



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

WEST LINN CITY COUNCIL MEETING NOTES September 9, 2024

Pre-Meeting

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

Council Present:

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

Staff Present:

City Manager John Williams, City Attorney Ashley Wigod, City Attorney Kaylie Klein, City Recorder Kathy Mollusky, Administrative Assistant Kathy Connell, Public Works Director Erich Lais, and Management Analyst Morgan Lovell.

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

Council President Mary Baumgardner moved to approve the agenda for the September 9, 2024, West Linn City Council Meeting, removing item 10, Work Session. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Public Comment [6:10 pm/15 min]

Bill Relyea, West Linn, requested a Council work session to discuss actions to be taken for a safer community in response to a shooting incident.

Bob Dervedde, West Linn, asked Council's help to keep Oppenlander Field a park.

Jennifer Whittington, West Linn, spoke to issues with skunks, crows, and rats in her neighborhood, asking Council to create an ordinance against feeding them. She also read a neighbor's statement about the problem into the record.

Dave Farmer, West Linn, requested that West Linn, Oregon City, Gladstone, Canby, ODOT, and the State have a meeting regarding tolls.

Dean Suhr, West Linn, spoke in support of Oppenlander Field and asked for the City to remain engaged and be supportive, and for the City and the School District to work together for the property.

Daniel Bryant, West Linn, stated he worked for the Water Department and is the Vice President of AFSCME Local 350-1 and spoke to negotiations on the new contract and the cost of living in West Linn.

Mayor and Council Reports [6:25 pm/15 min]

Reports from Community Advisory Groups

Council President Baumgardner reported on the August 28th Transportation Advisory Board (TAB) Meeting and the Hwy 43 Vision Plan presentation. Also discussed was sidewalk infill and prioritization and a general Capital Project update. The Waterfront Working Group met on September 5th with a presentation and discussion on the revised Community Engagement Summary Plan. A meeting video is available on the City's meeting website. The Committee for Community Involvement met on August 27th and discussed the recommendation letter for city-wide engagement, Climate-Friendly and Equitable Community implementation, and the Housing Production Strategy. A video of the meeting is available on the City's meeting page.

Councilor Bryck had no Community Advisory Group (CAG) meetings during the August recess but reminded of her Walk and Talk meeting with the community. She has been observing the construction of the sidewalk on Cedar Oak Dr. On Sunday at 1 pm, community members can

meet her at Cedar Oak Park Elementary School to walk on the new sidewalk.

Councilor Groner attended the Arts and Culture Commission Advisory Board, noting an art show would be held on October 5th with 18 artists and 50 submissions so far. Submissions were also received for the bike kiosk on Willamette Falls Dr to be located in front of the Methodist Church.

Councilor Bonnington stated he had toured the Operations Facility and had attended the first Historic Main St Willamette Economic Vitality Committee meeting comprised of a number of small businesses gathered to support each other.

Mayor Bialostosky reported on the Historic Review Board with whom a joint meeting would be scheduled with Council to discuss their mission statement and to seek direction on potential amendments for the Historic District Code based on their observations during a walking tour. He met with Representative Jules Walters to discuss Vision 43 and the waterfront's nexus with the State. He also attended the South Fork Water Board barbecue and discussed projects at South Fork.

[League of Oregon Cities \(LOC\) Legislative Priorities](#)

[LOC Policy Priorities Information](#)

Mayor Bialostosky stated the City's the legislative priorities had been compiled. He explained this was a yearly activity where cities voted on their top priorities to inform the 2025 LOC legislative agenda representing all cities in Oregon.

City Manager Williams noted four commonalities among Councilor submissions. After discussion by Council tonight, a fifth item was added. The priorities were 1) The 2025 transportation package, 2) transportation and planning, 3) mass transit, 4) shifting from a gas tax to road user fees, and 5) behavioral health. Additional key comments of Council's discussion were as follows:

- Recreational immunity and legal liability exposure.
- Visioning and support of the Willamette Falls and Landings Heritage Area.
- Growth of tourism and recreation with transition and cleanup of industrial areas along with positioning the City with funding when property became available.
- Advocacy for enjoyment of the outdoors.
- Funding for initiatives that support environmental resilience and sustainability, and recreational tourism.
- Supporting language about indigenous peoples' access to cultural and traditional hunting and fishing grounds and recognition of treaty rights.

Council President Mary Baumgardner moved to Recommend the League of Oregon Cities prioritize the 2025 transportation package, transportation and planning, mass transit, shifting

from a gas tax to road user fees, and behavioral health as top policy priorities and direct staff to submit this information to the League of Oregon Cities. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Joint Values and Outcomes 2025 State Legislative Transportation Support](#)

[Joint Values & Outcomes Information](#)

Mayor Bialostosky stated the Joint Values and Outcomes were the set of transportation policy priorities compiled by the Clackamas County Coordinating Committee (C4) to which cities would attach their logos in support. The compilation proved useful during the last legislative session, and for Clackamas County's lobbying efforts in Salem. He believed it played a big role in the City's work on tolling.

Councilor Bryck noted one priority specifically mentioned Sunrise Corridor, but many other projects were unfunded. She supported adding West Linn's name to the document but suggested adding a note questioning why that area was selected specifically.

Council President Mary Baumgardner moved to Support the Joint Values and Outcomes for the 2025 State Legislative Transportation Package. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[National Preparedness Month Proclamation \[6:40 pm/5 min\]](#)

[Proclamation](#)

Mayor Bialostosky read the National Preparedness Month Proclamation declaring the month of September as National Preparedness Month.

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

[Agenda Bill 2024-09-01: Meeting Notes for July 8 and August 5, 2024](#)

[Draft Minutes Information](#)

Council President Mary Baumgardner moved to approve the Consent Agenda for the September 9, 2024, West Linn City Council Meeting which includes the July 8 and August 6, 2024, meeting minutes. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Business Meeting \[6:50 pm/30 min\]](#)

[Agenda Bill 2024-09-09-02: RESOLUTION 2024-08, APPROVING EXECUTION AND RECORDING OF A MEMORANDUM OF CLARIFICATION REGARDING 1961 GRANT OF EASEMENT BY THE CITY](#)

[RES 2024-08, 12th St Easement Information](#)

Public Works Director Lais and Management Analyst Lovell gave a report on the history of the easement for repaving of a driveway, part of which was outside the owner's property line. The owners provided what they believed was a recorded map and the 1961 Council minutes showing allowed access to their property through an easement area. The owners were asking for formal recognition and recording of a small triangle as shown in the exhibit to allow continued access to their property. The matter has gone through Legal Services who stated the City could not prevent access to the owners' existing property. The proposed resolution allowed them to repave their driveway with minimal disturbance to City property.

Council President Mary Baumgardner moved to adopt Resolution 2024-08 approving execution and recording of a Memorandum of Clarification regarding 1961 Grant of Easement by the City. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[City Manager Report \[7:20 pm/5 min\]](#)

City Manager Williams reported on upcoming Council meetings and community events and this month's art in Council Chambers. Topics for the September 16th Council meeting will include the Middle Housing two-year check, the Shared River Access and Opportunities statement, and Council President Baumgardner will share information on the tribal relations certificate. A work session is scheduled for the afternoon on October 7th. Council will do some work later this year on the Climate Friendly and Equitable Communities planning.

- A joint Council and Historic Review Board (HRB) meeting is upcoming. City Manager Williams is willing to schedule joint meetings with other advisory committees, if Council desires. A joint Council, Planning Commission, and HRB meeting is also scheduled.

- The Sustainability Advisory Board (SAB) and Economic Development Committee (EDC) are doing great work with consultants on plans for 2025 and beyond. The CAG meeting schedule is available on the City's calendar webpage.
- The Teen Advisory Board (TAB) is working with the teen librarian on programming services and other offerings. The TAB meets this week.
- Work is beginning on the City budget. Staff is also familiarizing the community with the City budget process.
- Work continues with the Down To Earth Forest School on formal agreements. Staff is seeking someone to assist in the development of the public parks business use policy Council had discussed.
- The City's Code Enforcement Officer has heard from the community about residents feeding wildlife and has been looking at other communities' solutions. City Manager Williams will add the topic to a work session.
- The Engagement app for communicating with the City is available and signups are increasing.
- Some paving will be done on Hwy 43 overnight on September 12th and September 13th. The City does not receive advance notice of paving, but sometimes scheduling for State roads is last minute. The paving will not likely be a comprehensive fix for the problems the community has on Hwy 43. Public Works Director Lais is in contact with State staff for more information.

[City Attorney Report \[7:25 pm/5 min\]](#)

Legal Project List

[Project List](#)

City Attorney Klein stated she would spend the rest of this week getting up to speed on existing matters handled by the previous City Attorneys. She looked forward to working with Council on its priorities.

Councilor Bryck stated an email was received today from the Finance Director that the City had received the Government Finance Officers Association (GFOA) Award for financial reporting for the 14th year in a row.

Adjourn to Work Session [7:30 pm]

The Work Session was removed from the agenda.

Adjourn [8:10 pm]

Minutes approved 10-14-24.



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CITY COUNCIL AGENDA

Monday, September 9, 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/15 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 [6:25 pm/15 min]
 - a. Reports from Community Advisory Groups
 - b. League of Oregon Cities (LOC) Legislative Priorities
 - c. Joint Values and Outcomes 2025 State Legislative Transportation Support
5. National Preparedness Month Proclamation [6:40 pm/5 min]
6. 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 2024-09-09-01: Meeting Notes for July 8 and August 5, 2024
7. Business Meeting [6:50 pm/30 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 2024-09-09-02: RESOLUTION 2024-08, APPROVING EXECUTION AND RECORDING OF A MEMORANDUM OF CLARIFICATION REGARDING 1961 GRANT OF EASEMENT BY THE CITY
 - 8. City Manager Report [7:20 pm/5 min]
 - 9. City Attorney Report [7:25 pm/5 min]
 - a. Legal Project List
 - 10. Adjourn to Work Session [7:30 pm]
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- 1. Call to Order Work Session [7:35 pm/5 min]
- 2. Middle Housing Two-Year Check-In [7:40 pm/30 min]
- 3. Adjourn [8:10 pm]



Agenda Bill

Date Prepared: July 30, 2024

For Meeting Date: August 5, 2024

To: Rory Bialostosky, Mayor
West Linn City Council

From: John R. Williams, City Manager *JRW*

Subject: League of Oregon Cities ("LOC") Policy Priority Survey

Purpose

Develop Council response to LOC policy priority survey.

Question(s) for Council:

What are the Mayor and Council's top five recommendations to LOC on policy priorities at the state level?

Public Hearing Required:

None required.

Background & Discussion:

As in previous years, LOC has requested that all cities identify their top five priorities for the 2025 legislative session. The possibilities referenced in the attached survey were developed by seven LOC policy committees including elected officials and staff from around the state.

In the past, Councilors have come to the meeting with their individual "top five" lists and then worked as a group to identify a consensus Top 5. Council discussed this item at the July 15 meeting and agreed to send the City Manager and City Recorder individual priorities for collation before the meeting. Please send those ASAP in order to complete the item on August 5.

Following the meeting, staff will complete the form electronically and submit to LOC.

Council Options:

Prioritization among the pre-selected topics, or combining those with write-in options.

Staff Recommendation:

Priority areas in the LOC list that connect with Council Goals or recent discussions include: all of the items listed by the Transportation Committee; Infrastructure Funding; Marijuana Tax; Recreational Immunity; Shelter and Homeless Response; and Funding and Alignment for Housing Production.

Of course, LOC will not limit their work to only five issues, and nothing prevents the City and its partners from developing our own list of priorities and advocating for those. This prioritization exercise is simply to assist with statewide priority development.

Potential Motion:

“I move to recommend LOC prioritize (insert items) as top policy priorities and direct staff to submit this information to LOC.”

Attachment:

1. 2024 LOC Member Voter Guide



League of Oregon Cities

2024 LOC Member Voter Guide

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2024 Member Voter Guide

Background: Each even-numbered year, the LOC appoints members to serve on seven policy committees, which are the foundation of the League's policy development process. Composed of city officials, these committees analyze policy and technical issues and recommend positions and strategies for the upcoming two-year legislative cycle. This year, seven committees identified 23 legislative policy priorities to advance to the full membership and LOC Board of Directors. It's important to understand that the issues that ultimately do not rise to the top based on member ranking are not diminished with respect to their value to the policy committee or the LOC's advocacy. These issues will still be key component of the LOC's overall legislative portfolio for the next two years.

Ballot/Voting Process: Each city is asked to review the recommendations from the seven policy committees and provide input to the LOC Board of Directors, which will formally adopt the LOC's 2025-26 legislative agenda. While each city may have a different process when evaluating the issues, it's important for cities to engage with your mayor and entire council to ensure the issues are evaluated and become a shared set of priorities from your city. During its October meeting, the LOC Board will formally adopt a set of priorities based on the ranking process and their evaluation.

Each city is permitted one ballot submission. **Once your city has reviewed the proposed legislative priorities, please complete the electronic ballot to indicate the top 5 issues that your city would like the LOC to focus on during the 2025-26 legislative cycle.** The lead administrative staff member (city manager, city recorder, etc.) will be provided with a link to the electronic ballot. If your city did not receive a ballot or needs a paper option, please reach out to Meghyn Fahndrich at mfahndrich@orcities.org or Jim McCauley at jmccauley@orcities.org.

