



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

WEST LINN

CITY COUNCIL MEETING

NOTES

February 12, 2024

Pre-Meeting

Call to Order and Pledge of Allegiance [6:00 pm/5 min]

Council Present:

Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.

Staff Present:

City Manager John Williams, City Attorney Bill Monahan, City Recorder Kathy Mollusky, Planning Manager Darren Wyss, Public Works Director Erich Lais, Management Analyst Morgan Coffie, Associate Planner John Floyd, and Associate Planner Chris Myers.

Approval of Agenda [6:05 pm/5 min]

Council President Baumgardner moved to approve the agenda for the February 12, 2024, West Linn City Council Meeting. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.

Nays: None.

The motion carried 4 - 0

Public Comment [6:10 pm/20 min]

Alice Richmond re: Councilors ignoring community members and censuring Councilor Erwin.

Tony Bracco re: The Oregon Department of Transportation's (ODOT) plan for Highway 43 and the Robinwood Neighborhood Association Plan.

Mayor and Council Reports [6:30 pm/15 min]

Reports from Community Advisory Groups

Councilor Groner reported that the Arts Advisory Council was proposing an art kiosk on Willamette Falls Drive and had discussed constraints in the scheduling for the kiosk.

Councilor Bryck reported that she, President Baumgardner, and Councilor Groner attended Career Day at Rosemount Ridge Middle School. They talked to all of the 8th graders, giving out West Linn City pens and sunglasses. One student was excited about the pathway down Salamo Road.

Council President Baumgardner reported she was currently in Washington, D.C., to represent the City at the Native Congress of American Indians.

Declare Council Vacancy

Council President Baumgardner moved to Declare the position held by Councilor Erwin be declared vacant, as provided by the City Charter Section 30. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.

Nays: None.

The motion carried 4 - 0

Mayor Bialostosky stated the filing deadline would be Tuesday, March 12, 2024 at 5:00 pm. The information would be available on the City website and through a press release.

City Attorney Monahan added that the Charter required the City to fill the vacancy at the next available May or November election if at least one year remained in the term. Because the City still had time to work with the County Elections Office, the option of waiting until November was not available. The Charter also required the remaining City Council members to fill the vacancy by appointment for an interim period until the election was held and certified.

Council reached consensus to accept applications before making the appointment to fill the vacancy, with applications due February 29 and the appointment being made at a Special Meeting on March 4.

Council Liaison Appointments

Mayor Bialostosky reported the liaison roles for the Arts and Culture Commission, Historic Review Board, Parks and Recreation, and Planning Commission were now open and asked Council members to let him know their first and second choices for appointment so a final decision could be made at a next week's Special Meeting. A Supplemental Environmental Assessment related to I-205 tolling was being conducted by ODOT to follow up on the previous assessment, which had received legal comments from the City of West Linn, Clackamas County, and several other area cities. The new assessment would determine what intersections would receive mitigation, impacts, and what traffic flow looked like. County Staff appreciated West Linn's transportation consultant using ODOT's traffic model to analyze the inputs, as he was the only consultant to do that. He asked the City Council whether to pursue a cost estimate for legal services and one consultant to review the model after the new assessment.

Councilor Bryck expressed frustration that ODOT was supposed to do this work to move forward with their plan, but now the City was being asked to do that as well to make sure it was done right, requiring double the effort because ODOT did not look at the actual community impacts in the first assessment.

Mayor Bialostosky replied that the City's consultants found serious concerns with the modeling regarding diversion, leading in part to a pause in the project.

Councilor Groner believed the City should be on the front end of the environmental assessment, asking questions and looking at the scope, rather than just having the results dumped at the end of the assessment.

City Manager Williams replied that Staff had been invited to several informational meetings with ODOT to learn about the assessment's scope.

Council President Baumgardner believed ODOT was relying on the fact that none of them were traffic engineers or transportation specialists who could accurately predict where the problems would lie. ODOT would push past Council because they would ask the right questions. She believed the City did need to hire professionals to formulate a proper response to ODOT but wanted to have a cost estimate.

Council reached consensus for Mayor Bialostosky and City Manager Williams to meet with Legal Counsel Jordan Ramis and the traffic modeling consultant to get cost estimates for their services and bring the estimates back to Council for discussion.

[Consent Agenda \[6:45 pm/5 min\]](#)

Agenda Bill 2024-02-12-01: Meeting Notes for December 11 and 18, 2023

[Draft Notes Information](#)

Council President Baumgardner moved to the Consent Agenda for the February 12, 2024, West Linn City Council Meeting which includes the December 11 and 18, 2023, meeting notes. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.

Nays: None.

The motion carried 4 - 0

[Business Meeting \[6:50 pm/90 min\]](#)

Agenda Bill 2024-02-12-02: Public Hearing: ORDINANCE 1752, VACATING A PORTION OF THE UPPER MIDHILL DRIVE RIGHT-OF-WAY WITHIN THE CITY OF WEST LINN

[ORD 1752 Information](#)

Mayor Bialostosky reviewed the conduct of hearing format for the quasi-judicial hearing and called the public hearing to order.

City Attorney Monahan covered preliminary legal matters, with no Councilors declaring bias, conflicts of interest, or ex parte contacts. No audience members challenged the City Council's jurisdiction or impartiality.

Planning Manager Darren Wyss provided the Staff report, noting this tract, labeled as Tract B of the Upper Midhill Estate subdivision, was omitted from the original right-of-way vacation about 20 years ago. Staff recommended vacating Tract B right-of-way and placing public utility and public access easements over the entire proposed vacation to allow access to stormwater and sewer lines. No public comments or objections to the vacation had been received.

[Presentation](#)

Mayor Bialostosky confirmed there were no public comments or rebuttal from Staff and closed the public hearing.

Council President Baumgardner moved to approve First Reading for Ordinance 1752 vacating a portion of the Upper Midhill Drive right-of-way within the City of West Linn, and set the matter for Second Reading. Councilor Leo Groner seconded the motion.

Mayor Bialostosky read Ordinance 1752 in full as required, since the Ordinance was not posted within seven days of the first reading.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.

Nays: None.

The motion carried 4 - 0

Council President Baumgardner moved to approve Second Reading for Ordinance 1752 vacating a portion of the Upper Midhill Drive right-of-way within the City of West Linn, and adopt the ordinance. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.

Nays: None.

The motion carried 4 - 0

[Agenda Bill 2024-02-12-03: Public Hearing: Sale of surplus property located at 3955 Cedaroak Drive](#)

[3955 Cedaroak Information](#)

[Public Comment - Teri Cummings](#)

Public Comment

Tony Bracco noted that a previous City Manager believed City acquisition of the property was the only way to protect the stream corridor from development. The site was fragile and suffering from previous disturbances created by unpermitted relocations, which needed to be remedied by the City. In 2021 when the sale of the property was first proposed, the information not presented to the City Council could have been available if the City had approached neighborhood residents first. The neighbors believe the City should designate this as a green space for stormwater filtration.

Ralph Tahrn, Architect and buyer's representative, noted his work history included experience in environmentally sensitive areas. He believed development could meet the limitation of 5,000 square feet of disturbed space, and Schott's Environmental Group had confirmed one to two houses could be built within that limitation. He encouraged the City Council to accept the purchase offer.

City Manager Williams noted the history of the property, reasons the City purchased it, the work done, and the existing conditions were included in the packet.

Public Works Director Lais and Management Analyst Coffie provided the Staff report,

highlighting that restoration of the creek had been completed between 2003 and 2004 in response to a legal filing and finding of a nuisance confirmed by a municipal judge. Although the written Staff report indicated detailed minutes of the August 18, 2008, discussion could not be located, City Recorder Mollusky had found the minutes, and they were included in the summary.

Mr. Tahrán assured Council that the stream would not be disturbed by construction on the site.

Mr. Bracco clarified that his earlier comments and those at previous meetings on this matter represented those of the Robinwood Neighborhood Association (NA) as well.

Council President Baumgardner was concerned that the basis for the City's purchase was to prevent a taking challenge from the property owner. She asked if it was true that the restoration was not the reason for the purchase because the restoration had already occurred.

Management Analyst Coffie replied that official records indicated restoration had been completed between 2003 and 2004. Summary minutes from the August 18, 2008, Special Meeting stated Staff recommended approval of the property purchase to fully protect the stream corridor from development. Prior to that, a Water Resource Area permit had been approved by the Planning Director, triggering opposition from about 33 residents. In response to the appeal, the City introduced an agenda bill to acquire the property to ensure development did not occur and to protect the stream corridor.

Councilor Bryck believed the intent was to not have development that impacted the stream corridor.

City Attorney Monahan explained that under then-existing regulations and neighbors' expectations, stopping development would have constituted a taking. Staff analysis of current applicable regulations indicated development of a single-family home, or two middle housing units could be completed without disturbing the stream corridor, so a second taking challenge was unlikely unless the neighboring property owners aggressively applied standards exceeding current regulations.

Council President Baumgardner believed the City should not sell the property to prevent another taking challenge and assign it a protected status.

Councilor Bryck agreed, concerned about unpermitted actions by future property owners and future shifts of the stream bed.

Mayor Bialostosky was concerned that the City had purchased the property to prevent development and believed existing Codes would protect the creek. He supported selling the property because it was not included in any Master Plan and was surplus property.

Councilor Groner was torn because the City needed housing and could use the money from the sale, but the stream also needed to be protected. He ultimately opposed the sale.

Councilor Carol Bryck moved to approve withdraw of the sale of the property located at 3955 Cedaroak Drive. Councilor Leo Groner seconded the motion.

President Baumgardner commented that she respected the potential buyer and his representative. She also appreciated Staff researching the property history. She believed it was the City Council's responsibility to make the best decision given the facts presented.

Ayes: Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.

Nays: Mayor Rory Bialostosky.

The motion carried 3 - 1

Mayor Bialostosky requested a future Council discussion on what to do with the property.

City Manager Williams noted the City would have to consider what long-term ownership meant for the City, including planning and costs incurred with continued ownership. Staff would meet as well as confer with neighbors before making recommendations to Council.

[Agenda Bill 2024-02-12-04: Updates to the West Linn Waterfront Working Group](#)
[Waterfront Working Group Information](#)

City Manager Williams noted Staff was very excited to be working on the updates and appointments to the working groups for the Waterfront and VISION43, both of which were City Council priorities that Council had allocated Staff time and resources toward, as well as the Councilors' own time. The public participation element, which Staff would discuss for both Items c and d, was critical for project success.

Senior Planner Floyd presented the background and Staff's recommendations for slight modifications to the Waterfront Working Group membership, noting Council had made the initial assignments to the Waterfront Working Group in August 2023. He explained working groups were forums to inform changes made to the Comprehensive Plan or legislative regulations and were intended to have a broader constituency to inform the process from different standpoints. The recommended changes to the Working Group's membership were as follows:

- Swap City Council liaison roles with Council President Baumgardner becoming primary and Councilor Groner as alternate.
- Replace Bob McCarthy with Patrick Hogan as the Bolton Neighborhood Association representative.
- Replace Kevin Johnson with Kyle Anderson to represent Belgravia as a primary property owner.

- Officially appoint Jon George as representative of the Confederated Tribes of Grande Ronde.
- Appoint Caroline Nielsen as the Youth Advisory Council (YAC) representative.
- Add an additional position for Willamette Riverkeepers and appoint Travis Williams.
- One future change would include appointing a replacement for Andrew Mason, as he was stepping away from his position at Willamette Falls Trust.

He updated on the Waterfront Working Group, noting two meetings had been held since August 2023 to refine the vision plan based on prior input. The next meeting was scheduled for March 7. The new website and new vision plan, reflecting input from the working group and many stakeholders, should be released to the public this week. In-person outreach to different groups had started. He had met with Historic Willamette last week and would meet with the Willamette Neighborhood Association later this week. He would also reach out to individual Council members about attending upcoming events over the next few months.

Mayor Rory Bialostosky moved to Revise the West Linn Waterfront Working Group as recommended by staff. Council President Baumgardner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.

Nays: None.

The motion carried 4 - 0

[Agenda Bill 2024-02-12-05: VISION43 Working Group Appointment](#)

[VISION43 Working Group Information](#)

Mayor Bialostosky noted VISION43 was a better name than the Highway 43 Land Use and Neighborhood Connectivity Plan.

Associate Planner Myers presented the Staff report, reviewing the VISION43 Working Group's noting the VISION43 Working Group's purpose was to provide input and serve as a filter for information and data gathered from the community to relay to the consultant team and City staff throughout the project, as well as help discuss issues and revise documents as they came through. The Working Group would likely hold five to six meetings over the next nine months to discuss zoning changes, Code amendments, design standards, bicycle/pedestrian connections, infrastructure improvements, and financing options. Working Group would be comprised of 13 members as follows:

- Nine community members, including one City Councilor, one Planning Commissioner, and seven community members at-large, with one representative from both the Robinwood and Bolton Neighborhood Associations.
- Four business representatives, including three business owners and a representative from a major real estate firm.

- Rather than appointing a YAC representative, he was meeting with YAC regularly to report any progress and receive feedback.

The budget included funding for four listening sessions each with the Robinwood and Bolton Neighborhood Associations as well as two listening sessions with the Neighborhood Association President's Group. Staff was also talking and scheduling listening sessions with other interested neighborhood associations as requested.

He updated on the work related to VISION43, noting the interactive, project-specific website was ready to go live at any time and he planned to do more than 30 engagement sessions over a nine-month period. Outreach would include meetings at the Adult Community Center, living room sessions with community members, and intercept surveys. Based on YAC's recommendations, a high school AP art class would hold an art competition reimagining Highway 43.

The first outreach event in ten days involved conducting intercept surveys and distributing cards with a QR code and website link at a meeting about real estate and housing at the Adult Community Center. Two other outreach events were scheduled for the following week.

Councilor Bryck confirmed she would be the Council liaison for VISION43, adding she looked forward to getting started.

Council President Baumgardner moved to approve Appoint the working group membership, purpose, and goals as recommended by the CCI. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.

Nays: None.

The motion carried 4 - 0

[City Manager Report \[8:20 pm/5 min\]](#)

City Manager Williams announced that the February 20, 2024 meeting would change from a work session to a special meeting to consider an amendment to an intergovernmental agreement (IGA) with the West Linn-Wilsonville School District regarding the increased cost of construction on Willamette Falls Drive. Several other items scheduled for future meetings could be moved to February 20th since it was now a Special Meeting with decision-making authority. The March 4, 2024 work session would also be changed to a special meeting to consider the Interim City Councilor decision, with several other items also being added to the agenda.

- Engagement activities for Phase II of the Recreation Center Project were being designed and would include surrounding neighborhoods to consider neighborhood impacts. The

poll was being designed by the research firm. Parks and Recreation Director Big John would present the timeline and engagement opportunities to Council soon, and the City website was being updated.

- The toll polling was underway. Fieldwork was completed, and high-level results would be available very soon.
- Legislative bills were being reviewed by Staff for West Linn interest and impact. Councilors could be contacted for testimony opportunities. Bills that did not receive action this week would be dead for this legislative session. Councilors should contact Lobbyist Doug Riggs with any questions or comments.
- Revisions to Council priorities were being drafted and would be presented for adoption at one of the March meetings.

[City Attorney Report \[8:25 pm/5 min\]](#)

City Attorney Monahan reported Legal Services was updating the project list to make it more user friendly and might suggest providing an update on major projects at a work session. He would provide training on quasi-judicial hearings at a joint City Council and Planning Commission meeting, possibly on March 18. Planning Director Wyss would also present a project update and ask for City Council input on prioritization at that meeting.

Council President Baumgardner asked if the work sessions would be moved back to the afternoons.

Mayor Bialostosky replied that one would be in the evening to accommodate Sustainability Advisory Board members, but the other meeting would be in the afternoon unless Council decided otherwise.

[Adjourn \[8:30 pm\]](#)

Notes approved 4-8-24.



22500 Salamo Road
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CITY COUNCIL AGENDA

Monday, February 12, 2024

5:30 p.m. – Pre-Meeting – Bolton Room & Virtual*

6:00 p.m. – Business Meeting – Council Chambers & Virtual*

1. Call to Order and Pledge of Allegiance [6:00 pm/5 min]
2. Approval of Agenda [6:05 pm/5 min]
3. Public Comment [6:10 pm/20 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 [6:30 pm/15 min]
 - a. Reports from Community Advisory Groups
 - b. Declare Council Vacancy
 - c. Council Liaison Appointments

5. Consent Agenda [6:45 pm/5 min]

The Consent Agenda allows Council to consider routine items that do not require a discussion. An item may only be discussed if it is removed from the Consent Agenda. Council makes one motion covering all items included on the Consent Agenda.

- a. Agenda Bill 2024-02-12-01: Meeting Notes for December 11 and 18, 2023
6. Business Meeting [6:50 pm/90 min]

Persons wishing to speak on agenda items shall complete the form provided in the foyer and hand them to staff prior to the item being called for discussion. A separate slip must be turned in for each item. The 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.

- a. Agenda Bill 2024-02-12-02: Public Hearing: ORDINANCE 1752, VACATING A PORTION OF THE UPPER MIDHILL DRIVE RIGHT-OF-WAY WITHIN THE CITY OF WEST LINN
- b. Agenda Bill 2024-02-12-03: Public Hearing: Sale of surplus property located at 3955 Cedaroak Drive
- c. Agenda Bill 2024-02-12-04: Updates to the West Linn Waterfront Working Group
- d. Agenda Bill 2024-02-12-05: VISION43 Working Group Appointment

- 7. City Manager Report [8:20 pm/5 min]
- 8. City Attorney Report [8:25 pm/5 min]
- 9. Adjourn [8:30 pm]



Agenda Bill 2023-02-12-01

Date: January 16, 2024

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

From: Kathy Mollusky, City Recorder *KM*

Through: John Williams, City Manager

Subject: Draft Meeting Notes

Purpose: Approval of City Council Meeting Notes.

Question(s) for Council:

Does Council wish to approve the attached City Council Meeting Notes?

Public Hearing Required: None required.

Background & Discussion:

The attached City Council Meeting Notes are ready for Council approval.

Budget Impact: N/A

Sustainability Impact:

Council continues to present its meeting notes online, reducing paper waste.

Council Goal/Priority:

Guiding Principle #0: Core Services of West Linn City Government. Continue to record and document the proceedings of the West Linn City Council. Guiding Principle #3: Sustainability. Incorporate environmentally sustainable practices in City activities and decision making, including reducing waste generation and energy consumption.

Council Options:

1. Approve the Council Meeting Notes.
2. Revise and approve the Council Meeting Notes.

Staff Recommendation:

Approve Council Meeting Notes.

Potential Motions:

Approving the Consent Agenda will approve these notes.

Attachments:

1. December 11, 2023 Council Meeting Notes
2. December 18, 2023 Council Meeting Notes



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WEST LINN CITY COUNCIL MEETING NOTES December 11, 2023

Pre-Meeting

Call to Order and Pledge of Allegiance [6:00 pm/5 min]

Council Present:

Mayor Rory Bialostosky, Council President Mary Baumgardner, Interim Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

Staff Present:

City Manager John Williams, City Recorder Kathy Mollusky, Public Works Director Erich Lais, Planning Manager Darren Wyss, Parks & Recreation Director Megan Big John, City Attorney Ed Trompke and Community Relations Specialist Luke Borland.

Approval of Agenda [6:05 pm/5 min]

Council President Mary Baumgardner moved to approve the agenda for the December 11, 2023, West Linn City Council Meeting, switching Agenda Items 4 and 5. Councilor Lou Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Interim Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

Nays: None.

The motion carried 5 - 0

Public Comment [6:10 pm/10 min]

Tony Bracco, Robinwood Station

Officer Josh Lamotte Lifesaving Award [6:35 pm/10 min]

Police Chief Mahuna awarded Officer Josh Lamotte the West Linn Police Department Lifesaving Award for his swift reactions on October 22, 2023, at 10:43 am, saving the life of a 17-year-old female overdosing on fentanyl and continuing to investigate and bring charges against the person who sold her the fentanyl.

Mayor and Council Reports [6:20 pm/15 min]

Reports from Community Advisory Groups

Councilor Groner and President Baumgardner attended the Waterfront Working Group meeting, with a lot of interesting proposals presented. The next step would be getting community input to select from among those proposals.

Community Advisory Board Appointments

Due to the high volume of interest from the community, Council tabled this item until the December 18 meeting. Each Council member should note the number of vacancies for each board, look at the list of applicants, and send the City Recorder their selections for each board by Thursday afternoon. The lists would be compiled and sent to Council members on Friday, with discussion following at the December 18 meeting.

Interstate 205 (I-205) Tolling Survey Update

Mayor Bialostosky noted the Council had given direction to City Manager Williams to seek quotes to ensure compliance with public procurement laws. City Manager Williams had done that, and they were ready to move forward with the DHM proposal for \$33,000.

City Manager Williams reported the City could move forward on the schedule, but he needed to check with the firm on their timeline.

Mayor Bialostosky commented that if the Council approved, the City would carry the contract to make it easier. He had been in touch with other jurisdictions and groups to secure funding, and he was still waiting for some formal allocations. He would make a presentation to Wilsonville next week after the West Linn City Council meeting to ask for \$5,000. They had also

received funding from Tualatin, the Hamlet, and a labor organization, and they were waiting for a formal commitment from Oregon City. He believed the cost for West Linn had been lowered to an acceptable amount. DHM could have question-drafting meetings next month and get data in time for the legislative session. Cities or other entities who contributed at least \$5,000 could have a seat at the survey-drafting committee and provide input on the topics to be surveyed. He suggested topics including public support of the current tolling plan, support for alternatives, and the level of information people felt they had as a result of the public campaigns.

Councilor Groner asked if they would get to review the questions before they go out.

Mayor Bialostosky replied that he would report back to Council. Each city would have one representative, but the questions could be reported back to their respective councils for review.

City Manager Williams reported the contract was within his signing authority, so no Council decision was needed. He requested the Council provide direction to keep moving forward with the contract, and they could work on the details of organizing who would review the questions.

The Council reached consensus to move forward with the contract.

Mayor Bialostosky noted that while the newspapers had done some informal polling, no one had conducted a scientifically valid poll. He believed this was important because the Special Subcommittee on Transportation Planning had slated a meeting during the upcoming legislative session to discuss potential alternatives to the current tolling plan.

[10th Street and Salamo Road Project Update \[6:45pm/15 min\]](#)
[10th St & Salamo Information](#)
[Presentation](#)

City Manager Williams noted he wanted to have great communication with the community about major projects and that Staff was interested, in any suggestions or advice from the Council. City Staff was writing a summary of spending from the 2018 General Obligation Bond, of which this project was a big piece.

Public Works Director Lais reviewed the timeline, noting construction started May 15, 2023. He reviewed the completed components, work currently being completed, and the final component of overlaying new pavement on Salamo Road.

Community Relations Specialist Borland gave a presentation on community engagement for this project. He reviewed communication approaches and opportunities for growth, highlighting that the email list had a high open rate with no one unsubscribing from it.

Staff responded to Council questions and concerns as follows:

- They had talked to the contractor about pushing deliverables, such as pouring the curb, back so they could do that work during lower traffic times.
- The end result of the work on Salamo Road had initially included the Oregon Department of Transportation (ODOT) right-of-way on the 10th Street corridor, but that had been pulled out due to increased costs and the complications of working with ODOT. A second left turn lane on Salamo Road would be completed during the 10th Street corridor portion of the project. Salamo Road would have an 8-foot wide, shared use asphalt path above the curb from 10th Street to Barrington.
- They were still hoping to get funding from ODOT to defray the costs of the right-of-way work on 10th Street, as they believed this work still needed to be completed at some point.

[Consent Agenda \[7:00 pm/5 min\]](#)

Council President Mary Baumgardner moved to the Consent Agenda which includes Resolution 2023-10, certifying the results of the November 7, 2023 General Election; the October 16, 2023 meeting notes; the 2023 Pavement Patching Contract; and Safe Routes to Schools Design Contract. Councilor Lou Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Interim Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

Nays: None.

The motion carried 5 - 0

Agenda Bill 2023-12-13-01: RESOLUTION 2023-10, CERTIFYING THE RESULTS OF THE NOVEMBER 7, 2023 GENERAL ELECTION

[RES 2023-10 Information](#)

Agenda Bill 2023-12-13-02: Meeting Notes for October 16, 2023

[Draft Notes Information](#)

Agenda Bill 2023-12-13-03: 2023 Pavement Patching Contract Award

[2023 Pavement Patching Information](#)

Agenda Bill 2023-12-13-04: 2023 Safe Routes to Schools Design Contract Award

[Safe Routes Information](#)

[Business Meeting \[7:05 pm/120 min\]](#)

Agenda Bill 2023-12-13-05: RESOLUTION 2023-09, AMENDING EXISTING LOCAL CONTRACT REVIEW BOARD ADMINISTRATIVE RULES, ADOPTING NEW PUBLIC RULES AND FINDINGS, AND DELEGATING TO THE CITY MANAGER THE ABILITY TO ENTER INTO CONTRACTS ON BEHALF OF THE CITY UNDER CERTAIN CONDITIONS

RES 2023-09 Information

City Manager Williams made the Staff presentation, noting the rules were discussed at last week's work session, where City Attorney David Bowser compared State law with the City's existing procurement rules and recommended a long list of needed updates, included in the report. Council asked for a change to the cooperative contracts to bring any project over \$250,000 to the Council for review, no matter what the procurement method was, and that was also included in the updated language.

