



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

CITY COUNCIL AGENDA

Monday, February 10, 2025

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/10 min]

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

4. Mayor and Council Reports [6:20 pm/15 min]
 - a. Community Advisory Group Appointments
 - b. Reports from Community Advisory Groups
 - c. Adopt City Council 2025-2027 Priorities
 - d. Adopt City Manager Goals

5. Consent Agenda [6:35 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 2025-02-10-01: Meeting Minutes for January 6 and 13, 2025 Council Meetings
- b. Agenda Bill 2025-02-10-02: Public Works Operations Complex Construction Owners' Representative Contract
- c. Agenda Bill 2025-02-10-03: City Attorney Employment Contract Amendment

6. Business Meeting

[6:40 pm/90 min]

Persons wishing to speak on agenda items shall complete the form provided in the foyer and hand them to staff prior to the item being called for discussion. A separate slip must be turned in for each item. The time limit for each participant is three minutes, unless the Mayor decides to allocate more or less time. Designated representatives of Neighborhood Associations and Community Advisory Groups are granted five minutes.

- a. Agenda Bill 2025-02-10-04: **Public Hearing** – ORDINANCE 1757, RELATING TO VACATING A PORTION OF THE 5TH STREET AND 4TH AVENUE RIGHTS-OF-WAY
- b. Agenda Bill 2025-02-10-05: ORDINANCE 1756, RELATING TO ATTRACTING OR FEEDING WILD ANIMALS AND AMENDING WEST LINN'S MUNICIPAL CODE
- c. Agenda Bill 2025-02-10-06: Proposed 2025 Historic Inventory of the Robinwood Neighborhood
- d. Agenda Bill 2025-02-10-07: Stafford Area Urban Reserves Updates

7. City Manager Report

[8:10 pm/5 min]

8. Adjourn

[8:15 pm]

Agenda Bill

Date Prepared: February 4, 2025
For Meeting Date: February 10, 2025
To: Mayor Rory Bialostosky and West Linn City Council
From: John Williams, City Manager *JRW*
Subject: 2025 - 2027 Council Priorities

Purpose

Adoption of 2025-2027 Council Priorities.

Question(s) for Council:

Does Council wish to adopt the priorities document?

Background & Discussion:

Council held an all-day public meeting on January 4, 2025 and discussed priorities to guide Council, Community Advisory Groups, and City staff. Staff proposed that the priorities could look 30 months ahead to assist in the creation of the 2026-2027 West Linn Budget, which will run through June 2027.

Council discussed a draft version at the February 3, 2025 Work Session. The attached draft reflects Council direction at that Work Session.

Sustainability Impact

The draft priorities include a variety of measures intended to improve the environmental sustainability of City operations and the city as a whole, including an entire priority on this topic and action steps included in other priorities.

Budget Impact

The priorities are intended to be used to assist with decision-making in the upcoming biennial budget.

Council Options/Staff Recommendation:

Council may choose to make further changes prior to adoption. Staff recommends adoption based on previous Council direction.

Attachments:

1. List of Council priorities with potential strategies, definition of roles for Council and for Community Advisory Groups.



2025-2027 West Linn City Council Priorities

These critical community topics are those that the West Linn City Council intends to focus its time on over the 30-month time span from January 2025 to December 2027. The list will also be used to define Community Advisory Group (CAG) priorities and will be considered when developing, adopting, and implementing the City's 2026-2027 budget. Priorities may be amended or modified by Council in the future as needed. The items are not listed in a priority order.

Transportation Safety and Funding

Strategies

- Safety: assess, prioritize, and find funding for needed safety projects city-wide.
- Tolling: lobby against tolling of I-205 unless it is part of a regional program. Lobby for mitigation of community impacts from tolling.
- Transit: advocate for transit improvements within West Linn as well as connections to area transit providers. Consider senior, teen, worker, tolling diversion, and last mile services.
- Highway 43: Advocate for needed repairs and more significant improvements to state-owned Highway 43 and investigate the possibility of transfer along with improvements.

Council Role

- Work with state legislators, ODOT, and surrounding jurisdictions to ensure any tolling plans are less impactful to individual communities, provide sufficient mitigation measures for diversion traffic, and address equity concerns.
- Advocate for traffic safety and road maintenance funding stabilization and enhancement, including lobbying ODOT/State Legislature regarding Highway 43.
- Direction to CAGs and decision-making on local funding and project options, including Safe Routes to School projects.

Community Advisory Group Roles

- TAB to review staff recommendations on West Linn pedestrian and traffic safety needs and potential funding sources, provide recommendation to Council.

(Refer to end of document for list of Community Advisory Groups + acronyms)

Explore Feasibility of Indoor Recreation/Community Center

Strategies

- Continue to explore creation of a new indoor recreation and civic center to serve a wide variety of ages, community needs, and recreation interests.
- Outstanding community and stakeholder involvement to ensure decisions are grounded in community perspectives.

- Explore partnerships that can reduce cost impact to taxpayers and ensure financially sustainable operations in the long term.

Council Role

- Leadership role in community engagement and outreach to potential financial and operational partners.
- Continue to work with Indoor Recreation Center Task Force and other stakeholders to assist with planning and advocate for a potential ballot measure.
- Direction to CAGs and decision-making on partnership and funding options.

Community Advisory Group Roles

- PRAB representation on Indoor Recreation Center Task Force; SAB role in advising on sustainability features of facility (future project phase); YAC general involvement.

Clarify Community Advisory Group Work Programs

Strategies

- Provide clear direction to CAGs in accordance with West Linn Municipal Code.

Council Role

- Meet with CAGs periodically to agree on work programs, which should focus on Council Priorities and items within the adopted City budget.
- Individual Councilors serve as liaisons to individual CAGs, as provided for in the West Linn Municipal Code. Council utilizes CAG report form to assist.
- Consider eliminating PSAB due to overlap with Police Review & Recommend Committee.

Community Advisory Group Roles

- Implement work programs developed by Council.
- Develop proposals for Council consideration in annual work programs.

Fund Drinking Water System Capital Needs

Strategies

- Ensure continued maintenance and operation of the City's drinking water system at the highest possible level.

Council Role

- Continue to advocate for funding of the Abernethy Bridge water transmission main as well as any other water mains affected by I-205 construction. Lobby ODOT and State Legislature for fair funding of project.
- Communicate value of clean drinking water.
- Decision-making on rates and project funding.

Community Advisory Group Roles

- UAB to review water system needs against funding resources following adoption of the Water Master Plan and recommend any needed funding changes to Council.
- SAB and UAB to consider conservation pricing options and make recommendations to Council.