Important Deadline: The deadline for submitting your city's vote is **5 p.m. on September 27, 2024.**

Community and Economic Development Committee

Contact: Jim McCauley, jmccauley@orcities.org

INFRASTRUCTURE FUNDING (CO-SPONSORED BY WATER AND WASTEWATER COMMITTEE)

RECOMMENDATION: *The LOC will advocate for a comprehensive infrastructure package to support increased investments in water, sewer, stormwater and roads. This includes: funding for system upgrades to meet increasingly complex regulatory compliance requirements; capacity to serve needed housing and economic development; deferred maintenance costs; seismic and wildfire resiliency improvements; and clarity and funding to address moratoriums. The LOC will also champion both direct and programmatic infrastructure investments to support a range of needed housing development types and affordability.*

Background: Cities continue to face the challenge of how to fund infrastructure improvements – to maintain current, build new, and improve resiliency. Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia, and the funds are depleting and unsustainable without significant program modifications and reinvestments. This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment. The 2024 LOC Infrastructure Survey revealed the increasing need for water and road infrastructure funding. The results show \$11.9 billion of infrastructure funds needed (\$6.4 billion for water and \$5.5 billion for roads).

Combined with the federal-cost share decline on water infrastructure projects – despite the recent bi-partisan infrastructure law investment – cities face enormous pressure to upgrade and maintain water infrastructure. At the same time, cities across the state are working urgently to address Oregon’s housing crisis. To unlock needed housing development and increase affordability, the most powerful tool the Legislature can deploy is targeted investments in infrastructure to support needed housing development.

SHELTER AND HOMELESS RESPONSE

RECOMMENDATION: *The LOC will support a comprehensive homeless response package to fund the needs of homeless shelter and homeless response efforts statewide. Funding should include baseline operational support to continue and strengthen coordinated regional homeless response and include a range of shelter types and services, including alternative shelter models, safe parking programs, rapid rehousing, outreach, case management, staffing and administrative support, and other related services. The LOC will also support capital funding for additional shelter infrastructure and site preparation. Oregon's homeless response system must recognize the critical role of cities in homeless response and meaningfully include cities in regional funding and decision-making, in partnership with counties, community action agencies, continuums of care, housing authorities, and other service provider partners.*

Background: The LOC recognizes that to end homelessness, a cross-sector coordinated approach to delivering services, housing, and programs is needed. Despite historic legislative investments in recent years, Oregon still lacks a coordinated, statewide shelter and homeless response system with stable funding. Communities across the state have developed regional homeless response collaboratives, beginning with the HB 4123 pilot communities funded by the Legislature in 2022 and the more recently established Multi-Agency Collaboratives and Local Planning Groups created by Governor Kotek's [Executive Order on Affordable Housing and Homelessness](#). As Oregon continues to face increasing rates of unsheltered homelessness, the LOC is committed to strengthening a regionally based, intersectional state homeless response system to ensure all Oregonians can equitably access stable housing and maintain secure, thriving communities.

EMPLOYMENT LANDS READINESS AND AVAILABILITY

Legislative Recommendation: *The LOC will support incentives, programs and increased investment to help cities with the costs of making employment lands market-ready, including continued investment in the state brownfields programs. The LOC also recognizes the deficit of industrial land capacity in strategic locations and will support efforts to build a more comprehensive industrial lands program by strengthening the connection between the DLCD Goal 9 Program and Business Oregon IL programs and resources.*

Background: Infrastructure cost is a significant barrier for cities that are looking to increase the supply of market-ready industrial land. Cities require a supply of industrial land that is ready for development to recruit and retain business operations. For sites to be attractive to site selectors, the basic infrastructure must be built out first. For example, the Regionally Significant Industrial Site (RSIS) program within Business Oregon is designed to help cities with the cost of readiness activities

through a reimbursement program, but many cities are not able to take advantage of this program due to a lack of staff capacity and up-front capital for investments.

FULL FUNDING AND ALIGNMENT FOR HOUSING PRODUCTION

RECOMMENDATION: *The LOC will advocate to maintain and increase state investments to support the development and preservation of a range of needed housing types and affordability, including: publicly supported affordable housing and related services; affordable homeownership; permanent supportive housing; affordable modular and manufactured housing; middle housing types; and moderate-income workforce housing development. In addition, the LOC will seek opportunities to address structural barriers to production of different housing options at the regional and state level. This includes: streamlining state agency programs, directives, funding metrics, and grant timelines that impact development; aligning state programs with local capital improvement and budget timelines; and increasing connections between affordable housing resources at Oregon Housing and Community Services (OHCS) with the land use directives in the Oregon Housing Needs Analysis (OHNA) and Climate Friendly and Equitable Communities (CFEC) programs at the Department of Land Conservation and Development (DLCD).*

Background: Recent legislation and executive orders have made significant changes to the state's land use planning process, including new housing production directives for cities and counties. These updates have resulted in extensive, continuous, and sometimes conflicting efforts that are not supported by adequate state funding. Cities do not have the staff capacity or resources needed to implement existing requirements. Additional state support is needed to assist local implementation, including technical assistance and education for local staff and decision makers, and workforce development. The state should prioritize implementation and coordination of existing programs in the 2025-2026 legislative sessions before considering any new policies.

General Government Committee

Contact: Scott Winkels, swinkels@orcities.org

RESTORATION OF RECREATIONAL IMMUNITY

RECOMMENDATION: *The LOC will introduce legislation to protect cities and other landowners who open their property for recreational purposes from tort liability claims.*

Background: An adverse court ruling stemming from a recreational injury sustained on a city owned trail opened cities and other public and private landowners to tort claims for injuries sustained by people who are recreating. The Legislature enacted a temporary restoration of the immunity in 2024 that will expire

on July 1, 2025. Legislation to make the immunity permanent will be needed for cities to offer recreational amenities without fear of tort liability lawsuits or excessive risk premiums.

BEHAVIORAL HEALTH ENHANCEMENTS

RECOMMENDATION: *The LOC will introduce and support legislation to expand access to behavioral health treatment beds and allow courts greater ability to direct persons unable to care for themselves into treatment through the civil commitment process.*

Background: While Oregon has historically ranked at or near the bottom nationally for access to behavioral healthcare, the state has made significant investments over the past four years. It will take time for investments in workforce development and substance abuse treatment to be realized, and areas for improvement remain. The standard for civilly committing a person into treatment remains very high in Oregon, and as a result, individuals who present a danger to themselves or others remain untreated, often producing tragic results. Additionally, the number of treatment beds for residential care does not meet demand, with services unavailable in multiple areas of the state.

CONTINUED ADDICTION POLICY REFORM

RECOMMENDATION: *The LOC will Introduce and support legislation to allow drug related misdemeanors to be cited into municipal court; provide stable funding for services created in HB 4002 in 2024; allow more service providers to transport impaired persons to treatment; establish the flow of resources to cities to support addiction response; and monitor and adjust the implementation of HB 4002.*

Background: The Legislature passed significant changes to Oregon's approach to the current addiction crisis with the creation of a new misdemeanor charge designed to vector defendants away from the criminal justice system and into treatment. Changes also included: sentencing enhancements for drug dealers; investments in treatment capacity; and expanded access to medical assisted addiction treatment. HB 4002 did not include stable funding for the services created or provide cities with direct access to resources, or the ability to cite the new offense into municipal courts. Additionally, the new law will likely require adjustments as the more complicated elements get implemented.

Energy and Environment Committee

Contact: Nolan Pleše, nplese@orcities.org

BUILDING DECARBONIZATION, EFFICIENCY, AND MODERNIZATION

RECOMMENDATION: *The LOC will support legislation to protect against any rollback and preemptions to allow local governments to reduce greenhouse gas emissions from new and existing buildings while ensuring reliability and affordability. In addition, the LOC will lead and back efforts that support local governments, including statewide capacity, expertise, and resources to allow local governments to pursue state and federal funding and continue to support off-ramps for local governments unable to meet the state's new building performance standards.*

Background: Homes and commercial buildings consume nearly one-half of all the energy used in Oregon, according to the Oregon Department of Energy. Existing buildings can be retrofitted and modernized to become more resilient and efficient, while new buildings can be built with energy efficiency and energy capacity in mind.

Oregon cities, especially small to mid-sized and rural communities, require technical assistance and financial support to meet the state's goals. Without additional support, some communities will be unable to meet the state's building performance standards. Off-ramps are necessary to protect cities unable to meet the state's goals to ensure they are not burdened by mandates they can't meet.

Some initiatives may include local exceptions for building energy codes and performance standards, statewide home energy scoring, or financial incentives from the Infrastructure Investment and Jobs Act (IIJA), the Inflation Reduction Act (IRA), state incentives, and other financial incentives like CPACE (Commercial property-assessed clean energy).

For cities to meet their climate resilience and carbon reduction goals while maintaining home rule authority, their flexibility must be preserved to allow for a successful transition from fossil fuels. State pre-emptions should not prohibit cities from exceeding state goals and achieving standards that align with their values.

INVESTMENT IN COMMUNITY RESILIENCY AND CLIMATE PLANNING RESOURCES

RECOMMENDATION: *The LOC will support investments that bring resiliency and climate services (for mitigation and adaptation) together in coordination with public and private entities, and work to fill the existing gaps to help communities get high-quality assistance. These resources are needed for local governments to effectively capture the myriad of available state and federal funding opportunities that cannot be accessed due to capacity and resource challenges. The LOC will work with partners to identify barriers and potential*

solutions towards resiliency opportunities, such as local energy generation and battery storage, and to support actions that recognize local control.

Background: Oregon communities have unique resources and challenges, and increasingly need help to plan for climate and human-caused impacts and implement programs to reduce greenhouse gases. Oregon should focus on maintaining the reliability of the grid while supporting safe, healthy, cost-effective energy production that includes external costs.

Although many opportunities for building resiliency exist, not all will not be built or managed by cities. Cities support efforts to build resiliency hubs in coordination with public, private, and non-profit interests and will seek more investments in programs that support resiliency hubs.

Cities also have a broad range of perspectives on how to address the impacts of the climate crisis. Concerns about costs and reliability during this energy transition have surfaced in many cities. At the same time, others who share those concerns also aim to have stronger requirements that meet their cities' climate goals. To meet these challenges, cities oppose additional mandates but support exceptions and additional support that recognize each city's unique perspectives, resources, and experience while preserving local authority.

Oregon's small to mid-sized communities and rural communities are particularly in need of technical assistance, matching funds, and additional capacity to address climate impacts. Without assistance, these communities face unfunded mandates due to low resources and capacity challenges to go after many available opportunities.

ADDRESS ENERGY AFFORDABILITY CHALLENGES FROM RISING UTILITY COSTS

RECOMMENDATION: *The LOC will: support actions to maintain affordable and reliable energy resources; invest in programs and new technology that support energy efficiency, renewable energy, and battery storage to help reduce overall energy costs and demands; and address grid challenges during peak energy demand and the associated rising costs, while balancing the pace of energy production and power supply that impact rates.*

Background: In recent years, rising utility costs have increased the energy burden on Oregonians, particularly low-income Oregonians, those with fixed incomes, and those who are unable to work. Costs contributing to these increases include, infrastructure upgrades, maintenance, and modernization, climate impacts from increased extreme weather events (wildfires, ice storms, snowstorms, flooding, etc.) and mitigation costs associated with them, fuel costs, inflation, legislative and gubernatorial actions, and investments in new energy-producing technology, and battery storage, are some of many reasons that are impacting utility rates.

While many investment opportunities exist, more cooperation and collaboration

needed to find a path forward that reduces the need for large rate increases that impact Oregonians. Rate increases should balance and prioritize vital labor, infrastructure, and mitigations necessary to sustain present and future energy demands with compensation.

In addition, the LOC would advocate for new tools and utilizing existing tools to modernize rate structures to provide flexibility and account for the time of year of rate increases (phasing in of rate increases) and recognize the higher burden for low and moderate-income and fixed-income Oregonians.

Finance and Taxation Committee

Contact: Lindsay Tenes, ltenes@orcities.org

LODGING TAX FLEXIBILITY

RECOMMENDATION: *The LOC will advocate for legislation to increase flexibility to use locally administered and collected lodging tax revenue to support tourism-impacted services.*

Background: In 2003, the Legislature passed the state lodging tax and restricted local transient lodging tax (TLT) by requiring that revenue from any new or increased local lodging tax be spent according to a 70/30 split: 70% of local TLT must be spent on “tourism promotion” or “tourism related facilities” and up to 30% is discretionary funds.

Tourism has created an increased demand on municipal service provision. Some of the clearest impacts are on roads, infrastructure, public safety, parks, and public restrooms. Short term rentals and vacation homes also reduce the housing supply and exacerbate housing affordability issues.

Cities often play an active role in tourism promotion and economic development efforts, but requiring that 70% of lodging tax revenue be used to further promote tourism is a one-size fits all approach that does not meet the needs of every tourism community. Cities must be allowed to strike the balance between tourism promotion and meeting the needs for increased service delivery for tourists and residents.

MARIJUANA TAX

Legislative Recommendation: *The LOC will advocate for legislation that increases revenue from marijuana sales in cities. This may include proposals to restore state marijuana tax losses related to Measure 110 (2020), and to increase the 3% cap on local marijuana taxes.*

Background: The state imposes a 17% tax on recreational marijuana products. Until

the end of 2020, cities received 10% of the state's total tax revenues (minus expenses) on recreational marijuana products. Measure 110 largely shifted the allocation of state marijuana revenue by capping the amount that is distributed to the recipients that previously shared the total amount (the State School Fund, the Oregon Health Authority, the Oregon State Police, cities and counties) and diverted the rest to drug treatment and recovery services. Starting in March of 2021, quarterly revenue to cities from state marijuana taxes saw a decrease of roughly 74%. Marijuana revenue has also been on a downward trend because the market is oversaturated, which has continually reduced sale prices (high supply, steady demand). Marijuana is taxed on the price of the sale and not on volume.