Mayor Bialostosky noted that the language adding public improvements costing more than \$250,000 was subject to Council approval and any projects less than that could be approved by the City Manager was on Page 7 of 92 of the Rules document.

Council President Mary Baumgardner moved to approve Resolution 2023-09, adopting the new Local Contract Review Board Rules. Councilor Lou Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Interim Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

Nays: None.

The motion carried 5 - 0

Agenda Bill 2023-12-13-06: Severely Rent-Burdened Housing Meeting

Severely Rent-Burdened Information

City Manager Williams explained this annual meeting was required by State law to ensure that City Councils in communities deemed by the State to be rent-burdened were paying attention to the topic. The Council had previously worked with Planning Manager Wyss on housing issues since the City did not have a Housing Specialist or Coordinator as found in larger cities. The Planning Manager had to develop expertise on State housing rules impacting West Linn, led the work with consultant teams, and did analysis for the City, which had been a significant amount of work over the last few years. As the State legislature had paid more attention to housing, more rules for cities to follow had been created.

Planning Manager Wyss presented the Staff report, discussing the definition of "severely rent burdened" and the rules adopted by the State in 2018, included in the packet. He highlighted the March 2023 Oregon Housing and Community Services (OHCS) Report showing 26 percent of renter households in West Linn were classified as severely rent burdened, down slightly from last year's rate of 27.4 percent, and shared data from the housing analysis. The Housing

Strategies Report was reviewed, highlighting four housing strategies. He answered clarifying questions and addressed Councilor concerns as follows:

- In Figure 4.3, Profile of Current Housing Supply by Type, the green bars represented owner units broken out by type of units. For example, 90 percent of owner-occupied housing in West Linn was single-family, detached housing. The yellow bars represented the same calculation for rental units. (Agenda Bill, Page 2)

Planning Manager Wyss then discussed the three topics required by law, including causes and consequences of severe rent burdens, the barriers to reducing those rent burdens, and possible solutions to reduce the number of severely rent burdened households.

- Some of the causes of severe rent burden included zoning, with about 80 percent of the City being zoned Low Density Residential; parking mandates in projects, with the associated costs getting “hidden” in rent prices; and the price of land. The Climate-Friendly Equitable Community (CFEC) updates included reducing parking mandates to create more equitable outcomes for all income levels. The City could not control land prices but could impact them through partnerships and tax abatements.
- The consequences of severe rent burdens included inequitable outcomes, meaning if a person or family did not make a certain amount of income, they could not live in the City.
- Barriers to reducing rent burdens included the limited buildable land remaining in the City. About 200 acres of land was deemed available, but much of that was already developed, oversized lots. Other barriers included land prices, funding for affordable housing development, and infrastructure costs, as required street improvements in new developments added to housing costs.
- Possible solutions included zoning changes above the minimum to comply with House Bill 2003 (HB 2003), adoption of policies and programs recommended in the Housing Strategies Report, creating an Affordable Housing program, and going through the CFEC process in 2024 to eliminate parking mandates for the entire city or just the certain areas required by law.

He answered Councilor questions as follows:

- Current Code requirements for parking mandates at multi-family developments depended on the number of bedrooms in the unit and added spaces for visitor parking. Code changes due to CFEC would require the City to reduce it to one space per unit. Additionally, for one-quarter of a mile along either side of Highway 43, the City could not require parking because it was the most frequently used transit line. Eventually, the town center in Bolton and Willamette that would have to be adopted would not allow the required parking either. These would result in a large portion of the City not being able to require parking, leading to the question of whether parking mandates should be eliminated for the entire City.

- Staff would discuss the parking mandate question with the Planning Commission and City Council in early 2024. The City would receive grant funds, but those would probably not be available until the spring. City Manager Williams noted he had asked some outside experts to speak to the Council tonight, but they could not due to scheduling conflicts. They were talking to and working with partners on housing issues, and he expected the Council to hear from them over the next year as the Planning Department worked through these issues.

Planning Manager Wyss confirmed that the Council had a lot of work to do in 2024 to work through the housing issues, and they were likely to see a lot of them come up in work sessions and hearings. Tonight's purpose was just to discuss why the City was severely rent-burdened. The Housing Production Strategy would come to the Council on a regular basis to discuss different policies and programs that could be adopted. Implementation and effectiveness of the strategy would then be tracked for six years.

President Baumgardner commented that this conversation was important especially when the equity question of tolling was discussed, as the assumption was that if you live in West Linn, then you could automatically afford to pay several thousand dollars in added expenses to drive on a road. She believed the presentation made the point that this was not true, and people could be impacted to the degree of not being able to afford to live in West Linn.

Planning Manager Wyss replied that the Waterfront and Vision 43 Plans were opportunities for the City to look at zoning of those areas, how to implement that zoning, and height limitations and other development components considered when decisions were being made about building new housing within the community. Funds from the Tax Increment Financing District over the Waterfront area could be used for affordable housing projects.

Councilor Erwin was looking forward to considering those plans because it was good environmental policy to allow people who work in the community to be able to live in the community. Many of the hundreds of people commuting to West Linn daily would probably live in the City if affordable housing was available, potentially even eliminating the need to drive with a good intra-city transit system in place.

President Baumgardner asked for the Council to have an opportunity to discuss how making changes or allowances to the height limitation restrictions could improve the affordable housing inventory.

Mayor Bialostosky noted that as a young adult, he related to this topic as he had not yet been able to get an apartment in West Linn because it was so expensive. Rents for a two-bedroom apartment were between \$1,500 and \$2,000 a month. He believed making rent more affordable for everybody to live in West Linn was a problem, but it was also a difficult policy question for government to address, as they could not implement rent control. Home ownership was also important and was even more difficult, as the availability data showed.

Councilor Bryck believed changes to zoning in the Highway 43-Willamette Drive Project area, to include mix-used zoning, could help the City's housing situation.

Agenda Bill 2023-12-13-07: Community Recreation Feasibility Study

Community Recreation Study Information

Ryan Mottau, MIG, presented the study findings, included in the packet, noting the purpose of this phase of the project was to build shared understanding of what this facility might be and develop initial cost estimates. He reviewed the historical background and activities of the project to date. Staff will ask Council for direction tonight on whether to move forward using those initial costs to do a statistically valid poll of voters to determine whether they would support an indoor recreation facility and what would influence that decision.

- The next step would be the building space program, a listing of the types of spaces and the amount of space required to support those activities. This would not be presented in a drawing, floor plan, or rendering. The list would look similar to the top items on the questionnaire because they were drawn from that list and the technical expertise of what kinds of pairings, spaces, and size of rooms would work to allow for a variety of programming and the kind of flexibility needed. Some were more or less specialized, and some were wide open to doing a lot of different activities.
- To accommodate all of the activities, the building would probably be about 55,000 square feet, a medium-sized community center.
- Projected costs, given increasing construction costs, were currently at \$51 million. Initial estimates of annual revenue, based on programming, potential fees, and market area and ability to pay in that area, were about \$1.4 million. The initial operating cost estimate was \$1.9 million.
- The costs were developed based on best practices of how the facility would be operated and current best understanding of how the building and programming might be designed.
- These were initial cost ranges, and they had already been identifying places where they could shift one way or another, but they did not want to shift from what the community had said until they had more input to determine why a shift would occur.

Councilor Groner asked what the percentage error or boundary was on the point estimates for capital costs, revenues and expenses.

Mr. Mottau stated he could not put a clear boundary on that, but he could say it was based on the professional expertise of a team that was currently building and operating these facilities in many places in the Northwest. They felt like this was a reasonable budget estimate. He could ask the technical team if they were comfortable with giving an error estimate, but he felt giving one now would be disingenuous on his part. In his experience of building recreational facilities across the country, he had never seen one that netted enough revenue to cover 100 percent of its operating costs.

- Verification of community support had been provided, and they now had an idea of what it would take to move forward.
- Phase II would include key phases of work and performance deadlines. The main driver was the July 8, 2024, City Council meeting, the last date the bond measure could be referred to the November 2024 ballot. Before the July 8, 2024, meeting, they needed to get a better understanding of what drove voting decisions and a better visualization and understanding of what this building would be so they could convincingly tell the community it could be delivered at the cost under discussion and what it would cost to operate it.
- To get to that point, they would take a step-by-step process involving the community, the Park and Recreation Advisory Board, the City Council, the West Linn community as a whole, and a statistically valid survey of voters. The survey would measure whether the voters would support the cost of the building, which facilities would have the most impact on that decision, and what criteria were being used to make those decisions.
- Community information materials could be used to help get the word out at the end of the process to inform the public about what was heard during the process.
- The design team would be in the community talking about the trade-offs and what the facility would look like. They would also develop illustrations to give visual thinkers inspiration about what this could be and how it would fit at the site in Tanner Park.
- The timing was a tight four-month process to talk about it, develop a good buzz, and ask questions before putting it on the ballot for a vote.
- Phase II costs were still being developed, but current estimates were in the \$200,000 range to get to concept design. The Council would still have the opportunity to decide on the ballot initiative when the design and poll results were completed.

Vicky Handy, Parks and Recreation Advisory Board Chair, stated that the Advisory Board had voted unanimously to support Phase II of the feasibility study due to 90 percent of respondents agreeing this was a community priority.

Former Parks & Rec Director Ken Warner noted this type of project had been discussed prior to 2013, and he believed the community had shown it was a priority. The facility would give the City an opportunity to serve the whole family in one facility, which he described as a missing piece to the community that would be very valuable to residents. The activities and spaces identified as high priority were not just for youth, but adults and the elderly could also use them in several ways. The City should look at this about every ten years to see if it would be possible to have a facility of this type.

Parks & Recreation Direction Big John believed having a recreational space in the City would allow them to reallocate the location of some of their current programming, such as the dance program at Sunset Fire Hall, provide more adult recreation programming, and activate some of the spaces at Tanner Park if the facility were located there. The kitchen and community spaces could be a resource for emergency preparedness.

President Baumgardner noted that she had heard community concern about the financial impact of the facility, but she also had heard a lot of enthusiasm for continuing the process and was leaning towards supporting Phase II.

Councilor Groner asked if the \$1.9 million in operating costs included amortization of capital funding.

Mr. Mottau explained the amortization would be handled separately, and debt service would be part of the bond issue, managed like other bond measures. Operating costs included staffing, supplies, and equipment needed for the running and programming of the building.

Councilor Erwin believed it was not just about having appropriate facilities for existing programs, but it was also about having facilities they already knew they needed such as volleyball courts, indoor soccer, or pickleball and basketball facilities. He believed operating expenses could be covered through the tax increment financing already in place and other measures to increase long-term revenue, but in the meantime, Council would need to discuss short-term and intermediate financing needs. He supported looking at the facility in more detail.

Mr. Mottau replied that the City's school gyms had been discussed at open houses and town hall meetings. Those facilities were not in the City system, outside of City control, scheduled to the gills, and not available for any additional activities, leading to demand for additional facilities.

Parks and Recreation Director Big John gave an example of the Mini Hoopers Basketball program being limited by the number of hours they could use the school gyms.

Councilor Bryck noted the survey showed the community was interested in the recreational facility. It was unfortunate that it came right behind the rent-burdened discussion because the increased taxes to manage the debt would not help with rent ability within the City, but she believed it was worthwhile to proceed with the project in response to community needs.

Mayor Bialostosky stated that he was still processing information from the presentation. He had heard a lot of excitement in the community about the recreation center, and he believed the community supported the idea as evidenced by the survey. He noted that survey respondents could be more interested and/or supportive of the topic, and there could be a significant number of people in the community who didn't see or respond to the survey who would not be supportive. He asked if they could do focus groups or get information on the needs of all groups, but in particular retirees. The facility was meant to be used by everyone, so for it to pass, a return on investment had to be seen by a majority of the community. He had also heard comments about the use of outdoor space around the facility, such as enhancing the Music in the Park experience or providing a food truck area for increased revenue. He believed the aquatic facility needed to be discussed and considered, not wanting to lose a large portion of community support over the indoor pool issue and asked if an outdoor pool would

be acceptable.

Parks and Recreation Director Big John commented that the field next to Tanner Park had space for an aquatic facility, and they would want to show that in moving to the next phase.

Former Director Warner added that they needed a large area for teen and pre-teen after-school activities, but also the plan all along was to keep an area outside that could be used for a pool in the future. Outdoor pools traditionally created a little more revenue compared to expenses, but staffing costs had increased and could be studied in Phase II. The current concept, which came from 2019, was to establish a facility and add some type of pool in the future instead of trying to take that huge bite all at once, but these ideas could be talked about.

Mayor Bialostosky commented on the need to make sure the facility was financially viable and wanted a plan to pay for it before presenting it to the community.

City Manager Williams noted he personally loved the project but professionally could not support recommending it without a financial plan, as the City would not have the ability to fund \$0.5 million a year without laying off other staff. When talking about the facility itself not paying for the operations and maintenance, some form of private and/or public support would be needed to pay for it, potentially through extra fees or an operating levy. Options would need to be discussed and agreed on before July to get the measure on the November ballot. The contract for Phase II could be under the new contract approval threshold, but either way, Staff would keep the Council informed.

President Baumgardner asked if there was time to come up with the financial plan to present to the community by July.

Mr. Mottau explained it was feasible because the options to increase the local operating budget were limited and not unknown. Being up front and blunt about the financial plan would help voters make an informed decision. They could have the conversation during Phase II to understand the tradeoffs in design, what might influence moving the number up or down during the design process, and if the community would support it.

Council President Mary Baumgardner moved to Direct the Parks and Recreation Director to create a cost estimate to move forward on Phase II findings of the Community Recreation Center. Councilor Lou Groner seconded the motion.

Councilor Groner noted this facility had the potential to become the center of the community where different groups could rub elbows and have conversations, and he believed it was an important step for the community.

President Baumgardner commented on the potential to have a reciprocal agreement with Lake

Oswego for access to their pool in exchange for their residents using West Linn's pickleball facility to cut down on some costs but still provide aquatic access.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Interim Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

Nays: None.

The motion carried 5 - 0

Parks and Recreation Director Big John stated that the intended timeline was to bring the City Council the MIG proposal for Phase II in early January, potentially at the first meeting.

[City Manager Report \[9:05 pm/5 min\]](#)

City Manager Williams thanked the Parks and Recreation Board and Staff for their hard work on community events, noting the tree lighting had a great turnout. The next meeting on Monday, December 18, 2023, was a special meeting and would include the swearing-in ceremony for Councilor Bryck, a joint meeting with the Transportation Advisory Board about the Roundabout Policy, and the construction contract reward for Historic City Hall.

- The first meeting in 2024 would be a work session on January 2, but that could be converted into a business meeting if they were ready to award the City Hall contract.
- Regular business to be conducted early in the year included election of the Council President, liaison assignments, and scheduling a Council retreat to work on priorities for 2024.
- The new furniture in the Council Chamber was part of the ongoing remodeling project.
- The City calendar included holiday events, including make and take events at the library, neighborhood meetings, work parties in the parks, and the Library Writing Group's monthly meeting.
- He would be out of the office all next week, and Human Resources Director Elissa Preston would be Acting City Manager during the Council meeting.

[City Attorney Report \[9:10 pm/5 min\]](#)

Legal Project List

City Attorney Trompke presented the City Attorney Report, noting several projects were completed today and another would be finished tomorrow morning. Several items had been on the list for too long. One of the paralegals left several months ago, so when the next new person was formally assigned to it in the next two weeks, he would ask them to make sure there were no dead items still lingering on the list.

[Adjourn \[9:15 pm\]](#)

Draft Notes.



CITY OF
West Linn

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

WEST LINN CITY COUNCIL MEETING NOTES December 18, 2023

Swearing-In Ceremony

Judge Rhett Bernstein swore in Councilor Carol Bryck.

Call to Order [6:00 pm/5 min]

Council Present:

Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

Staff Present:

City Recorder Kathy Mollusky, Deputy City Manager Elissa Preston, Public Works Director Erich Lais, Parks & Recreation Director Megan Big John, and City Attorney David Bowser.

Approval of Agenda [6:05 pm/5 min]

Council President Mary Baumgardner moved to approve the agenda for the December 18, 2023, West Linn City Council Special Meeting. Councilor Lou Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

Nays: None.

The motion carried 5 - 0

Public Comments [6:10 pm/10 min]

Frank Carini, West Linn, Savanna Oaks Neighborhood Association (NA) President, spoke about the impacts SB 458 on development.

Mayor and Council Reports [6:20 pm/10 min]

Reports from Community Advisory Groups

Councilor Groner reported he attended the Economic Development Committee meeting, and he believed they were looking for more direction from City Council.

Mayor Bialostosky advised that the Council could review advisory group goals and provide more direction at next month's goal-setting retreat.

President Baumgardner reported she had attended the Willamette Falls & Landings Heritage Area Coalition meeting today. Some members of the coalition were attending tonight's City Council meeting to participate in the vote awarding the Historic City Hall contract. During the meeting, they discussed their continuing quest for a National Heritage Area designation in conjunction with the Coalition's work to restore Historic City Hall. She hoped to report on some exciting developments soon.

Mayor Bialostosky reported that the legislative Special Subcommittee on Transportation Planning had scheduled the West Linn-Oregon City-Gladstone meeting for January 6, 2024, at 1:00 pm at the Gladstone High School gym. City Council members could sign up to speak, and he would be speaking. The City would put out a statement in the upcoming newsletter asking residents to attend that meeting to pack the house and let the legislators know that West Linn residents were concerned about the tolling issue.

Community Advisory Group Appointments

Mayor Bialostosky placed before Council, the following Community Advisory Group appointments:

Arts & Culture - Kristin Donahue

Budget Committee - Ed Schwarz, Abby Farber, Ann Frazier

Committee for Community Involvement - Holley DeShaw, Beau J Genot, Tanner Woody,

Charley Anderson

Economic Development Committee - Peter Ryder, Shannon Ilas, Tanner Woody

Historic Review Board - John Steele, Kirsten Solberg, James Manning, Brad Stewart

Library Advisory Board - Jessica Wise

Parks & Recreation Board - Karen Kellogg, Devani Scheidler, Todd Olson

Planning - Kevin Bonnington, David Jones

Sustainability Advisory Board - Gregory Smith, Victoria Meier, Pete Wall

Utility Advisory Board - Beau J Genot

Council President Mary Baumgardner moved to approve the appointments as presented by Mayor Bialostosky. Councilor Lou Groner seconded the motion.

Councilor Bryck noted the Utility Advisory Board would still have one opening.

Mayor Bialostosky replied that the Parks & Rec Advisory Board had more applicants than available positions, and the City could reach out to the ones who were not selected to see if they would like to serve on the Utility Advisory Board. The Board would be working on the Water Master Plan next year.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

Nays: None.

The motion carried 5 - 0

Mayor Rory Bialostosky moved to reappoint Dr. Joy Mutare and Mary Carlson to the Police Review and Recommend Committee. Councilor Lou Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

Nays: None.

The motion carried 5 - 0

Historic City Hall Renovation Contract Award [6:30 pm/10 min]

Historic City Hall Information

Parks and Recreation Director Megan Big John gave the Staff report, noting this was a partnership between the City and the Willamette Falls & Landing Area Coalition to renovate the Historic City Hall into an arts and heritage cultural center.

Parks and Recreation Director Big John and City Attorney David Bowser answered clarifying questions and addressed Council concerns as follows:

- The bidding process did have some complications, with two parties submitting protests, but those were resolved. Both protests were denied and neither party pursued judicial action.
- The deliverable for this project was a complete renovation of the building. The lower floor would be gutted and become a useful, interpretative space and collections storage space for the historical collection. The upstairs would largely stay the same, but the rooms would be updated and serve as public meeting and office spaces.

Mayor Bialostosky noted the detailed construction plans were attached to the Agenda Bill. The contractor had been made aware of concerns related to the construction company working on Robinwood. Parks and Recreation Director Big John would work with Architect Todd Iselin to ensure the same issues did not occur with this project.

- One of the routine duties of the contractor was contract administration, and they should have site reviews and weekly meetings. The architect should review the work and advise the City of any problems. The City could also hire a third-party inspector. The expense for that would be paid by the City, but it would provide extra comfort regarding project standards.

Because of demands on Staff time, Councilor Erwin supported the third-party inspector or project manager to ensure the project did not have warranty issues since the building was on the National Historic Register.

- Change orders were expected because the building is old. Historically, Robinwood Station had quite a few change orders, but that was not a good indicator for Historic City Hall. The 25 percent contingency was included in the bid to allow for the expected change orders.

Todd Iselin, Iselin Architects, addressed some of the previously mentioned concerns after resolving some technical issues.

- A third-party project manager would not be a hindrance for him, as in his prior experience with the City, a Staff member was normally assigned to oversee projects.

Mayor Bialostosky suggested directing City Management to work with Parks and Recreation Staff to determine if this was a logical step for the City to take.

- The bids were reviewed very thoroughly, and he did not have any concerns. Four bids were quite high, which he expected because the firms were larger with more overhead costs. Four bids were very close at the bottom end, and he was very comfortable with the numbers.

Council President Mary Baumgardner moved to approve the contract award for the renovation of Historic City Hall to Petra Design Build. Councilor Lou Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

Nays: None.

The motion carried 5 - 0

Britta Mansfield, Willamette Falls & Landing Area Coalition Executive Director, estimated the completion date was approximately eight months to a year from starting the renovations, with building occupancy expected to begin in 2025.

[Adjourn to Work Session \[6:40 pm/10 min\]](#)

Draft Notes.

[Joint Meeting with the Transportation Advisory Board \[6:50 pm/30 min\]](#)

[Roundabout Policy Recommendation](#)

[Roundabout Information](#)

[Adjourn \[7:10 pm\]](#)



Agenda Bill 2024-02-12-02

Date Prepared: February 1, 2024

For Meeting Date: February 12, 2024

To: Rory Bialostosky, Mayor
West Linn City Council

Through: John Williams, City Manager *JRW*

From: Darren Wyss, Planning Manager *Dsw*

Subject: Public Hearing on City-initiated right-of-way vacation of a portion of Upper Midhill Drive

Purpose:

To consider a proposal by the City of West Linn to vacate 3,564 square feet of Upper Midhill Drive right-of-way and establish a public utility and access easement.

Question(s) for Council:

Should the Council approve the proposal and adopt Ordinance 1752?

Public Hearing Required:

Yes

Background & Discussion:

The City of West Linn has initiated a right-of-way vacation (VAC-23-02) for an unimproved portion of Upper Midhill Drive adjacent to tax lot 21E14CA00200 (18000 Upper Midhill Drive/Upper Midhill Estates Subdivision). The proposal would eliminate an orphan piece of right-of-way resulting from the future recording of Upper Midhill Estates Subdivision Plat. The piece of right-of-way does not provide an opportunity to complete a street connection, nor does the City wish to maintain ownership as three of the subdivision lots will take access from a private shared drive located within the orphan piece.

The City Engineer supports the right-of-way (ROW) vacation as well as the developer of the Upper Midhill Estates Subdivision. The proposed vacated piece of right-of-way will be recorded on the final plat as a tract with a public utility easement and public access easement across its entirety. The tract will provide access to three of the subdivision lots, as well as contain a sanitary sewer line and stormwater line/catch basin.

ROW vacations are reviewed and decided by City Council, acting as the City's "Governing Body", under the authority granted in Oregon Revised Statute (ORS) Chapter 271. The proposal and decision are governed by ORS 271.130, while noticing requirements are governed by ORS 271.110.

City staff received no comments or objections to the proposal as of February 1, 2024.

Budget Impact:

Negligible as there will be approximately 3,564 square feet less right-of-way for the City to maintain and the addition of land into the tax rolls will not create an additional buildable lot.

Sustainability Impact:

None

Council Options:

1. Adopt Ordinance 1752 as presented in Attachment 1; or
2. Adopt Ordinance 1752 with changes; or
3. Do not adopt Ordinance 1752.

Staff Recommendation:

Adopt Ordinance 1752 as presented.

Potential Motion:

1. Move to adopt Ordinance 1752 and vacate a portion of Upper Midhill Drive as described in Exhibit A of the ordinance
2. Move to adopt Ordinance 1752 with the following changes (list changes)
3. Move to not adopt Ordinance 1752 (list reasons)

Attachments:

1. Ordinance 1752
2. VAC-23-02 Staff Report

ORDINANCE NO. 1752

AN ORDINANCE VACATING A PORTION OF THE UPPER MIDHILL DRIVE RIGHT-OF-WAY WITHIN THE CITY OF WEST LINN, OREGON

WHEREAS, the City of West Linn submitted an application, pursuant to Oregon Revised Statute (ORS) 271.130, to vacate a portion of the Upper Midhill Drive right-of-way, adjacent to tax lot 21E14CA00200 on January 2, 2024; and,

WHEREAS, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on February 12, 2024, for a public hearing on the proposed vacation; and,

WHEREAS, the City published notice of the proposed right-of-way vacation in the West Linn Tidings on January 24, 2024 and January 31, 2024; and,

WHEREAS, City staff posted a copy of the notice, with all required information, at two conspicuous places near each end of the proposed vacation area on January 25, 2024; and,

WHEREAS, the City Council held a public hearing on the proposed vacation on February 12, 2024; and,

WHEREAS, the City Council found that the proposal complied with all requirements of ORS 271, the notice was complete, no objections were submitted, and the public interest will not be prejudiced by the vacation.