West Linn Waterfront Vision

Strategies

- Complete Waterfront Vision Plan to move towards creation of a world class destination for people to work, live, and play.
- Strengthen and sustain visioning and implementation partnerships with tribal communities.
- Explore recreational, historical, environmental, and educational tourism opportunities with community partners.
- Following adoption of vision, carry through implementation measures including zoning, work with property owners, and planning for infrastructure improvements.
- Complete renovation of Historic City Hall building into Museum and Cultural Center.

Council Role

- Leadership in partnering with tribal entities.
- Work with property owners on future of Blue Heron Mill Pond site and entire waterfront area.
- Research potential return of Willamette Meteorite.
- Decision-making on project and clear direction to CAGs.

Community Advisory Group Roles

- PC advisory and formal recommendation on adoption to Council.
- Consultant team and staff to involve HRB, SAB, TAB, ACC, EDC, YAC, PRAB as needed to provide recommendations on specific elements.

VISION43 Project

Strategies

- Adopt Master Plan vision to revitalize the Highway 43 corridor, creating a sense of place and local identity, ensuring safe crossings, promoting vibrant commerce, and enhancing pedestrian and neighborhood connections.
- Following adoption of VISION43, carry out implementation measures including a Tax Increment Financing feasibility study and an assessment of city-owned properties in the corridor including Bolton Station.
- Prioritize and work to fund infrastructure improvements such as crosswalks throughout the corridor.
- Ongoing engagement and outreach with neighborhood associations, residents, and commercial property owners.

Council Role

- Policy direction and Councilor liaison involvement with VISION43 project.
- Ensure extensive community involvement in the VISION43 process and attend neighborhood association meetings to discuss.
- Consider Tax Increment Finance District as a funding source for revitalization in Hwy 43 area.
- Decision-making on project.

Community Advisory Group Roles

- PC advisory and formal recommendation on adoption to Council.
- Consultant and staff to involve EDC, CCI, TAB, PRAB, SAB, and YAC as needed to provide recommendations on specific elements.

Environmental Protection & Sustainable City Operations

Strategies

- Develop and prioritize list of highest impact sustainability measures with consultant assistance, based on cost and staff capacity for implementation.
- Consider grant funding to implement more complex projects.
- Consider sustainability measures, balanced with cost implications, in any new public buildings.

Council Role

- Review past building sustainability certification policy and provide direction prior to construction of new Operations building.
- Work with local business owners to encourage installation of EV charging stations.
- Direct staff to review policies related to alternative fuel, electric, and hybrid vehicles including a cost/benefit analysis for future purchases.
- Clear direction to SAB and PRAB on priorities and work program.

Community Advisory Group Roles

- SAB advice to Council on high-impact projects, with consultant assistance.
- SAB and PRAB to recommend ways to reduce gas powered equipment use in West Linn (e.g. electric equipment incentives) and find funding for this work.

Diversity, Equity, Inclusion, and Belonging

Strategies

- Prioritize diversity, equity, inclusion and belonging as the heart of our work as a city. Our core values of inclusivity, collaboration, and accountability steer our actions, interactions, decisions, and policymaking to build an engaged and welcoming workplace, community, and a cohesive city.
- Increase access and opportunities for the West Linn community to feel welcome, educated, and engaged with the City.
- Intentional and meaningful engagement and collaboration with tribal communities.

Council Role

- Leadership in improving accessibility to the community to participate in community advisory groups and neighborhood associations through education, outreach, feedback loops, and creative solutions.
- Provide and participate in educational opportunities with the Council and community.

Community Advisory Group Role

- All CAGs hold a role in improving DEIB throughout the organization and community and should be considering their recommendations and actions through an equity lens.
- Participate in educational opportunities on DEIB topics both personally and as provided by the City.

Construct New City Operations Facility

Strategies

- Complete design and cost estimates for Salamo Road city-owned property.
- Fund project and construct project.
- Clear communication with community on rationale, funding, and timeline.
- Assessment of next steps for current City operations property following move out.

Council Role

- Provide direction on balance of cost with other considerations including long-term facility sizing, environmental sustainability, building amenities, and resiliency.
- Leadership on community outreach in support of the facility's construction.
- Adopting budget inclusive of the project.
- Decision-making and clear direction to CAGs.

Community Advisory Group Role

- SAB advice on sustainability elements.
- UAB consideration of rate and project impacts.
- PC decision-making on development review application prior to construction.

All priorities will involve extensive community engagement and involvement, including efforts to reach those not typically involved with city government. Priorities may also require evaluation of additional revenue resources by Council.

Community Advisory Groups

ACC = Arts and Culture Commission

CCI = Committee for Community Involvement

EDC = Economic Development Committee

HRB = Historic Review Board

PC = Planning Commission

PRAB = Parks and Recreation Advisory Board

PRR = Police Review and Recommend Committee

SAB = Sustainability Advisory Board

TAB = Transportation Advisory Board

UAB = Utility Advisory Board

YAC = Youth Advisory Council

Council's Goals for City Manager John Williams

GOAL: Support Council Priority Work. Continue to support Council in setting priorities among a variety of complex policy and financial issues and working to implement Council direction.

Example actions/implementation steps for annual evaluation:

- City Manager (CM) assists Mayor and Council in drafting priority-setting meeting agenda, facilitates priority-setting meeting (or arranges facilitation), and ensures relevant staff and needed information is available.
- CM ensures priorities are drafted following meeting and presented to Council for review and adoption in a timely manner.
- CM ensures priorities are communicated to community and provides progress reports periodically throughout the year to Council and community.
- CM ensures Council priorities requiring financial/staff resources are included or considered in the budget process, and Council decisions are carried out by staff.
- CM assists Mayor in Council agenda development to ensure Council time focused on priorities throughout the year.

GOAL: Strengthen City Organization. Continue improving internal staff morale, communication, and employee engagement.

Example actions/implementation steps for annual evaluation:

- CM continues and enhances internal communication between departments.
- CM seeks opinions of staff about workplace issues through polls, internal communications, and meetings.
- CM continues work employee engagement including considering re-starting employee engagement committee and recognition programs for excellence.
- CM works to resolve ongoing matters where lack of clarity in staff roles or responsibilities leads to inefficiencies/lowered morale.
- CM establishes customer service standards and expectations.

GOAL: Enhance Community Communications and Collaboration. Continue improving communications between City, City Council, and West Linn community about the status of key initiatives, city projects, and critical incidents. Strengthen sense of collaboration with community.

Example actions/implementation steps for annual evaluation:

- CM leads, role models, and requires internal communication between departments.
- CM works with staff and community, including neighborhood associations, to support outstanding two-way communication. This includes early and ongoing communication about known or anticipated public construction projects.
- CM ensures Council receives timely information on issues that are known to be, or likely to be, of public interest.
- CM takes steps to be personally visible in the community, including in city-wide communications and by involvement in external organizations.