ALCOHOL TAX

RECOMMENDATION: *The LOC will advocate for increased revenue from alcohol taxes. This includes support for any recommendation by the HB 3610 Task Force on Alcohol Pricing to increase the beer and wine tax that maintains 34% shared distribution to cities. This may also include legislation to lift the pre-emption on local alcohol taxes.*

Background: Cities have significant public safety costs related to alcohol consumption and must receive revenue commensurate to the cost of providing services related to alcohol.

Oregon is a control state and the Oregon Liquor and Cannabis Commission (OLCC, formerly known as the Oregon Liquor Control Commission) acts as the sole importer and distributor of liquor. Cities and other local governments are preempted from imposing alcohol taxes. In exchange, cities receive approximately 34% share of net state alcohol revenues. The OLCC has also imposed a 50-cent surcharge per bottle of liquor since the 2009-2011 biennium, which is directed towards the state's general fund. Oregon's beer tax has not been increased since 1978 and is \$2.60 per barrel, which equates to about 8.4 cents per gallon, or less than 5 cents on a six-pack. Oregon's wine tax is 67 cents per gallon and 77 cents per gallon on dessert wines. Oregon has the lowest beer tax in the country and the second lowest wine tax.

Broadband, Cybersecurity, Artificial Intelligence (AI), and Telecommunications Committee

Contact: Nolan Plese, nplese@orcities.org

DIGITAL EQUITY AND INCLUSION

RECOMMENDATION: *The LOC will support legislation and policies that help all individuals and communities have the information technology capacity needed for full participation in our society, democracy, and economy through programs such as digital*

navigators, devices, digital skills, and affordability programs like the Affordable Connectivity Program (ACP) and the Oregon Telephone Assistance Program (OTAP – also known as Lifeline) that meet and support community members where they are.

Background: Connectivity is increasingly relied on for conducting business, learning, and receiving important services like healthcare. As technology has evolved, the digital divide has become more complex and nuanced. Now, the discussion of the digital divide is framed in terms of whether a population has access to hardware, to the Internet, to viable connection speeds, and to the skills they need to effectively use it. Recognizing individual knowledge and capacity, abilities, and lived experience is now vital, and programs that offer devices, digital literacy skills, cybersecurity, and support for internet affordability, are critical to closing the digital divide.

CYBERSECURITY & PRIVACY

RECOMMENDATION: *The LOC will support legislation that addresses privacy, data protection, information security, and cybersecurity resources for all that use existing and emerging technology like artificial intelligence (AI) and synthetic intelligence (SI), including, but not limited to: funding for local and state government cyber and information security initiatives; interagency and government coordination and cooperative arrangements for communities that lack capacity; statewide resources for cyber and AI professionals and workforce development; vendor and third-party vendor accountability; regulations of data privacy; or standards for software/hardware developers to meet that will make their products more secure while ensuring continued economic growth. The LOC will oppose any unfunded cybersecurity and/or AI mandates and support funding opportunities to meet any unfunded insurance requirements.*

Background: Society's continued reliance on technology will only increase with the emergence of artificial intelligence (AI) and synthetic intelligence (SI). This will mean an increased risk for cybercrimes. Cybersecurity encompasses everything that pertains to protecting our sensitive and privileged data, protected health information, personal information, intellectual property, data, and governmental and industry information systems from theft and damage attempted by criminals and adversaries.

Cybersecurity risk is increasing, not only because of global connectivity but also because of the reliance on cloud services to store sensitive data and personal information. As AI and SI technology and adoption accelerate, the ability to guard against cyber threats and threats created through AI will increase. Strengthening coordination between the public and private sectors at all levels is essential for decreasing risks and quickly responding to emerging threats. This ensures resilience is considered to reduce the damage caused by cyber threats.

RESILIENT, FUTUREPROOF BROADBAND INFRASTRUCTURE AND PLANNING INVESTMENT

RECOMMENDATION: *The LOC will support legislation to ensure broadband systems are built resiliently and futureproofed, while also advocating for resources to help cities with broadband planning and technical assistance through direct grants and staff resources at the state level. The LOC will oppose any preemptions that impede local government's ability to maintain infrastructure standards in the local rights-of-way. Municipalities' have a right to own and manage access to poles and conduit and to become broadband service providers.*

Background:

Broadband Planning and Technical Assistance

Most state and federal broadband infrastructure funding requires communities to have a broadband strategic plan in place in order to qualify. Many cities do not have the resources or staff capacity to meet this requirement. Cities will need to rely on outside sources or work with the state for assistance and support the state setting up an office to aid local governments.

Resilient and Long-Term Systems

As broadband continues to be prioritized, building resilient long-term networks will help Oregonians avoid a new digital divide as greater speeds are needed with emerging technologies like artificial intelligence (AI). Important actions that will ensure resilient broadband include: dig once policies; investing in robust middle-mile connections; ensuring redundancy and multiple providers in all areas' sharing current and future infrastructure to manage overcrowding in the right-of-way (ROW); and undergrounding fiber instead of hanging it on poles. Additionally, infrastructure should be built for increased future capacity to avoid a new digital divide by allowing Oregon to determine speeds that reflect current and future technology.

Optional Local Incentives to Increase Broadband Deployment

Cities need flexibility to adequately manage public rights-of-ways (ROW). Instead of mandates, the state should allow cities the option to adopt incentives that could help streamline broadband deployment. Flexibility for cities to fund conduit as an eligible expense for other state infrastructure (most likely water or transportation projects) would reduce ROW activity. Additionally, local governments can work with state and federal partners to streamline federal and state permitting to reduce delays in broadband deployment.

Regulatory Consistency Amidst Convergence

With rapid changes in communication, standards and policy should keep pace. When a converged technology utilizes differing communications technologies, it may be

required to adhere to multiple standards and regulations, or providers may argue that some parts of their service is not subject to regulations. The LOC will support legislation that addresses the inconsistency of regulations applied to traditional and nontraditional telecommunications services as more entities move to a network-based approach.

ARTIFICIAL INTELLIGENCE (AI)

RECOMMENDATION: *The LOC will support legislation that promotes secure, responsible and purposeful use of artificial intelligence (AI) and synthetic intelligence (SI) in the public and private sectors while ensuring local control and opposing any unfunded mandates. Cities support using AI for social good, ensuring secure, ethical, non-discriminatory, and responsible AI governance through transparent and accountable measures that promotes vendor and third-party vendor accountability, improving government services while protecting sensitive data from use for AI model learning, and fostering cross-agency, business, academic, and community collaboration and knowledge sharing.*

Background: While artificial intelligence (AI) and synthetic intelligence (SI) are not new, the recent advancements in machine learning and the exponential growth of artificial and synthetic intelligence require governments and providers to be responsible and purposeful in the use of this technology. The opportunities and risks that AI and SI present demand responsible values and governance regarding how AI systems are purchased, configured, developed, operated, or maintained in addition to ethical policies that are transparent and accountable. Policies should also consider the implication of AI on public records and retention of information on how AI is being used. Additionally, governments need to consider how procurements are using AI, how they are securing their systems, and any additional parties being used in the process.

AI systems and policies should:

- Be Human-Centered Design - AI systems are developed and deployed with a human-centered approach that evaluates AI-powered services for their impact on the public.
- Be Secure & Safe - AI systems should maintain safety and reliability, confidentiality, integrity, and availability through safeguards that prevent unauthorized access and use to minimize risk.
- Protect Privacy - Privacy is preserved in all AI systems by safeguarding personally identifiable information (PII) and sensitive data from unauthorized access, disclosure, and manipulation.
- Be Transparent - The purpose and use of AI systems should be proactively communicated and disclosed to the public. An AI system, its data sources,

operational model, and policies that govern its use should be understandable, documented, and properly disclosed publicly.

- **Be Equitable** - AI systems support equitable outcomes for everyone; urban, rural, suburban, frontier, and historically underrepresented communities. Bias in AI systems should be effectively managed to reduce harm to anyone impacted by its use.
- **Provide Accountability** - Roles and responsibilities govern the deployment and maintenance of AI systems. Human oversight ensures adherence to relevant laws and regulations and ensures the product's creator is ultimately responsible for reviewing the product prior to release and held accountable.
- **Be Effective** - AI systems should be reliable, meet their objectives, and deliver precise and dependable outcomes for the utility and contexts in which they are deployed.
- **Provide Workforce Empowerment** - Staff are empowered to use AI in their roles through education, training, and collaborations that promote participation and opportunity.

Transportation Committee

Contact: Jim McCauley, jmccauley@orcities.org

2025 TRANSPORTATION PACKAGE

RECOMMENDATION: *The LOC supports a robust, long-term, multimodal transportation package focused on: stabilizing funding for operations and maintenance for local governments and ODOT; continued investment in transit and bike/ped programs, safety, congestion management, and completion of projects from HB 2017. As part of a 2025 package, the funding level must maintain the current State Highway Fund (SHF) distribution formula and increase investments in local programs such as Great Streets, Safe Routes to Schools, and the Small City Allotment Program. In addition, the package should find a long-term solution for the weight-mile tax that stabilizes the program with fees that match heavier vehicles' impact on the transportation system. The funding sources for this package should be diverse and innovative. Additionally, the package should maintain existing choices and reduce barriers for local governments to use available funding tools for transportation investments.*

Background: Oregon has one of the country's most transportation-dependent economies, with 400,000 jobs (1 in 5) related directly to transportation via rail, road, and ports. The State Highway Fund (SHF) is the primary revenue source for the state's transportation infrastructure, and comes from various sources, including gas

and diesel tax, weight mile tax, vehicle registration fees, vehicle title fees, and driver's license fees. These funds are distributed using a 50-30-20 formula, with 50% to the state, 30% to counties, and 20% to cities. Continued investment in transportation infrastructure is critical for public safety objectives such as "[Safe Routes to Schools](#)" and the "[Great Streets](#)" program. The Legislature must develop a plan to match inflationary costs and a plan to transition from a gas tax to an impact fee based on miles traveled to stabilize transportation investment.

FUNDING AND EXPANDING PUBLIC AND INTER-COMMUNITY TRANSIT

RECOMMENDATION: *The LOC supports expanding funding for public transit operations statewide, focusing on inter-community service, service expansion, and a change in policy to allow for the use of funds for local operations and maintenance.*

Background: During the 2017 session, HB 2017 established Oregon's first statewide comprehensive transit funding by implementing a "transit tax," a state payroll tax equal to one-tenth of 1%. This revenue source has provided stable funding of more than \$100 million annually.

These funds are distributed utilizing a formula. Investments made since the 2017 session helped many communities expand and start transit and shuttle services to connect communities and provide transportation options. Many communities, however, still lack a viable public transit or shuttle program and would benefit greatly from expanded services.

SHIFT FROM A GAS TAX TO A ROAD USER FEE

RECOMMENDATION: *The LOC supports replacing Oregon's gas tax with a Road User Fee (RUF) while protecting local government's authority to collect local gas tax fees. An RUF will better measure a vehicle's impact on roads and provide a more stable revenue stream.*

Background: Oregon's current gas tax is 40 cents per gallon. Depending on the pump price, the gas tax represents a small portion of the overall cost of gas. Due to the improved mileage of new vehicles and the emergence and expected growth of electric vehicles, Oregon will continue to face a declining revenue source without a change in the fee structure. Capturing the true impact of vehicles on the transportation system requires a fee structure that aligns with use of roads. The federal tax has remained at 18 cents per gallon since 1993, effectively losing buying power or the ability to keep up with inflation.

COMMUNITY SAFETY AND NEIGHBORHOOD LIVABILITY

RECOMMENDATION: *The LOC supports a strong focus on funding safety improvements on large roads, such as highways and arterials, that run through all communities. This includes directing federal and state dollars toward safety improvements on streets that meet the Great Streets criteria but are not owned by ODOT, and increasing funding for the*

Great Streets program. For those cities that don't qualify for existing programs, ODOT should explore funding opportunities for cities with similar safety needs. Additionally, more funding should be directed to the Highway Safety Improvement Program (HSIP) and All Roads Transportation Safety (ARTS) programs.

Background: Community safety investment remains a critical challenge for local governments, reducing their ability to maintain a transportation system that supports the safe and efficient movement of people and goods. Traffic fatalities and serious injuries continue to grow to record levels in many communities. The lack of stable funding for these basic operations and maintenance functions prevents local governments from meeting core community expectations. Without increases in funding for transportation, this problem is expected to get even worse, as costs for labor and materials continue to increase.

Water and Wastewater Committee

Contact: Michael Martin, mmartin@orcities.org

INFRASTRUCTURE FUNDING (CO-SPONSORED BY COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE)

RECOMMENDATION: *The LOC will advocate for a comprehensive infrastructure package to support increased investments in water, sewer, stormwater and roads. This includes: funding for system upgrades to meet increasingly complex regulatory compliance requirements; capacity to serve needed housing and economic development; deferred maintenance costs; seismic and wildfire resiliency improvements; and clarity and funding to address moratoriums. The LOC will also champion both direct and programmatic infrastructure investments to support a range of needed housing development types and affordability.*

Background: Cities continue to face the challenge of how to fund infrastructure improvements – to maintain current, build new, and improve resiliency. Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia, and the funds are depleting and unsustainable without significant program modifications and reinvestments. This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment. The 2024 LOC Infrastructure Survey revealed the increasing need for water and road infrastructure funding. The results show \$11.9 Billion of infrastructure funds needed (\$6.4 billion for water and \$5.5

billion for roads).

Combined with federal-cost share decline on water infrastructure projects – despite the recent bi-partisan infrastructure law investment – cities face enormous pressure to upgrade and maintain water infrastructure. At the same time, cities across the state are working urgently to address Oregon's housing crisis. To unlock needed housing development and increase affordability, the most powerful tool the Legislature can deploy is targeted investments in infrastructure to support needed housing development.