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

SECTION 1. Vacation. A portion of Upper Midhill Drive right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lot 21E14CA00200, as more particularly described and attached in Exhibit A (legal description and map), which is incorporated by this reference.

SECTION 2. Establish Public Utility and Public Access Easement. The entirety of the vacated Upper Midhill Drive right-of-way shall be subject to dedication of a public utility easement and a public access easement.

SECTION 3. 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 4. 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 _____, 2023, and duly PASSED and ADOPTED this _____ day of _____, 2023.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY



EXHIBIT A (PAGE 1 OF 2)

STREET VACATION

PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE), PLAT OF "ROBINWOOD"

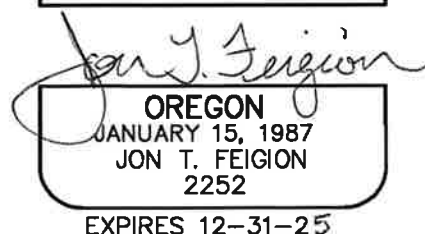
JOB NO. 0523-001

NOVEMBER 13, 2023

A PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE, 50.0 FEET WIDE), PLAT OF "ROBINWOOD", CLACKAMAS COUNTY PLAT RECORDS, SITUATED IN THE S.W. 1/4 OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7, BLOCK 3, "COLLEGE HILL ESTATES", CLACKAMAS COUNTY PLAT RECORDS, BEING ON THE WESTERLY RIGHT OF WAY LINE OF SAID UPPER MIDHILL DRIVE (50.0 FEET WIDE); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 28°18'51" WEST, 144.94 FEET TO THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 28°18'51" WEST, 11.48 FEET TO THE MOST SOUTHERLY CORNER OF A STREET VACATION OF UPPER MIDHILL DRIVE RECORDED IN DOCUMENT NO. 99-114676, CLACKAMAS COUNTY DEED RECORDS; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, ALONG THE SOUTHEASTERLY LINE OF SAID STREET VACATION, 32.09 FEET ON THE ARC OF A NONTANGENT 126.00-FOOT RADIUS CURVE CONCAVE TO THE EAST THROUGH A CENTRAL ANGLE OF 14°35'27" (THE CHORD BEARS NORTH 13°47'24" WEST, 32.00 FEET); THENCE CONTINUING ALONG THE SOUTHEASTERLY LINE OF SAID STREET VACATION, NORTH 06°29'40" WEST, 112.93 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID UPPER MIDHILL DRIVE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, SOUTH 28°18'51" EAST, 132.01 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, 55.29 FEET ON THE ARC OF A NONTANGENT 48.00-FOOT RADIUS CURVE (THE RADIUS POINT BEARS SOUTH 12°18'50" EAST) THROUGH A CENTRAL ANGLE OF 65°59'55" (THE CHORD BEARS SOUTH 44°41'12" WEST, 52.28 FEET) TO THE **POINT OF BEGINNING**, CONTAINS 3564 SQUARE FEET, MORE OR LESS.

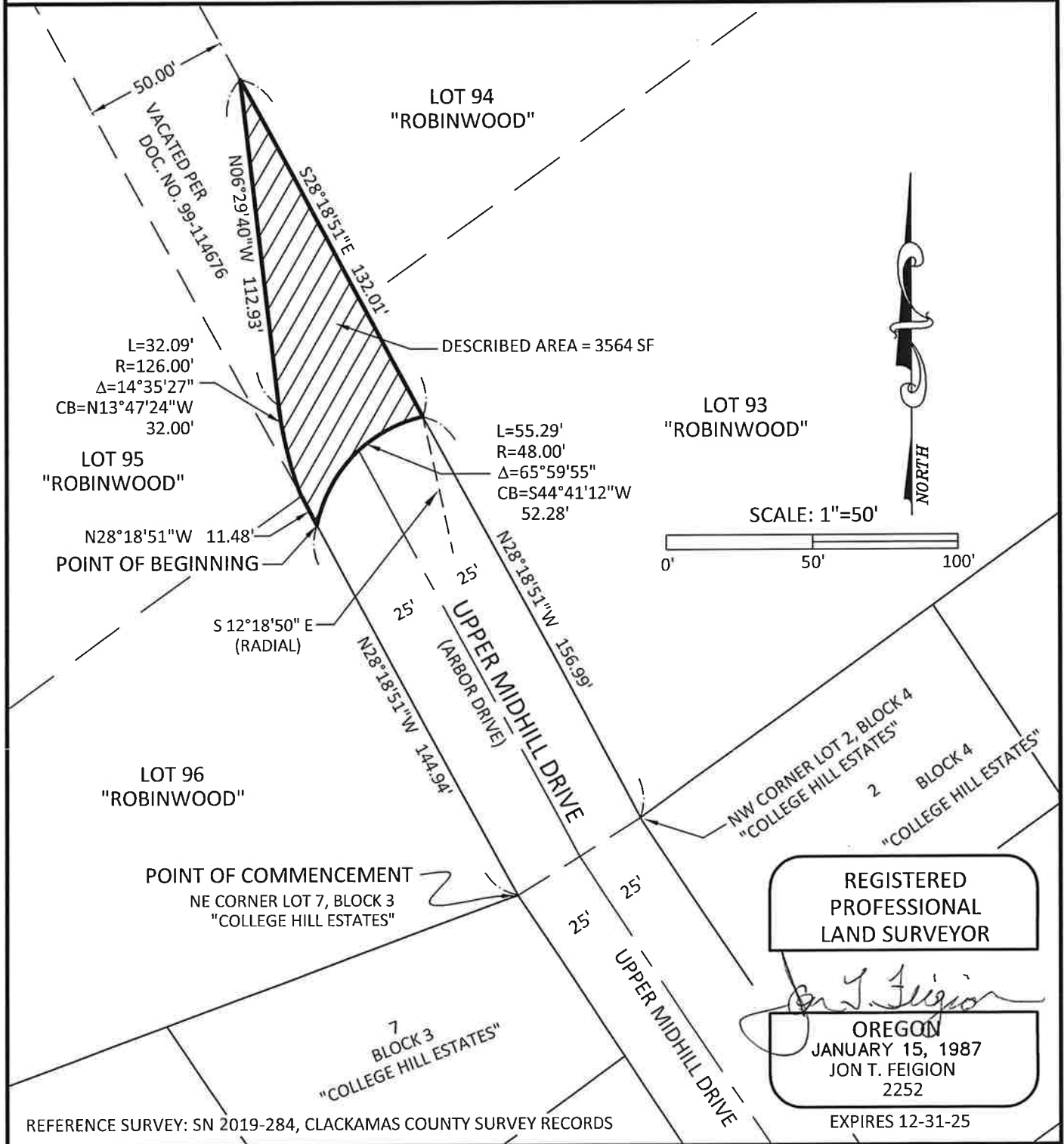


REFERENCE SURVEY: SN 2019-284, CLACKAMAS COUNTY SURVEY RECORDS

EXHIBIT A (PAGE 2 OF 2)

FOR A STREET VACATION

A PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE), PLAT OF "ROBINWOOD"
LOCATED IN THE SW 1/4 OF SEC. 14, T.2S, R.1E., W.M.,
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON



JOB NO.: 0523-001

DATE: 11-13-23

SCALE: 1" = 50'

DRAWN BY: JTF

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6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com
EMERIO JOB: 0523-001



CITY OF West Linn

STAFF REPORT FOR THE CITY COUNCIL

FILE NUMBER: VAC-23-02

HEARING DATE: February 12, 2024

REQUEST: City initiated request to vacate a portion of the Upper Midhill Drive right-of-way

**STAFF REPORT
PREPARED BY:** Darren Wyss, Planning Manager

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GENERAL INFORMATION

APPLICANT:	City of West Linn 22500 Salamo Road West Linn, OR 91068
SITE LOCATION:	3,564 square feet of unimproved Upper Midhill Drive right-of-way adjacent to tax lot 21E14CA00200 (18000 Upper Midhill Drive/Upper Midhill Estates Subdivision).
DESCRIPTION:	Proposed vacation of a portion of Upper Midhill Drive right-of-way and establishment of a public utility easement and public access easement over its entirety.
SITE SIZE:	3,564 square feet will be vacated.
ZONING:	R-4.5 (Residential)
PLAN DESIGNATION:	Medium Density Residential
APPROVAL CRITERIA:	Oregon Revised Statute (ORS) 271. Hearing conducted per the procedures of Community Development Code (CDC) Chapter 99.
PUBLIC NOTICE:	Notice was completed per CDC 99.080 and ORS 271.110

EXECUTIVE SUMMARY

The City of West Linn has initiated a right-of-way vacation for a portion of unimproved Upper Midhill Drive right-of-way adjacent to tax lot 21E14CA00200 (18000 Upper Midhill Drive/Upper Midhill Estates Subdivision). The proposed action will vacate 3,564 sq. ft. of the right-of-way. The proposal will eliminate the creation of an orphan piece of right-of-way that would result from recording the Upper Midhill Estates Subdivision Plat. Oregon Revised Statute (ORS) 92.185 does not permit vacating public right-of-way through a replat. The process found in ORS 271 must be followed, which is the public hearing process conducted by City Council.

The right-of-way subject to this action (see Exhibit CC-1, Map 1) is part of the approved Upper Midhill Estates Subdivision. The subdivision infrastructure has been installed (curbs, streets, sewer, stormwater, water, etc.) and now it is in the plat review process. The approved preliminary plat did not need the piece of right-of-way for street improvements/connectivity and would create the orphan piece (see Exhibit CC-1, Map 2). The City does not need the orphan piece for future street connections, nor does the City wish to maintain ownership as three of the subdivision lots will take access from a private shared drive located within the right-of-way piece.

The proposed vacated piece of right-of-way will be recorded on the final plat as a tract (see Exhibit CC-1, Map 3) with a public utility easement and public access easement across its entirety. The tract will provide access to three of the subdivision lots, as well as contain a sanitary sewer line and stormwater line/catch basin (see Exhibit CC-1, Map 4).

Notice of the public hearing was posted for two consecutive weeks in the West Linn Tidings and posted at both ends of the proposed vacation (see Exhibit CC-4). The proposal will have no impacts to the adopted West Linn Transportation System Plan or surrounding properties.

RECOMMENDATION

Staff recommends the City Council approve the right-of-way vacation proposal.

PUBLIC COMMENTS:

No comments have been received as of the publication of this Staff Report.

ADDENDUM

APPROVAL CRITERIA AND FINDINGS

ORS 271.130 Vacation on city governing body's own motion.

(1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners.

Staff Finding 1: The City of West Linn initiated vacation proceedings for a street right-of-way as authorized by ORS.271.080. Neither a petition nor consent of affected property owners is required. The criteria are met.

Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

Staff Finding 2: The notice provisions of ORS 271.110 have been met (see Staff Findings 5 to 7). The notice set the date for the public hearing as February 12, 2024. No decision on the proposal was made before the noticed public hearing. The City has not received a written objection to the proposal by a majority of property owners in the affected area. The vacation will not substantially affect the market value of abutting properties as the vacated portion of Upper Midhill Drive is internal to one property and part of the approved Upper Midhill Estates subdivision. The proposed vacation will not impede access to an improved street for future platted lots.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

Staff Finding 3: The proposal is to vacate a portion of Upper Midhill Drive right-of-way. Only one street is proposed for vacation. The criteria are met.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.

Staff Finding 4: The proposal does not include the vacation of all or part of a plat. The City of West Linn understands the right to an appeal and the process to file. The criteria are met.

271.110 Notice of hearing.

(1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

Staff Finding 5: Public notice was published in the West Linn Tidings newspaper once each week for two consecutive weeks prior to the hearing (publish dates: January 24, 2024 and January 31, 2024). The notice included the ground covered by the vacation proposal, the date it was filed by the City of West Linn, the process to submit written or oral comment, and the date and time of the hearing. The criteria are met.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

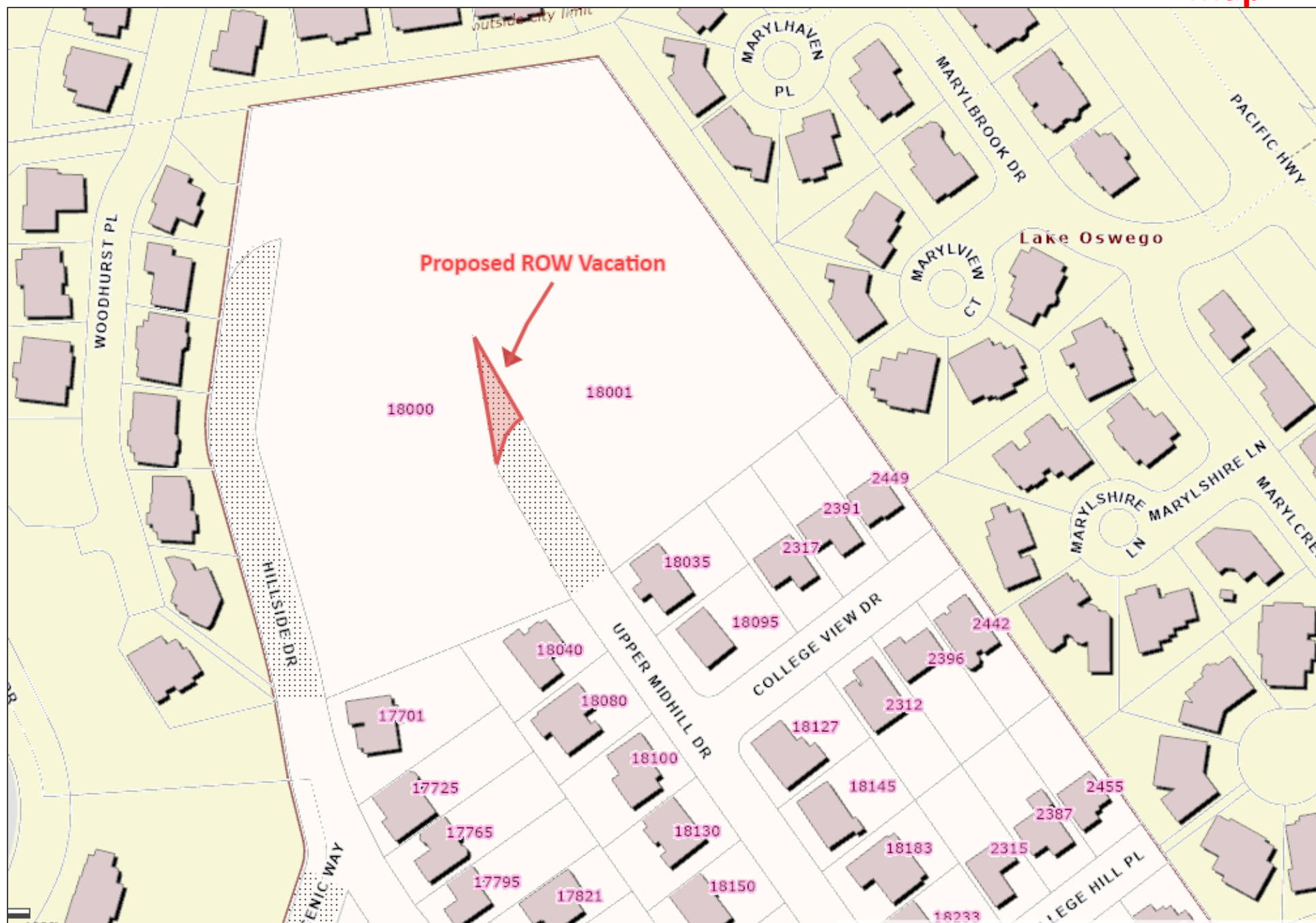
Staff Finding 6: The first day of publication of the notice was January 24, 2024. Staff posted a "Notice of Street Vacation" at each end of the unimproved ROW in the proposal on January 25, 2024. Both the sign posting and first day of publication in the newspaper were at least 14 days prior to the hearing date. The criteria are met.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

Staff Finding 7: The proposal is City-initiated and all notices were funded by the City. The criteria are met.

EXHIBIT CC-1: LOCATION MAPS

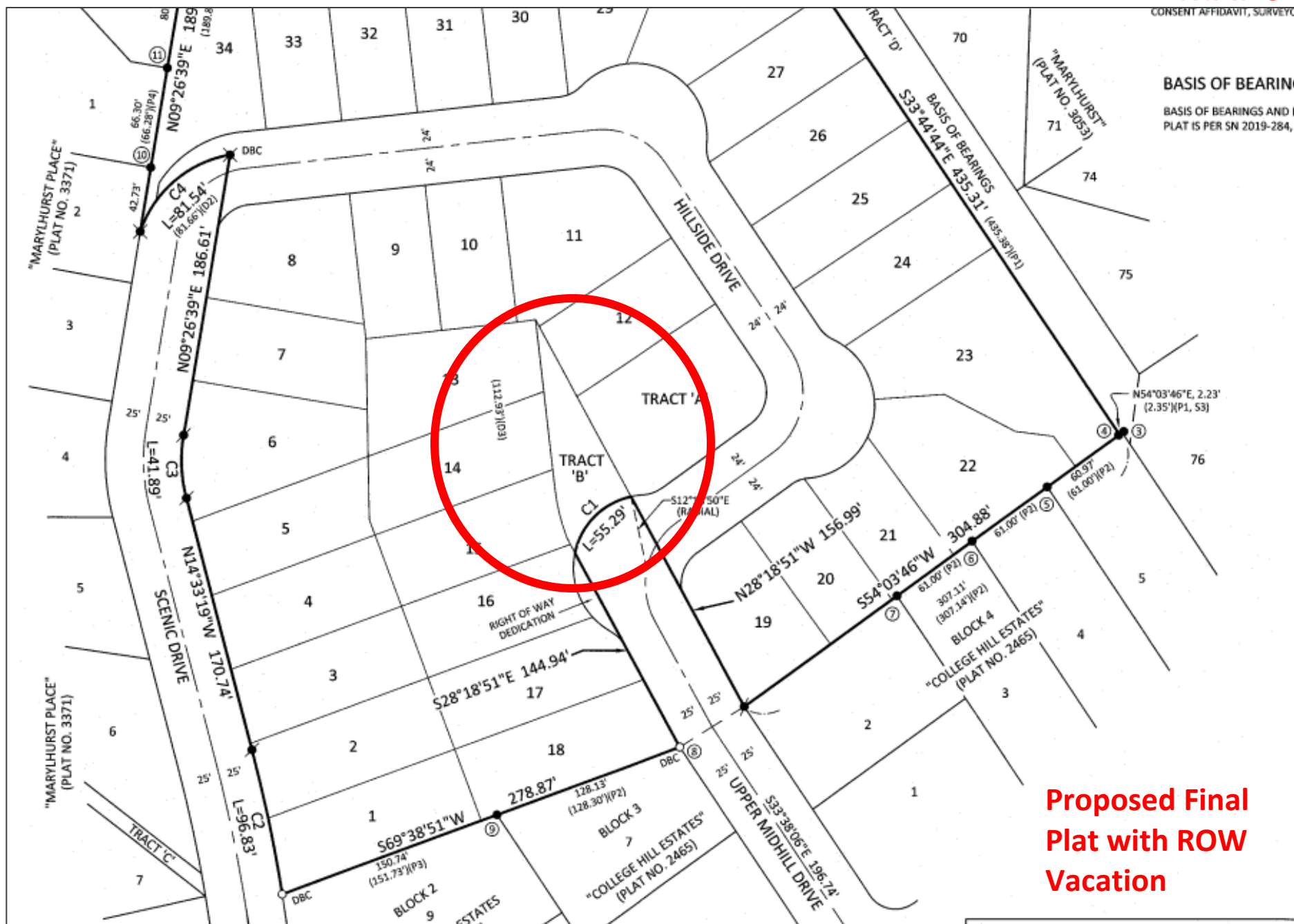
Map 1



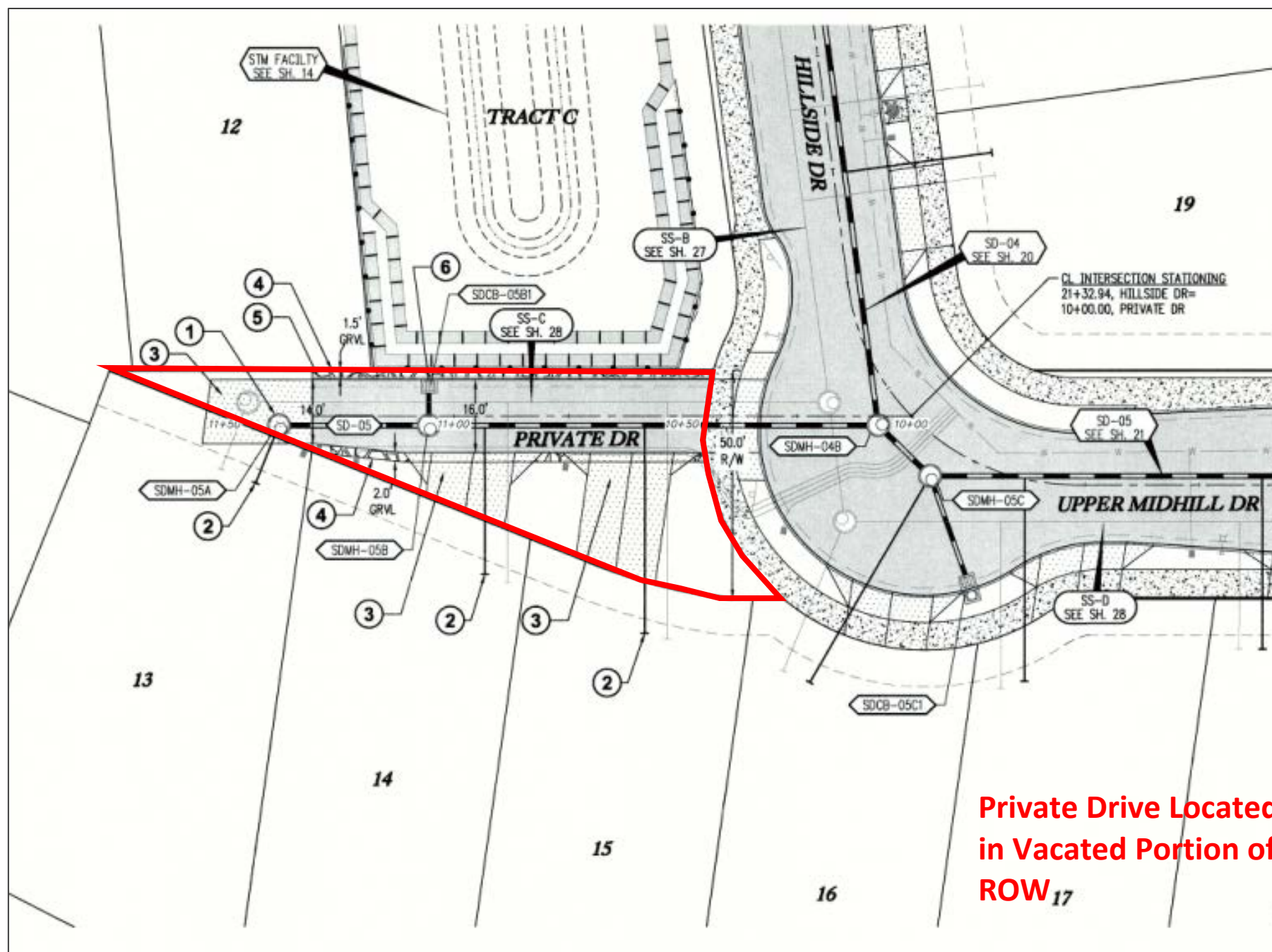
CONSENT AFFID



MAP 3



MAP 4



Private Drive Located
in Vacated Portion of
ROW

EXHIBIT CC-2: APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>WYSS</i>	PROJECT NO(S). <i>VAC-23-02</i>	PRE-APPLICATION NO. <i>n/a</i>
NON-REFUNDABLE FEE(S) <i>10</i>	REFUNDABLE DEPOSIT(S) <i>0</i>	TOTAL <i>0</i>

Type of Review (Please check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Final Plat (FP) Related File # _____ | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal (AP) | <input type="checkbox"/> Flood Management Area (FMA) | <input type="checkbox"/> Temporary Uses (MISC) |
| <input type="checkbox"/> CDC Amendment (CDC) | <input type="checkbox"/> Historic Review (HDR) | <input type="checkbox"/> Time Extension (EXT) |
| <input type="checkbox"/> Code Interpretation (MISC) | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Right of Way Vacation (VAC) |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Minor Partition (MIP) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Modification of Approval (MOD) | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation (MISC) | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Expediated Land Division (ELD) | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Extension of Approval (EXT) | <input checked="" type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change (ZC) |

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the website.