- CM supports actions to increase public participation and volunteerism, and engagement by community members who are not normally involved.
- CM attends a variety of Neighborhood Association and Neighborhood Association Presidents meetings and meetings of other West Linn organizations.
- CM continues existing successful outreach methods (weekly City email, OWL print publication, social media) and searches for new ways to reach the public.
- CM ensures Council packet materials are prepared in a timely manner, with clear explanation of issues, options, and background so that Council decision-making is supported and time used well.

GOAL: Stay Future Focused. Continue to focus on the long-term outlook of the city and planning for the future, not just on the present day.

Example actions/implementation steps for annual evaluation:

- CM promotes long-term budget stabilization, revenue generation, and infrastructure funding by bringing Council options for consideration in keeping with these goals.
- CM provides internal and external leadership and communication on the biennial budget and presents Council with priority issues.
- CM works to implement long-term visions adopted by Council and community (such as VISION43 and Waterfront Project).
- CM takes advantage of local, statewide, and national training opportunities to stay current in field and aware of trends that will impact/benefit City.

GOAL: Advance Diversity, Equity, Inclusion, and Belonging (DEIB). Advance internal DEIB initiatives and partnerships with community and regional organizations.

Example actions/implementation steps for annual evaluation:

- CM provides internal leadership to implement COWL DEIB Mission and Values, including supporting ongoing learning and training for City staff.
- CM provides resources and support to internal DEIB Committee and is personally involved to show support for program.
- CM works to support Council engagement with tribal communities.
- CM ensures staff engagement with local and regional partner organizations.



Agenda Bill 2025-02-10-01

Date: January 22, 2025

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. January 6, 2025, Council Meeting Minutes
2. January 13, 2025 Council Meeting Minutes



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WEST LINN CITY COUNCIL MEETING NOTES January 6, 2025

[Swearing-In Ceremony](#)

Municipal Judge Rhett Bernstein administered the Oath of Office for Mayor Rory Bialostosky, Council President Mary Baumgardner, and Councilor Carol Bryck.

[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:

City Manager John Williams, City Recorder Kathy Mollusky, Finance Director Lauren Breithaupt, Library Director Doug Erickson, Associate Planner Aaron Gudelj, Administrative Assistant Teresa Howard, and City Attorney Kaylie Klein.

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

Council President Mary Baumgardner moved to approve the agenda for the January 6, 2025, West Linn City Council Meeting. 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 \[6:10 pm/10 min\]](#)

Teresa Coughenaur re: gas powered leaf blowers.

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

[Election of Council President](#)

Councilor Carol Bryck moved to Nominate Mary Baumgardner for Council President. 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

[Reports from Community Advisory Groups](#)

Mayor Bialostosky reported that there was great discussion at the retreat, and the Council will work to provide each group with clear direction and goals for the year.

Council President Baumgardner commented that they had an excellent and productive goal setting session on Saturday. She added that she is excited about the topics that were covered, reviewing goals from last year, what has been accomplished, and items they will continue to work on this year. Additionally, there was a new discussion on the importance of neighborhood associations and the need to emphasize that everyone can be engaged with NAs and welcome to join. Council will be working on public engagement in the coming year.

Mayor added that City Council occasionally works on weekends.

[Audit Report \[6:35 pm/10 min\]](#)

Mayor Bialostosky was pleased to see another great audit this year.

City Manager Williams added that the audit is a tremendous amount of work managing the City's financials throughout the year.

Finance Director Breithaupt noted the successful completion of the Fiscal Year 2024 audit. Lauren expressed her gratitude to the finance team for their dedication and the hours invested in the audit process. She added that the audit committee had a productive meeting earlier in the evening.

Tonya Moffit, Managing Partner at Merina+Co, reported that for the fiscal year ending June 30, 2024, the City received a clean, unmodified opinion, the highest level of financial statement opinion. She highlighted that there were no findings and that the City is in full compliance with Oregon's minimum requirements. Tonya also noted that the financial statements for the fiscal year ending June 30, 2023, as reflected in the ACFAR (Annual Comprehensive Financial and Accountability Report), show that the City goes beyond what is required, earning the 'gold standard' award. She anticipates the City will receive this recognition again for 2024.

Councilor Bryck thanked Tonya, Merina & Co., and the Finance Department for their hard work and the overview they received at the audit committee meeting.

Councilor Groner added that he was impressed how short the audit committee meeting was due to the clean audit.

Mayor Bialostosky thanked everyone for their work and ensuring that the City's finances are in good standing.

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

Council President Mary Baumgardner moved to the Consent Agenda for the January 6, 2025, West Linn City Council Meeting which includes the December 9 and 16, 2024, meeting minutes and Arts & Culture Commission process and recommendations for acquisition of public art for the Percentage for the Arts Program. Councilor Carol Bryck 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

Agenda Bill 2025-01-06-01: Meeting Minutes for December 9 and 16, 2024

[Draft Minutes Information](#)

Agenda Bill 2025-01-06-02: Arts and Culture Commission process and recommendations for acquisition of public art for the Percentage for the Arts Program

[ACC Process & Recommendation](#)

Business Meeting [6:50 pm/60 min]

Agenda Bill 2025-01-06-03: Public Hearing: Appeal of Planning Commission Decision MIP-24-02/VAR-24-05, 2830 Coeur D Alene

Appeal Information

Mayor Bialostosky read a statement abstaining from participation in the hearing. He cited his professional relationship and friendship with Mr. Harper, who represents the appellants, as well as his personal friendship with Mr. Baker, a party involved in the case, who is represented by counsel participating in the matter. To avoid any conflict of interest, Mayor Bialostosky vacated his seat and confirmed that he had not discussed the matter with any other members of the council. He then passed the responsibility for the hearing over to Council President Baumgardner.

Council President Baumgardner stated Council is holding a public hearing regarding application number AP-24-02, a de novo hearing for the appeal of the Planning Commission approval of MIP-24-02/VAR-24-05; a 3-Parcel Minor Partition and a Class II Variance at 2830 Coeur D Alene Drive. The Class II Variance is to allow five single-family homes to take access from a 20-foot shared private driveway. The appeal was filed by Gary and Susie Alfson. This is a quasi-judicial decision where rulings must be grounded in the relevant code. She explained how the hearing would proceed and called the hearing to order.