PLACE-BASED PLANNING

RECOMMENDATION: *The LOC will advocate for funding needed to complete existing place-based planning efforts across the state and identify funding to continue the program for communities that face unique water supply challenges.*

Background: Oregon's water supply management issues are complex. In 2015, the Legislature created a place-based planning pilot program in Oregon administered through the Oregon Water Resources Department that provides a framework and funding for local stakeholders to collaborate and develop solutions to address water needs within a watershed, basin, surface water, or groundwater. In 2023, the Legislature passed a significant bipartisan Drought Resilience and Water Security package (BiDRAWS), which included \$2 million into a place-based planning water fund to continue efforts to address a basin-by-basin approach.

OPERATOR-IN-TRAINING APPRENTICESHIPS

RECOMMENDATION: *The LOC will advocate for funding for apprenticeship training programs and the expansion of bilingual training opportunities to promote workforce development of qualified wastewater and drinking water operators due to the significant lack of qualified operators.*

Background: Water utilities must resolve a human-infrastructure issue in order to keep our water and wastewater systems running. Currently, water utilities face challenges in recruiting, training, and retaining certified operations employees. In addition, retirements of qualified staff over the next decade will exacerbate the problem.

In 2023, the Legislature approved one-time funding for the development of a training facility for certified operators and technical assistance staff in partnership with the Oregon Association of Water Utilities. Sustained funding for regional training facilities and direct funding for utilities hosting training programs is needed to train the next generation of water and wastewater operators.

DRAFT Joint Values and Outcomes DRAFT
Ahead of the 2025 State Legislative Transportation Package
Communities of Clackamas County

The jurisdictions named here support a seamless, functional transportation system that prioritizes safety and the reliable movement of people and goods.

We acknowledge that without adequate transportation funding to address maintenance and capital projects in our communities, our collective transportation system will continue to struggle, maintenance projects will become capital projects, and our transportation systems will fail to meet public expectations and uses. As the state legislature considers funding solutions to address state and local needs, the values and outcomes named here will be the foundation of our advocacy.

These values are not an endorsement of any collective or particular funding proposal.

To ensure an equitable, balanced, and seamless system for all, a transportation package should...

- Develop in collaboration with local voices and jurisdictions
- Protect and retain the 50/30/20 revenue formula from the State Highway Fund
- Secure operations and maintenance funding for state and local partners
- Increase safety for all travel modes and reduce diversion

To ensure maximum and efficient utilization of public dollars, a transportation package should...

- Provide local jurisdictions with the resources to implement state requirements
- Build trust through budget transparency, implement cost saving measures, and limit administrative costs
- Maximize our opportunity to leverage federal funds
- Secure varied revenue sources to provide for the needs of different communities

To advance projects of statewide significance, a transportation package should...

- Finish legislatively directed capital projects from HB 2017 and HB 3055
- Formulate a list of secondary projects for future funding, including Sunrise Corridor

To provide accessibility and funding to multimodal facilities and services a transportation package should...

- Address complete connections and systems, including gaps in transit service
- Improve transit operations, including regional coordination and equitable access to transit
- Invest in transit so that it is a convenient, reliable, and safe travel option
- Provide sustainable long-term funding for first and last mile transit solutions
- Consider emerging micro-mobility options

To support housing production and economic opportunity, a transportation package should...

- Accelerate robust, multimodal, and well connected transportation networks in developing areas
- Improve the operations of regional freight routes and arterials

PROCLAMATION

West Linn, Oregon

WHEREAS, disasters occur every day in human life, some man-made and some as a result of our natural environment; and

WHEREAS, some natural disasters are unpredictable in nature, such as the much anticipated Cascadia subduction zone earthquake, whereas others are becoming more frequent and severe as our climate changes; and

WHEREAS, we face longer wildfire seasons, more severe droughts, heavier rainfall, and more frequent flooding; and

WHEREAS, one way we can respond to the unpredictable and severe nature of natural disasters and emergencies is to be prepared to respond; and

WHEREAS, there are simple but important steps we can all take to ensure we know what to do and have what we need in the event of an emergency; and

WHEREAS, one simple step is for households to assemble disaster supplies and make a plan to reconnect after a tragedy; and

WHEREAS, each of us can do our part to prepare for emergencies and help our neighbors and others affected by disasters; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST LINN, joins others in this nation to observe the month of September once again as:

NATIONAL PREPAREDNESS MONTH

We encourage West Linn residents to promote family and community disaster and emergency preparedness now and throughout the year. We also pay tribute to the courageous individuals who rush to the scene of disaster and respond to catastrophic emergencies for their dedication to our safety and security. We honor them with our renewed commitment to ourselves be prepared and self-reliant as we possibly can be.

DATED THIS 9TH DAY OF SEPTEMBER, 2024.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER



Agenda Bill 2024-09-09-01

Date: August 15, 2024

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

From: Kathy Mollusky, City Recorder *KM*

Through: John Williams, City Manager *JRW*

Subject: Draft Meeting Minutes

Purpose: Approval of City Council Meeting Minutes.

Question(s) for Council:

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

Public Hearing Required: None required.

Background & Discussion:

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

Budget Impact: N/A

Sustainability Impact:

Council continues to present its meeting minutes 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 Minutes.
2. Revise and approve the Council Meeting Minutes.

Staff Recommendation:

Approve Council Meeting Minutes.

Potential Motions:

Approving the Consent Agenda will approve these minutes.

Attachments:

1. July 8, 2024 Council Meeting Minutes
2. August 5, 2024 Council Meeting Minutes



CITY OF
West Linn

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

WEST LINN CITY COUNCIL MEETING NOTES July 8, 2024

Pre-Meeting

Oath of Office for Councilor Bonnington

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

Council Present:

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

Staff Present:

City Manager John Williams, City Attorney Ashley Wigod, City Recorder Kathy Mollusky, Administrative Assistant Kathy Connell, Police Chief Peter Mahuna, and Parks and Recreation Director Megan Big John.

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

Council President Mary Baumgardner moved to approve the agenda for the July 8, 2024, West Linn City Council Meeting. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Public Comment \[6:10 pm/10 min\]](#)

Alice Richmond, West Linn, expressed concerns about City employees entering her property and appropriating items.

Terence Shumaker, West Linn, spoke to the protection of the Willamette Wetlands and the proposed development by Bob Schultz.

[Public Comment - Alice Richmond](#)

[Mayor and Council Reports \[6:20 pm/15 min\]](#)

[Appoint Community Advisory Group and Police Review & Recommend Members](#)

Mayor Bialostosky placed before Council the following appointments:

- Brian Beedle, Budget Committee
- Sheri Harbour De Vos, Historic Review Board
- Derek Reinke, Police Review & Recommend Committee
- Jack Snook, alternate, Police Review and Recommend Committee

Council President Mary Baumgardner moved to approve the Mayor's appointments. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Reports from Community Advisory Groups](#)

Council President Baumgardner noted many members of the public in attendance tonight were concerned about the wetlands. She advocated for the wetlands and would potentially have the City investigate purchasing the property.

Councilor Bryck reported on the South Fork Water Board meeting on June 24 where a tech overview and a cybersecurity audit were presented. The Supervisory Control and Data Acquisition system (SCADA), which monitored water flow and amounts, was isolated from the rest of the system and was at very low risk for cyberattacks.

Councilor Bonnington stated many community members had expressed concerns about e-scooters and e-bikes and seemed to suggest the existing laws needed to be enforced, and parents needed to remind their kids not to speed on sidewalks and to be careful in shopping centers. He had concluded he would not recommend Council consider the issue now.

Mayor Bialostosky noted an e-mail blast had been sent reminding people of the regulations regarding e-bikes.

Proclamations and Recognitions [6:35 pm/10 min]

Portland General Electric (PGE) Green Future Enterprise Award

Michael Sannikov, Key Customer Manager, PGE, gave an overview of the Green Future Impact program and presented a plaque representing the Portland General Electric Green Future Enterprise Award to the City of West Linn.

National Farmers Market Week & Willamette Summer Steet Market Week

Proclamation

Councilor Groner read the Proclamation, declaring August 4 to 10, 2024, National Farmers Market Week in conjunction with Wednesdays in Willamette Summer Street Market Week in the City of West Linn.

Rebecca Hollenbeck, Historic Willamette Main Street (HWMS) Executive Director, thanked Council for supporting the Farmers Market and introduced Christiana Killpatrick, Market Manager, and Jody Carson and Kim Bria as HWMS Board Members.

Parks and Recreation Month

Proclamation

Councilor Bonnington read the Proclamation, declaring July 2024, as Parks and Recreation Month in the City of West Linn.

Ambassador Proclamations

Proclamations

Council President Baumgardner read the Proclamation, honoring and congratulating Queen Hallie Jones and Princesses Sadie Jones, Aaliyah Rahman, Kaelynn Gracia, and Natalie Katko for their successful competition and appointment as 2024 West Linn Old Time Fair Ambassadors.

Scheduled Presentations to the Council [6:45 pm/20 min]

Water Environmental Services (WES) State of the District

Greg Geist, Clackamas County WES Director, gave a presentation on WES, highlighting its services, infrastructure, future needs, projects, and community outreach. He explained that the

Willamette Pump Station Project pipe replacement would follow the pipe's existing route from the former Blue Heron Lagoon property to the I-205 bridge. He clarified T-shirts are available with the new, community-created "Clack-A-Mole" logo representing the Tri-City Outfall Project tunnel boring machine.

[Presentation](#)

[Consent Agenda \[7:05 pm/5 min\]](#)

Agenda Bill 2024-07-08-01: Meeting Minutes for June 3, 2024

[Draft Minutes Information](#)

Council President Mary Baumgardner moved to approve the Consent Agenda for the July 8, 2024, West Linn City Council Meeting which includes the June 3, 2024, meeting minutes. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Business Meeting \[7:10 pm/60 min\]](#)

Agenda Bill 2024-07-08-02: ORD 1751, AMENDING WEST LINN MUNICIPAL CODE CHAPTER 6 RELATING TO VEHICLES AND PARKING

[ORD 1751 Information](#)

City Manager Williams noted Council had discussed this Code amendment several times and had provided direction for Staff to prepare an ordinance, which would be presented tonight.

Police Chief Mahuna gave a report on the ordinance which changed the boat trailer parking time allowance from four hours to 24 hours. He noted data would be collected over a year and reported back to Council. He read the changes to the Ordinance as shown in the meeting materials.

Councilor Bryck appreciated that statistics on the impact of the ordinance would be available in a year. She was concerned about unintended consequences of the ordinance and welcomed the opportunity to revisit the issue.

Council President Mary Baumgardner moved to approve First Reading for Ordinance 1751, amending West Linn Municipal Code Chapter 6 relating to vehicles and parking, and set the matter for Second Reading. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Council President Mary Baumgardner moved to approve Second Reading for Ordinance 1751, amending West Linn Municipal Code Chapter 6 relating to vehicles and parking, and adopt the ordinance. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2024-07-08-03: Community Recreation Center Phase II Feasibility Study Next Steps](#)

[Community Rec Center Information](#)

[Online Questionnaire Final Report](#)

Parks and Recreation Director Big John introduced the Agenda Bill, noting the material to be covered and that Council's direction was being sought on next steps.

[Public Comment](#)

Charles Seims, West Linn, spoke to the impacts of the cost of a new Community Recreation Center on city residents, and noted Lake Oswego is opening a similar facility in November. He asked Council to not approve the project.

Dale Fortuna, West Linn, spoke to the cost of the project on residents, businesses, and schools, and its poor timing after the COVID-19 pandemic. Increased taxes would be an additional burden. The City had other priorities that were more important.

Ryan Mottau, MIG Opsis, gave a report highlighting the community polling and questionnaire respondent demographics and responses in support or opposed to operational and capital funding amounts as shown in the meeting materials.

[Presentation](#)

Parks and Recreation Director Big John reported on the community-provided written comments on the questionnaire with the main themes being support of the project, desire for a pool, a gathering space for the community, cost concerns of taxes and user fees, a center was unneeded, and funds needed to be used elsewhere in the city. The comments were included in the meeting packet. She requested Council's input on the next steps.

Mr. Mottau noted that though the results did not show overwhelming support, they strongly indicated community interest in the project and reluctance due to the cost. Information still needed to be disseminated to the community about the project. He noted the cost was significantly more than the project proposed in 2015 and a lot of that was due to inflation. Time would increase the cost of the project. This meeting would be the last chance to vote to include on the November ballot, though not much evidence in the poll showed an advantage in doing so.

Responses to Council questions from Staff were as follows:

- During reviews of individual properties at the Open House, assessed values were around 50 percent to 70 percent of the respondents' perceived market value of their homes. The difference was large, and the amount would depend on when the house was built and various tax laws in place at the time. Also, attendees noted the sizeable differences in the tax amount based on the assessed value of their homes, as opposed to the sale price.
- No list of other funding sources currently existed as the Parks and Recreation Advisory Board (PRAB) and the Steering Committee were waiting for the feedback from this Council meeting to determine potential next steps in approaching the private sector or other sources for alternative funding.

Council expressed the following key opinions and concerns:

- Looking at grants and the private sector for alternative funding sources makes sense to help bring costs down for residents. The Recreation Center was a good project and would bring many benefits and a lot of value to the city.
- Lake Oswego's recreation center had its school district as a substantial funding partner, which is another option to explore.
- The community has a strong desire for a recreation center, and the performance of past ballot measures for swim centers will inform people's vote, so timing is critical.
- Construction costs had increased more than any consumer price index, which had a big impact on the project. Citizens noted other needs in the city and questioned committing so much money if the City could not take care of what it already has.
- Adding the recreation center to this November's ballot was not the best plan. One benefit of waiting was that interest rates could potentially decrease, resulting in a more financially viable project.
- The risk of a five-year renewable levy was that it might not pass a second time and imperil future funding for operating the new facility.