Site Location/Address: A portion of the Upper Midhill Drive right-of-way	Assessor's Map No.: <i>n/a</i>
	Tax Lot(s): <i>n/a</i>
	Total Land Area:

Brief Description of Proposal:

Upper Midhill Drive right-of-way vacation to clean up an orphan piece before final platting of Upper Midhill Estates subdivision

Applicant Name*: Clark Ide Address: 22500 Salamo Road City State Zip: West Linn, OR 97068	Phone: 503-722-3437 Email: cide@westlinnoregon.gov
--	---

Owner Name (required): City of West Linn Address: 22500 Salamo Road City State Zip: West Linn, OR 97068	Phone: Email:
--	------------------

Consultant Name: Emerio Engineering/Surveying/Design Address: 6445 SW Fallbrook Place, Suite 100 City State Zip: Beaverton, OR 97008	Phone: 503-746-8812 Email:
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1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF through the Submit a Land Use Application web page: <https://westlinnoregon.gov/planning/submit-land-use-application>

The undersigned property owner authorizes the application and grants city staff the **right of entry** onto the property to review the application. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

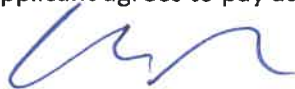

	<i>12-21-23</i>		<i>1/2/24</i>
Applicant's signature	Date	Owner's signature (required)	Date



EXHIBIT A (PAGE 1 OF 2)

STREET VACATION

PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE), PLAT OF "ROBINWOOD"

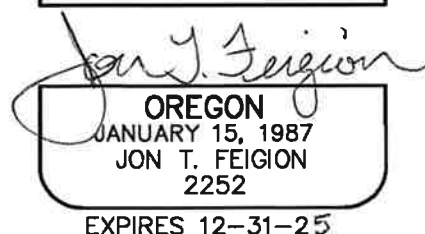
JOB NO. 0523-001

NOVEMBER 13, 2023

A PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE, 50.0 FEET WIDE), PLAT OF "ROBINWOOD", CLACKAMAS COUNTY PLAT RECORDS, SITUATED IN THE S.W. 1/4 OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7, BLOCK 3, "COLLEGE HILL ESTATES", CLACKAMAS COUNTY PLAT RECORDS, BEING ON THE WESTERLY RIGHT OF WAY LINE OF SAID UPPER MIDHILL DRIVE (50.0 FEET WIDE); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 28°18'51" WEST, 144.94 FEET TO THE **POINT OF BEGINNING**;

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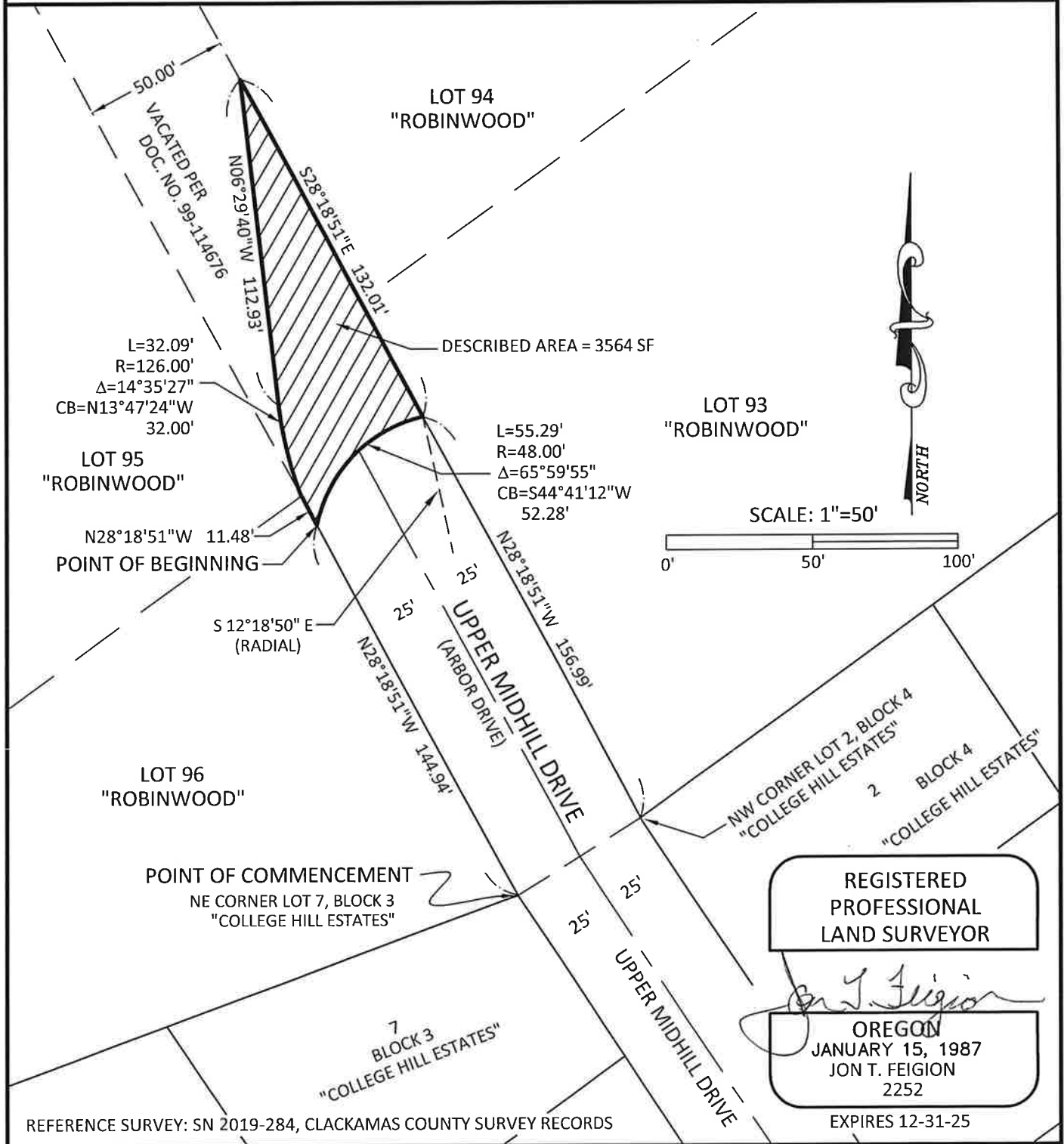


REFERENCE SURVEY: SN 2019-284, CLACKAMAS COUNTY SURVEY RECORDS

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DATE: 11-13-23

SCALE: 1" = 50'

DRAWN BY: JTF

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EMERIO JOB: 0523-001

EXHIBIT CC-3: COMPLETENESS LETTER



CITY OF West Linn

January 3, 2024

Clark Ide
City of West Linn
22500 Salamo Road
West Linn, OR 97068

SUBJECT: VAC-23-02 Application for Upper Midhill Drive right-of-way vacation

Mr. Ide,

You submitted this application on January 2, 2024. The Planning Department has reviewed the materials and found you have satisfied submittal requirements found in Oregon Revised Statute 271.130. The Planning Department finds that this application is **complete**. This is a legislative action and therefore the 120-day rule does not apply.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the West Linn City Council to render a decision on your proposal.

Public notice will be prepared per Oregon Revised Statute 271.110. The tentative public hearing date before the West Linn City Council is scheduled for February 12, 2024.

Please contact me at 503-742-6064, or by email at dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Darren Wyss
Planning Manager

EXHIBIT CC-4: AFFIDAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
STREET VACATION**

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

PROJECT

File No.: **VAC-23-02** Applicant's Name: **COWL**
Development Name: Uppper Midhill Drive Vacation
City Council Hearing: 2/12/24

TIDINGS

Per ORS 271.110, notice was posted in the West Linn Tidings once each week for two consecutive weeks prior to the hearing. The first day of publication of such notice was at least 14 days before the hearing.

1/24/24	<i>Lynn Schroder</i>
1/31/24	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website at least 10 days before the scheduled hearing.

1/29/24	<i>Lynn Schroder</i>
----------------	----------------------

SIGN

Within 5 days after the first day of publication, and at least 14 days before the hearing, two signs were posted at each end of the proposed vacation per ORS 271.110.

1/25/24	<i>Darren S Wyss</i>
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STAFF REPORT was posted on the website and available to the public at least 10 days before the scheduled hearing.

2/1/24	<i>Darren S Wyss</i>
---------------	----------------------

FINAL DECISION notice mailed to applicant, parties with standing, and the County surveyor's office.

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NOTICE OF PROPOSED STREET VACATION

WEST LINN CITY COUNCIL PUBLIC HEARING NOTICE FILE NO. VAC-23-02

The West Linn City Council will hold a hybrid public hearing on **Monday, February 12, 2024, at 6:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a City-initiated request to vacate a portion of the Upper Midhill Drive right-of-way at 18000 Upper Midhill Drive (Clackamas County Assessor Map 2S1ECA Tax Lot 200). The request will clean up an orphan piece of right-of-way. The application was filed on January 2, 2024.

The City Council hearing shall be conducted per Community Development Code Chapter 99 and the decision shall be based upon the approval criteria found in Oregon Revised Statute 271. All written or oral comments must relate specifically to the applicable approval criteria.

The application is posted on the City website <https://westlinnoregon.gov/projects>. The application, all documents or evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost at City Hall. Copies may be obtained at a reasonable cost. At least ten days prior to the hearing, a copy of the staff report will be available.

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on February 12, 2024 to dwyss@westlinnoregon.gov or mail to City Hall.

The City Council meeting will be conducted in a hybrid format with some Councilors, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. Those who wish to participate remotely should complete the speaker form <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> **before 4:00 pm on the meeting day** to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call-in.

The City Council will receive a staff presentation and invite both virtual and in-person oral testimony from the public. Previously submitted written testimony is included as part of the record. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the review as provided by state law. Failure to raise an issue during the hearing or in writing before the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals based on that issue.

For further information, please contact Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, dwyss@westlinnoregon.gov, or 503-742-6064.

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Publish: West Linn Tidings, January 24, 2024 and January 31, 2024



CITY OF
**West
Linn**

City Council

VAC-23-02 Public Hearing

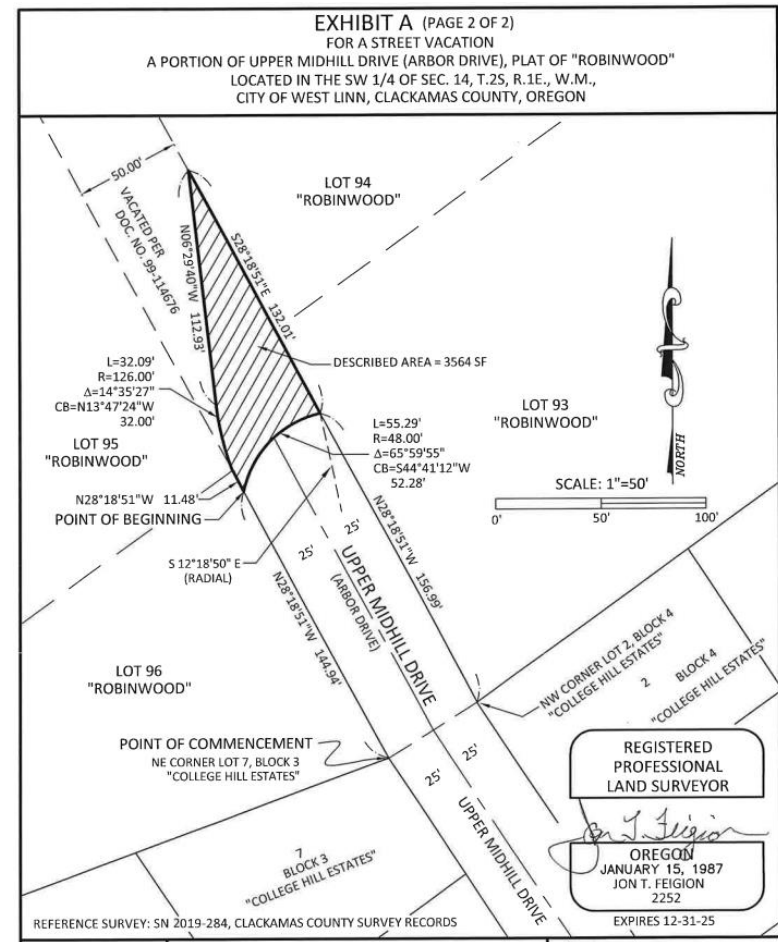
Proposed Vacation of a Portion of Upper Midhill Drive Right-of-Way

February 12, 2024

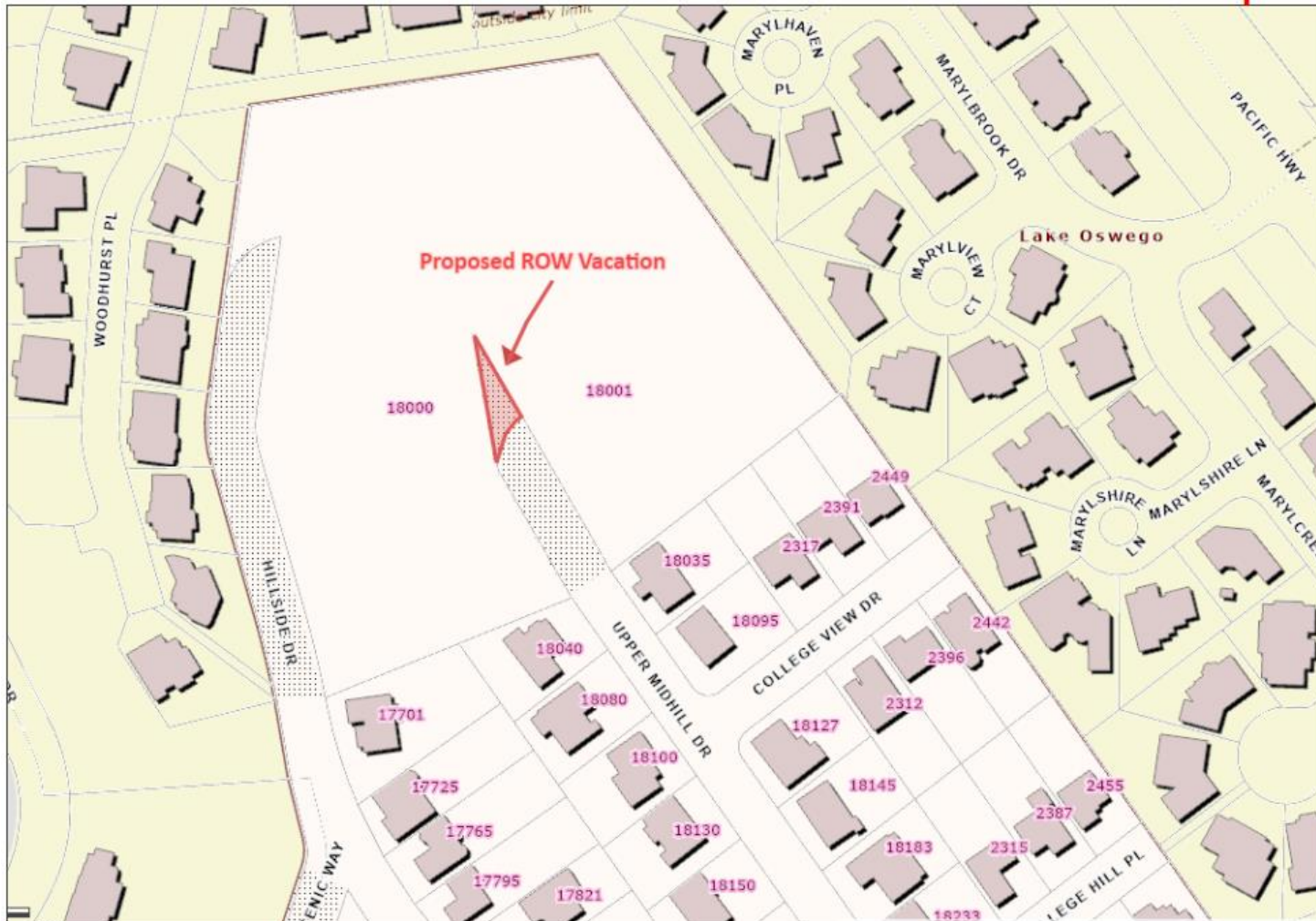
CC Public Hearing Materials



- Agenda Bill
 - Background Information
 - Staff Recommendation
- Attachments
 - 1. Ordinance 1752 – Proposed Vacation of a Portion of Upper Midhill Drive Right-of-Way
 - 2. VAC-23-02 Staff Report and Findings



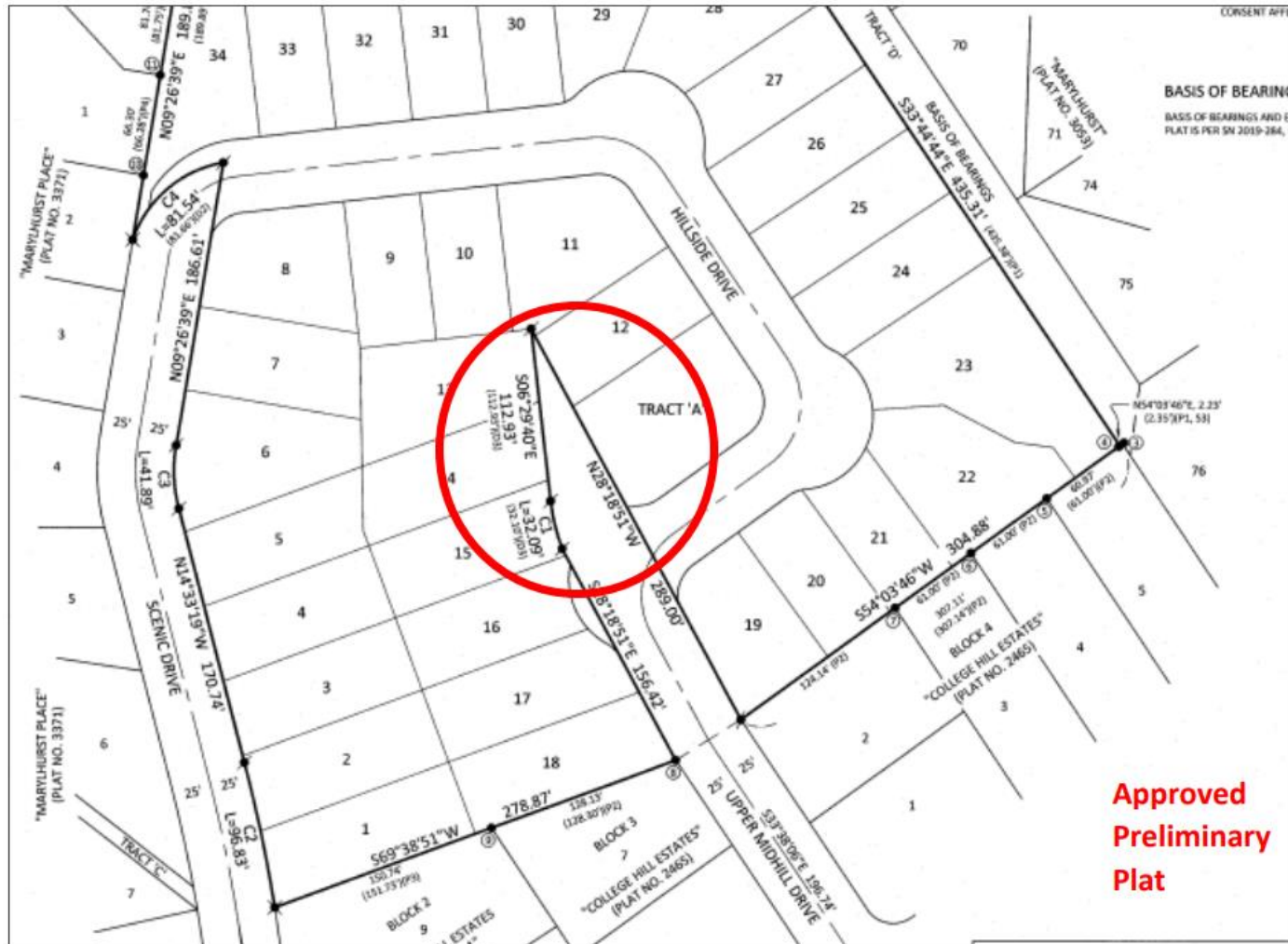
ROW Vacation Location



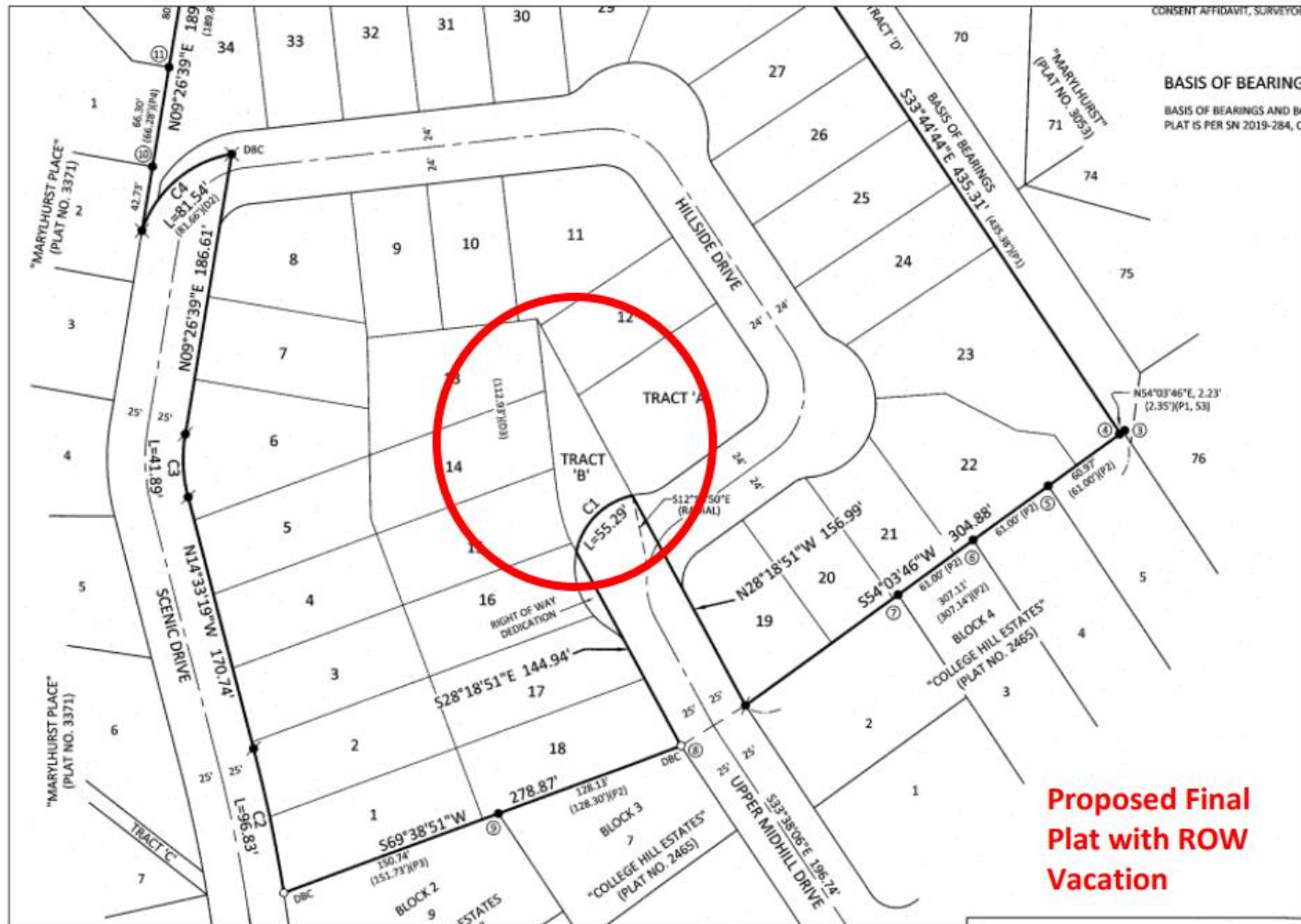
ROW Vacation Location



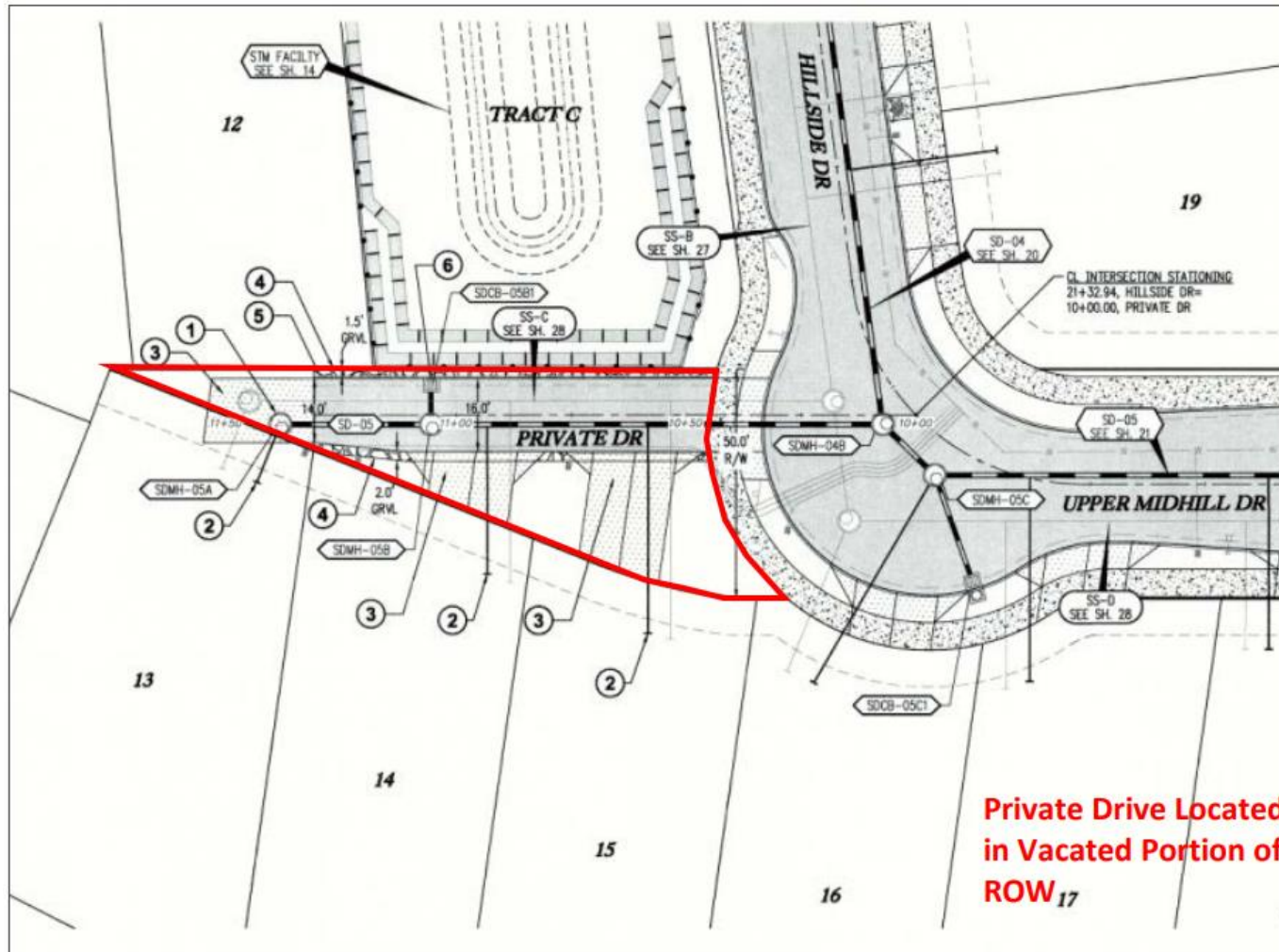
ROW Vacation Location



ROW Vacation Location



ROW Vacation Location





ROW Vacation Approval Criteria

Approval Criteria – ORS 271.130

- Required public notice provided per ORS 271.110
 - Tidings Notice 01/24 and 01/31/2024
 - Signs Posted 01/25/2024
- No decision prior to public hearing
- No written objection from majority of owners in area
- Will not substantially affect value of abutting properties
 - All properties will have continued access to public right-of-way via Tract B

Easements

- Public utility easement over entirety
- Public access easement over entirety

NOTICE OF PROPOSED STREET VACATION

WEST LINN CITY COUNCIL PUBLIC HEARING NOTICE FILE NO. VAC-23-02

The West Linn City Council will hold a hybrid public hearing on **Monday, February 12, 2024, at 6:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a City-initiated request to vacate a portion of the Upper Midhill Drive right-of-way at 18000 Upper Midhill Drive (Clackamas County Assessor Map 251ECA Tax Lot 200). The request will clean up an orphan piece of right-of-way. The application was filed on January 2, 2024.