City Attorney Klein covered the preliminary legal matters. The criteria that must be addressed in this hearing are Community Development Code:

- Chapter 12, Residential, R-7
- Chapter 48, Access, Egress, and Circulation
- Chapter 75, Variances and Special Waivers
- Chapter 85, Land Divisions – General Provisions
- Chapter 92, Required Improvements
- Chapter 99, Procedures for Decision-Making: Quasi-Judicial

As the City Council is sitting quasi-judicially, any testimony, argument, or evidence that speakers give the Council must be directed at these criteria, or at some other criteria in the code or comprehensive plan which the speaker believes should apply to this decision. Only those who have appeared before the City Council, in person or in writing, will have standing to appeal this item to the Land Use Board of Appeals. Failure to raise an issue accompanied by statements or evidence sufficient to allow the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city or its designee to respond to the issue precludes an action for damages in circuit court.

No Council members declared a potential or actual conflict of interest or bias.

No Council members declared any site visits or ex parte contacts.

No member of the audience challenged the jurisdiction of the Council to hear this matter.

No member of the audience challenged a conflict of interest or impartiality of a member of the Council, rebutted, or asked questions about the ex parte disclosures of any member of the Council.

Legal matters were concluded.

Council President Baumgardner proceeded to the staff presentation. Assistant Planner Gudelj stated in lieu of presentation he will defer to the appellant.

Kevin Hart attorney the Alfson's requested a 120-day set over to explore a couple options: a judicial determination to resolve conflict between the note on the plat and the language on the easement or to withdraw the current application and submit a new application adding one additional parcel with multi-family housing.

City Attorney Klein stated that a date and time will need to be set for a new hearing.

City Manager Williams proposed extending to the April 14, 2025, meeting at 6:00pm. Attorney Harper agreed to the extend hearing to April 14, 2025.

City Manager Williams confirmed that the record will remain open for written testimony until 12:00pm on April 14, 2025.

Councilor Carol Bryck moved to Continue the hearing to April 14 at 6:00 pm and leave the record open for written testimony until April 14 at noon. 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

Council President Baumgardner closed the public hearing.

[Agenda Bill 2025-01-06-04: Arts and Culture Commission Recommendations for the Commissioning of an Artist for Art for the Willamette Main Street Bicycle Kiosk](#)

Artist Recommendation

Library Director and Community Services Director Erickson introduced the Co-Chairs of the Arts & Culture Advisory Committee to present the Willamette bike kiosk project, developed as part of the Percent for Art program. He thanked the Council for approving the process and guidelines supporting this and future public art projects in West Linn.

Co-Chairs Shatrine Krake and Charity Hudnut talked through the process that began with a call for artists issued in September closing on September 20th. Six applications were received, from there the committee selected two candidates for interviews. Today, they are recommending the final artist and project to the Council.

Ms. Hudnut explained that this was a yearlong process, with submissions from painters, sculptors, and glassmakers. The goal was to select a piece that would be a timeless and permanent addition to West Linn. Ms. Krake and Ms. Hudnut presented renderings and confirmed that this is the first piece of art commissioned by the Arts and Culture Commission.

Council President Baumgardner thanked them for going through the process and presenting an excellent result.

Councilor Bryck commented that the piece looks amazing incorporating visions of West Linn.

Councilor Groner asked if there will be a plaque or explanation of the art.

Ms. Hudnut responded that there will be a QR code and a link to the documentary being made about the artist and history.

Jody Carson, representing the Design Committee of the Historical Willamette Main Street group, expressed strong support for the project. They appreciate the efforts involved and are excited about the addition of public art to Main Street. She is looking forward to receiving approval to moving forward.

Council President Mary Baumgardner moved to Authorize Staff to negotiate with Travis Pond, for the purposes of a contract, for the commission of art for the Historic Willamette Main Street Bicycle Kiosk 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

Mayor Bialostosky expressed excitement about the first art project being approved and hopes to streamline the process to bring more art into the community. The Mayor also shared enthusiasm about the Arts & Culture Advisory Committee's success in growing its membership.

Council President Baumgardner thanked Jody Carson for the time and effort she has dedicated to the community.

Director Erickson highlighted the collaboration between the community advisory group and the Willamette Main Street group, which is not affiliated with the city. He praised Jody Carson for her involvement throughout the process and called the project a wonderful addition to the community.

[City Manager Report \[7:50 pm/5 min\]](#)

City Manager Williams went through the upcoming Council Meetings calendar. He congratulated all who were re-elected and said that the Council Retreat was very productive. During the retreat, Council spent time looking 30 months ahead; discussed meeting the community in new ways; celebrated 2024 wins and are looking forward to more in 2025; set the sustainability vision focus and milestones on projects is continuing their current priorities and adding issues heard from community, i.e., traffic safety. Council discussed taking care of basic infrastructure, water and road systems, and the operations complex. We are looking to enhancing partnerships with other agencies such as TriMet, Clackamas County, the school district, and Willamette Locks to achieve community goals. Staff will be drafting a revised set of priorities and will distribute to City Council for discussion at an upcoming council meeting.

Outreach projects are currently underway with business owners, including an open house this evening for Highway 43. The library is running a reading resolution program with a goal of 2,000 pages or 25 hours of reading in January. Additionally, there is a craft project called 'Glove Monsters,' where artwork is created from single gloves left behind in sets. Many exciting initiatives are taking place throughout West Linn.

Mayor Bialostosky asked if the library puppy could make a visit to one of the Council meetings. He added that he and Council President Baumgardner attended the swearing in of Sheriff Craig Roberts as Clackamas County Commission Chair and will be having coffee in the near future and working on establishing relationships with elected.

Councilor Bryck's reminded everyone the meeting on the 21st is at Tuesday as Monday is Martin Luther King Jr. Day.

[Adjourn \[7:55 pm\]](#)

Draft Minutes.



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WEST LINN CITY COUNCIL MEETING NOTES January 13, 2025

[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 Leo Groner, and Councilor Kevin Bonnington.

Staff Present:

City Manager John Williams, City Attorney Kaylie Klein, Assistant to City Manager Dylan Digby, and Administrative Assistant Teresa Howard.

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

Council President Mary Baumgardner moved to approve the agenda for the January 13, 2025 West Linn City Council meeting, removing item 6a Owner's Representative & Construction Management Services Contract. Councilor Kevin Bonnington 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]

Michelle Bombet Minch re: Fostering a Welcome and Inclusive Community Proclamation.

Michael Selvaggio re: Pedestrian Safety

Christine Lewis re: Safe Crossings at West A St. near Atlas St.

Maria Isabel Morales re: Pedestrian Safety at West A St. near Atlas St.