Parks and Recreation Director Big John and Mr. Mottau noted:

- Even more outreach was needed given the confusion around the questionnaire; who could use the center; the conceptual design being based on the community's dream, which created the current cost estimates; the City's working relationship and the options already explored with the School District and Lake Oswego, which had a different type of facility; and the limited facilities Parks had to program out of.
- Last year, the Parks and Recreation Department's revenue of \$675,000 had not yet been

added into operation of the new recreation center, which would also generate revenue. More time would allow more fine tuning of the new center's potential operational costs.

- The shared understanding of what the Recreation Center could be and what it could look like was a unifying point that had only come together in recent months and having that focus made the project sellable and marketable to the community, partners, and funders.

City Manager Williams confirmed Council's direction was to continue working with elected officials, staff, and community members, and to approach funders, state agencies, Metro, etc., to find alternative funding options to cut the taxpayers' share of the costs, and then approach the community with any available additional funding. The next step would be to determine who would lead that discussion and effort.

Mayor Bialostosky suggested Council hold a joint public meeting with the Steering Committee and PRAB to discuss next steps.

[City Manager Report \[8:10 pm/5 min\]](#)

City Manager Williams reported on the operating hours of several local cooling centers, as well as West Linn's splashpads, given the high temperatures, noting the City was coordinating with the County and PGE about the possibility of power outages, and advised against using artificial turf fields in temperatures above 95 degrees.

- He noted this month's art rotation featured art from Karen LaGrave Small which including a series on climate change.
- Council's special meeting agenda on July 15 would include a Planning Department update on the Climate-Friendly Equitable Communities Implementation, and possibly the Council stipend issue. The next Council meeting would be on August 5 followed by Council's August recess.
- Election information had been put together for the fall. The Mayor's and two Council positions would be open for the election on November 5. Those wishing to run had to file by August 27.

[City Attorney Report \[8:15 pm/5 min\]](#)

Mayor Bialostosky reported on the work he and the City Attorney had been doing on the Council stipend issue. The Budget Committee had researched Council stipends in other cities and based on the market and other councilors' job responsibilities, recommended \$15,000 per year per Councilor and \$30,000 per year for the Mayor. As per the City Charter, this change would have to go before voters for approval. At the Council meeting next week, a draft resolution would be presented to Council to make the filing deadline for the November ballot. City Attorney Wigod would send a memo to Council regarding the legal requirements around pay issues that impact the Councilors' own salaries.

City Attorney Wigod noted the Oregon Government Ethics Commission stated no conflict of interest existed for the sitting Councilors to vote to refer the stipend issue to the voters for a decision. She would send the memo tomorrow to Council.

Council President Baumgardner expressed condolences to the family and friends of Alfredo Vicario Venancio Hernandez, who had died at the boat dock. She cautioned people to be very careful in the heat.

[Adjourn \[8:20 pm\]](#)

Draft Minutes



CITY OF
West Linn

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

WEST LINN CITY COUNCIL MEETING NOTES August 5, 2024

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

Council Present:

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

Staff Present:

Deputy City Manager Elissa Preston, City Attorney Ashley Wigod, Public Works Director Erich Lais, Parks & Recreation Director Megan Big John, Assistant to the City Manager Dylan Digby, and Administrative Assistant Kathy Connell.

[Approval of Agenda \[6:05 pm/5 min\]](#)

Council President Mary Baumgardner moved to approve the agenda for the August 5, 2024, West Linn City Council Meeting, adding Brandon Place opening discussion as Item 5.f. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Public Comment [6:10 pm/10 min]

Public Comment - Frank ODonnell

Mike Mitchell, Oregon City, stated he was an Oregon City Commissioner but speaking tonight for himself and on behalf many other citizens of their community. Noting the joint statement letter in the meeting packet, he spoke to a grass roots organization supporting river assets and opportunities.

Katie Zabrocki, West Linn, expressed her appreciation of the wetlands and the Willamette neighborhood.

Mayor and Council Reports [6:20 pm/30 min]

Reports from Community Advisory Groups

Councilor Bryck reported on the second Vision 43 working group meeting, adding she would reconnect with the 2016 Highway 43 Concept Plan and the Trail Master Plan due to their great impact on Vision 43. She also attended the Neighborhood Association Presidents Meeting and would be doing a Walk and Talk at Willamette Park at 1 pm on August 18th.

Council President Baumgardner reported her 10-month Certificate for Tribal Relations Program was nearly complete and she offered to present the capstone to Council, possibly in September.

Councilor Groner attended the Vision 43 meeting and was very impressed by what was being done.

Councilor Bonnington had also attended the same Neighborhood Association Presidents Meeting as Councilor Bryck.

Appoint Community Advisory Group Members

Mayor Bialostosky placed before Council the following appointments:

- Jason Evans, Planning Commission
- Kathryn Shulte-Hillen, Planning Commission

Council President Mary Baumgardner moved to approve the Mayor's appointments. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

City Manager Annual Evaluation Process

2024 CM Evaluation Process Information

Deputy City Manager Preston noted this was the second evaluation of City Manager Williams. A memo in the packet provided additional information.

Council indicated its approval of the process and timeline.

League of Oregon Cities (LOC) Legislative Priorities

LOC Policy Priorities Information

This agenda item would not be addressed tonight as it was not due until September and some Councilors needed more time to complete the priorities.

Joint Values and Outcomes 2025 State Legislative Transportation Support

Joint Values & Outcomes Information

Mayor Bialostosky stated that at last year's Clackamas County Coordinating Committee (C4) Retreat, the County put together a Joint Values and Outcomes Statement providing the foundation for a letter with logos from all the jurisdictions. It was very successful advocacy regarding the tolling issue. The Legislature is moving ahead with a big transportation package at the C4 Retreat in 2025, and several cities and the County came together to lay out foundational policy positions, such as protecting and retaining the 50/30/20 revenue formula from the State Highway Fund. The question from the County was whether to approve the Joint Values and Outcomes Statement and potentially have the City of West Linn as a signer. Several other cities have signed as had the County.

Councilor Bryck noted the second bullet under the Projects of Statewide Significance stated, "Formulate a list of secondary projects for future funding, including Sunrise Corridor." It seemed odd that was the only area highlighted and she suggested adding others if that item remained.

Mayor Bialostosky proposed asking the County why Sunrise Corridor was highlighted, with Council follow-up at its next meeting. He knew it was a project of County concern, with regional significance.

Brandon Place Opening Discussion

Deputy City Manager Preston noted this item was added to the agenda tonight for Council discussion on reopening Brandon Pl for a limited time.

Mayor Bialostosky stated Council had been receiving emails from the community on the topic for several weeks.

Public Works Director Lais gave an overview of the construction schedule on Willamette Falls Dr. The ask was to close the road and detour traffic onto Brandon Pl and Dollar St due to the

narrowness of the one available lane during paving and the necessity of allowing time for the concrete curbs to cure.

Remo Douglas, Capital Construction Program Manager, West Linn School District, stated discussion with City Staff centered on lessening the impact by closing the affected portion of Willamette Falls Dr and rerouting traffic through the roundabout on Brandon Pl to Dollar St, then back to Willamette Falls Dr.

Public Works Director Lais answered questions from Council as follows:

- The temporary authorization to use Brandon Pl would start August 7th and last about 1½ weeks. Another brief closure for the final paving would make the process easier and faster but was not mandatory.
- City Staff would be monitoring the repaving and timing.
- The water truck used to keep the dust under control moved very slowly for safety reasons and was not being used as a pilot vehicle.
- No traffic count was done to determine if traffic had lessened because of the construction due to the expense for equipment and people.

Public Comment

Bogdana Clarke, West Linn, opposed using Brandon Pl to reroute traffic due to conflicts with policies in the Comprehensive Plan regarding traffic, congestion, and safety issues.

Ron Mobley, West Linn, agreed with Ms. Clarke's points. Brandon Pl and Dollar Street were not through streets.

Kathie Halicki, West Linn, Willamette Neighborhood Association President, stated she had received emails which addressed the lateness of noticing for this discussion and the proposed rerouting.

John McCabe, West Linn, spoke to the danger of the reroute and the precedent it would set. Notification should have gone through the County for the street closure.

Mayor Bialostosky clarified his intent was to have a discussion tonight at the recommendation of Staff to alleviate traffic for everybody impacted. This was Council's only meeting in August.

Council President Baumgardner noted the construction dust had been terrible, and the site had not been wetted on evenings and weekends. It was a vast improvement to have the water truck there last weekend.

- A lot of requests had been received to open Brandon Pl for parking during baseball season. She had been concerned about Fields Bridge Park's inadequate parking, but had been reluctant to suggest opening Brandon Pl. She was uncertain now because she was considering a temporary opening to make the construction go faster.

- She assumed Council was the body to make a decision on whether to open Brandon PI in the future and asked if once the precedent had been set if Council could be forced to open it permanently.

Public Works Director Lais responded that it could be a legal question, but Council would be responsible for any future decisions on the use of Brandon PI. He agreed with Mr. McCabe that the County's process for a street closure was lengthy because it could take three to four weeks for approval. That process would not have helped the construction timeline and would have had its own routing problems.

Key comments and responses to Councilor questions were as follows:

- The legal ramifications of opening Brandon PI temporarily needed to be understood as it might establish a precedent that others could use to request a permanent opening in the future.
- The roundabout would still be open and the parking lot on the west end of Fields Bridge Park would still be accessible except during the final paving.
- Additional signage should be available for drivers to allow them to choose a different route before reaching the construction, though such signage would then be on a county road.
- The project timeline would remain the same even if Brandon PI was opened. The paving of the south side of Willamette Falls Dr would take place on August 9th, and the north side on August 16th.
- Opening Brandon PI was an ask from Staff, not a recommendation. The City was bound by the subcontractor's schedule. Staff supported the best option for the City and the residents and wanted the work to be done quickly and safely.
- No traffic numbers were available, but the old bridge appeared to have less of a bottleneck during construction.
- Brandon PI was wide enough for two-way traffic if the posts were removed and the gate opened.

Mayor Bialostosky recommended tabling the issue to receive answers to legal questions and get community feedback. A special meeting could be called for further discussion.

Councilor Bonnington was concerned that the neighbors would have increased anxiety about possible future openings of Brandon PI if Council did not make a decision soon.

Councilor Bryck noted if Council did not make a decision tonight or at a special meeting soon, the construction would be completed before another meeting took place.

City Attorney Wigod stated Brandon PI was associated with a land use decision, and its use would raise certain land use requirements, such as noticing and public comment. The timeframe would be tight for noticing an additional meeting.

[Consent Agenda \[6:50 pm/5 min\]](#)

**Agenda Bill 2024-08-05-01: RESOLUTION 2024-07, ADOPTING THE CITY OF WEST LINN
ADDENDUM IN THE UPDATES TO THE CLACKAMAS COUNTY MULTI-JURISDICTIONAL
NATURAL HAZARDS MITIGATION PLAN**

[RES 2024-07 Information](#)

Agenda Bill 2024-08-05-02: Meeting Minutes June 17 and July 15, 2024

[Draft Minutes Information](#)

**Agenda Bill 2024-08-05-03: Human Capital Management System (HCMS) Software
Integration**

[HCMS Software Information](#)

[HCMS Software Information word](#)

Council President Mary Baumgardner moved to the Consent Agenda for the August 5, 2024, West Linn City Council Meeting which includes Resolution 2024-07, adopting the City of West Linn addendum in the updates to the Clackamas County multi-jurisdictional natural hazards mitigation plan; the June 17 and July 15, 2024, meeting minutes; and the Human Capital Management System (HCMS) Software Integration. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Business Meeting \[6:55 pm/60 min\]](#)

Agenda Bill 2024-08-05-04: West Linn Operations Complex Final Design Contract

[WL Operations Complex Information](#)

Public Works Director Lais gave a presentation updating on the project to-date and the final design and construction in 2025.

Key comments and responses to Councilor questions were as follows:

- The driveway to the facility would have a 10 percent slope. A geothermal solution to keep it clear on icy days was explored but was too expensive.
- The road to I-205 was on ODOT property. Perhaps the City could obtain permission in writing to use it in an extreme emergency.
- The original target cost of the project was \$25 million. Pricing in the construction market was volatile and it was difficult to obtain solid numbers, but Staff believed a

range of \$35 million to \$40 million was possible. Cutting costs was necessary, but simply building a newer version of the limited space Public Works already had was undesirable.

- Public Works' crews were adamant that the project was needed and were excited about it. How to measure an increase in productivity was unknown, but emergency access to the current facility was a big issue, as was access and a place to rest for crew living outside the city during long-term emergencies, such as weather events. Morale would be a whole lot better with a new facility.

Parks & Recreation Director Big John noted that from Parks' perspective, items were stored at many different sites and to have them all in one space would improve efficiency. It was also not currently possible to meet as a group without using the lunchroom, so seasonal employees' start times were staggered to accommodate that issue. She was looking forward to a new facility and believed some efficiencies would be seen.

Mayor Bialostosky saw the new facility as an essential component of the City's future. The current Ops building was in unacceptable shape. Staff and the community deserve better, and a new facility would also be safer in winter weather events for storage of equipment and emergency supplies.

Council President Mary Baumgardner moved to approve the West Linn Operations Complex Final Design contract to Scott Edwards Architects, in the amount of \$2,024,000 and authorize the City Manager to sign and execute all related documents. Councilor Leo Groner seconded the motion.

Council President Baumgardner supported the creation of a barn to house a herd of goats to keep down the overgrowth in the difficult to reach areas in the very hilly city. She offered her services as a goatherd.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2024-08-05-05: Down-To-Earth Forest School 1-year Allowance/Next Steps](#) **[Down-To-Earth School Information](#)**

Parks & Recreation Director Big John summarized the request from Down to Earth Forest School to operate at Mary S. Young State Park for the 2024-2025 school year. Also, she asked if Council would direct Staff to develop a policy with the Parks and Recreation Advisory Board (PRAB) through which the School could use the Park long term, and to help decide what organizations or businesses could use the parks and in what fashion. City partner organizations currently use contracts with fee agreements to provide programming to the community.

