds is largely an art which must be learned through experience and observation. On the basis of diet, birds may be roughly separated into seed eaters and insect eaters. This division is not a clean one, for most fit both categories at some time in their life. The use of several different feeders or combination feeders should satisfy requirements of all. **Bird Foods**

Suet - Insect eaters like nuthatches and woodpeckers will consume large amounts of suet when insects and larva are not available. Avoid stringy suet. It is hard for birds to eat. Suet may be made available plain or in any large-mesh container. A better way is to grind it, melt in a double boiler, and pour into molds to harden. It is more durable if the melted suet to any of the seeds or mixtures listed below. Melted suet or suet-seed mixtures should be placed in suet stick feeders while in a semi-liquid state.

Peanut Butter - May be used in place of suet in manner described above. It is much more expensive, however, Look into obtaining substandard quantities for bird feeding.

Seeds - Even insect eaters consume some seeds, especially in winter. Seeds will attract many different kinds of birds. Grocery, pet, or feed stores will carry the following materials for seed feeding.

- sunflower
- hempseed
- millet
- buckwheat
- wheat
- cracked corn
- rice
- chopped nuts
- oatmeal
- bread crumbs (dried)
- popcorn
- commercial birdseed mix Dog biscuits, rabbit food, raisins, and other such items are also used in mixtures.

A good homemade mixture is 3 parts sunflower, 3 parts hempseed, 3 parts millet, and 1 part buckwheat. Several mixtures should be experimented with to complete the diet.

Hummingbird food - A solution of 1 part sugar or thinned honey to 4 parts water. Red food coloring may be added or the outside of the feeder painted an attractive color.

Placement of Feeders: Feeders should be placed with protection in mind. Squirrels, cats, or other predators should be unable to gain access to feeding stations. Escape routes to nearby trees or shrubbery must be available. These cover plants also provide a place to Perch before going to feed. Feeders should be protected from Weather by facing them away from the wind. South or east sides of buildings provide the most sun and warmth. Placement must also consider ease in servicing and refilling. Locations where

large drifts form or high ladders are required will likely result in empty and ineffective feeders.

A simple sample from Burns, OR

WILDLIFE CONTROL

6.15.040 Feeding, baiting, and maintaining wildlife prohibited – Notice – Abatement.

(1) The following is hereby declared to be a public nuisance and unlawful: (a) feeding, baiting, and/or maintaining any wildlife, including, without limitation, hand feeding or setting out food to be left attended or unattended, which creates or has the potential to create a hazard to the public health, safety, and/or welfare of humans and/or property; (b) leaving, storing, and/or maintaining any feed or attractant in a manner and location accessible to any wildlife which creates or has the potential to create a hazard to the

public health, safety, and/or welfare of humans and/or property; and/or (c) feeding stray or feral cats if such feeding creates or has the potential to create a hazard to the public health, safety, and/or welfare of humans and/or property.

(2) A person who violates subsection (1) of this section may be issued a written notification by the city manager requiring the person to remove the food, garbage, bait, and/or other attractant within three days of notification. A person who receives a written notice under this subsection (2) will immediately remove the food, garbage, bait, and/or other attractant as directed.

(3) Any nuisance described in this chapter that is allowed to continue by any person responsible for a period of more than three days after notification by the city manager under subsection (2) of this section may be subject to city's nuisance abatement and enforcement procedures and penalties and/or any other rights and remedies available to city, including, without limitation, city's rights and remedies provided under this chapter. Notwithstanding anything contained in this chapter to the contrary, if the city manager reasonably determines that a nuisance described in this chapter imminently threatens and/or endangers the public health, safety, and/or welfare of humans and/or property, the city manager may cause such nuisance to be summarily abated.

(4) If any part or area within city's jurisdictional limits experiences the presence of wildlife and/or feral cat populations that endangers, threatens, and/or creates a hazard to the health, safety, and/or welfare of humans and/or property, city may take those

steps authorized by the appropriate regulatory agency to disperse or otherwise control the offending wildlife and/or feral cats. [Ord. 15-837(2) § 5, 2015]