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

Community Advisory Group Appointments

Mayor Bialostosky placed before the following appointments to the Community Advisory Groups:

Arts & Culture: Suzanne Wells, Shartrine Krake, Vernoica Esagui

Committee for Community Involvement: Shannen King, Vicki Olson, Jacob Hasler

Historic Review Board: Renae Wilkinson, Eliabeth Bragg

Parks & Recreation Advisory Board: Victoria Handy-Dustan, Christopher Owens

Planning Commission: Kris Kachirisky

Sustainability Advisory Board: Roberto Baturoni

Transportation Advisory Board: Clayton Filter, Logan Hardt

Council President Mary Baumgardner moved to approve the Community Advisory Group Appointments. Councilor Leo Groner seconded the motion.

Mayor Bialostosky noted there are two vacancies on the Utilities Advisory Board with no applications received. He emphasized the board will be working on rate analysis, ongoing capital projects and the future of the City's water system. He expressed gratitude for the quality of applicants.

Councilor Bryck welcomed the high number of applicants, while Council President Baumgardner recognized the challenge of choosing among many qualified candidates and supported staying within the seven-member framework.

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

Council Liaison Appointments

Mayor Bialostosky opened the discussion on Council Liaison appointments, asking if any changes were needed.

Council President Baumgardner stated she is happy with her current assignments but open to discussing changes if others were interested.

The Council reviewed the assignments, with the Mayor confirming he will retain the Historic Review Board and Youth Advisory Council, with the Youth Council attending a February meeting.

Mayor Bialostosky inquired if a formal reappointment was necessary unless a rule requires it.

City Manager Williams clarified that, according to the Code, appointments can be change annually but no formal reappointment is needed if they remain the same.

Council President Baumgardner highlighted potential scheduling conflicts with overlapping meetings.

Councilor Bonnington acknowledged a conflict and stated the Economic Development Committee would adjust its meeting time.

Mayor Bialostosky asked Councilor Groner if he was satisfied with his assignments given his workload.

Councilor Groner confirmed he was, if others were satisfied.

Councilor Bryck also expressed satisfaction with her appointments.

Council President Mary Baumgardner moved to retain the same slate of liaison appointments from the year 2024 to the year 2025. Councilor Leo Groner seconded the motion.

Mayor Bialostosky thanked the Council for taking on these additional assignments.

Councilor Bonnington added that Parks & Recreation appreciates the continuity of liaisons.

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

[Reports from Community Advisory Groups](#)

Councilor Groner reported that the Audit Committee had a successful meeting with a clean audit. He also noted that the Arts & Culture Committee met, and the Council's approval of their process and fund allocation was well received.

Councilor Bonnington attended the Economic Development meeting, Councilor Groner was also in attendance. The committee discussed Vision43 and made specific requests and is seeking direction from the Council. He also attended the Parks and Recreation Board meeting, where a plan for each meeting this year was discussed.

Mayor Bialostosky contacted the Oregon Department of Transportation (ODOT) four months ago to request a tour of the Abernathy Bridge to discuss the water line's removal. The tour took place on January 8th with the ODOT project team, City Manager Williams, Assistant City Engineer Clark, and Community Relations Specialist Borland in attendance. He expressed satisfaction with the collaboration.

City Manager Williams noted some friction over the project's financial aspects but emphasized the meeting helped move things forward and that the project is impressive.

Proclamations [6:40 pm/10 min]

[Martin Luther King, Jr. Day](#)

[Proclamation](#)

Mayor Bialostosky read the proclamation declaring January 20, 2025 as Martin Luther King Day.

[Community Belonging](#)

Councilor Groner prefaced the reading of the proclamation with personal remarks including mentions of recent incidents in West Linn and at University of Oregon. He read comments regarding anti-Semitism, noting that this issue is deeply personal to him, as he has family members who were victims of the Holocaust.

[Proclamation](#)

6. Consent Agenda [6:50 pm/5 min]

~~a. Agenda Bill 2025-01-13-01: Owner's Representative & Construction Management Services Contract~~

[Contract Information](#)

This item was removed from the agenda.

City Manager Report [6:55pm/5min]

City Manager Williams reminded Council that City offices will be closed on Monday, January 20th in observance of Martin Luther King Jr. Day. There are many events around the region and a great day to volunteer. He went through Council's future meeting agenda items. January 21, 2025, is the first day of the Oregon the Oregon Legislative Session. Legislative priorities from Council Retreat were passed along to Doug Riggs and he will advocate for those on Council's behalf and will involve Council. January 28th is City Day at the Capitol and he encouraged Council's attendance for networking opportunities. Targeted outreach on priority topics will take place later in the session. Staff will highlight bills of interest and encouraged Council to flag any relevant bills or ideas. Budget work is underway, with a presentation to Council planned for March. He proposed creating an "Ask the City Manager" video on attending City Council meetings and requested approval to film.

Adjourn [7:00pm]

Draft Minutes.

Agenda Bill 2025-02-10-02

Date Prepared: February 3, 2025

For Meeting Date: February 10, 2025

To: Rory Bialostosky, Mayor
West Linn City Council

Through: John Williams, City Manager

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

Subject: Contract Award – Owner’s Representative & Construction Management Services

Purpose:

Receive Council approval to enter a contract with Klash Group, Inc. to provide Owner’s Representative and Construction Management Services for the City’s future operation complex.

Question(s) for Council:

Does the Council wish to approve the contract to allow for comprehensive project and construction management services to be provided?

Public Hearing Required:

None Required.

Background & Discussion:

The City has acquired 32.98 acres of sloped property from the Oregon Department of Transportation adjacent to Salamo Road and overlooking I-205 and the Willamette River with the intent of building a new operations complex, replacing the City’s existing site.

On February 13th, 2023 Council approved an award to Scott Edwards Architecture (SEA) for the preliminary design phase of the new operations facility. The new operations facility is intended to accommodate the following city functions: Public Works Administration, Streets Maintenance, Water Distribution Maintenance, Sewer and Storm Collections Maintenance, Parks Maintenance, Facilities Maintenance, and Fleet Maintenance. The new facility will completely replace the existing, undersized operations facility located at 4100 Norfolk Street in West Linn. In addition, to the above core staffing functions, the site will also accommodate all city fueling and materials storage needs as well as accommodating space for staff training and/or other large city-wide staff events. Upon completion of the preliminary design, Council awarded SEA a final design contract on July 18, 2024. The final design phase is currently underway.

Due to the highly complex nature of constructing an operations center, as well as the challenging build site in which the facility will be located, the City has pursued Owner’s Representative/Construction Management services through a formal competitive solicitation process. Such services are standard practice and have

been well utilized by surrounding jurisdictions that have also completed large-scale building projects within the last several years.

A solicitation for proposals and qualifications was released on September 20, 2024. The City received nine proposals from qualified firms. Through a committee, staff scored the proposals, interviewed the top four firms, and identified a top candidate. City staff has performed significant negotiations with assistance from legal and an agreed upon fee, scope, and contract terms with the top firm, Klosh Group, Inc. has been reached.