The City Council hearing shall be conducted per Community Development Code Chapter 99 and the decision shall be based upon the approval criteria found in Oregon Revised Statute 271. All written or oral comments must relate specifically to the applicable approval criteria.

The application is posted on the City website <https://westlinnoregon.gov/projects>. The application, all documents or evidence relied upon by the applicant, and applicable criteria are available or for inspection at no cost at City Hall. Copies may be obtained at a reasonable cost. At least ten days prior to the hearing, a copy of the staff report will be available.

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on February 12, 2024 to dwys@westlinnoregon.gov or mail to City Hall.

The City Council meeting will be conducted in a hybrid format with some Councilors, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. Those who wish to participate remotely should complete the speaker form <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> before 4:00 pm on the meeting day to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call-in.

The City Council will receive a staff presentation and invite both virtual and in-person oral testimony from the public. Previously submitted written testimony is included as part of the record. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the review as provided by state law. Failure to raise an issue during the hearing or in writing before the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals based on that issue.

For further information, please contact Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, dwys@westlinnoregon.gov, or 503-742-6064.



ROW Vacation Considerations

- ✦ 3,564 sq. ft. to be vacated
 - Recorded as Tract B
 - Upper Midhill Estates Subdivision
- ✦ No Opportunity for Street Connectivity
 - Unneeded for subdivision layout
- ✦ Access to Lots 12, 14, and 15
 - Via shared private access drive
 - Recorded as Tract B
- ✦ Easements
 - Public Utility Easement
 - Stormwater infrastructure
 - Sanitary sewer infrastructure
 - Public Access Easement



Legal Description (ORD 1752)



EXHIBIT A (PAGE 1 OF 2)

STREET VACATION

PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE), PLAT OF "ROBINWOOD"

JOB NO. 0523-001

NOVEMBER 13, 2023

A PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE, 50.0 FEET WIDE), PLAT OF "ROBINWOOD", CLACKAMAS COUNTY PLAT RECORDS, SITUATED IN THE S.W. 1/4 OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

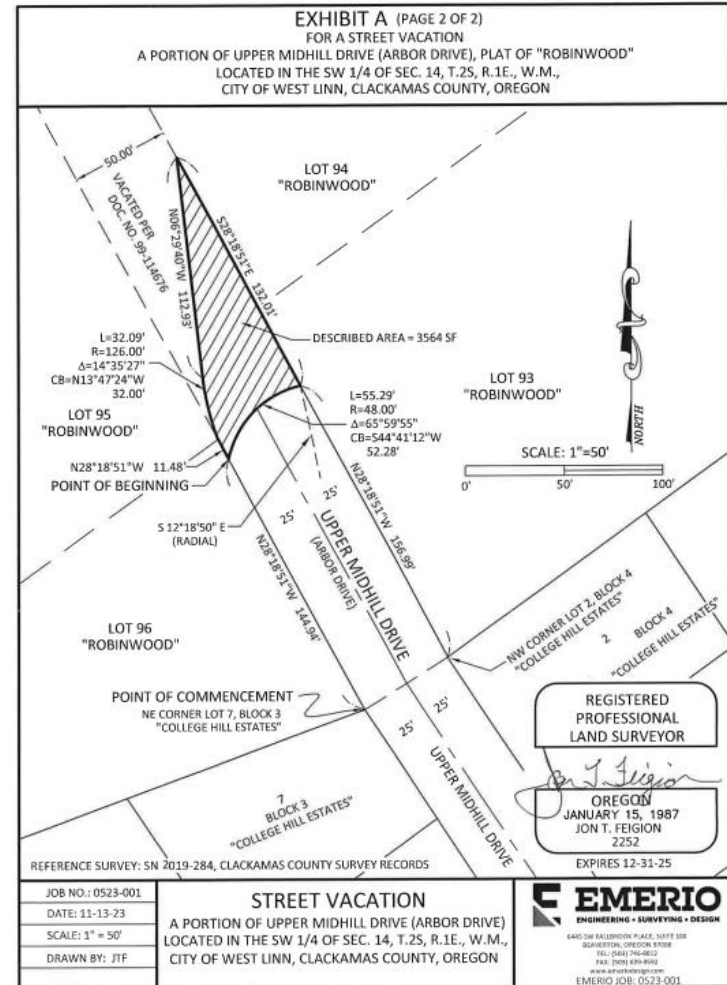
COMMENCING AT THE NORTHEAST CORNER OF LOT 7, BLOCK 3, "COLLEGE HILL ESTATES", CLACKAMAS COUNTY PLAT RECORDS, BEING ON THE WESTERLY RIGHT OF WAY LINE OF SAID UPPER MIDHILL DRIVE (50.0 FEET WIDE); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 28°18'51" WEST, 144.94 FEET TO THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 28°18'51" WEST, 11.48 FEET TO THE MOST SOUTHERLY CORNER OF A STREET VACATION OF UPPER MIDHILL DRIVE RECORDED IN DOCUMENT NO. 99-114676, CLACKAMAS COUNTY DEED RECORDS; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, ALONG THE SOUTHEASTERLY LINE OF SAID STREET VACATION, 32.09 FEET ON THE ARC OF A NONTANGENT 126.00-FOOT RADIUS CURVE CONCAVE TO THE EAST THROUGH A CENTRAL ANGLE OF 14°35'27" (THE CHORD BEARS NORTH 13°47'24" WEST, 32.00 FEET); THENCE CONTINUING ALONG THE SOUTHEASTERLY LINE OF SAID STREET VACATION, NORTH 06°29'40" WEST, 112.93 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID UPPER MIDHILL DRIVE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, SOUTH 28°18'51" EAST, 132.01 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, 55.29 FEET ON THE ARC OF A NONTANGENT 48.00-FOOT RADIUS CURVE (THE RADIUS POINT BEARS SOUTH 12°18'50" EAST) THROUGH A CENTRAL ANGLE OF 65°59'55" (THE CHORD BEARS SOUTH 44°41'12" WEST, 52.28 FEET) TO THE **POINT OF BEGINNING**, CONTAINS 3564 SQUARE FEET, MORE OR LESS.



REFERENCE SURVEY: SN 2019-284, CLACKAMAS COUNTY SURVEY RECORDS

6445 SW Fullbrook Place, Suite 100 • Beaverton, OR 97008 • emeriodesign.com





QUESTIONS OF STAFF?

Agenda Bill 2024-02-12-03

Date Prepared: January 31, 2024
For Meeting Date: February 12, 2024
To: Rory Bialostosky, Mayor
West Linn City Council
Through: John Williams, City Manager *JRW*
From: Erich Lais, PE – City Engineer/Public Works Director *EL*
Subject: Potential sale of surplus property located at 3955 Cedaroak Drive

Purpose:

Continued discussion and decision-making regarding the City-owned property at 3955 Cedaroak Drive. The City Council is required to hold a public hearing and determine if the City should accept a final offer for the sale of this property.

Question(s) for Council:

Does the Council want to accept the offer to purchase the surplus property located at 3955 Cedaroak Drive?

Public Hearing Required:

Yes

Background & Discussion:

This report contains added information as requested by Council on the background of the property. See the final six bullets at the end of this section, and the new attachments.

- The City purchased the referenced property with Environmental Services funds on or around September 5, 2008, for \$75,000.
- The property has remained vacant and undeveloped since its purchase.
- Through Resolution 2021-11, signed on June 14, 2021, the City determined there is no future public use for the property and declared the property surplus. Meeting details for item 7(e) can be found here: [June 14, 2021 Council Meeting](#).
- A subsequent meeting with City Council was held on August 2, 2021 to address a request for reconsideration of the approved Resolution 2021-11. Meeting details for item 6(b) can be found here: [August 2, 2021 Council Meeting](#). The decision to approve the resolution was upheld.
- Through the designation of surplus, the City also directed staff to initiate the sales process in accordance with WLMC 2.875(4) with any proceeds received to be deposited into the Environmental Services fund.
- The City engaged with a licensed local realtor who conducted a Comparative Market Analysis (CMA) to establish an initial list price to market the property. That CMA is attached to this report.
- An initial list price of \$165,000 was established and the property was active for sale on August 10, 2023. The City received one offer at \$60,000 which was rejected and countered at \$110,000 on November 15, 2023. On November 30, 2023 the City received a counter from the buyer at

\$85,000 which was rejected and countered at \$100,000. The counter of \$100,000 with all agreements executed and accepted on December 4, 2023 and the public notice and Council approval process was initiated.

- Due to land use restrictions originating from a stream located throughout the property, it is unlikely for the City to receive additional or higher offers. A land use memo from the Planning Department is attached to this report to provide additional information.
- Under state law and the City's ordinance for sale of surplus property, the City Council is required to hold a public hearing following public notice at least 7 days in advance of the hearing. Public notice was first published in the Daily Journal of Commerce and The West Linn Tidings on December 27, 2023.
- City Council opted to reschedule the meeting and public hearing to Tuesday, January 16th. An updated public notice was published in the Business Tribune on January 9, 2024 and the West Linn Tidings on January 10, 2024.
- At the January 16, 2024 meeting Council discussed the history of the property in further detail and requested more information related to the existing creek on the property, specifically the history surrounding the illegal rechanneling that took place prior to the City's acquisition of the land in 2008. Council requested confirmation of whether or not the City restored the creek.
- Staff performed comprehensive research which is incorporated as an attachment to this report.
- The restoration of the creek appears to have been completed between 2003 and 2004 in response to a legal filing and finding of nuisance confirmed by a municipal judge. The City received a warrant to enter the property for restoration purposes and entered into a contract with Henderson Land Services to complete the work.
- In 2008 a Planning Director decision was made to approve a land use application to begin building on the site. The City received 33 resident objections to the decision and an appeal process was initiated.
- The public hearing for the appeal was scheduled for July 21, 2008 and moved to August 18, 2008 in order to receive public testimony. At the August 18, 2008 meeting an agenda bill was introduced to purchase the property and the property was approved for acquisition. Detailed minutes of the discussion were not located.
- In conclusion, per documentation found within the City's record management system, a survey performed in 2023 as part of feasibility review of a City initiated land use process ahead of the sale of the property, and a recent site visit inspection performed by Environmental Services staff, the creek has been restored to its natural condition.

Budget Impact:

Revenue for the Environmental Services Fund; reduced maintenance costs moving forward; returning property to tax rolls.

Sustainability Impact:

See description of environmental impacts in attachments. The property is subject to all environmental restrictions applicable to surrounding developed residential properties/homes.

Council Options:

1. Accept the offer and allow staff to proceed with the sale.
2. Do not accept the offer and direct staff to continue to market the property, potentially with added restrictions regarding development.

Staff Recommendation:

Based on previous Council direction in August 2021, staff recommends the Council accept the offer to allow sale of the property and eliminate City liability and responsibility of continued maintenance of the property. Additional offers for purchase are not anticipated.

Potential Motion:

Motion to approve the sale of the property located at 3955 Cedaroak Drive for \$100,000 and authorize the City Manager to execute all necessary documents to complete the transaction.

Attachments:

1. Final Sales Agreement
2. Property Map
3. Land Use Memo from Planning Department
4. Comparative Market Analysis
5. Property History Summary
6. 2023 Property Survey
7. Current Development Summary of Neighborhood and Similar Properties

Sale Agreement # CityWLtoJPatino

RESIDENTIAL

VACANT LAND REAL ESTATE SALE AGREEMENT**FINAL AGENCY ACKNOWLEDGMENT**

Both Buyer and Seller acknowledge having received the Oregon Real Estate Agency Disclosure Pamphlet, and hereby acknowledge and consent to the following agency relationships in this transaction:

Buyer's Agent(s)*: Elizabeth Henderson Oregon License #: 200509373
 is/are the agent of (select one): ☐ Buyer exclusively ("Buyer Agency") ☒ Both Buyer and Seller ("Disclosed Limited Agency")
 Name of Real Estate Firm(s)*: Wings NW Real Estate LLC Firm License #: 201252836
 Buyer's Agent's Office Address: 4487 Kenthorpe Way West Linn OR 97068
 Phone #1: _____ Phone #2: _____ E-mail: elizabeth@wingsnwre.com

Seller's Agent(s)*: Elizabeth Henderson Oregon License #: 200509373
 is/are the agent of (select one): ☐ Seller exclusively ("Seller Agency") ☒ Both Buyer and Seller ("Disclosed Limited Agency")
 Name of Real Estate Firm(s)*: Wings NW Real Estate Firm License #: 201252836
 Seller's Agent's Office Address: _____
 Phone #1: (503) 320-9160 Phone #2: _____ E-mail: elizabeth@WingsNWre.com

*If Buyer's and/or Seller's Agents and/or Firms are co-selling or co-listing in this transaction, all Agent and Firm names should be disclosed above or in an attached OREF 002 – Addendum to Real Estate Sale Agreement.

If both parties are each represented by one or more Agents in the same Real Estate Firm, and Agents are supervised by the same principal broker in that Real Estate Firm, Buyer and Seller acknowledge said principal broker will become the disclosed limited agent for both Buyer and Seller as more fully explained in the Disclosed Limited Agency Agreements that have been reviewed and signed by Buyer, Seller, and Agent(s).

Buyer will sign this acknowledgment at the time of signing this Agreement before submission to Seller. Seller will sign this acknowledgment at the time this Agreement is first submitted to Seller, even if this Agreement will be rejected or a counteroffer will be made. Seller's signature to this Final Agency Acknowledgment will not constitute acceptance of this Agreement or any terms herein.

Buyer Joey Patino Print Joey Patino Date 10/20/2023 ←
 Buyer _____ Print _____ Date _____ ←
 Seller [Signature] Print City of West Linn Date 11/6/2023 ←
 Seller _____ Print _____ Date _____ ←

GENERAL TERMS

This Agreement is intended to be a legal and binding contract. If it is not understood, seek competent legal advice before signing. For an explanation of the printed terms and provisions in this form, Seller and Buyer are encouraged to closely review Section 29 (Definitions) and Section 30 (Miscellaneous). No changes or alterations are permitted to any portion of the pre-printed format or text of this form. Any such proposed changes or alterations must be made on a separate document.

1. PARTIES/PRICE/PROPERTY DESCRIPTION: Buyer Joey Patino

offers to purchase from Seller City of West Linn
City of West Linn

the following described real property (the "Property") situated in the State of Oregon, County of Clackamas,
 and commonly known or identified as (insert street address, city, zip code, tax identification number, lot/block description, etc.):
3955 Cedar Oak Dr, West Linn, OR 97068
732 CEDAR OAK PARK #3 PT LT 200

(If a complete legal description of the Property is not included in this Agreement, Buyer and Seller agree to use the legal description provided by Escrow, defined in Section 17 (Escrow), for purposes of legal identification and conveyance of title.)

for the "Purchase Price" (in U.S. currency) of _____ A \$ 60,000.00

on the following terms: as earnest money, the sum of (the "Deposit") _____ B \$ 6,000.00

on _____, as additional earnest money, the sum of (the "Additional Deposit") _____ C \$ _____

at or before Closing, the balance of the down payment _____ D \$ _____

at Closing and on delivery of the ☒ Deed ☐ Contract, the balance of the Purchase Price _____ E \$ 54,000.00

will be paid as agreed in the Financing Sections of this Agreement. (Lines B, C, D, and E should equal Line A)

Buyer Initials JP / _____ Date 10/20/2023

Seller Initials [Signature] / _____ Date 11/6/23

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SELLER'S COUNTEROFFER No. 1

1 This is a counteroffer to the ☒ Sale Agreement or ☐ Buyer's Counteroffer No. ____.

2 Buyer(s) Joey Patino
3 Seller(s) City of West Linn
4 Property Address or Tax ID # 3955 Cedar Oak Dr, West Linn, OR 97068
5 _____ (the "Property")

6 **1. AGREEMENT TO SELL:** Seller agrees to sell the real and personal property upon the terms and conditions set forth in the Sale Agreement and
7 subsequent counteroffers where applicable, except as modified as follows:

- 8 **1. Sales price to be \$110,000.**
9 **2. Seller and buyer acknowledge, Realtor, Elizabeth Henderson is representing both seller as**
10 **the listing agent and buyer, with his written offer.**
11 **3. Final sale is subject to public notice and requires approval at a public City Council**
12 **Meeting.**

13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____ For additional provisions, see Addendum _____

20 All remaining terms and conditions of the Sale Agreement (and other counteroffer(s) where applicable), not otherwise modified, are approved and
21 accepted by Seller. Time is of the essence. This Seller's Counteroffer shall automatically expire on 11/17/23 at 5 ☐ a.m. ☒ p.m.
22 (the "Counteroffer Deadline") if not accepted within that time. This Seller's Counteroffer may be accepted by Buyer only in writing. However, Seller
23 may withdraw this counteroffer before the Counteroffer Deadline at any time prior to Buyer's transmission of signed acceptance.

24 Seller acknowledges receipt of a completely filled-in copy of Buyer's Offer and Seller's Counteroffer, and all subsequent counteroffers where
25 applicable, which Seller has fully read and understands. Seller acknowledges Seller has not relied on any oral or written statements of any Buyer or
26 of any Agent(s) that are not expressly contained in the Sale Agreement as amended. Seller has reviewed the Seller Representations made in the
27 Sale Agreement and will promptly correct, in writing, any inaccurate representations.

28 Seller [Signature] City of West Linn Date Nov 15, 2023 _____ a.m. 3:15 p.m. ←
29 Seller _____ Date _____ a.m. _____ p.m. ←

30 **2. BUYER'S RESPONSE (select only one):**

- 31 ☐ Buyer accepts Seller's Counteroffer.
32 ☐ Buyer does not accept Seller's Counteroffer AND Buyer has attached to this agreement Buyer's Counteroffer.
33 ☐ Buyer rejects Seller's Counteroffer.

34 Buyer acknowledges receipt of signed copies of the Sale Agreement and all subsequent counteroffers, including this Seller's Counteroffer, where
35 applicable, which Buyer has fully read and understands.

36 Buyer Joey Patino Date _____ a.m. _____ p.m. ←
37 Buyer _____ Date _____ a.m. _____ p.m. ←

38 This offer was Delivered by Buyer's Agent to Buyer for signature on (insert date) _____ at _____ a.m. _____ p.m.

39 Note: If delivery/transmission occurs after the Counteroffer Deadline identified above, it will not become binding upon Seller and Buyer unless the
40 parties agree to extend said Deadline by an Addendum, Counteroffer, or other writing, jointly signed by the parties. The parties' failure to do so shall
41 be treated as a rejection under Buyers Response above, and this transaction shall be automatically terminated.

42 Buyer's Agent Elizabeth Henderson Seller's Agent Elizabeth Henderson

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Sale Agreement # CityWLtoJPatino
RESIDENTIAL

BUYER'S COUNTEROFFER No. 1

1 This is a counteroffer to Seller's Counteroffer No. 1.

2 Buyer(s) Joey Patino
3 Seller(s) City of West Linn
4 Property Address or Tax ID # 3955 Cedar Oak Dr, West Linn, OR 97068
5 (the "Property")

6 **1. AGREEMENT TO PURCHASE:** Buyer agrees to purchase the real and personal property upon the terms and conditions set forth in the Sale
7 Agreement and subsequent counteroffers where applicable, except as modified as follows:

8 1. Sales price to be \$85,000.
9 2. Buyers response timeline expired on Sellers Counter prior to buyer receipt. Buyer and
10 seller agree to extend buyer response deadline to continue negotiations if both parties reach
11 agreement.

12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____ For additional provisions, see Addendum _____

20 All remaining terms and conditions of the Sale Agreement (and other counteroffer(s), where applicable), not otherwise modified, are approved and
21 accepted by Buyer. Time is of the essence. This Buyer's Counteroffer shall automatically expire on 11/27/2023 at 5 ☐ a.m. ☒ p.m.
22 (the "Counteroffer Deadline") if not accepted within that time. This Buyer's Counteroffer may be accepted by Seller only in writing. However, Buyer
23 may withdraw this offer before the Counteroffer Deadline at any time prior to Seller's transmission of signed acceptance.

24 Buyer acknowledges receipt of a completely filled-in copy of Seller's Offer and Buyer's Counteroffer, and all subsequent counteroffers where
25 applicable, which Buyer has fully read and understands. Buyer acknowledges Buyer has not relied on any oral or written statements of any Seller or
26 of any Agent(s) that are not expressly contained in the Sale Agreement as amended.

27 Buyer Joey Patino Joey Patino Date 11/21/2023, 11:44:40 AM PST _____ a.m. _____ p.m. ←
28 Buyer _____ Date _____ a.m. _____ p.m. ←

29 **2. SELLER'S RESPONSE:** Seller has reviewed the Seller Representations made in the Seller Representations section and elsewhere in the Sale
30 Agreement and will promptly correct, in writing, any inaccurate representations. (select only one)

31 ☐ Seller accepts Buyer's Counteroffer.
32 ☒ Seller does not accept Buyer's Counteroffer AND Seller has attached to this agreement Seller's Counteroffer.
33 ☐ Seller rejects Buyer's Counteroffer.

34 Seller acknowledges receipt of signed copies of the Sale Agreement and all subsequent counteroffers, including this Buyer's Counteroffer, where
35 applicable, which Seller has read and fully understands.

36 Seller [Signature] City of West Linn Date 11/30/23 9 a.m. _____ p.m. ←
37 Seller _____ Date _____ a.m. _____ p.m. ←

38 This offer was Delivered by Seller's Agent to Seller for signature on (insert date) _____ at _____ a.m. _____ p.m.

39 Note: If delivery/transmission occurs after the Counteroffer Deadline identified above, it will not become binding upon Seller and Buyer unless the
40 parties agree to extend said Deadline by an Addendum, Counteroffer, or other writing, jointly signed by the parties. The parties' failure to do so shall
41 be treated as a rejection under Seller's Response above, and this transaction shall be automatically terminated.