6.15.050 Exceptions – Feral cats.

The prohibitions described in BMC [6.15.040](#) do not apply to the following: (1) feeding birds, other than waterfowl, utilizing a bird feeder that can be accessed only by birds; (2) feeding livestock in normal agricultural operations; and/or (3) feeding wildlife kept under a valid license or permit issued by the Oregon Department of Fish and Wildlife, and in compliance with all applicable federal, state, and local laws, regulations, and ordinances, by the person who is the legal owner or guardian of such wildlife. Nothing in this chapter will prohibit the actions of an authorized agent of the state of Oregon lawfully engaged in a wildlife or waterfowl management program. Any person feeding stray or feral cats may be required to cooperate with any humane program (which is supported by or operating under the auspices of local governmental authorities) that traps stray and feral cats for the purpose of spaying/neutering the cats, immunizing the cats from rabies, and then returning the cats to their environment in the general vicinity in which they were trapped. [Ord. 15-837(2) § 6, 2015]

6.15.070 Enforcement – Penalties.

This chapter will be enforced by any sworn peace officer authorized to enforce the laws of city and any other city official authorized to administer city's land use, development, nuisance, building, and/or other regulations. In addition, city may initiate appropriate suit

Page 5 Parnell letter to WL Mayor & City Council

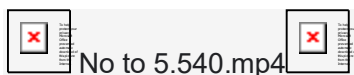
or legal action in a court of competent jurisdiction to enforce this chapter. **Any violation of this chapter is punishable by a fine not to exceed \$250.00 per violation.** City will be entitled to collect from any person violating this chapter city's attorney fees and other fees, costs, and expenses incurred by city to enforce this chapter. Each violation, and each day that a violation continues, constitutes a separate civil infraction. The remedies available under this chapter are not exclusive of any other remedies available under any applicable federal, state, and/or local laws, regulations, and/or ordinances. It is within city's discretion to seek cumulative remedies for a violation of this chapter. Nothing in this chapter will be construed to relieve a person from complying with any applicable federal, state, and/or local laws, regulations, and/or ordinances. Failure of any person responsible to receive a notice required under this chapter and/or an error in the name or address of the person responsible will not render the notice void and in such case the notice will be sufficient. [Ord. 15-837(2) § 8, 2015]

Mollusky, Kathy

From: Kenna Jones <[REDACTED]>
Sent: Sunday, December 1, 2024 8:16 PM
To: City Council
Subject: No To 5.540

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To the West Linn City Council,

It has come to my attention that a new law is in the works that will prohibit the feeding of wild animals and birds in the jurisdiction of west Linn.

The wording I have found is "Illegal" and that there will be a "Fine"

Is it that the good people of our city's council are voting to make feeding the birds and animals illegal?

This is a heavily urban area. These animals are already used to human presence, and we can't remove ourselves from their habitat. Making it illegal to feed wildlife will not change this. The lives of these creatures will not be improved by this proposed law. You are not improving the lives of the wildlife.

So I must ask if your intent is not for the sake of the animals is it for the sake of the people?

Because if that is your intention then as a citizen of West Linn for over twenty years I find this proposed law insulting.

It is demeaning and it is childish. Do you have no trust in your citizens? Who exactly feeds the birds, crows specifically? I have never met anyone who has fed birds, rabbits, or other wildlife with malicious intent or been harmed in any way by said animals.

Whose life and well being are you improving with this law? It isn't mine, it isn't the child innocently making bird feeders in the second grade and it isn't the old man sitting on a park bench feeding the crows.

We do not have an endemic problem with crows.

We do not have an overabundance of rabbits.

We do not have people being gored to death by deer that do not eat from the hands of hypothetical people.

This mindless law will reduce animals to pests, childhood wonder to apathy, and my temper to a boiling point.

You improve nothing by taking a small freedom from your people.

This decision is a warning sign. If you are willing to take away a minor delight from a small portion of the population what will the next one be? What is your purpose if what you spend your time doing is this petty. Why should I trust the City Council if the City Council will not trust their citizens with the slightest bit of common sense or decency?

Say no to this proposed law for it is pointless.

Sincerely and with best regards,
Make the right choice

Kenna-Elysia T. Jones
Concerned West Linn Citizen

Mollusky, Kathy

From: Scarlet Winters <[REDACTED]>
Sent: Sunday, December 1, 2024 12:27 AM
To: City Council
Subject: Banning feeding wildlife is stupid

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Hey there.

My name is Heather MacLaren, I lived in west linn all my life and I just gotta say that I think the notion of banning feeding wildlife is [REDACTED] stupid and cruel. Plenty of people take enjoyment in feeding the birds and squirrels and seeing what nature is still left out there. And to think about banning that because a few people with shrivelled bitter hearts decided that their neighbor feeding crows was annoying? That's the dumbest [REDACTED] I've ever heard. They can [REDACTED] grow a pair and mind their own business. I'm livid. What the [REDACTED]. Don't pass this ban because it makes you all look like heartless cowards.