Klosh will represent the City's interests during final design completion, procurement of construction services, construction management during active construction up to and including final moving of staff from the existing facility to the new facility.

Details of the scope of work, proposed fees, and contractual obligations are attached to this report.

Budget Impact:

\$ 596,688 – split evenly across the four utility funds (storm, sewer, streets, water) and parks. Funds are budgeted.

Sustainability Impact

Project design focuses on sustainable building practices and renewable energy resources.

Council Options:

1. Approve and award the proposed contract and allow for the planned design and construction of the new operations complex to proceed.
2. Deny the contract and instruct staff on how to proceed without professional construction management services.

Staff Recommendation:

1. Approve the proposed contract to allow for improvements to proceed as planned.

Potential Motion:

I move to approve the attached scope and fee for Professional Services related to Owner's Representative and Construction Management and authorize the City Manager to sign and executed the included contract.

Attachments:

1. West Linn Professional Services Agreement (with Scope and fee schedule)

**PROFESSIONAL SERVICES AGREEMENT
FOR OWNER’S REPRESENTATIVE AND CONSTRUCTION MANAGEMENT
WEST LINN OPERATIONS COMPLEX PROJECT**

City: City of West Linn, a municipal corporation of the State of Oregon.
Consultant: Klosh Group, Inc.
5854A SW Scholls Ferry Rd
Portland, OR 97225
Term: 18 months from execution
Compensation: Not to exceed \$596,688

RECITALS

- A. City has need for the services of a person or an entity with particular training, ability, knowledge, and experience as possessed by Consultant, and
- B. Consultant provided City a proposal offering to supply such services (the “Proposal”), and
- C. City reviewed the Proposal and has relied on it to determine that Consultant is qualified and capable of performing the professional services the City require, under the terms and conditions in this Professional Services Agreement (“Agreement”),

NOW THEREFORE, in consideration of the mutual covenants and promises set forth herein and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties hereto, the Parties agree as follows:

1. SERVICES TO BE PROVIDED

Consultant shall provide services as specified in the Scope of Work, a copy of which is attached and incorporated in Exhibit A. Consultant shall initiate services immediately upon receipt of City’s notice to proceed, together with an executed copy of this Agreement. Kevin Sund is the designated Senior Project Manager, and Julia Stong is the Project Manager.

2. EFFECTIVE DATE AND DURATION

This Agreement shall become effective upon the date of execution, and shall expire, unless otherwise terminated or extended, by **July 1, 2026**. All work under this Agreement shall be completed prior to the expiration of this Agreement.

3. COMPENSATION

City agrees to pay Consultant an amount not to exceed **Five Hundred Ninety-Six Thousand Six Hundred Eighty-Eight Dollars (\$596,688)** for performance of those services described in the Scope of Work & Fee Schedule, Exhibit A which payment shall be based upon the following applicable terms:

- A. Payment by City to Consultant for performance of services under this Agreement includes all expenses incurred by Consultant, with the exception of expenses, if any, identified in this Agreement as separately reimbursable.
- B. Payment will be made in installments based on Consultant's invoice, subject to the approval of the City Manager, or designee, and not more frequently than monthly. Payment shall be made only for work actually completed as of the date of invoice.
- C. Payment by City shall release City from any further obligation for payment to Consultant, for services performed or expenses incurred as of the date of the invoice. Payment shall not be considered acceptance or approval of any work or waiver of any defects in the work.
- D. Where applicable, Consultant must make payment promptly as due to persons supplying Consultant labor or materials for the execution of the work provided under this Agreement. Consultant must pay any and all contributions or amounts due from Consultant to the Industrial Accident Fund incurred in the performance of this Agreement. Consultant shall not permit any lien or claim to be filed or prosecuted against City or any subdivision of City on account of any labor or material to be furnished. Consultant further agrees to pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.
- E. If Consultant fails, neglects or refuses to pay a person that provides labor or materials in connection with the Agreement within 30 days after receiving payment from the City, the Consultant owes the person the amount due plus interest charges that begin at the end of the 10-day period within which payment is due under ORS 279C.580 (4) and that end upon final payment, unless payment is subject to a good faith dispute as defined in ORS 279C.580. The rate of interest on the amount due is nine percent per annum. The amount of interest may not be waived.
- F. If labor is performed under this Agreement, then no person shall be employed for more than ten (10) hours in any one day, or forty (40) hours in any one week, except in cases of necessity, or emergency or where the public policy absolutely requires it, and in such cases, except cases of contracts for personal services as defined in ORS 279A.055, the labor shall be paid at least time and a half for all overtime in excess of ten (10) hours a day and for all work performed on Saturday and on any legal holidays as specified in ORS 279B.235. In cases of contracts for personal services as defined in ORS 279A.055, any labor shall be paid at least time and a half for all hours worked in excess of forty (40) hours in any one week, except for those individuals excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime.
- G. Consultant shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention incident to sickness or injury to the employees of Consultant or all sums which Consultant agrees to pay for such services and all moneys and sums which Consultant

collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

- H. The City represents that sufficient funds are currently available and authorized for expenditure to finance the costs of this Agreement.

4. OWNERSHIP OF WORK PRODUCT

City shall be the owner of and shall be entitled to possession of any and all work products of Consultant which result from this Agreement, including any computations, plans, correspondence or pertinent data and information gathered by or computed by Consultant prior to termination of this Agreement by Consultant or upon completion of the work pursuant to this Agreement.

5. ASSIGNMENT/DELEGATION

Consultant shall not assign, sublet or transfer any interest in or duty under this Agreement without the written consent of the City and no assignment shall be of any force or effect whatsoever unless and until the City has so consented. If City agrees to assignment of tasks to a subcontract, Consultant shall be fully responsible for the acts or omissions of any subconsultants and of all persons employed by them, and neither the approval by City of any subconsultant nor anything contained in this Agreement shall be deemed to create any contractual relation between the subconsultant and City.

6. STATUS OF CONSULTANT AS INDEPENDENT CONSULTANT

Consultant certifies that:

- A. Consultant acknowledges that for all purposes related to this Agreement, Consultant is and shall be deemed to be an independent Consultant as defined by ORS 670.600 and not an employee of City, shall not be entitled to benefits of any kind to which an employee of City is entitled and shall be solely responsible for all payments and taxes required by law. City cannot and will not control the means or manner of Consultant's performance. Consultant is responsible for determining the appropriate means and manner of performing the Services. Furthermore, in the event that Consultant is found by a court of law or any administrative agency to be an employee of City for any purpose, City shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Consultant under the terms of this Agreement, to the full extent of any benefits or other remuneration Consultant receives (from City or third party) as a result of said finding and to the full extent of any payments that City is required to make (to Consultant or to a third party) as a result of said finding.
- B. The undersigned Consultant hereby represents that no employee of the City, or any partnership or corporation in which a City employee has an interest, has or will receive any remuneration of any description from Consultant, either directly or indirectly, in connection with the letting or performance of this Agreement, except as specifically declared in writing and acknowledged by the City.