Key comments and responses to Councilor questions were as follows:

- The current compromise to allow the School to use the Park was appreciated.
- Working with the PRAB to set up the policy was important and should start soon, followed by a joint meeting with Council.
- Several questions needed to be answered, one being whether such activities can continue in the park. The hope was that a policy discussion could sort out such concerns and provide clarity on Council's interests, insurance issues, State concerns, etc.
- It was necessary to have a thoughtful process on protecting the parks, but to also provide opportunities to the public without having it come to Council, and to have a mechanism to vet organizations making requests to use the parks. If Council chooses to move forward with an agreement, it should move quickly. Staff was talking with other agencies about their processes so it was not necessary to start from zero. Parks would work quickly and thoughtfully with the PRAB, other Staff, and the Planning Department for issues bigger than just the Parks Department.
- Rules and procedures were the result of people's desire to use the parks.

Council President Mary Baumgardner moved to Direct staff to work towards a one-year agreement with Down To Earth Forest School for use of Mary S. Young Park for the 24-25 school year and to develop policy for Council review regarding business use of parks, with input and guidance from the Parks & Recreation Advisory Board. Councilor Leo Groner seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[City Manager Report \[7:55 pm/5 min\]](#)

There was none.

[City Attorney Report \[8:00 pm/15 min\]](#)

There was none.

Council Training on ex parte contact and potential bias

[Ex Parte Contacts and Potential Bias](#)

Mayor Bialostosky stated the Council had requested training on ex parte contact and potential bias after learning of a potential upcoming land use matter of significant public interest. He wanted to make sure a public training took place on the topic so all Councilors and interested members of the community knew the requirements of Council's quasi-judicial role. He hoped

the training could be sent out afterward as a weekly newsletter to the Friends of Willamette Wetlands and others who were interested in the topic so they could be aware of Council's process.

City Attorney Wigod presented the training on ex parte contact and potential bias as included in the packet.

Key comments and answers to questions from Council were as follows:

- Ex parte contacts if disclosed are not unlawful. Site visits are encouraged because they provide understanding of an area. Site visits with an applicant or with citizens were discouraged because it could create an appearance of bias.
- An opportunity to disclose ex parte contacts including site visits existed during land use hearings. Declarations could also be made about an applicant visiting a site with a Councilor including an explanation that no discussion of substance took place.
- Ex parte contacts might introduce information to a decision maker that might be relied on in a decision, but if not brought into the public hearing process it is considered unfair because it would not allow others to respond to the private information.
- People wanted to talk to Councilors as elected officials about issues that could come before Council. The training information presented was helpful in that regard.
- No official timeline existed to determine if something would be considered ex parte contact. Information exchanged at a meeting five years ago about a development application that then was submitted for land use could be disclosed in the public hearing, if remembered.
- Regarding bias, no harm existed in disclosing knowing an applicant for many years, for example. The relevance of the substance of a conversation was important. If a Councilor had been a roommate for 10 years with a person involved in a land use application, it would be helpful to disclose that to avoid the appearance of bias toward the person.

Mayor Bialostosky read the Land Use Board of Appeals (LUBA) headnotes on bias from *Nicita v. City* in 2016 which said, "Whether a city commissioner's reference to "banana" as an acronym for 'build absolutely nothing anywhere near anything' was intended as a criticism of opponents' request for a continuance or was intended as a broader criticism of opponents, it does not demonstrate that the city commissioner was biased against opponents." It is a high bar to disqualify somebody for bias, but important to not say anything too far on topics that come before Council in quasi-judicial hearings.

[Adjourn \[8:15 pm\]](#)

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Agenda Bill 2024-09-09-02

Date Prepared: August 27, 2024

For Meeting Date: September 9, 2024

To: Rory Bialostosky, Mayor
West Linn City Council

Through: John Williams, City Manager *JRW*

From: Erich Lais, PE – Public Works Director/City Engineer *EL*

Subject: 1200 12th St. Memorandum of Easement Rights

Purpose:

To receive Council approval of the proposed Memorandum of Easement Rights to correct and formally acknowledge a historic access easement located at 1200 12th St.

Question(s) for Council:

Does Council wish to acknowledge and formally record an access easement located at 1200 12th St. to correct the existing public record?

Public Hearing Required:

None Required.

Background & Discussion:

New owners (purchased July 2024) of 1200 12th street contacted the City with regards to improving their driveway, which was not evidenced by a recorded easement, but runs across city land designated as city park. The existing house and driveway were constructed in about 1961, and the city council voted on October 18, 1961 to grant an easement. The driveway within the access easement was built sometime thereafter, but no easement was formally recorded. This easement area has been utilized as a driveway since that time.

Previous owners and current owners have been exercising the Easement by making use of the land and related driveway improvements located on the land as described in Exhibit B of the attached Memorandum of Easement Rights.

The Owners desire to memorialize, of public record in the Clackamas County Clerk's Office deed records, the existence of the Easement and the legal description of the Driveway. The current owners do not wish to make use of the entire exhibit as it was historically described in the attached map exhibit. Instead, they wish to only memorialize a smaller section described in Memorandum of Easement Rights to maintain access to their property.

Legal review of the proposed easement has been completed and a summary of a recommendation for approval is attached to this report along with the proposed Memorandum of Easement Rights to be

recorded with Clackamas County upon approval.

Budget Impact:

None

Sustainability Impact:

Not applicable

Council Options:

1. Approve the formal recognition of the access easement located at 1200 12th St. and instruct the City Manager to sign and executed related easement documents.
2. Deny the proposed Memorandum of Easement Rights and provide an alternate direction for staff to pursue with possible coordination of property owner.

Staff Recommendation:

1. Approve the formal recognition of the access easement located at 1200 12th St. and instruct the City Manager to sign and executed related easement documents.

Potential Motion:

I move to approve the formal recognition of the access easement located at 1200 12th St. and instruct the City Manager to sign and executed related easement documents.

Attachments:

1. Legal summary of property history and recommendation of approval
2. Memorandum of Easement Rights
3. 1961 Council Minutes
4. Historic Easement Exhibit
5. Resolution approving Memorandum of Easement Rights

Interpretation of 1961 easement

The new owner (purchased July 2024) of 1200 12th street came to city planning to inquire about improving their driveway, which was not evidenced by a recorded easement, but runs across city land designated as [*city park*]. The existing house and driveway were constructed in about 1961, and the city council voted on October 18, 1961 to grant an easement but gave a vague description of its location. It was built sometime thereafter, but no easement was ever recorded.

Summary of Recommendation:

We recommend the city allow the existing driveway to be validated as the intention of the city council in its 1961 grant of an easement, that the actual location be described in a survey, without “significant” widening of the currently existing driveway.

A written document, a “Memorandum of Easement Rights,” is attached, with a metes and bounds description of what the city and house owner have determined to be the easement, that includes a triangle of property that describes the existing driveway incursion onto the city property, together with the necessary land for maintenance, repair and landscaping needed to allow vehicles to use it safely. This document can be recorded to clarify and settle the situation, if Council approves.

Attached are (1) the 1908 Plat of the area, (2) the current tax map, (3) a 1978 survey of the adjacent property, showing a 25 foot wide strip that could be interpreted as the easement, and (4) the 1961 council minutes.

The Facts:

The attached 1908 plat of Willamette and Tualatin Tracts (created by the Willamette Falls Company), shows the house parcel, now 1200 12th Street in Tract 34 (the number “34” is also shown on the tax assessors map and on the 1978 survey). 1200 12th lies immediately north of the right of way that is the south boundary of Tract 34.

The 1978 survey shows a “railroad” right-of-way just south of the 1200 12th property, but it was not a railroad – in 1908 it was called a transmission right-of-way, possibly from the hydro project at the falls, a gas line, or even an electric overhead streetcar power line, as shown on the 1908 plat. And the right of way was not shown as part of either Tract 34 or 36.

In 1961, the City Council, by motion (apparently there was no written document prepared in advance) approved an easement, with no real legal description, merely a reference to Tract 36, so clarification of the location of the easement is in order.

The problem fact is that Tract 36 lies to the west of Tract 34, as shown on the 1908 plat. The 1978 survey shows tract 36 to the south of 34, and also includes the transmission right of way as a part of Tract 36, which are both clearly errors (no intervening plat we found modifies the original. Because Tract 36 is west of Tract 34, the City Council in 1961 actually granted an access across city property to what is now Tualatin Avenue (which lies to the west), not 12th Street (which lies to the east). But that is not what got built. As a result, and because the council

had nothing in writing in front of them, it appears the reference to Tract 36 was an error, but the grant of an easement to the lot appears to have been intended.

Interpretation of the 1978 survey

Prior to the 1980s and 1990s quite a few surveys in Clackamas County interpreted, and even stretched facts to justify actions. That may have happened here, when the surveyor called the transmission right of way a railroad right of way, and mis-applied Tract number 36 to it. It is interesting that the county surveyor dropped the number of Tract 36 from the tax assessors maps, so it is clear that something went off the rails. These kinds of errors were common enough, and the current county surveyor is doing an admirable job of correcting as many errors from that era as he can when they get brought to his attention.

The situation and laws:

There is no right of adverse possession against a city, and no right to claim an easement by prescription either. So, the existing driveway cannot be “legalized” that way. The city also cannot cut off all road access to the house. Finally, the city cannot allow (under the charter) a new driveway to Tualatin Avenue across the now-existing natural area on Tract 36. As a result, there is no easy legal remedy to this issue, except to interpret the 1961 council action (granting an easement) to have contained an error, and that the motion intended to grant an easement across a portion of the transmission right of way, substantially as built. However, the easement should not include the entire right of way shown on the 1978 survey (which was prepared by the landowner for an adjacent lot, not by the city, and contains errors, so is of questionable value .)

This is an interpretation of a prior council action, and rather than have staff correct it (that could be challenged by a citizen), so council should clarify the prior grant of easement. This action seems to be the least intrusive solution to the problem, protecting park and open space as much as possible.

In addition, this action appears to be based in fact, because it is what was built and not challenged for some sixty years.

AFTER RECORDING RETURN TO:

This space is reserved for recorder's use.

MEMORANDUM OF EASEMENT RIGHTS

THIS MEMORANDUM OF EASEMENT RIGHTS (this "Agreement") is entered into as of this _____, 2024, between The City of West Linn, an Oregon municipal corporation (the "City"), and Pamela S. Cosper and Christian Brahe-Pederson ("Owner").

WHEREAS Owner is the record owner of a parcel of real property commonly known as 1200 12th Street, West Linn, Oregon, as more particularly described on Exhibit A (the "Owner Parcel");

WHEREAS, pursuant to certain the minutes of the adjourned regular meeting of the City's city council on October 18, 1961 (the "Council Meeting"), the City passed a motion to grant a non-exclusive access easement to one Mr. William Eyler, being the Owner's predecessor-in-interest as owner of the Owner Parcel, for the benefit of the Owner Parcel, for purposes of granting utility and vehicular access between the Owner Parcel and the surrounding public rights of way (the "Easement");

WHEREAS, from and after the Council Meeting, the owners of the Owner Parcel have been exercising the Easement by making use of the land and related driveway improvements located on the land described on Exhibit B attached hereto and made a part hereof (the "Driveway"), but the Easement was never placed of public record executed by the City and Mr. Eyler; and

WHEREAS, the parties desire to memorialize, of public record in the Clackamas County Clerk's Office deed records, the existence of the Easement and the legal description of the location of the Driveway.

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. Confirmation of Easement. The City acknowledges the existence of the Easement, as approved and granted by the City pursuant to the action of the City Council at the Council Meeting. Furthermore, the City and Owner agree that the parties hereto mutually acknowledge and agree that the Driveway (the location of which is legally described on Exhibit B) is the location of the Easement, as exercised by Owner and Owner's predecessors in interest from and after the Council Meeting. It is acknowledged that the Easement was non-exclusive in nature, and the City retained its rights to make use of the area where the Driveway is located in a manner that does not impede or impair Owner's rights granted hereunder.

2. Acknowledgement of Easement terms. The parties acknowledge that the following terms and conditions are included as part of the Easement that was granted:

2.1. The Driveway area may be used by Owner only for the following purposes: (i) pedestrian and vehicular ingress and egress (including the installation, maintenance, repair, and replacement of driveway improvements that facilitate such pedestrian and vehicular ingress and egress), and (ii) installing, repairing, maintaining, replacing and operating utility facilities serving the Owner Parcel.

2.2. The following activities are expressly prohibited upon in the Driveway area: (x) parking anywhere in within the Driveway area; and (y) construction of any gate, fencing or other similar structure that would impede access to the Driveway area, whether or not such impediment is placed within or outside of the Driveway area.

2.3. Owner, and its successors and assigns as owner of the Owner Parcel, are solely responsible for, and bear all costs and expenses related to, the maintenance, replacement, and repair of the Driveway area and all improvements located therein. Owner shall maintain the Driveway area in good condition, subject to ordinary wear and tear occurring between routine maintenance activities. Owner must keep the Driveway area free and clear of any lien or other encumbrance for material, labor, or other charges incurred in or arising from any activities by Owner or its contractors, subcontractors, consultants, agents and employees, and Owner expressly agrees that it shall indemnify and hold Grantor and its successors and assigns harmless from any and all such liens, claims, or encumbrances and shall pay any and all reasonable attorneys' fees and other reasonable costs and expenses arising out of or incurred as a result of such liens, claims or other encumbrances.

