



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

WEST LINN

CITY COUNCIL MEETING

NOTES

April 22, 2024

[Call to Order \[6:00 pm/5 min\]](#)

Council Present:

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

Staff Present:

City Manager John Williams, City Attorney Bill Monahan, City Recorder Kathy Mollusky, and Senior Planner John Floyd.

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

Council President Baumgardner moved to approve the Agenda for the April 22, 2024 Special Meeting of the City Council with the following changes: removal of Item 4b, Agenda Bill 2024-04-15-02 Decision for the Lady B Tugboat and adding a Tree Code discussion in honor of Earth Day. Interim Councilor Kevin Bonnington seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Public Comment [6:10 pm/10 min]

There were none.

Business Meeting [6:35 pm/45 min]

Agenda Bill 2024-04-15-01: Deliberations Appeal of approval of a Class II Design Review (DR-23-01) to construct a new commercial building at 1919/1949 Willamette Falls Drive

Mayor Bialostosky stated Council is deliberating on application number AP-24-01, an appeal of the Planning Commission approval of DR-23-01; a Class II Design Review for construction of a new commercial building at 1919/1949 Willamette Falls Drive. The appeal was filed by Ian and Audra Brown. This is a quasi-judicial decision and the public hearing was closed last Monday at the conclusion of the presentation and testimony.

City Attorney Monahan confirmed that none of the Councilors had any potential or actual conflict of interest or bias, visited the site or had any ex parte contacts since the hearing last week.

No member of the audience challenged the any members of the Council.

Senior Planner Floyd read the potential condition staff drafted based on the feedback received from Council last week and feedback received from both parties.

Redlined Draft Condition

In response to Council questions, staff replied:

- Staff does not know how much the noise study will cost.
- There is not a specific tenant identified for that space. If an applicant comes in to add a restaurant, a noise study would be required at that time.
- The noise study is based on modeling; the Code requires a noise study before approval.
- The City has the authority to require a noise study if they believe there will be noise impacts.
- If the applicant moves forward with restaurant use, they will be required to do the noise study.
- The requirement could say within one year of occupancy, the applicant would have to do follow up study that would evaluate the actual noise impacts.
- There was not a noise study requirement made on the food cart establishment.

Council took a short recess to draft the final condition language for Council's approval.

Senior Planner Floyd read the draft condition with the noise study condition added.

Draft Condition

Council President Baumgardner moved to make a tentative decision to deny the appeal of AP-24-01 and uphold the Planning Commission approval of DR-23-01 with the following modifications as listed in the noise study condition and direct staff to bring back findings for adoption on April 29, 2024. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Tree Code

Mayor Bialostosky and Council President Baumgardner met with Greg Smith, Sustainability Advisory Board (SAB), about the tree code.

Council President Baumgardner thanked the SAB for all the time dedicated to this topic and their valuable service on earth day. The SAB has been asking the City to review the tree code. There had been concerns about it triggering a review that would be costly for staff time and not feasible. She asked Council if they agreed to ask Staff to look into if this could be done without triggering the costly process. There is a lot of interest and talk from the community about the tree code and concern for saving trees.

Mayor Bialostosky asked if it could be done without going through the Goal 5 process and if it could be put on the planning document.

City Manager Williams stated the project is on the planning document. It sounds like there is new information or a new project scope and he will reach out to Greg Smith and talk to him.

Council President Baumgardner said to use Milwaukie as an example because they changed their tree code without triggering the Goal 5 review process.

Interim Councilor Bonnington stated the tree code is often considered complicated; he would like to simplify it.

Mayor Bialostosky explained the big expense for the City is the Goal 5 process that includes Metro and the Department of Land Conservation and Development. Researching to see if it could be amended without doing that is worthwhile.

Adjourn [7:20 pm]

Minutes approved 6-17-24.



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CITY COUNCIL AGENDA

Monday, April 22, 2024

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

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| 1. Call to Order | [6:00 pm/5 min] |
| 2. Approval of Agenda | [6:05 pm/5 min] |
| 3. Public Comment | [6:10 pm/10 min] |

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

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| 4. Business Meeting | [6:35 pm/45 min] |
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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.

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| a. <u>Agenda Bill 2024-04-15-01: Deliberations</u> Appeal of approval of a Class II Design Review (DR-23-01) to construct a new commercial building at 1919/1949 Willamette Falls Drive | |
| b. <u>Agenda Bill 2024-04-15-02: Lady B Tugboat Decision</u> | |
| 5. Adjourn | [7:20 pm] |

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

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

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

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

If you require special assistance under the Americans with Disabilities Act, please call City Hall 48 hours before the meeting date, 503-657-0331.

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

PC Condition

Noise Study. The applicant shall submit a noise study upon 50% of the total floor area of the building being occupied. Subsequent to the first noise study the applicant shall submit a new noise study, not more than once per year, in response to a noise complaint associated with the rooftop deck. The noise study must address the provisions of West Linn Municipal Code Chapters 5.487(3) and be conducted in July or August.

Potential Alternatives

Noise Study. The applicant shall submit a noise study prepared by a licensed, professional engineer upon 50% of the total floor area of the building being occupied as part of the first tenant improvement application for an eating and drinking establishment. Subsequent to the first noise study the applicant shall submit a new noise study, not more than once per year, in response to a noise complaint associated with the rooftop deck. The noise study must address identify and evaluate potential impacts that would violate the provisions of West Linn Municipal Code Chapters 5.487(3) and identify those mitigation steps necessary to avoid noncompliance and be conducted in July or August. Design mitigations recommended in the noise study to address identified impacts shall be constructed with the tenant improvement and could include, but not be limited to, signage, physical barriers, and follow-up studies.

CLEAN

Noise Study. The applicant shall submit a noise study prepared by a licensed, professional engineer as part of the first tenant improvement application for an eating and drinking establishment. The noise study must identify and evaluate potential impacts that would violate the provisions of West Linn Municipal Code Chapters 5.487(3) and identify those mitigation steps necessary to avoid noncompliance. Design mitigations recommended in the noise study to address identified impacts shall be constructed with the tenant improvement and could include, but not be limited to, signage, physical barriers, and follow-up studies.