If any payment under this agreement is to be charged against Federal funds, Consultant certifies that they are not currently employed by the Federal government and the amount charged does not exceed their normal charge for the type of service provided.

- C. Consultant certifies that it currently has a City business license or will obtain one prior to delivering services under this Agreement.
- D. Consultant is not an officer, employee, or agent of the City as those terms are used in ORS 30.265.

7. INDEMNIFICATION

City has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant represents that all its work will be performed in accordance with generally accepted professional practices and standards ordinarily exercised by members of Consultant's profession under similar conditions and circumstances (the "Standard of Care") as well as the requirements of applicable federal, state and local laws, and the City's acceptance of a Consultant's work shall not operate as a waiver or release of such obligation.

Consultant agrees to indemnify, defend and hold harmless the City, its officers, agents, employees and volunteers and hold them harmless from any and all liability, causes of action, claims, losses, damages, judgments or other costs or expenses including reasonable attorney's fees and witness costs and other fees and costs (at both trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity to the extent caused by the negligent acts, errors or omissions or intentional misconduct of Consultant, during or in connection with the performance of the work described in this Agreement. Such indemnification shall also cover claims brought against the City under state or federal workers' compensation laws. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this indemnification.

Nothing in this Agreement requires Consultant, its surety or insurer to indemnify the City for damage arising out of death or bodily injury to persons or damage to property caused in whole or in part by the negligence of the City, except to the extent that the death or bodily injury to persons or damage to property arises out of the fault of the Consultant, or the fault of the Consultant's agents, representatives or subcontractors. Where so required by ORS 30.140, Consultant's duty to defend the City against a claim for professional negligence and relating to the professional services provided by Consultant shall not arise until the Consultant's liability or fault is determined by adjudication or alternative dispute resolution or otherwise resolved by settlement agreement, and such obligation shall not exceed the proportionate fault of the Consultant.

8. INSURANCE

Consultant and its subconsultants shall maintain insurance acceptable to City in full force and effect throughout the term of this Agreement and throughout any warranty or extension period. Such insurance shall cover all activities of the Consultant arising directly or indirectly out of Consultant's work performed hereunder, including the operations of its subconsultants of any tier. Such insurance shall be primary and non-contributory.

The policy or policies of insurance maintained by the Consultant and its subconsultant shall provide at least the following limits and coverages:

A. Commercial General Liability Insurance

Consultant shall obtain, at Consultant's expense, and keep in effect during the term of this contract, Commercial General Liability Insurance covering Bodily Injury and Property Damage on an "occurrence" form. This coverage shall include Contractual Liability insurance for the indemnity provided under this Agreement. The following insurance will be carried:

Coverage	Limit
General Aggregate	3,000,000
Products-Completed Operations Aggregate	3,000,000
Personal & Advertising Injury	3,000,000
Each Occurrence	2,000,000
Medical Expense (Any one person)	5,000

B. Commercial Automobile Insurance

Consultant shall also obtain, at Consultant's expense, and keep in effect during the term of this contract, Commercial Automobile Liability coverage including coverage for all owned, scheduled, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than \$1,000,000.

C. Professional Liability Insurance

Consultant shall obtain, at Consultant's expense, and keep in effect during the term of this Agreement, Professional Liability Insurance covering any damages caused by error omission or any negligent acts. Combined single limit per occurrence shall not be less than \$2,000,000. Annual aggregate limit shall not be less than \$2,000,000.

D. Workers' Compensation Insurance

The Consultant, its subconsultants, if any, and all employers providing work, labor or materials under this Agreement who are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon law for all their subject workers. Out-of-state employers must provide workers' compensation coverage for their workers that complies with ORS 656.126. Employer's Liability Insurance with coverage limits of not less than \$500,000 each accident shall be included.

E. Additional Insured Provision

The Commercial General Liability Insurance and Commercial Automobile Insurance policies and other policies the City deems necessary shall include the City, its officers, directors, employees and volunteers as additional insureds with respect to this contract.

F. Notice of Cancellation

There shall be no cancellation, material change, exhaustion or aggregate limits or intent not to renew insurance coverage within 30 days written notice to the City. Any failure to comply with this provision will not affect the insurance coverage provided to the City. The Certificates of Insurance provided to the City shall state that the insurer shall endeavor to provide 30 days notice of cancellation to the City.

G. Insurance Carrier Rating

Coverages provided by the Consultant must be underwritten by an insurance company deemed acceptable by the City. The City reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.

H. Certificates of Insurance

As evidence of the insurance coverage required by the contract, the Consultant shall furnish a Certificate of Insurance to the City. No contract shall be effected until the required certificates have been received and approved by the City. The certificate will specify and document all provisions within this contract. A renewal certificate will be sent to the above address 30 days prior to coverage expiration.

Certificates of Insurance should read "Insurance certificate pertaining to contract for **"West Linn Owner's Representative"** The City of West Linn, its officers, directors and employees shall be added as additional insureds with respects to this contract. A notation stating that "Insured coverage is primary" shall appear in the description portion of certificate.

The City reserves the right to require, at any time, complete and certified copies of required insurance policies, including endorsements evidencing the coverage required.

I. Independent Consultant Status

The service or services to be rendered under this contract are those of an independent Consultant. Consultant is not an officer, employee or agent of the City as those terms are used in ORS 30.265.

J. Primary Coverage Clarification

Consultant's coverage shall be primary to the extent permitted by law. Other insurance maintained by the City is excess and not contributory insurance with the insurance required in this section.

K. Cross-Liability Clause

A cross-liability clause or separation of insureds clause will be included in the general liability policy.

Consultant's insurance policy shall contain provisions that such policies shall not be canceled or their limits of liability reduced without thirty (30) days prior notice to City. A copy of each insurance policy, certified as a true copy by an authorized representative of the issuing insurance company, or at the discretion of City, in lieu thereof, a certificate in form satisfactory to City certifying to the issuance of such insurance shall be forwarded to:

Morgan Lovell, Support Services Supervisor City of West Linn 22500 Salamo Road West Linn, OR 97068	Ph: 503-722-3432 Fax: NA Email: mlovell@westlinnoregon.gov
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Such policies or certificates must be delivered prior to commencement of the work.

The procuring of such required insurance shall not be construed to limit Consultant's liability hereunder. Notwithstanding said insurance, Consultant shall be obligated for the total amount of any damage, injury, or loss caused by negligence or neglect connected with this contract.