2.4. Owner agrees to indemnify and defend the other from any loss, claim, or liability arising in any manner out of that party's negligence and that of its tenants, agents, visitors, invitees, licensees, and successors and assigns in the use of the Driveway area.

3. Runs with Land; Non-Exclusive; Arbitration and Mediation

3.1. The parties acknowledge that the Easement, as granted by the City, runs with the land, binding and inuring to the benefit of the parties hereto, and their respective heirs, assigns, executors, administrators, and successors in interest as owners of the real property described herein.

3.2. Except as subject to the rights herein granted, and subject to all other easements on the property, the title holder to each of the two Lots shall retain full use and control of the described real property.

[SIGNATURE PAGES FOLLOWS]

IN WITNESS WHEREOF, the parties have executed this Memorandum of Easement effective as of the date noted above, being the date this document was executed by the last signatory hereof.

OWNER:

CITY:

City of West Linn

By: _____
Pamela S. Cospers

By: _____
Name: _____
Title: _____

By: _____
Christian Brahe-Pederson

STATE OF _____)
) ss.
County of _____)

This instrument was acknowledged before me on this _____, 2024, by Pamela S. Cospers and Christian Brahe-Pederson, each an individual.

.

NOTARY PUBLIC FOR _____
My Commission Expires: _____

STATE OF Oregon)
)ss.
County of Clackamas)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____ as the authorized representative of the **City of West Linn, Oregon**.

EXHIBIT A
Legal Description – Owner Parcel

All that part of Tract 34, Willamette & Tualatin Tracts, in the City of West Linn, County of Clackamas and State of Oregon, lying Northerly of the parcel conveyed to the Portland, Eugene and Eastern Railway Company by Deed recorded March 19, 1913 in Deed Book 130, Page 298.

EXCEPT that portion lying with the following described tract:

A part of Tracts 33 and 34, Willamette & Tualatin Tracts, in the City of West Linn, County of Clackamas and State of Oregon, described as follows:

Beginning at the most Easterly corner of Tract 33, Willamette and Tualatin Tracts, and running thence North 22°21' West 8 feet along the Northeasterly line of Tract 33; thence Southwesterly 120 feet, parallel with the Southeasterly line of said Tract 33; thence Southeasterly 88 feet, parallel with the Northeasterly line of said Tract 33; thence Northeasterly 120 feet, parallel with the Southeasterly line of said Tract 33, to a point in the Southwesterly line of 12th Street; thence Northerly, along the Southwesterly line of 12th Street, 80 feet to the point of beginning.

ALSO EXCEPTING the most Northerly 25 feet of said Tract 34.

EXHIBIT B

Legal Description – Driveway area



CENTERLINE CONCEPTS
LAND SURVEYING, INC.

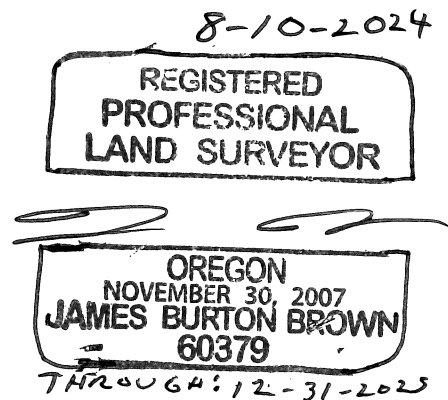
19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

Exhibit "A"
Easement
Legal Description

A Tract of land being a portion of that property described in Book 343, Page 167 (recorded April 27, 1945), Deed records of Clackamas County, located in the Northwest 1/4 of Section 2, Township 3 South, Range 1 East of the Willamette Meridian, City of West Linn, County of Clackamas, State of Oregon, being more particularly described as follows:

BEGINNING at the Easterly corner of Deed Document Number 2024-019838, Deed Records of Clackamas County, said corner being on the West right of way line of 12TH Street, being 40.00 feet West of the centerline thereof when measured at right angles; thence along said right of way line, S22°21'00"E, 16.50 feet; thence leaving said right of way line, S67°39'07"W, 34.63 feet to a point on the Southeasterly line of said Deed Document Number 2024-019838; thence along said line, N42°10'25"E, 38.36 feet to the ***POINT OF BEGINNING***.

Contains 286 square feet, more or less.



DOCUMENT NO.
2015-069915

**POINT OF
BEGINNING**
EASTERLY CORNER
DOCUMENT NO.
2024-019838

DOCUMENT NO.
2024-019838

DEED BOOK 343
PAGE 167
(4/27/1945)

SIGNED ON: 8-10-2024

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

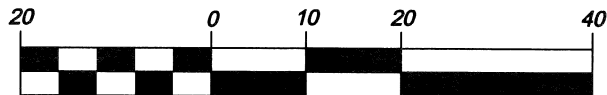
OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

RENEWES: DECEMBER 31, 2025

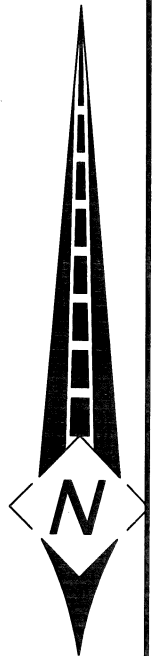


= EASEMENT
286 S.F.

GRAPHIC SCALE



(IN FEET)
1 INCH = 20 FT.



CLIENT: WEST LINN
ORIG. DATE: 8/2/2024
DRAWN BY: MPW
SHEET No. 1 OF 1

EXHIBIT "B"
EASEMENT
CITY OF WEST LINN, CLACKAMAS COUNTY, OR
Scale: 1"=20'


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

October 18, 1961

An adjourned regular meeting was held on October 18, 1961. Those present were Mayor Lange, Councilmen Willson, Dollar, Winkel, Woodworth and Carpenter.

Mr. Frank Doty appeared at the meeting to request that the City establish a grade for the construction of a curb on the north side of Buck Street between Holmes Street and Irvine Street, and requested that the City also do the excavating for the curbs and necessary grading. After some discussion the Council agreed to establish the curb line and grade, excavate for the curbs provided that such work can be accomplished with City equipment. The Council informed Mr. Doty that the property owners would have to bear the cost of the curbs and the base rock for the parking area of the street.

A public hearing was held on the vacation of a portion of Skyline Drive northwest of water reservoir No. 1. There were no persons present and no written notices of objections, so the hearing was declared closed.

A motion was made and 2nd to pass Ordinance No. 629 on its first reading. Said Ordinance provides for the vacation of a portion of Skyline Drive. Vote taken and motion passed, unanimously.

A motion was made and 2nd to require all property developers and subdividers to construct all streets within subdivisions according to City specifications including paving of streets at their expense. Motion passed.

The Council requested that all department heads submit a monthly report to the Council on proposed work to be done by each department in the coming month.

The Council ordered a public hearing to be held on the renaming of Dillow Drive and Ostman Road.

A motion was made and 2nd to give an easement for road purposes to Mr. William Eyler over City-owned property in Tract 36, Willamette and Tualatin Tracts. Motion passed.

A motion was made and 2nd to proceed with attempts to obtain a triangular parcel of property from Union Oil Company at the intersection of Portland Avenue and Willamette Falls Drive. Motion passed.

The Council instructed the Recorder to notify Mr. Gale to finish cleaning up the Debris from the demolishing of the Sunset Observation Tower.

The Council ruled against the removal of a large tree located on Holly Street near its intersection with Portland Avenue.

A motion was made and 2nd to approve the report of the finance committee and authorize checks to be drawn for the various amounts including checks No. 6140 and 6141 previously refused in the meeting of October 11, 1961, and with the exception of Check No. 6218. Vote by roll-call: Yeas, Willson, Dollar, Winkel, Woodworth and Carpenter. Noes: None. Motion passed.

A motion was made and 2nd to adjourn.

Andy Harold
CITY RECORDER

11-8-61

The regular meeting of the City Council was held on November 8, 1961. Those present were Mayor Lange, Councilmen Willson, Dollar, Winkel, Doty, Woodworth, and Carpenter.

The minutes of the last regular meeting and adjourned regular meeting of October 18, 1961 were read and approved.

Mrs. Isabelle French appeared at the meeting requesting information regarding the storm sewer recently constructed by the City across Holly Street just east of the intersection of Grove and Holly Street. Mrs. French told the Council that she felt that it was unfair to drain the surface water from Holly Street through a storm sewer and empty it onto her property which would add to an already bad situation of too much water in the canyon behind her house, cause a stagnant water condition and a breeding place for mosquitos. The Council advised Mrs. French that the end of the storm sewer was on the public street and not on her property. Therefore, did not change or increase any more drainage onto her property than existed before. The Council also asked Mrs. French to wait until the rainy season has started so that everyone concerned could see what effect, if any, the storm sewer will have in regard to surface water from Holly Street draining onto her property.

NW 1/4 Sec. 2, T 35, R 1E, WM.
 Ambrose Fields D.L.C.
 Willamette & Tualatin Tracts Subd.
 Date: Aug 15, 1977 Scale 1" = 50'

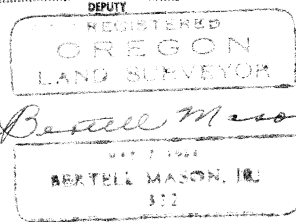
Bert Mason Jr.
 156 WARNER MILNE RD.
 OREGON CITY, ORE. 97045
 REGISTERED PROFESSIONAL LAND SURVEYOR

Drawn by *M* Job. No. 510
 Checked by *B.M.*
 Field Bk. L.L. Page
 Client: Wm. Eyer

CLACKAMAS COUNTY
FILED

MAR 29 1978

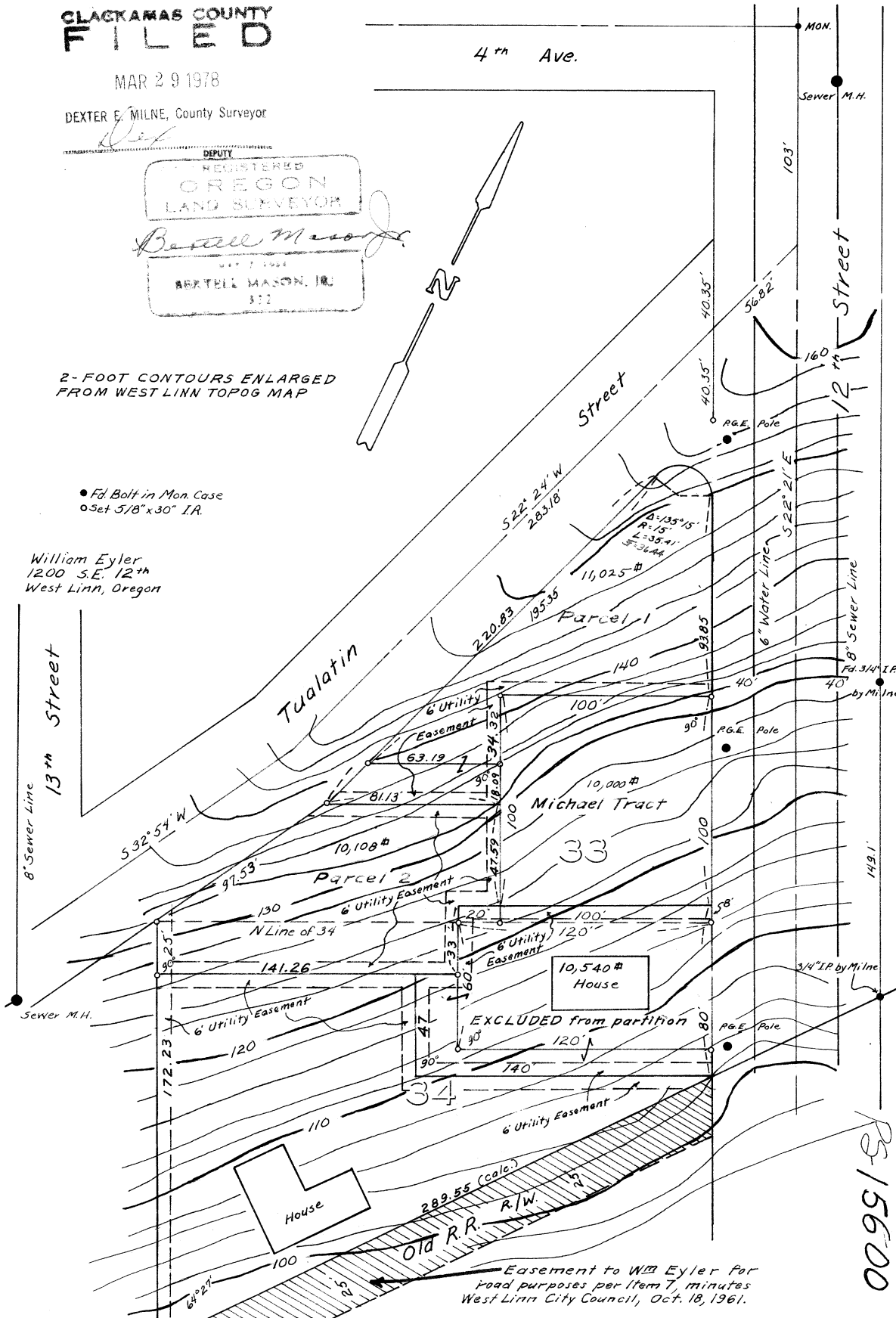
DEXTER E. MILNE, County Surveyor



2-FOOT CONTOURS ENLARGED
 FROM WEST LINN TOPOG MAP

• Fd. Bolt in Mon. Case
 0.5" 5/8" x 30" I.R.