42 Buyer's Agent Elizabeth Henderson Seller's Agent Elizabeth Henderson

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RESIDENTIAL

DISCLOSED LIMITED AGENCY AGREEMENT FOR SELLERS

- 1 Real Estate Firm Wings NW Real Estate LLC
- 2 The Parties to this Disclosed Limited Agency Agreement are:
- 3 Seller's Agent Elizabeth Henderson
- 4 Seller's Agent Principal Broker Elizabeth Henderson
- 5 Seller City of West Linn Seller _____
- 6 _____
- 7 The parties to this Agreement understand Oregon law allows a single real estate agent to act as a disclosed limited agent to represent both the
 8 Seller and the buyer in the same real estate transaction, or multiple buyers who want to purchase the same property. It is also understood when
 9 different agents associated with the same principal broker (the broker who directly supervises the other agents) establish agency relationships with
 10 the buyer and seller in a real estate transaction, the agents' principal broker shall be the only broker acting as a disclosed limited agent
 11 representing both seller and buyer. The other agents shall continue to represent only the party with whom they have an established agency
 12 relationship unless all parties agree otherwise in writing.
- 13 In consideration of the above understanding and the mutual promises and benefits exchanged here and in the Listing Agreement, the parties now
 14 agree as follows:
- 15 1. Seller(s) acknowledge they have received the Oregon Real Estate Agency's Initial Agency Disclosure Pamphlet required by ORS 696.820 and
 16 have read and discussed with the Seller's Agent the part of the pamphlet entitled "Duties and Responsibilities of an Agent who Represents More
 17 than One Client in a Transaction." The Initial Agency Disclosure Pamphlet is hereby incorporated into this Disclosed Limited Agency Agreement by
 18 reference.
- 19 (Seller Initials) [Signature] (Seller Initials) _____
- 20 2. Seller(s), having discussed with the Seller's Agent the duties and responsibilities of an agent who represents more than one party to a
 21 transaction, consent and agree as follows:
- 22 a. The Seller's Agent, in addition to representing Seller (select one), ☒ may ☐ may not represent one or more buyers in a transaction
 23 involving the listed property;
- 24 b. In a transaction involving the listed property where the buyer is represented by an agent who works in the same Real Estate Firm as the
 25 Seller's Agent and who is supervised by the Seller's Agent's Principal Broker, the Seller's Agent's Principal Broker may represent both
 26 Seller and Buyer. In such a situation, the Seller's Agent will continue to represent only the Seller, and the other agent will represent only
 27 the Buyer, consistent with the applicable duties and responsibilities as set out in the Initial Agency Disclosure Pamphlet; and
- 28 c. In all other cases, the Seller's Agent and the Seller's Agent's Principal Broker shall represent Seller exclusively.
- 29 Seller [Signature] City of West Linn Date Nov 15, 2023 _____ a.m. 3:00 p.m. ←
- 30 Seller _____ Date _____ a.m. _____ p.m. ←
- 31 Seller's Agent Elizabeth Henderson Date _____ a.m. _____ p.m. ←
 (On their own and on the Principal Broker's behalf)

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Sale Agreement # CityWLtoJPatino

RESIDENTIAL

SELLER'S COUNTEROFFER No. 21 This is a counteroffer to the ☐ Sale Agreement or ☒ Buyer's Counteroffer No. 1.2 Buyer(s) Joey Patino3 Seller(s) City of West Linn4 Property Address or Tax ID # 3955 Cedar Oak Dr, West Linn, OR 97068

5 (the "Property")

6 **1. AGREEMENT TO SELL:** Seller agrees to sell the real and personal property upon the terms and conditions set forth in the Sale Agreement and
7 subsequent counteroffers where applicable, except as modified as follows:8 1. Sales price to be \$100,000.9 2. Seller and buyer agree to extend former addendum response deadlines to continue sale
10 negotiations.11 3. All other terms and conditions to remain the same.
12
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19 For additional provisions, see Addendum

20 All remaining terms and conditions of the Sale Agreement (and other counteroffer(s) where applicable), not otherwise modified, are approved and
21 accepted by Seller. Time is of the essence. This Seller's Counteroffer shall automatically expire on 12/01/2023 at 5 ☐ a.m. ☒ p.m.
22 (the "Counteroffer Deadline") if not accepted within that time. This Seller's Counteroffer may be accepted by Buyer only in writing. However, Seller
23 may withdraw this counteroffer before the Counteroffer Deadline at any time prior to Buyer's transmission of signed acceptance.24 Seller acknowledges receipt of a completely filled-in copy of Buyer's Offer and Seller's Counteroffer, and all subsequent counteroffers where
25 applicable, which Seller has fully read and understands. Seller acknowledges Seller has not relied on any oral or written statements of any Buyer or
26 of any Agent(s) that are not expressly contained in the Sale Agreement as amended. Seller has reviewed the Seller Representations made in the
27 Sale Agreement and will promptly correct, in writing, any inaccurate representations.28 Seller [Signature] City of West Linn Date 11/30/23 9 a.m. _____ p.m. ←

29 Seller _____ Date _____ a.m. _____ p.m. ←

30 **2. BUYER'S RESPONSE (select only one):**31 ☒ Buyer accepts Seller's Counteroffer.32 ☐ Buyer does not accept Seller's Counteroffer AND Buyer has attached to this agreement Buyer's Counteroffer.33 ☐ Buyer rejects Seller's Counteroffer.34 Buyer acknowledges receipt of signed copies of the Sale Agreement and all subsequent counteroffers, including this Seller's Counteroffer, where
35 applicable, which Buyer has fully read and understands.36 Buyer Joey Patino Joey Patino Date 12/01/2023, 07:50:44 PM PST a.m. _____ p.m. ←

37 Buyer _____ Date _____ a.m. _____ p.m. ←

38 This offer was Delivered by Buyer's Agent to Buyer for signature on (insert date) 12/01/2023, 04:03:55 PM PST at _____ a.m. _____ p.m.39 Note: If delivery/transmission occurs after the Counteroffer Deadline identified above, it will not become binding upon Seller and Buyer unless the
40 parties agree to extend said Deadline by an Addendum, Counteroffer, or other writing, jointly signed by the parties. The parties' failure to do so shall
41 be treated as a rejection under Buyers Response above, and this transaction shall be automatically terminated.42 Buyer's Agent Elizabeth Henderson Seller's Agent Elizabeth Henderson

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ADDENDUM TO REAL ESTATE SALE AGREEMENT

1	Buyer(s) <u>Joey Patino</u>
2	Seller(s) <u>City of West Linn</u>
3	Property Address or Tax ID # <u>3955 Cedar Oak Dr, West Linn, OR 97068</u>
4	(the "Property")

Seller and Buyer hereby agree the following shall be a part of the Real Estate Sale Agreement referenced above:

1. Buyer and seller acknowledge that addenda were signed after expiration and agree to be bound and move forward with signed agreements.

2. Buyer accepts the final Seller Counter 2: Monday, December 4th, 2023 to be effective day / first full day of mutual acceptance.

3. For clarification: This sale is subject to public notice and requires approval at a public City Council Meeting. Buyers 45 business day Inspection/Feasibility to begin upon City Council approval of Real Estate Sales Contract 'CityWLtoJPatino'.

Buyer Joey Patino Date _____ a.m. _____ p.m. ←

Buyer _____ Date _____ a.m. _____ p.m. ←

Seller City of West Linn Date _____ a.m. _____ p.m. ←

Seller [Signature] Date 12/4/23 8:30 a.m. _____ p.m. ←

Buyer's Agent Elizabeth Henderson Seller's Agent Elizabeth Henderson

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Sale Agreement # CityWLtoJPatino
 Addendum # Earnest Money

RESIDENTIAL

ADDENDUM TO REAL ESTATE SALE AGREEMENT

1 Buyer(s) Joey Patino
 2 Seller(s) City of West Linn
 3 Property Address or Tax ID # 3955 Cedar Oak Dr, West Linn, OR 97068
 4 _____ (the "Property")

5 Seller and Buyer hereby agree the following shall be a part of the Real Estate Sale Agreement referenced above:

6 Buyer understands this sale contract is expressly contingent upon reaching City Council

7 Approval scheduled to be reviewed on the Council agenda for January 8, 2024.

8 _____
 9 Buyer to submit \$6,000 Earnest Money to escrow within 3 business days of Council approval.
 10 _____
 11 _____
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 13 _____
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 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____
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 28 _____
 29 _____

30 Buyer Joey Patino Joey Patino Date 12/07/2023, 10:57:03 PM PST _____ a.m. _____ p.m. ←
 31 Buyer _____ Date _____ a.m. _____ p.m. ←
 32 Seller [Signature] City of West Linn Date 12/14/23 9 a.m. _____ p.m. ←
 33 Seller _____ Date _____ a.m. _____ p.m. ←

34 Buyer's Agent Elizabeth Henderson Seller's Agent Elizabeth Henderson

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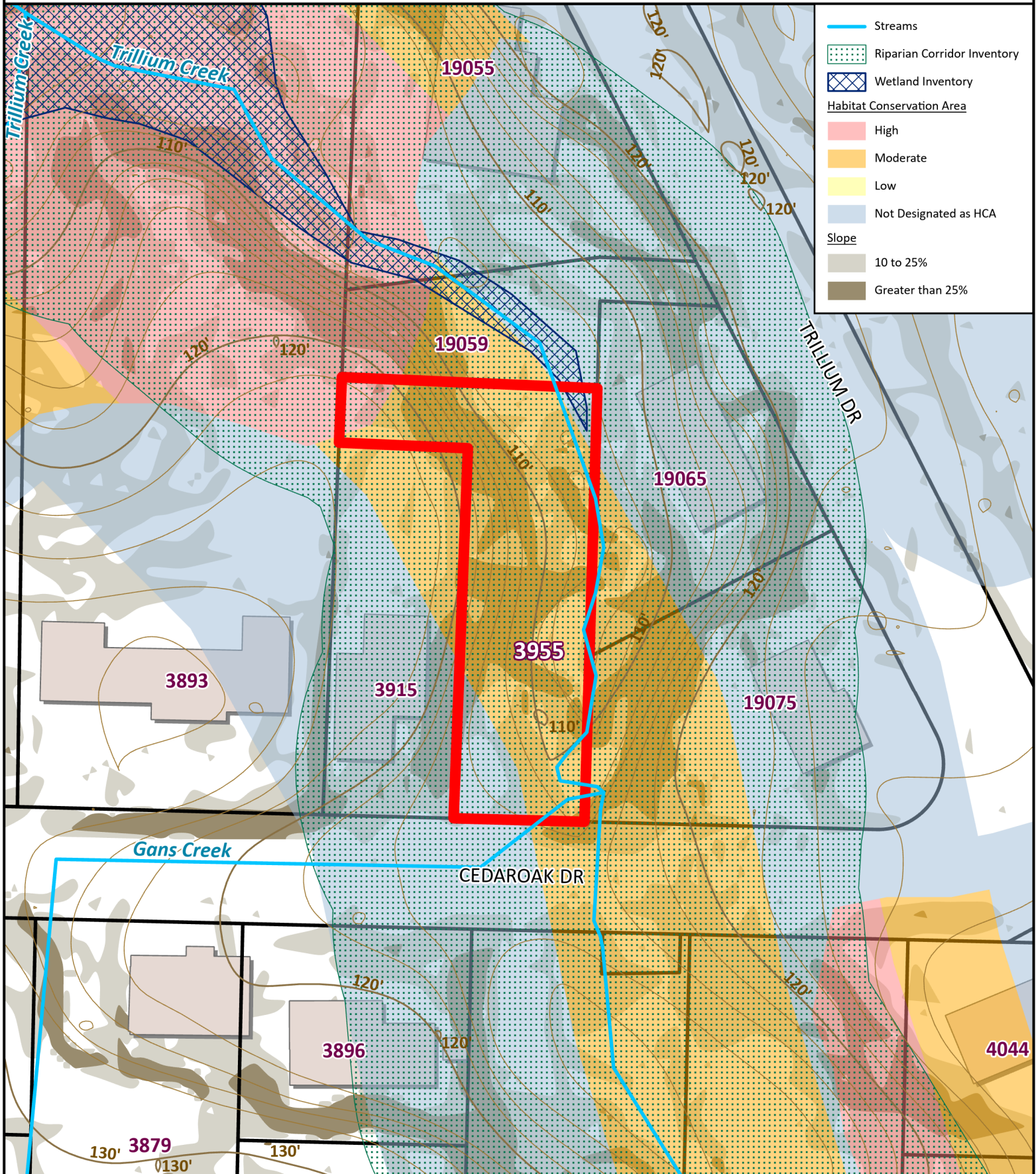
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CITY OF West Linn

Memorandum

Date: July 21, 2021

To: Jules Walters, Mayor
West Linn City Council

From: Darren Wyss, Planning Manager

Subject: Land Use Regulations on 3955 Cedaroak Drive

West Linn Planning was asked to provide information on the development potential for the City-owned property at 3955 Cedaroak Drive. The request was prompted by the City proposal to surplus the property and some community members commenting the property was not developable because of the location of Trillium Creek and its associated environmental setbacks. The analysis below shows that the property **is developable with some restrictions** as outlined in the West Linn Community Development Code (CDC).

Basic land use facts for the City-owned property at 3955 Cedaroak Drive:

Property Size:	13,556 sq. ft.
Comp Plan Designation:	Low Density Residential
Zoning:	R-10 (10,000 sq. ft. minimum lot size)
Permitted Uses:	Community Development Code Chapter 11.030 Community Development Code Chapter 11.050
Conditional Uses:	Community Development Code Chapter 11.060
Environmental Overlays:	Water Resource Area CDC Chapter 32 Habitat Conservation Area CDC Chapter 28

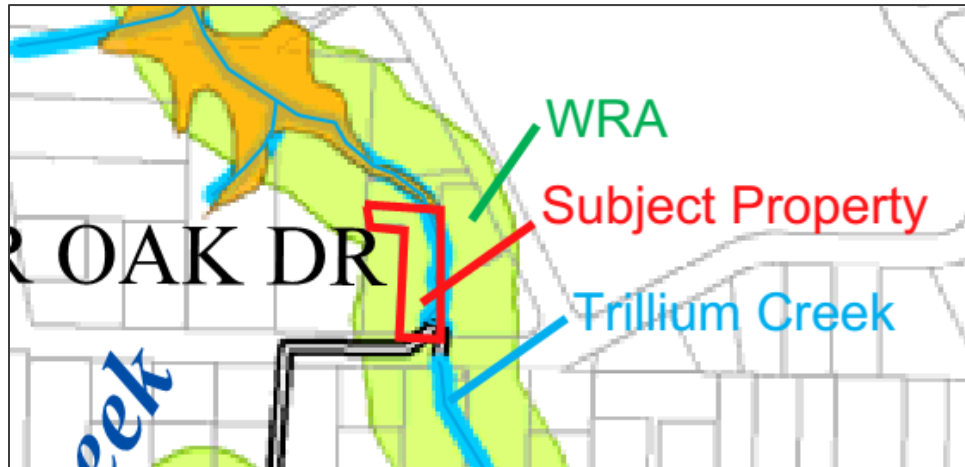
The property is entirely encumbered by the Water Resource Area (WRA) associated with Trillium Creek. The West Linn Community Development Code (CDC) defines a Water Resource Area as *“Any water resource or riparian area identified in the West Linn WRA Map and the adjacent area of varying widths, established pursuant to Chapter **32** CDC, in which development activities are restricted in order to protect the functions and values of the associated water resource”*.

Figure 1 shows the property location, Trillium Creek, and the associated WRA on the City-adopted WRA Map.



CITY OF West Linn

Figure 1.



CDC Chapter 32 regulates the size, type, location, and mitigation requirements of development taking place on property containing a WRA. When a property is entirely encumbered by the WRA, as is the case with 3955 Cedaroak Drive, the City provides for a hardship allowance to avoid a “taking” by depriving an owner of the reasonable use of land ([CDC Chapter 32.110](#)). The process requires attending a pre-application conference and the subsequent submittal of a land use application for a WRA Permit. The code outlines a few provisions that must be met to qualify for the hardship allowance:

1. The property must have existed as a lot of record and been recorded with Clackamas County on or before January 1, 2006.

Clackamas County Record of Survey SN2003-107, recorded March 17, 2003, shows the lot of record in its current configuration.

2. Maximum disturbed area of 5,000 sq. ft. of the WRA.

This requirement would get confirmed during the land use review for the WRA Permit. Maximum disturbed area includes footprints of all structures, decks, patios, sidewalks, driveways, and any disturbed area not replanted with native vegetation per an approved mitigation plan. Lot coverage and floor-to-area ratio requirements of the R-10 zone would still apply.

3. Minimum distance from the water resource (Trillium Creek in this case) of 15 feet. Minimum permitted width of driveway required to reduce impervious surfaces. Reduced setbacks from property lines are allowed to minimize impacts.

The requirement would get confirmed during the land use review for the WRA Permit.

4. Mitigation and re-vegetation of disturbed areas.



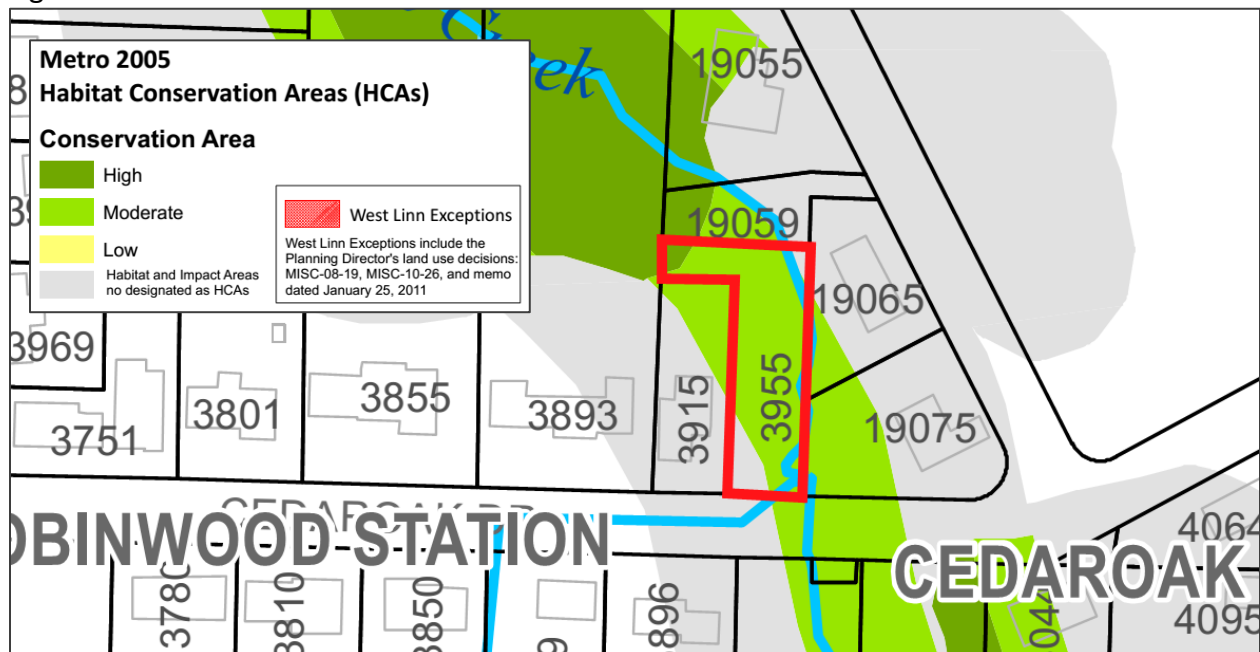
CITY OF West Linn

A mitigation/re-vegetation plan is required to be prepared by a qualified professional and submitted with the land use application.

The property is also encumbered by Moderate Value Habitat Conservation Area (HCA) associated with Trillium Creek. The West Linn Community Development Code (CDC) defines Habitat Conservation Areas as “Areas identified on the Habitat Conservation Areas Map and subject to the standards found in Chapter **28** CDC, Willamette and Tualatin River Protection”.

Figure 2 shows the property location, Trillium Creek, and the associated HCA on the City-adopted HCA Map.

Figure 2.



CDC Chapter 28 regulates the size, type, location, and mitigation requirements of development taking place on property containing HCAs. When a property is encumbered by HCAs, as is the case with 3955 Cedaroak Drive, the City provides the opportunity for development to avoid a “taking”. The regulations allow a maximum disturbance of 5,000 sq. ft. of HCA designated land with encroachment directed to low value, then moderate value, and finally high value if no other options are available ([CDC Chapter 28.110.A](#)). The process requires attending a pre-application conference and the subsequent submittal of a land use application for HCA Review and Permit. The code outlines a few provisions that must be met to qualify for disturbance of the HCA:



CITY OF West Linn

1. The property must be a legal lot of record and have less than 5,000 sq. ft. of non-HCA land.

Clackamas County Record of Survey SN2003-107, recorded March 17, 2003, shows the lot of record in its current configuration. There is approximately 1,300 sq. ft. of non-HCA land so the property is eligible to disturb HCA designated land.

2. Minimize disturbance to the HCA land by directing development first to low value, then moderate value, then high value lands.

The property has approximately 1,300 sq. ft. of non-HCA land with the remainder primarily moderate value HCA land. Minimizing disturbance would be judged against existing regulations for confirmation during the HCA land use review.

3. Maximum disturbed area of 5,000 sq. ft. of impervious surfaces on HCA designated land.

The requirement would get confirmed during the HCA land use review.

4. Reduced setbacks from property lines are allowed to minimize impacts.

The requirement would get confirmed during the HCA land use review.

5. Mitigation and re-vegetation of disturbed areas.

A mitigation/re-vegetation plan is required to be prepared by a qualified professional and submitted with the land use application.

Prior to development of the property, there would be opportunity for public comment and feedback on a proposal. As noted earlier, an applicant would be required to attend a pre-application conference with City staff to learn the land use review process and the applicable CDC criteria the proposal would need to meet. Pre-application meetings are open to the public and comments can be submitted.

Upon submittal of a land use application for WRA and HCA review, all property owners within 500-feet, all neighborhood associations, the Oregon Department of State Lands, and the Army Corps of Engineers would be notified and provided the opportunity to comment. The property would also be posted with a sign notifying the community of an impending land use decision with a description of the proposal.

Please feel free to contact me at dwyss@westlinnoregon.gov or 503-742-6064 with any questions regarding the land use process for development on the property at 3955 Cedaroak Drive.

Competitive Market Analysis

for

City of West Linn - 3955 Cedaroak



**3955 Cedar Oak DR
West Linn, OR 97068**

Acres, Number of: 0.31

- Zoning 10
- Legal - 732 Cedaroak Park
- Private wooded lot with neighborhood creek!

Recommended Price: \$165,000 (\$145,000 - \$175,000)



Prepared By
Residential Specialist, CRS
Elizabeth Henderson
Principal Broker
Wings NW Real Estate
19363 Willamette Drive, #161
West Linn OR 97068
[Allow me to help you online!](#)
[Oregon Schools](#)

Phone: 503-320-9160
Cell: 503-320-9160
Email:
elizabeth@wingsnwre.com
[City of Portland](#)



Table of Contents

Comparables to Your Home	4
Map of Comparables to Your Home	6
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Pricing Your Home	11

CMA prepared by:

Elizabeth Henderson, Principal Broker - Owner, ABR, CRS, GRI

Wings NW Real Estate

Comparables to Your Home

21545 WILLAMETTE DR	West Linn	97068	LND	ACT	\$125,000
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MLS#: 23237537	Status: ACT	PTax/Yr: \$555
Unit/Lot #:	# Lots: 2	Acres: 0.16
Zoning: R-10	Wtr Frnt:	Area: 147
Lot Size: 7K-9,999SF		Prop Type: RESID

Directions: Willamette Dr, or Willamette Dr. to A St. to shared driveway

Remarks: Two buildable lots, zoned single-family attached or detached (duplex, triplex, quadplex, cottage clusters, townhouse, or manufactured home.) Per Seller Oregon law allows up to 8 units with the population of West Linn. All utilities available. Access through Willamette Drive per Oregon Transportation Dept. Possible 2nd story Mt. Hood view. Buyer to do own due diligence.

18366 HILLSIDE CT	West Linn	97068	LND	ACT	\$149,500
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MLS#: 23178252	Status: ACT	PTax/Yr: \$932
Unit/Lot #:	# Lots:	Acres:
Zoning: Resid	Wtr Frnt:	Area: 147
Lot Size: 10K-14,999SF		Prop Type: RESID

Directions: HIGHWAY 43,RIGHT UPPER MIDHILL,LEFT COLLEGE HILL,LEFT HILLSIDE COURT

Remarks: Are you looking for a premium lot with view, This is it! Located in a quiet cul-de-sac with wonderful views of mountain and city, surrounded by million dollar homes in College Hill Estate. You won't regret it. All utilities in the street. Close to downtown Lake Oswego, great ranking schools. Buyer do your due diligence.

0 Willamette DR	West Linn	97068	LND	ACT	\$250,000
-----------------	-----------	-------	-----	-----	-----------



MLS#: 23317642	Status: ACT	PTax/Yr: \$122
Unit/Lot #:	# Lots:	Acres:
Zoning: R	Wtr Frnt:	Area: 147
Lot Size: 5K-6,999SF		Prop Type: RESID

Directions: Willamette

Remarks: Exciting Opportunity: Build Your Dream Home with a Spectacular View! Calling all builders! This budget-friendly lot is a rare find, cleared, cleaned, and primed for construction. Situated in a fantastic location with convenient access to downtown West Linn and Lake Oswego, it offers an easy commute. The area boasts highly regarded schools, making it ideal for families. Don't miss out on the chance to bring your vision to life! Additionally, the adjacent lot is also available for purchase, providing even more possibilities.