Mollusky, Kathy

From: stephanie s. <[REDACTED]>
Sent: Sunday, December 1, 2024 3:03 PM
To: City Council
Subject: Wild animal ordinance

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I say vote no on this ordinance. I don't feed skunks or raccoons intentionally. However raccoons can climb my apple tree.

As for the birds, is it just for crows or all birds. How do you plan to enforce the ordinance? What are the penalties. What happens when Backyard Bird Shop leaves West Linn.

Stephanie Scott Rosemont Summit/

Date: 11/29/24

To: Mayor and City Council of West Linn

Subject: Wildlife Feeding Ordinance

I would like to thank the Mayor, City Council, Police Chief, and others from the City for the progress on the wildlife feeding issue. What follows are three suggestions on the draft wildlife feeding ordinance dated Nov 22.

First, the definition of “bird feeder” (below) uses the terms “songbirds” and “apparatus”. As you probably know by now, crows are part of the songbird order of birds. In my research, crows can be fed on an elevated platform feeder without a “container”, and one could reasonably say that such a platform feeder is an “apparatus”. I surveyed many other wildlife feeding ordinances and most did not define “bird feeder”.

“Bird feeder” A container, receptacle or apparatus designed for the feeding of songbirds or other backyard birds.

Second, in paragraph 5.540 (below) – It seems to me this may not address the person who regularly feeds their dog or cat on the back porch, and some uneaten food sits in the food bowl and attracts wildlife. The person might assert they were not “storing” the food, or they had no “intent” of feeding wildlife.

5.540. Attracting or Feeding Wild Animals Prohibited. The attracting or feeding of wild animals within the city limits is declared to be a public nuisance and is prohibited. This prohibition includes a person repetitively placing or knowingly allowing food or other attractants to be placed on private property or public property with the intent of attracting or feeding wild animals. No person shall store pet food or animal feed in a negligent-open and accessible manner likely to attract wild animals.

Third, in my opinion, the bird feeding portion (5.545 below) should prohibit attracting rats, especially because it impacted our neighborhood. As most of us know, feeding birds from a feeder often results in seeds falling to the ground and attracting rats. Imagine an egregious case where the person has many feeders and is not doing enough to prevent rats from eating the seeds that fall to the ground. If this is not included in the ordinance, the person feeding the birds might reasonably assume feeding birds is listed as an exception and nothing in 5.540 applies, or they might claim they did not intend to attract rats. Adding something about not attracting rats would articulate one of the chief health risks with bird feeding and it may provide the neighbors and police something helpful to resolve the situation.

5.545. Exceptions. The prohibitions in this section do not apply to:
A. Feeding of birds, other than crows; provided that the food is contained in a bird feeder which is reasonably designed to avoid access by wild animals and placed in a manner to avoid access by wild animals. [consider addition of sample city code from NJ]

Thank you for your consideration.

Sincerely,

Steve Peterson

4070 Serango Ct, West Linn

Mollusky, Kathy

From: Terence Shumaker <[REDACTED]>
Sent: Monday, December 2, 2024 10:45 AM
To: City Council
Subject: Municipal Code Chapter 5 (Public Protection)

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Councilors,

I am concerned about the heavy hammer that is being proposed to deal with the issue of feeding animals in the city.

The proposed changes to the municipal code appear to be a blanket "solution" to a very isolated problem. It seems to defy logic. If a person is creating an unhealthy environment in their yard by feeding animals, then that person should be approached by city code enforcement officials, or the police, in order to rectify the situation.

But instead of using existing enforcement resources, it is being proposed to punish all citizens for the transgression of one person. This seems to be a phenomenal waste of time for the entire city government, for an issue that can be dealt with on a case-by-case basis. It is akin to the police stopping all drivers to chastise them because one person ran a red light.

I urge you to take the "do nothing" stance on this issue, and use your existing rules and resources to deal with future situations involving animal feeding as they arise. This would be far less waste of time and resources than the proposed MC changes.

Thank you.

Terence Shumaker

[REDACTED]

[REDACTED]



I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): feeding wild life

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

6

P l e a s e p r i n t :

Name: Gail Parneel

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 19672 Sun Circle

City: West Linn State: OR Zip: 97068

Email (Optional): Gail.Parneel@gmail.com Phone (Optional): _____

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