William Eyer
 1200 S.E. 12th
 West Linn, Oregon



PS 15600

RESOLUTION 2024-08
**A RESOLUTION APPROVING EXECUTION AND RECORDING OF A MEMORANDUM OF
CLARIFICATION REGARDING 1961 GRANT OF EASEMENT BY THE CITY**

WHEREAS, at the October 18, 1961 meeting of the City Council of West Linn, the City passed a motion to grant an easement across City property to Mr. William Eyler to provide access of vehicles and utilities between Mr. Eyler's land (the "Eyler Parcel") and the surrounding public rights of way (the "Easement");

WHEREAS, neither the City nor Mr. Eyler memorialized the existence of the Easement and the legal description of the location of the Easement upon the City's property pursuant to a written document recorded in the Clackamas County Clerk's Office deed records;

WHEREAS, Mr. Eyler and the successor owners of the Eyler Parcel made use of the Easement from and after the time of the City's grant of the Easement, and the current owners of the Eyler Parcel continue to make use of the Easement as of this date; and

WHEREAS, in order to avoid current or future disputes between the City and the current and future owners of the Eyler Parcel with respect to the City's prior grant of the Easement, the City finds it reasonably prudent to memorialize the specific terms of the Easement, as understood by the City, in the Clackamas County Clerk's Office deed records pursuant to a memorandum of easement rights (the "Memo of Easement").

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

Section 1: The City Council acknowledges the prior grant of the Easement in 1961 by the then-current City Council and hereby approves the attached form of Memorandum of Easement Rights (attached as Schedule 1, the "Memorandum"), which will provide public record notice of the Easement's existence and the City land burdened by the Easement.

Section 2. The City Council hereby approves the execution of the Memorandum by the City, and approves the recording of the Memorandum in the Clackamas County Clerk's Office deed records following the execution, notarization, and delivery of the Memorandum by all parties thereto.

Section 3. This Resolution is effective upon passage.

This Resolution was PASSED and ADOPTED this 9th day of September, 2024.

AYES:

NAYS:

ABSTENTION:

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

West Linn Project Tracking List
9/6/2024

	A	B	C	D	E	F	G	H
	Date	Project/Department	Description of Task	Deadline	Assigned to	Status	Contact	Notes
1								
2	Immediate Priority							
3	11/17/2021 36845	Maddax Woods Caretaker Agreement Update	Current agreement is from 2002, pandemic may allow City to make changes with tenant, need legal review and/or a more current agreement to update with tenant.		Pete Hicks/Robyn Stein	Work in progress	Megan Big John	Last update 5/23/2023
4	1/19/2023 36839	Camping Code	Work with city regarding houselessness and required municipal code changes and communications strategy.		Ashley Wigod, Matthew Kahl	The Committee presented its suggested camping location to Council. The property is owned by PGE which is evaluating the site.	Doug Erickson	Last update 12/11/2023
5	3/1/2023 36842	Contract Templates	Request to update templates and correct odd issues. Draft RFPs & Contracts for different types of procurement.		Pete Hicks, David Bowser	ON HOLD	Stephanie Hastings	
6	12/11/2023 36842	Preservation of Historic Tugboat	Review and advise on storage and funding agreement.		Ashley Wigod	Options for taking responsibility of the tugboat provided to Councilor Bonnington	John Williams	Request Received 12/11/2023
7	12/18/2023	Code Enforcement Issues	Code Updates 5.470 Noxious Vegetation; 6.105 Prohibited Parking; (1.255 Violation Penalties; 2.920 Land Use Decision; 4.450 Exemptions; 8.740 Non-Compliance)		Ashley Wigod		Kathy Mollusky	
8		Buzalski claim	CIS is handling case.		Ed Trompke	Monitoring for potential liability.		
9	12/21/2023	Social Media Policy	Review social media policy	8/7/2024	Pete Hicks	Response email sent to City July 17.	Doug Erickson/Danielle Choi	
10	4/22/2024	TMobile Cell Tower Lease	Review and Revise Lease Agreement		Jeff Kapp/David Bowser		Morgan Lovell	
11	4/25/2024	IGA with State to collect Transient Lodging Taxes	Review Draft IGA & Secrecy Certification	6/3/2024	Matthew Kahl	Comments submitted to City and City has submitted to State for approval.	Lauren Breithaupt	
12	4/1/2024	Permitting/zoning	Permitting/zoning of Bridge to Change transition home for men coming out of incarceration.		Jeff Kapp	Email sent to public works, waiting for any follow up request.	Doug Erickson	
13	6/4/2024	19010 Nixon	Encroachment issue/question by Cedar Oak boat ramp		Ed Trompke	Waiting for City response. City sent a request to remove the encroachment.	Eric Lais	
14	6/26/2024	Historic Easement Question	Review/advise historic documents regarding access easement		Ed Trompke	Legal review and recommendation on how to proceed on request for formal recording of historic easement approved by 1961 City Council at 1200 12th St.	Morgan Lovell	On September agenda
15	7/18/2024	Contracts Outstanding	Arborist Consultant PSA, IT Ticketing SaaS Contract, Economic Development Training PSA, and Investment Advisory Services PSA		Matthew Kahl	Matthew is reviewing contracts.	Stephanie Hastings	
16	7/19/2024	Permit/Zoning Question	Review zoning regarding operation of a private school		Ezra Hammer	Reviewing Use Agreement for private school to use park. Working with Parks to review new lease agreement with State of Oregon.	Megan Big John	
17	7/19/2024	10th St and Salamo	Asked legal the avenue for applying liquidated damages per Icon's contract on the 10th Street and Salamo street improvement project		David Bowser	Waiting for David's reply	Erich Lais	
18	8/21/2024	South Fork Water Board Fee/Rate	Review separating out the fee/rate for South Fork Water Board		Ashley Wigod	Discussing with South Fork Water Board manager and Oregon City.	Lauren Breithaupt	
19	8/22/2024	Historic City Hall	Review Historic City Hall Project Manager PSA		Matthew Kahl	Sent City response regarding draft agreement review.	Stephanie Hastings	
20	8/26/2024	Right-of-way vacation	Review and provide legal answers regarding access to Killarney Drive		Ed Trompke	Sent recommended action to City regarding a resolution to allow city manager to record the current easement location that was created in 1961. Survey needed. Waiting City's response.	Darren Wyss	
21								
22	Ongoing / Specified Due Date							
23	9/9/2019 36839	I-205 Regulatory Framework	Develop process for permitting, etc.			Confirm status with planning.	John Williams, Erich Lais	Last update, email sent 10/14/2021
24								
25	Longterm							
26								

Work Session Agenda Bill

Date: August 30, 2024

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

Through: John Williams, City Manager *JRW*

From: Darren Wyss, Planning Manager *DSW*

Subject: Middle Housing 2-Year Check-In

Purpose:

Receive a briefing on middle housing development in the community over the past two-years and provide any initial feedback on potential regulation changes to evaluate as part of the City's Housing Production Strategy project that is underway.

Question(s) for Council:

Does the Council have any questions regarding middle housing data or requests for additional information?

Background & Discussion:

The City of West Linn adopted middle housing code amendments to comply with House Bill 2001 (2019) in June 2022. Middle housing types include duplex, triplex, quadplex, townhouse, and cottage cluster development. The state legislature passed Senate Bill 458 (SB458) in 2021 to require cities to allow middle housing developments to divide the property for individual ownership, while not needing to comply with a local jurisdiction's minimum lot size requirements.

The City has permitted 14 middle housing projects in the past two years. As with any planning project, particularly code amendments, it is best practice to evaluate the results to ensure they are meeting the project goals/expected outcomes. This two-year check-in on middle housing outcomes is also timely as the City is working on developing a [Housing Production Strategy \(HPS\)](#) to identify specific tools, actions, and policies the City plans to implement to address critical housing needs in the community. The HPS is required by House Bill 2003 (2019) and a follow-up to the [West Linn Housing Capacity Analysis \(HCA\)](#) adopted by City Council in October 2023. The HCA showed a need for more housing affordable to low- and moderate-income households than what has been produced recently in the community.

The attached table shows the permitted middle housing projects. All projects have utilized SB458 to divide the property into individual lots for the middle housing units. The table contains information on the property's existing conditions (developable area, zoning, maximum lots under the zoning, and whether there is an existing home), the outcome of the middle housing land division (number of lots created, average size of the lots, and whether the existing home remained), and the housing produced (number of new units, type of unit, average size, and average price (if known)).

Some data from the middle housing table that should be considered as part of the HPS project includes:

- Middle housing regulations have doubled the number of dwelling units permitted on the 14 properties (23 allowed under current zoning rules, 47 permitted under HB2001 rules).
- Projects that retain the existing home have resulted in smaller dwelling units at a lower price point.
- The attached housing project resulted in dwelling units at a lower price point.
- 85% of the projects are located within the R-10 zone and result in lot sizes that are common in the Metro area (around 5,000 sq. ft.).
- Projects within the R-10 zone typically result in larger and more expensive dwellings.

In addition, as part of the HPS project the City should consider the three policy choices that were made as part of the middle housing code amendments and whether any adjustments should be made:

- Allowing detached plexes
- Increasing floor-area-ratio (FAR) for plexes in R-10 and R-7 zones from 45 percent to 60 percent
- Eliminating FAR and Lot Coverage for all middle-housing types in R-5, R-4.5, R-3, and R-2.1 zones

Planning staff will also present this information to the Council appointed HPS Working Group, who is scheduled to meet in October and November to consider a number of different strategies, and to the West Linn Planning Commission prior to its joint meeting with City Council on November 18, 2024.

Council Options:

1. Receive briefing, ask any clarifying questions, and request additional information.
2. Provide any initial feedback on potential middle housing related strategies to consider in the Housing Production Strategy project.

Staff Recommendation:

Provide any initial feedback on potential middle housing related strategies to consider in the Housing Production Strategy project.

Attachments:

1. Middle Housing Table – July 2022 to July 2024

City of West Linn

Middle Housing Land Divisions July 2022 to July 2024

Project	Existing Conditions				Middle Housing Land Division			New Dwelling Units			
	Developable Area (sq. ft.)	Zoning	Max Lots	Existing Home	Number of Lots	Avg. Lot Size (sq. ft.)	Demo Home	Number	Type	Avg. Size (sq. ft.)	Avg. Price (\$)
MIP-22-04	17,551	R-10	1	No	2	8,776	n/a	2	Detached	3,538	1,250,000
MIP-22-05	10,000	R-10	1	No	2	5,000	n/a	2	Detached	3,373	1,270,000
SUB-22-01	24,856	R-10	2	Yes	4	6,214	No	3	Detached	1,320	Not Built
ELD-23-01	10,000	R-5	2	Yes	2	5,000	No	1	Detached	1,763	615,000
ELD-23-02	11,832	R-10	1	Yes	4	2,958	No	3	Detached	1,721	665,000
ELD-23-03	18,000	R-10	1	No	2	9,000	n/a	2	Detached	3,265	Not Built
ELD-23-04	16,171	R-10	1	Yes	2	8,086	Yes	2	Detached	3,324	1,289,634
ELD-23-05	19,865	R-10	2	Yes	4	4,966	Yes	4	Detached	3,120	1,085,557
ELD-23-06	17,978	R-10	1	No	3	5,993	n/a	3	Detached	3,495	1,337,500
ELD-23-07	24,500	R-5	4	Yes	8	3,063	Yes	8	Attached	2,029	589,900
ELD-23-08	19,846	R-10	2	Yes	4	4,962	No	3	Detached	2,248	Not Built
ELD-23-13	24,000	R-10	2	Yes	4	6,000	Yes	4	Detached	3,074	Not Built
ELD-23-14	29,085	R-10	2	No	4	7,271	n/a	4	Detached	2,874	923,751
ELD-24-01	9,700	R-10	1	No	2	4,850	n/a	2	Detached	2,687	Not Built

Total

23

47

4

43

Public Comment Form

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

Please specify topic (required): Police Reform - Community Involvement

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

Please specify agenda item (required):

Please print:

Name: William Relyea

Phonetic spelling, if difficult to pronounce: Rel- Yea

Address (Optional):

City: West Linn

State: OR

Zip: 97068

Email (Optional): wrelyea@comcast.net

Phone (Optional): 503 863 4781

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.

Public Comment Form

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

Please specify topic (required): Openlander Fields

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

Please specify agenda item (required):

Please print:

Name: Bob Darnedde

Phonetic spelling, if difficult to pronounce: DER-NED-dee

Address (Optional): 3457 Rosepark Dr

City: West Linn

State: OR

Zip: 97068

Email (Optional):

Phone (Optional): 503 780 2520

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

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CITY OF

West Linn

Public Comment Form

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

Please specify topic (required):

Skunk & crow issue

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

Please specify agenda item (required):

Please print:

Name:

Jennifer Whittington

Phonetic spelling, if difficult to pronounce:

Address (Optional):

City:

State:

Zip:

Email (Optional):

Phone (Optional):

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

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CITY OF

West Linn

Public Comment Form

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

Please specify topic (required):

Tails

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

Please specify agenda item (required):

Please print:

Name:

Dave Farmer

Phonetic spelling, if difficult to pronounce:

Address (Optional):

6355 Somerset

City:

State:

Zip:

Email (Optional):

Phone (Optional):

971 409 0444

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.



CITY OF

West Linn

Public Comment Form

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

Please specify topic (required): Openbook

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

Please specify agenda item (required):

Please print:

Name: Dean Suhr

Phonetic spelling, if difficult to pronounce:

Address (Optional): 21345 Miles Dr

City: WL State: OR Zip: 97068

Email (Optional): Phone (Optional):

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.



CITY OF

West Linn

Public Comment Form

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

Please specify topic (required): LBA for West Linn Local 350-1

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

Please specify agenda item (required):

Please print:

Name: Daniel Bryant

Phonetic spelling, if difficult to pronounce:

Address (Optional):

City: Gladstone State: OR Zip: 97027

Email (Optional): Phone (Optional):

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.