Territorial DR	West Linn	97068	LND	ACT	\$250,000
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MLS#: 23356129	Status: ACT	PTax/Yr: \$2,578
Unit/Lot #:	# Lots:	Acres:
Zoning: R5	Wtr Frnt: Y	Area: 147
Lot Size: 7K-9,999SF		Prop Type: RESID

Directions: Willamette Dr, R on Mill St, L on Territorial, lot next to 5039 Territorial Dr ML#23377417

Remarks: WEST LINN RIVER FRONT LOT. BUILD YOUR DREAM HOME. Breathtaking views, access to dock, short walk to Old Town Oregon City. Geo Tech and survey completed. Sewer, electric and water available at Street (SDC fees not paid). Riverfront home next door is FOR SALE too (ML#23377417) Remember its about the river and waterfront investing and living. Ask listing agent for more details.

3310 ARBOR DR	West Linn	97068	LND	ACT	\$350,000
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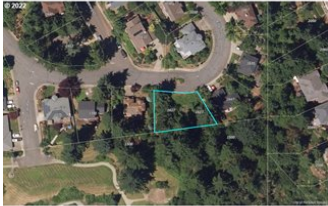


MLS#: 23402827 Status: ACT PTax/Yr: \$2,278
 Unit/Lot #: # Lots: Acres: 0.28
 Zoning: R10 Wtr Frnt: Area: 147
 Lot Size: 10K-14,999SF Prop Type: RESID

Directions: Willamette Drive to Arbor

Remarks: Great location and easy access to Highway 43. Bring your own builder for this beautiful, private and level lot. Natural Stream in the back and backs to plenty of privacy. Please do not walk the property without an appointment.

1627 KILLARNEY DR	West Linn	97068	LND	SLD	\$249,000
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MLS#: 22634400 Status: SLD PTax/Yr: \$1,158
 Unit/Lot #: # Lots: Acres: 0.23
 Zoning: R10 Wtr Frnt: Area: 147
 Lot Size: 10K-14,999SF Prop Type: RESID

Directions: Blankenship to Debok to Killarney OR Bland Cir to Crestview to Alpine/Killarney

Remarks: Last lot in established neighborhood. Backs to North Willamette Neighborhood Park. Desirable West Linn location and schools.

4060 KENTHORPE WAY	West Linn	97068	LND	SLD	\$275,000
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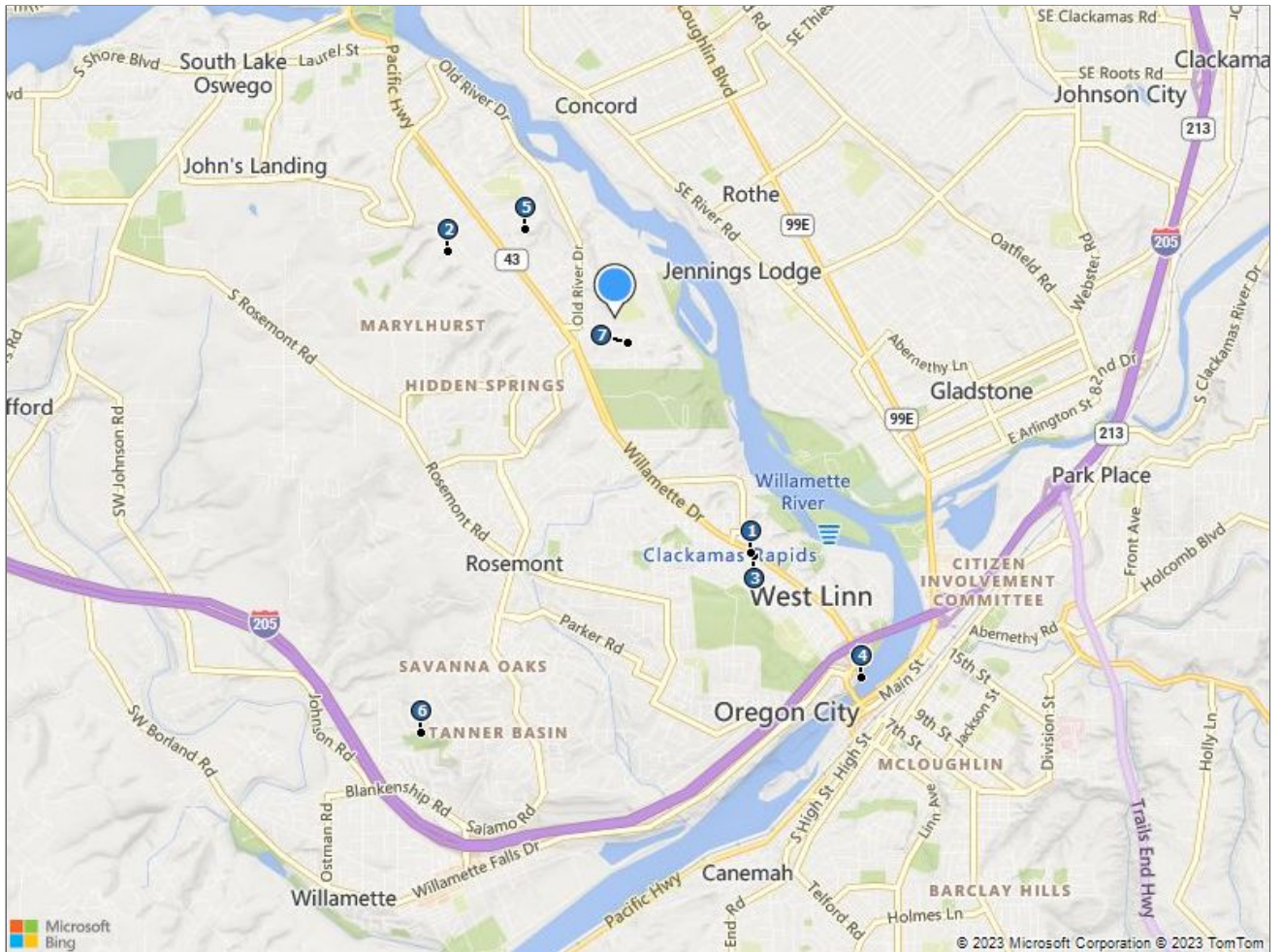


MLS#: 22444114 Status: SLD PTax/Yr: \$1,362
 Unit/Lot #: # Lots: 1 Acres: 0.27
 Zoning: R10 Wtr Frnt: Area: 147
 Lot Size: 10K-14,999SF Prop Type: RESID

Directions: From 43, E. on Cedaroak Dr., R. on Old River Dr., L on Kenthorpe Way





Remarks: Lovely private treed setting minutes to downtown Lake Oswego. This .27ac sloped lot is located off a very quiet dead-end street in West Linn's popular Robinwood neighborhood. Within blocks to elementary school and other amenities including grocery, restaurants/coffee, parks, and Cedaroak Boat Ramp (Willamette River access). Creek at back of lot enhances natural setting. Private driveway is shared with another home. Please park on Kenthorpe Way and walk up driveway to lessen impact for neighbors.


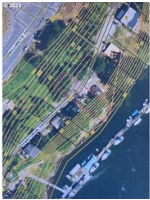

Map of Comparables to Your Home





#	MLS#	Address	#	MLS#	Address	#	MLS#	Address
1	23237537	21545 WILLAMETTE DR	2	23178252	18366 HILLSIDE CT	3	23317642	0 Willamette DR
4	23356129	Territorial DR	5	23402827	3310 ARBOR DR	6	22634400	1627 KILLARNEY DR
7	22444114	4060 KENTHORPE WAY						

Adjustments to Comparables

				
Property Category:	LND	LND	LND	LND
Address:	3955 Cedar Oak DR	21545 WILLAMETTE DR	18366 HILLSIDE CT	0 Willamette DR
City, State:	West Linn, OR	West Linn, OR	West Linn, OR	West Linn, OR
Zip:	97068	97068	97068	97068
County:	Clackamas	Clackamas	Clackamas	Clackamas
MLS#:		23237537	23178252	23317642
Status:		ACT	ACT	ACT
List Price:	\$165,000	\$125,000	\$149,500	\$250,000
Sale Price:				
Sale Date:				
%SP/LP:		0%	0%	0%
%SP/OLP:		0%	0%	0%
Sold Terms:				
DOM / CDOM:		146 /	45 /	34 /
	\$ Adj	\$ Adj	\$ Adj	\$ Adj
Acres, Number of	0.31	0.16		
Manufactured House Okay Y/N		Y		
Waterfront Y/N				
Total Adjustments:				
Adjusted Price:		\$125,000	\$149,500	\$250,000

				
Property Category:	LND	LND	LND	LND
Address:	3955 Cedar Oak DR	Territorial DR	3310 ARBOR DR	1627 KILLARNEY DR
City, State:	West Linn, OR	West Linn, OR	West Linn, OR	West Linn, OR
Zip:	97068	97068	97068	97068
County:	Clackamas	Clackamas	Clackamas	Clackamas
MLS#:		23356129	23402827	22634400
Status:		ACT	ACT	SLD
List Price:	\$165,000	\$250,000	\$350,000	\$259,000
Sale Price:				\$249,000
Sale Date:				09/23/2022
%SP/LP:		0%	0%	96%
%SP/OLP:		0%	0%	96%
Sold Terms:				CONV
DOM / CDOM:		6 /	136 /	23 / 23
	\$ Adj	\$ Adj	\$ Adj	\$ Adj
Acres, Number of	0.31		0.28	0.23
Manufactured House Okay Y/N		N		
Waterfront Y/N		Y		
Total Adjustments:				
Adjusted Price:		\$250,000	\$350,000	\$249,000

				
Property Category:	LND	LND		
Address:	3955 Cedar Oak DR	4060 KENTHORPE WAY		
City, State:	West Linn, OR	West Linn, OR		
Zip:	97068	97068		
County:	Clackamas	Clackamas		
MLS#:		22444114		
Status:		SLD		
List Price:	\$165,000	\$320,000		
Sale Price:		\$275,000		
Sale Date:		08/12/2022		
%SP/LP:		86%		
%SP/OLP:		80%		
Sold Terms:		CONV		
DOM / CDOM:		132 / 132		
	\$ Adj	\$ Adj	\$ Adj	\$ Adj
Acres, Number of	0.31	0.27		
Manufactured House Okay Y/N				
Waterfront Y/N				
Total Adjustments:				
Adjusted Price:		\$275,000		

Summary of Comparable Listings

Active Listings

Cat	MLS#	Area	Type	Address	City	Acres	Price
LND		147		3955 Cedar Oak DR , West Linn, OR 97068	West Linn	0.31	\$165,000
LND	23237537	147	RESID	21545 WILLAMETTE DR	West Linn	0.16	\$125,000
LND	23178252	147	RESID	18366 HILLSIDE CT	West Linn		\$149,500
LND	23317642	147	RESID	0 Willamette DR	West Linn		\$250,000
LND	23356129	147	RESID	Territorial DR	West Linn		\$250,000
LND	23402827	147	RESID	3310 ARBOR DR	West Linn	0.28	\$350,000

Sold Listings

Cat	MLS#	Area	Type	Address	City	Acres	Price
LND		147		3955 Cedar Oak DR , West Linn, OR 97068	West Linn	0.31	\$165,000
LND	22634400	147	RESID	1627 KILLARNEY DR	West Linn	0.23	\$249,000
LND	22444114	147	RESID	4060 KENTHORPE WAY	West Linn	0.27	\$275,000

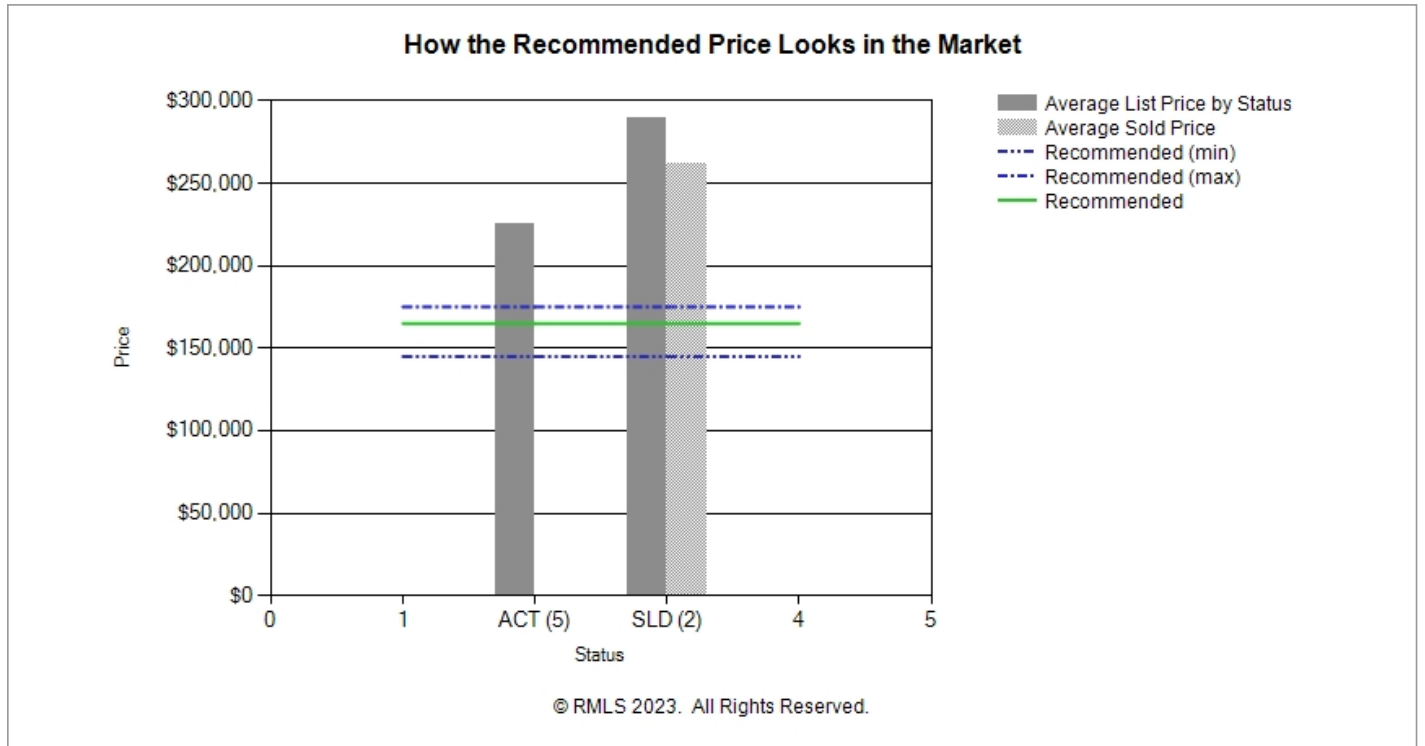
Pricing Your Home

Status	#	Price				Sqft		\$/Sqft	CDOM	
		Minimum	Average	Median	Maximum	Average	Median	Average	Average	Median
ACT	5	\$125,000	\$224,900	\$250,000	\$350,000	0	0	N/A	N/A	N/A
SLD	2	\$249,000	\$262,000	\$262,000	\$275,000	0	0	N/A	78	78
Total Listings:		7/Sold Properties closed averaging 90.50% of their Final List Price.								

	Amount	\$/Sqft
Min. List Price:	\$125,000	N/A
Avg. List Price:	\$243,357	N/A
Max. List Price:	\$350,000	N/A
Average Sale Price:	\$262,000	N/A
Recommended List Price		
Min:	<u>\$145,000</u>	<u>\$10</u>
Max:	<u>\$175,000</u>	<u>\$12</u>
Recommended:	<u>\$165,000</u>	<u>\$12</u>

**Note: Comparable listings with SQFT=0 are excluded from all Price/SQFT calculations

How the Recommended Price Looks in the Market



3955 Cedaroak Drive – History of Land Use and Creek Restoration

9/22/1999 – Property owner illegally realigned a portion of Trillium Creek by filling two meanders to create a straight channel within 3955 Cedaroak Drive and 19065 Trillium Drive.

9/24/2002 – Property owner was found guilty of violation of Municipal & Community Development Code.

12/10/2002 - Property was declared a nuisance by Council and staff was directed to obtain necessary permits to abate the nuisance.

3/5/2003 – Following a Request for Proposals, Council directed staff to enter into a contract with Henderson Land Services for creek restoration. Cost was included in the fiscal year budget. Project cost was \$48,200. Work was to begin in 2003 during the in-stream construction season with any remaining work to be completed by end of 2004 in-stream construction season.

5/16/2003 – Following receipt of permits issued from Oregon State Lands and the US Army Corps of Engineers a warrant to enter the property was issued by a Municipal Judge.

Warrant conditions outlined were: To remove vegetation beginning May 2003, undertake creek restoration work in June or July 2003; and continue efforts with access to the property until full abatement is complete.

5/20/2003 – A contract with Henderson Land Services was formally executed and signed. Project included restoration of meanders, installation of erosion control measures and planting of native plant species appropriate for riparian corridors. Work was directed to take place during the “in-water work period” as required by the State of Oregon.

11/19/2003 – In response to inquiry from property owners at 19065 Trillium Drive, Planning staff indicated that creek restoration efforts were in process and incorporated a 3:1 slope where previously the slope was 1:1 in order to create a stable bank. A site map of the restored drainage way was included.

Between 2007-2008 – Property owner (same last name but different first name) applied for and was granted a Water Resource Area Permit to build. This file was destroyed upon the City’s purchase of the property. No additional background information is available.

In 2008, an appeal of the Planning Director’s decision was filed as AP-08-04. Appeal documents appear to have been destroyed upon the City’s purchase of the property. A coversheet is within the records management system stating that City purchased property in 2008 and all Planning files are no longer valid.

7/21/2008 – A special Council meeting was held to receive public testimony for the appeal. 33 residents completed testimony forms in opposition of the decision and proposed development. The meeting was rescheduled to August 18, 2008 to receive public testimony.

8/18/2008 – Agenda Bill 08-08-32 was on the Council meeting agenda in order to receive public testimony on the appeal of the Planning Director’s approval of the WAR at 3955 Cedaroak Dr. On the

same agenda, Agenda Bill 08-08-33 was introduced requesting authorization to purchase the property located at 3955 Cedaroak Dr. At the meeting a recommendation was made by City Manager Chris Jordan to purchase the property as it was the only means of ensuring development would not occur on the property or near the creek. The property would become an asset of the Environmental Services fund as they would maintain the creek and creeks are considered assets of Environmental Services.

4/17/2023 – As part of exploration of the feasibility of the City going through the land use process ahead of the sale of the property, a formal survey of the property was performed by a licensed surveyor. The survey indicates that the creek has been restored to its natural state and no man-made straight channeling of the stream is present.

1/22/2024 – Environmental Services staff performed a site visit of the property to visually inspect the creek and further assess that the creek meanders naturally. Visual inspection confirmed the creek was no longer realigned to a straight channel and meandered in a naturally expected alignment.

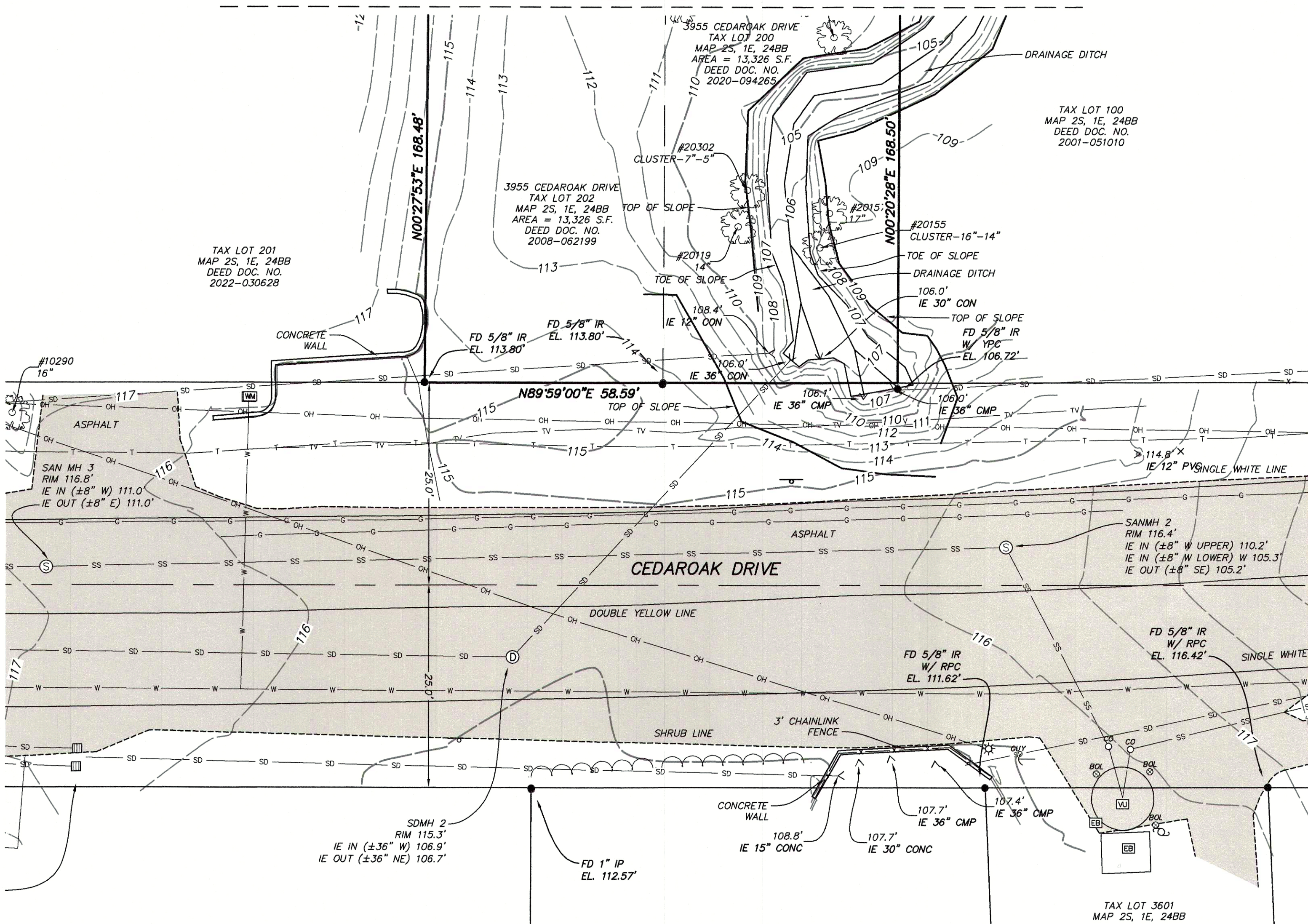
Conclusions:

- Creek appears to have been restored between 2003-2004 several years ahead of the City's acquisition in 2008.
- Property was purchased in 2008 due to opposition of development and/or environmental impact concerns expressed by the surrounding residents. City Manager Chris Jordan made a recommendation to Council for purchase as it was only means to ensure no building would take place on property.
- Environmental Services funds were utilized as long-term maintenance of the property and creek would be under jurisdiction of the Environmental Services staff.

EXISTING CONDITIONS MAP

TAX LOT 202, MAP 2S, 1E, 24BB
LOCATED IN THE N.W. 1/4 SECTION 24, T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
APRIL 12, 2023 SCALE 1"=20'

MATCHLINE



SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS. DATUM IS NAVD 88.

A TRIMBLE S6-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.

THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER RECORD OF SURVEY RECORDED UNDER PRIVATE SURVEY NUMBER 2015-037, RECORDS OF CLACKAMAS COUNTY.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERIMETER BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERTINENT BOUNDARY ISSUES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUESCENCE, ETC.

NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

UTILITY NOTES:

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP ARE SHOWN BASED ON A COMBINATION OF INFORMATION, INCLUDING VISIBLE ABOVE GROUND STRUCTURES, AVAILABLE AS BUILT AND GIS MAPPING FROM LOCAL JURISDICTIONS, AS WELL AS SURFACE MARKINGS BY ONE CALL TICKET NUMBER 23033639 DATED MARCH 17, 2023.

THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED.

THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

INVERT ELEVATIONS AND PIPE SIZES SHOWN ARE APPROXIMATE ONLY, BASED ON FIELD OBSERVATIONS AS WELL AS AVAILABLE AS-BUILT DATA. ALL PIPE SIZES SHALL BE FIELD VERIFIED BY THE OWNER, ENGINEER, CONTRACTOR, AND GOVERNING AGENCY PRIOR TO ANY CONSTRUCTION ACTIVITY. SURVEYOR DOES NOT WARRANT THE ACCURACY OF ANY PIPE SIZES SHOWN ON THIS SURVEY.

SIGNED ON: 17 APR 23

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: DECEMBER 31, 2023

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

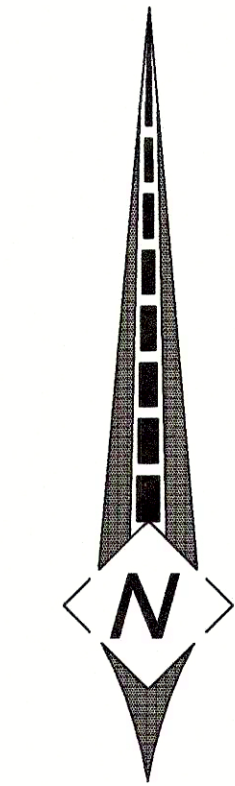
PLOTTED: M:\PROJECTS\WEST LINN, CITY OF-CEDAR OAK DR-3955\DWG\TOP02.dwg

LEGEND:

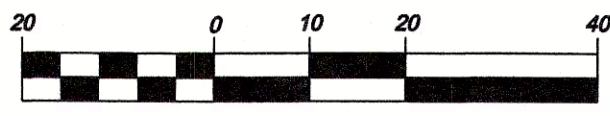
Some Symbols shown may not be used on map

- | | | |
|--------------------------|--|------------------------------|
| 12" DECIDUOUS TREE | MAILBOX | TRAFFIC SIGNAL POLE |
| 24" EVERGREEN TREE | UTILITY RISER | UTILITY POLE |
| 48" TREE STUMP | UTILITY BOX | GUY WIRE |
| STORM SEWER MANHOLE | TELEPHONE MANHOLE | LIGHT POLE |
| CATCH BASIN | TELEPHONE RISER | GROUND LIGHT |
| CURB INLET | STORM OUTFALL | ELECTRIC BOX |
| AREA DRAIN | SIGN | ELECTRIC METER |
| DITCH INLET | BOLLARD | TRANSFORMER |
| SANITARY SEWER CLEANOUT | FOUND MONUMENT | ELECTRIC RISER/GATE CONTROLS |
| SANITARY SEWER MANHOLE | DOWN SPOUT TO STORM SYSTEM | HEAT PUMP |
| FIRE HYDRANT | DOWN SPOUT TO SPLASH GUARD OR GROUND W/ PIPE DIRECTION | GATE POST |
| WATER MANHOLE | COLUMN | CABLE TV BOX |
| WATER METER | ALC = ALUMINUM CAP | CABLE TV RISER |
| WATER VALVE | RPC = RED PLASTIC CAP | |
| HOSE BIB | OPC = ORANGE PLASTIC CAP | |
| IRRIGATION CONTROL VALVE | | |
| GAS VALVE | | |
| GAS METER | | |
| OIL FILLER CAP | | |

- | | |
|-----|---------------------|
| OH | OVERHEAD LINE |
| G | GAS LINE |
| E | ELECTRICAL LINE |
| TV | COMMUNICATIONS LINE |
| SS | SANITARY SEWER LINE |
| SD | STORM DRAIN LINE |
| W | WATER LINE |
| X-X | FENCE LINE |
| --- | GUARDRAIL |
| --- | TRENCH DRAIN |
| --- | EDGE OF HEDGE ROW |
| --- | TREE DRIPLINE |
| FD | FOUND |
| IP | IRON PIPE |
| IR | IRON ROD |
| YPC | YELLOW PLASTIC CAP |



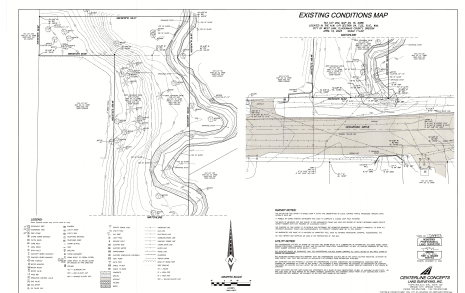
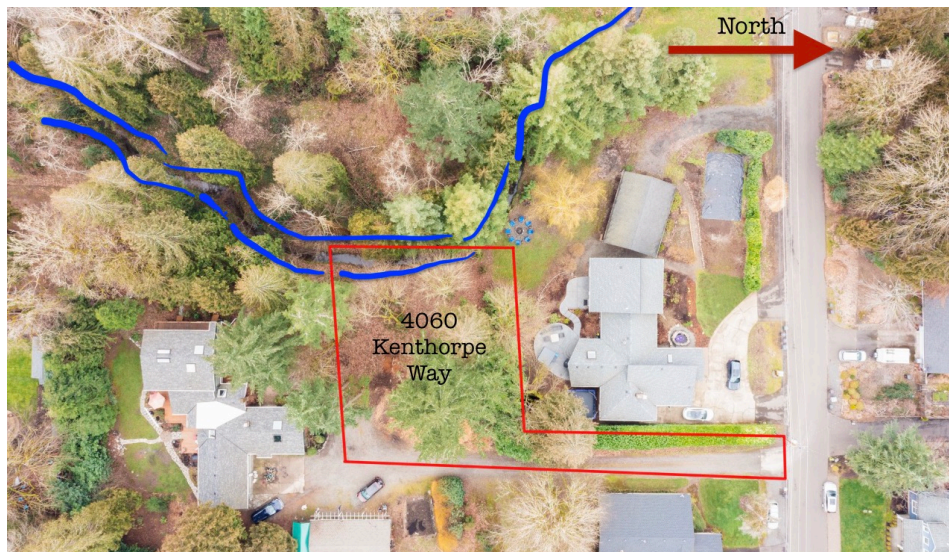
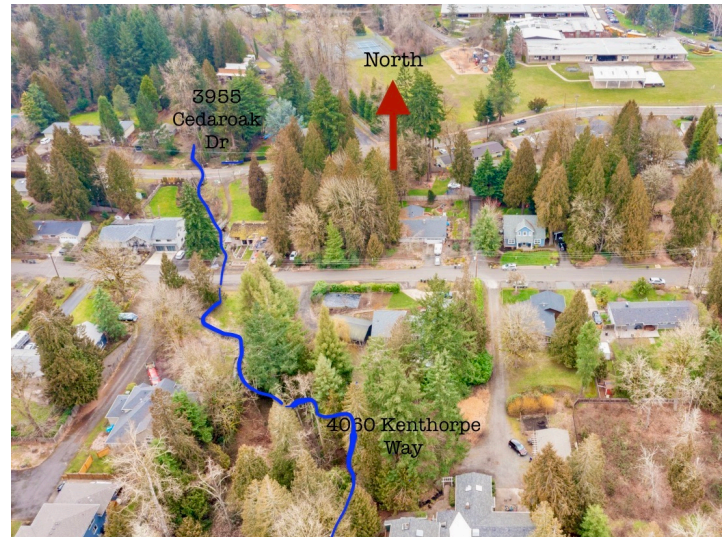
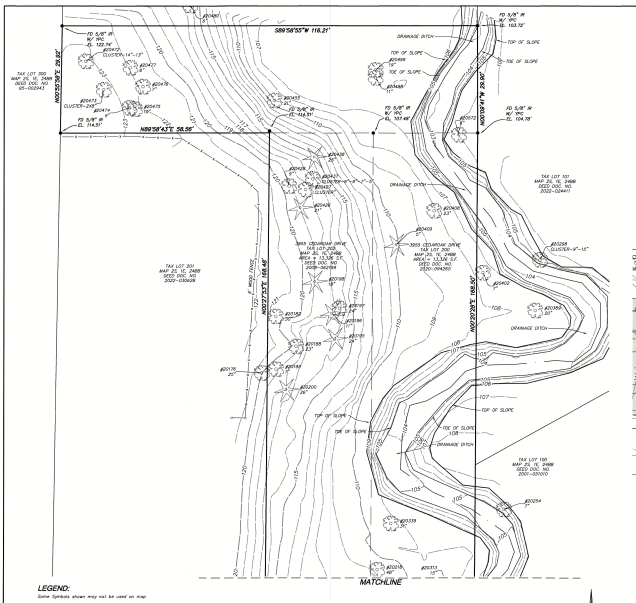
GRAPHIC SCALE



(IN FEET)
1 INCH = 20 FT.

Cedaroak - Robinwood Surrounding Neighborhood Updates

Monday, January 29, 2024



Reference notes: Existing Conditions Map for 3955 Cedaroak Drive is the black and white map at the top left corner and again on the right margin at middle of page. The two color photos show aerial proximity to lot 4060 Kenthorpe Way and a drainage system (blue markings) that flows through neighborhood and residential properties.

There is currently a new residential home being built one street over at 4060 Kenthorpe Way. This lot has drainage through one side and sloping. It has neighbors on all sides. 4060 is comparable for current neighborhood growth example.

There is new construction at 4610 Kenthorpe Way, (0.7 Miles) and major remodel/rebuild at 4271 Terra Vista Court (0.2 Miles). Additional residential neighborhood projects/remodeling (not listed) reflect area growth and desirability, but less comparison to the specific lot of 3955 Cedaroak Drive with sloping and drainage.

Agenda Bill 2024-02-12-04

Date Prepared: February 1, 2024

For Meeting Date: February 12, 2024

To: Rory Bialostosky, Mayor
West Linn City Council

Through: John Williams, City Manager *JRW*

From: John Floyd, Senior Planner

Subject: Updates to the West Linn Waterfront Working Group

Purpose:

To amend the West Linn Waterfront Working Group membership to include broader community voices and replace members who have chosen to retire.

Question(s) for Council:

Should the Council amend the working group composition?

Public Hearing Required:

No

Background & Discussion:

When considering legislative changes to the City's Comprehensive Plan and its implementing regulations, Community Development Code (CDC) [Chapter 98.035](#) requires the creation of a forum to discuss different points of view, otherwise known as working groups.

On [August 7th](#) the Council appointed a working group membership as recommended by the Committee for Citizen Involvement earlier in the year. At that time, Councilor Groner was chosen as the primary representative and Councilor Baumgardner as the alternate. Two meetings of the working group have occurred, with the next planned for March 7, 2024. At this time, staff is recommending the following changes to reflect changing availabilities, retirements, and responses by interested organizations. These changes include the following:

- Switching of Council representative roles, with Councilor Baumgardner becoming primary and Councilor Groner assuming the position of alternate. This change is being requested by Councilor Baumgardner.
- Replacement of the Bolton Neighborhood Association representative as a result of Bob McCarthy stepping down.
- Appointment of Kyle Anderson to replace the retiring Kevin Johnson, both of GBD Architects, as representatives of Belgravia.
- Addition of a dedicated representative of the Confederated Tribes of the Grand Ronde. Jon George has agreed to fill that spot.

- Appointment of Caroline Nielson as the Youth Advisory Council representative. This position was left vacant due to the timing of the school year.
- Addition of a dedicated representative for the Willamette Riverkeepers. Travis Williams has agreed to fill that spot.

Budget Impact:

None, as staff time is already dedicated to meeting materials, logistics, attendance, and follow-up.

Sustainability Impact:

None

Council Options:

1. Revise the working group membership as recommended by staff (all have confirmed their participation and availability).
2. Revise the staff recommendation.
3. Make no changes to group membership.

Staff Recommendation:

Revise the working group membership as recommended by staff.

Potential Motion:

1. Move to revise the working group membership, as recommended by staff.
2. Move to revise the working group membership, as revised by Council.

Attachments:

1. Draft Revised West Linn Waterfront Working Group Membership

West Linn Waterfront Plan

Working Group

The West Linn Waterfront Plan will complete pre-pandemic work to establish a preferred community vision for the area adjacent to the Willamette River from I-205 to the Willamette Neighborhood. The planning area is split into three districts (Historic City Hall District, Cultural Heritage District, and Pond Redevelopment District) as each area contains distinct access, topography, infrastructure, and zoning issues to consider. The goal of the project is to complete a draft vision plan, perform public engagement to verify the plan has broad community and stakeholder support, conduct a final transportation analysis, and develop a framework of changes to the Comprehensive Plan, Transportation System Plan, Zoning Map, and Community Development Code necessary to implement the vision in the Historic City Hall District and Pond Redevelopment District.

Working Group Purpose

Provide input by reviewing, discussing, and revising the draft documents brought forward by staff and the consultant team and make a final recommendation to the Planning Commission.

Working Group Goals

Evaluate and recommend a final plan that includes:

1. Proposed Draft and Final Preferred Community Vision for the Waterfront Area.
2. Proposed changes to the Comprehensive Plan and Zoning Map for the Historic City Hall District and Pond Redevelopment Districts.
3. Proposed changes to the Community Development Code, inclusive of design standards, for the Historic City Hall District and Pond Redevelopment Districts.
4. Proposed final alignment options, TSP amendments, and financing options necessary to support all modes of travel within the project area.

Working Group Membership

City Council	Mary Baumgardner Lou Groner (Alternate)
Planning Commission	Tom Watton
Historic Review Board	James Manning
Willamette Neighborhood Association	Kathi Halicki
Bolton Neighborhood Association	Robert McCarthy Patrick Hogan
Sunset Neighborhood Association	Bayley Bogess
PGE (Property Owner)	Julie Hernandez, Local Government Affairs Manager
Belgravia (Property Owner)	Kevin Johnson, GBD Architects Kyle Anderson, GBD Architects
Willamette Falls Trust	Andrew Mason, Willamette Falls Trust
Confederated Tribes of the Grand Ronde	Jon George

Willamette Falls and Landings Heritage Area Coalition	Britta Mansfield, Executive Director
Waterfront Development Professional	Jim Edwards
Planning Area Property Owner (Willamette)	Robert Schultz
Planning Area Property Owner (Historic City Hall)	Chris Boston
Youth Advisory Council	New Board Position to be created Caroline Nielson
River Access & Recreation	Jeff Kohne
Sustainability Advisory Board	Josh Carter
Economic Development Committee	Greg Smith
Willamette Riverkeepers	Travis Williams



Agenda Bill 2024-02-12-05

Date Prepared: February 5, 2024

For Meeting Date: February 12, 2024

To: Rory Bialostosky, Mayor
West Linn City Council

From: Darren Wyss, Planning Manager *DSW*

Through: John Williams, City Manager/Community Development Director *JRW*
Elissa Preston, Deputy City Manager

Subject: VISION43 Working Group Appointment

Purpose

To appoint a working group per Community Development Code (CDC) Chapter 98.035.

Question(s) for Council:

Should the Council appoint the working group as recommended by the West Linn Committee for Community Involvement (CCI) and which member of Council will sit on the working group?

Public Hearing Required:

No

Background & Discussion:

The City of West Linn has been working towards implementing a new vision for the Highway 43 corridor (Hwy 43) which serves as a critical north/south transportation link in the Portland Metro region. The future vision project, named VISION43, includes providing complete and safe facilities for pedestrians, bicycles, and transit users; safe crossing points on Highway 43; commercial services that provide neighborhood needs; and providing pedestrian connections to needed goods and services as well as to other neighborhoods. The City is interested in exploring mixed-use zoning to re-energize the corridor with a mix of housing types, work places, shops, and parks for people of all ages, incomes, and abilities.

As Part of the 2024-25 budget cycle, City Council budgeted \$200,000 for consultant services. On September 1, 2023 MIG was selected as the consultant firm for the project. City council approved the contract and project scope in October 2023. Next steps in the project are to complete the Working Group member selection process. At its January 2024 meeting the CCI recommended the attached membership for the VISION43 Working Group.

Budget Impact:

Staff time associated with meeting materials, logistics, attendance, and follow-up.

Sustainability Impact:

None

Council Options:

1. Appoint the working group membership, purpose, and goals as recommended by the CCI (all have confirmed their participation and availability).
2. Revise the working group membership, purpose, and goals as recommended by the CCI and make the appointments.

Staff Recommendation:

Appoint the working group membership, purpose, and goals as recommended by the CCI.

Potential Motion:

1. Move to appoint the working group membership, purpose, and goals as recommended by the CCI.
2. Move to appoint the working group membership, purpose, and goals, as revised by Council.

Attachments:

1. VISION43 Draft Working Group Membership

VISION43

Working Group

The Highway 43 Land Use and Neighborhood Connectivity Plan will evaluate land uses adjacent to the corridor and recommend zoning changes, amended code language, and potentially design standards. The Plan will also include an evaluation of pedestrian and bicycle connections to safely access the corridor from surrounding neighborhoods and recommend prioritized improvements and financing options to adopt into the West Linn Transportation System Plan (TSP). The goal is to create and adopt a plan that provides the opportunity to re-energize the corridor with a mix of housing types, workplaces, shops, and parks for people of all ages, incomes, and abilities.

Working Group Purpose

Provide input by reviewing, discussing, and revising the draft documents brought forward by staff and the consultant team and make a final recommendation to the Planning Commission.

Working Group Goals

Evaluate and recommend a final plan that includes:

1. Proposed zoning changes to properties adjacent to the Hwy 43 Corridor
2. Proposed code amendments and design standards
3. Proposed pedestrian and bicycle connections
4. Proposed infrastructure improvements and financing options

Proposed Working Group Membership

1	City Council	Councilor Bryck
2	Planning Commission	Commissioner Bonnington
3	Community Member (Robinwood Neighborhood)	Dawn Meaney
4	Community Member (Bolton Neighborhood)	Shatrine Krake
5	Community Member	Spencer Crandal
6	Community Member	Robert Henderson
7	Community Member	Danut Haj
8	Community Member	Mary Carlson

9	Community Member	Tanner Woody
10	Community Member/Adjacent Business Owner	Molly Macon (Westlake Properties)
11	Business Owner	Greg Close (Represents Private Business)
12	Community Member/Adjacent Business Owner	Steve Schwartz (Backyard Burger)
13	Community Member/Adjacent Business Owner	Taylor Whidden (Pawsitivity)

DRAFT

Mollusky, Kathy

From: Teri Cummings <[REDACTED]>
Sent: Monday, February 12, 2024 2:29 PM
To: Mollusky, Kathy
Subject: Re: Additional information re: Agenda Bill 2024-01-16-02: Acceptance of offer to buy Vacant Property at 3955 Cedaroak Dr

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.

Thank you for contacting me Kathy, yes please add this link to my email:

<https://www.dfw.state.or.us/fish/OSCRP/CRI/docs/West%20Linn%20Final%202004.pdf>

Thank you again,

Teri Cummings

West Linn, OR

On Mon, Feb 12, 2024 at 1:55 PM Mollusky, Kathy <kmollusky@westlinnoregon.gov> wrote:

Hello Teri,

The agenda was posted on Wednesday. I did miss posting your email, it was posted this morning. Is this the document you are referring to in this email (2): [West Linn Final 2004.pdf \(state.or.us\)](#). If so, please add the link to your email and I will post the revised email.

Thank you.

Kathy

From: Teri Cummings <[REDACTED]>
Sent: Thursday, February 8, 2024 10:15 PM
To: Bialostosky, Rory <RBialostosky@westlinnoregon.gov>; Baumgardner, Mary <MBaumgardner@westlinnoregon.gov>; Erwin, Scott <serwin@westlinnoregon.gov>; Groner, Lou <LGroner@westlinnoregon.gov>; Bryck, Carol <cbryck@westlinnoregon.gov>; City Records <CWL_Records@westlinnoregon.gov>; Mollusky, Kathy <kmollusky@westlinnoregon.gov>
Subject: Re: Additional information re: Agenda Bill 2024-01-16-02: Acceptance of offer to buy Vacant Property at 3955 Cedaroak Dr

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.

West Linn City Recorder, please tell me when the February 12, 2024 Regular meeting agenda was posted.

I am concerned that my January 25, 2024 request to add my email to the record of [Agenda Bill 2024-01-16-02: Acceptance of offer to buy Vacant Property at 3955 Cedaroak Dr](#) was not honored.

The practice of posting the 2/12/24 agenda after the Feb 5 City Council work session made it impossible to know if my request was granted and address it during the work session.

I find it hard to imagine how the practice of not providing information about the next week's business meeting agenda can help Council and members of the public feel adequately prepared.

Furthermore, this practice of short, inadequate notice does not appear to conform with the purpose and intent of work sessions according to Council Rules;

*3) Work Sessions. Work sessions are permitted to present information to the Council **ahead of regular or special meetings.***

Summary of requests:

1. Please add this email to the record of this agenda item under community comments per previous request, ASAP.
2. Please provide a copy of Oregon Fish and Wildlife's Abundance and Distribution of Fish Species in West Linn Streams Final Report 2003-04 to City Council and add it to the record of this agenda item under community comments ASAP.

Submitted February 8, 2024

Teri Cummings, West Linn resident

On Thu, Jan 25, 2024 at 12:22 PM Teri Cummings <[REDACTED]> wrote:

To Mayor Bialostosky, Council President Baumgardner and Councilors Bryck, Erwin and Groner,

The following information pertains to the question of whether to sell 3955 Cedaroak Dr.

Unfortunately, Council was ill-prepared to make a decision when [Resolution 2021-11- Deceleration of Surplus Property at 3955 Cedaroak Dr.](#) was presented and unanimously passed in less than five minutes, [June 14, 2021](#). The hour was extremely late with more than 30 items already heard that night. The City Engineer and City Manager offered no explanation as why the property was purchased in 2008 and repeatedly stated there was "No public use for the property."

A more accurate report would have acknowledged that the City Council voted to purchase 3955 Cedaroak Dr. in 2008 for the purpose of environmental protection as part of a legal agreement forged with the former owners who damaged Trillium Creek by rerouting it to increase the developmental potential of their property. The agreement allowed the responsible party to partition off the buildable area and sell the remainder, which was 100% riparian protection area, to the City for \$75,000.

Known at the time, was the fact that Oregon Fish and Wildlife's Abundance and Distribution of Fish Species in West Linn Streams Final Report 2003-04 identified Trillium Creek as a significant fish-bearing stream due to the abundance of salmonids such as Cutthroat trout juvenile Coho and Chinook salmon and reticulated sculpin and identified the need for restoration work. (Request a copy from staff)

Every [West Linn Comprehensive Plan](#) since 2000 has identified Trillium Creek as riparian resource area to be protected.

Additionally, the [2005 Metro Title 13 Environmental Resource Inventory](#) identified Trillium Creek for riparian protection.

These facts justified purchasing 3955 Cedaroak Dr. for the purpose of environmental protection.

However, as you can see, the act of purchasing a property in order to protect and improve is no guarantee protection unless additional measures are taken.

This can be accomplished by making a motion to undergo a decision making process to potentially change the designation of 3955 Cedaroak Dr. from 'Surplus Property' to "City-owned open space" per [City Charter](#)

Chapter XI

USE AND DISPOSITION OF CITY OWNED REAL ESTATE

Section 46. Park and Open Space.

Please add this to the record of continued hearing of [Agenda Bill 2024-01-16-02: Acceptance of offer to buy Vacant Property at 3955 Cedaroak Dr](#)

Theresa Cummings

Kathy Mollusky
City Recorder
Administration

[22500 Salamo Rd](#)
[West Linn, Oregon 97068](#)
kmollusky@westlinnoregon.gov
westlinnoregon.gov
503-742-6013



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CITY OF
West Linn

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ANY INFORMATION PROVIDED MAY BE CONSIDERED PUBLIC RECORD AND SUBJECT TO DISCLOSURE

☐ I wish to speak during **Public Comments** on a non-agenda related item (limited to three minutes):

Please specify topic (required):

GENERAL

☐ I wish to speak during the **Business Meeting** on the agenda item listed below (limited to three minutes):

Please specify agenda report number(s) and topic(s) (required):

☐ I wish to speak on VAC-23-02, a City-initiated request to vacate a portion of Upper Midhill Dr (limited to five minutes):

The criteria that must be addressed in this hearing are Oregon Revised Statute (ORS) 271.130.

Testimony on other issues will not be accepted.

☐ I do not wish to speak however; I would like to have standing on this land use item.

Issue:

Failure to raise an issue during the City's hearing on this matter precludes an appeal to the Land Use Board of Appeals based on that issue. Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board.

☐ In Support

☐ Neither for nor against

☐ In Opposition

Please print:

Name:

ALICE

Address:

City:

WEST LINN

State

OR

Zip

Email:

Phone (Optional):



CITY OF

West Linn

PLEASE PRINT

ANY INFORMATION PROVIDED MAY BE CONSIDERED PUBLIC RECORD AND SUBJECT TO DISCLOSURE

☐ I wish to speak during **Public Comments** on a non-agenda related item (limited to three minutes):

Please specify topic (required):

☒ I wish to speak during the **Business Meeting** on the agenda item listed below (limited to three minutes):

Please specify agenda report number(s) and topic(s) (required):

BILL 2024-02-12-03 ~~60~~ 3955 CEDAR OAK DRIVE SALE SURPLUS PROP.

☐ I wish to speak on VAC-23-02, a City-initiated request to vacate a portion of Upper Midhill Dr (limited to five minutes):

The criteria that must be addressed in this hearing are Oregon Revised Statute (ORS) 271.130.

Testimony on other issues will not be accepted.

☐ I do not wish to speak however; I would like to have standing on this land use item.

Issue:

Failure to raise an issue during the City's hearing on this matter precludes an appeal to the Land Use Board of Appeals based on that issue. Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board.

☒ In Support

☐ Neither for nor against

☐ In Opposition

Please print:

Name: RALPH TAHIRAN

Address: 160 OSWEGO SUMMIT

City: LK OSWEGO State OR Zip 97035

Email: ralph.tahiran@comcast.net Phone (Optional): 503-639-8802



CITY OF
West Linn

PLEASE PRINT

ANY INFORMATION PROVIDED MAY BE CONSIDERED PUBLIC RECORD AND SUBJECT TO DISCLOSURE

☒ I wish to speak during **Public Comments** on a non-agenda related item (limited to three minutes):

Please specify topic (required):

Hwy 43

☒ I wish to speak during the **Business Meeting** on the agenda item listed below (limited to three minutes):

Please specify agenda report number(s) and topic(s) (required):

Reader Oak

☐ I wish to speak on VAC-23-02, a City-initiated request to vacate a portion of Upper Midhill Dr (limited to five minutes):

The criteria that must be addressed in this hearing are Oregon Revised Statute (ORS) 271.130.

Testimony on other issues will not be accepted.

☐ I do not wish to speak however; I would like to have standing on this land use item.

Issue:

Failure to raise an issue during the City's hearing on this matter precludes an appeal to the Land Use Board of Appeals based on that issue. Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board.

☐ In Support

☐ Neither for nor against

☐ In Opposition

Please print:

Name:

Tony Bracco

Address:

City: _____ State _____ Zip _____

Email:

antony@bracco

Phone (Optional):

50