9. METHOD & PLACE OF SUBMITTING NOTICE, BILLS AND PAYMENTS

All notices, bills and payments shall be made in writing and may be given by personal delivery, mail or by fax. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices, bills, payments, and other information:

City of West Linn	CONSULTANT
Attn: Finance Department	Attn: Kevin Sund, Senior Project Manager
22500 Salamo Road	Address: 4845A SW Scholls Ferry Rd.
West Linn, OR 97068	Portland, OR 97225
Phone: 503- 657-0331	Phone: 971-373-6487
Fax: 503-650-9041	Fax: NA
Email: acctspayable@westlinnoregon.gov	Email: Kevin@kloshgroup.com

and when so addressed, shall be deemed given upon deposit in the United States mail, postage prepaid, or when so faxed, shall be deemed given upon successful fax. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to who notices, bills and payments are to be given by giving written notice pursuant to this paragraph.

10. MERGER

This writing is intended both as a final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both parties.

11. TERMINATION WITHOUT CAUSE

At any time and without cause, City shall have the right, in its sole discretion, to terminate this Agreement by giving notice to Consultant. If City terminates the contract pursuant to this paragraph, it shall pay Consultant for services rendered to the date of termination.

12. TERMINATION WITH CAUSE

- A. City may terminate this Agreement effective upon delivery of written notice to Consultant, or at such later date as may be established by City, under any of the following conditions:
- 1) If City funding from federal, state, local, or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services. This Agreement may be modified to accommodate a reduction in funds

- 2) If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement.
- 3) If any license or certificate required by law or regulation to be held by Consultant, its subconsultants, agents, and employees to provide the services required by this Agreement is for any reason denied, revoked, or not renewed.
- 4) If Consultant becomes insolvent, if voluntary or involuntary petition in bankruptcy is filed by or against Consultant, if a receiver or trustee is appointed for Consultant, or if there is an assignment for the benefit of creditors of Consultant.

Any such termination of this Agreement under paragraph (A) shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

B. City, by written notice of default (including breach of contract) to Consultant, may terminate the whole or any part of this Agreement:

- 1) If Consultant fails to provide services called for by this Agreement within the time specified in this Agreement or any extension thereof, or
- 2) If Consultant fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from City, fails to correct such failures within ten (10) days or such other period as City may authorize.

The rights and remedies of City provided in the above clause related to defaults (including breach of contract) by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

If City terminates this Agreement under paragraph (B), Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred, an amount which bears the same ratio to the total fees specified in this Agreement as the services satisfactorily rendered by Consultant bear to the total services otherwise required to be performed for such total fee; provided, that there shall be deducted from such amount the amount of damages, if any, sustained by City due to breach of contract by Consultant. Damages for breach of contract shall be those allowed by Oregon law, reasonable and necessary attorney fees, and other costs of litigation at trial and upon appeal.

13. ACCESS TO RECORDS

City shall have access to such books, documents, papers and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcripts.

Consultant shall maintain such records for a period of # years after the termination or expiration of this Agreement.

14. FORCE MAJEURE

Neither City nor Consultant shall be considered in default because of any delays in completion and responsibilities hereunder due to causes that were not reasonably foreseeable and were beyond the control and without fault or negligence on the part of the parties so disabled, including but not restricted to, an act of God or of a public enemy, civil unrest, volcano, earthquake, fire, flood, epidemic, quarantine restriction, area-wide strike, freight embargo, unusually severe weather or delay of subconsultant or supplies due to such cause; provided that the parties so disabled shall within ten (10) days from the beginning of such delay, notify the other party in writing of the cause of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation. Each party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligation under the Agreement.

15. NON-WAIVER

The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder should not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights on any future occasion.

16. NON-DISCRIMINATION

Consultant agrees to comply with all applicable requirements of federal, state, and local civil rights and rehabilitation statutes, ordinances, rules, and regulations. Consultant also shall comply with the Americans with Disabilities Act of 1990, ORS 659A.142, and all regulations and administrative rules established pursuant to those laws.

17. ERRORS

Consultant shall perform such additional work as may be necessary to correct errors in the work required under this Agreement without undue delays and without additional cost to the City.

18. EXTRA (CHANGES) WORK

Only **Erich Lais, PE – City Engineer/Public Works** may authorize extra (and/or change) work. Failure of Consultant to secure authorization for extra work shall constitute a waiver of all right to adjustment in the contract price or contract time due to such unauthorized extra work and Consultant thereafter shall be entitled to no compensation whatsoever for the performance of such work.

19. WARRANTIES

All work shall be guaranteed by Consultant for a period of one year after the date of final acceptance of the work by the owner. Consultant warrants that all services shall be performed to the Standard of Care. Neither acceptance of the work nor payment therefore shall relieve Consultant from liability under warranties contained in or implied by this Agreement.

20. ATTORNEY'S FEES

Each party shall bear their own costs and attorney fees incurred in connection with any dispute arising under this Agreement.

21. GOVERNING LAW

The provisions of this Agreement shall be construed in accordance with the provisions of the laws of the State of Oregon. Any action or suits involving any question arising under this Agreement must be brought in the appropriate court of the State of Oregon.

22. COMPLIANCE WITH STATE AND FEDERAL LAWS/RULES

Consultant shall comply with all applicable federal, state and local laws, rules and regulations, including, but not limited to, the requirements concerning working hours, overtime, medical care, workers compensation insurance, health care payments, payments to employees and subconsultants and income tax withholding contained in ORS Chapters 279A and 279B, the provisions of which are hereby made a part of this Agreement. Without limiting the generality of the foregoing, Consultant expressly agrees to comply with the following laws, regulations and executive orders to the extent they are applicable to the Agreement: (i) Titles VI and VII of the Civil Rights Act of 1964, as amended; (ii) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; (iii) the Americans with Disabilities Act of 1990, as amended; (iv) Executive Order 11246, as amended; (v) the Health Insurance Portability and Accountability Act of 1996, as amended by the American Recovery and Reinvestment Act of 2009 (ARRA); (vi) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended; (vii) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; (viii) ORS Chapter 659, as amended; (ix) all regulations and administrative rules established pursuant to the foregoing laws; and (x) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. These laws, regulations and executive orders are incorporated by reference herein to the extent that they are applicable to the Agreement and required by law to be so incorporated. Certain public contracting rules are attached as Exhibit B and incorporated herein by this reference.

23. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties that should there be any conflict between the terms of this Agreement and the Consultant's proposed contract terms, scope of work, or any other document provided by the Consultant, this Agreement shall control and nothing in this Agreement shall be considered as an acceptance of any conflicting terms in the Consultant's proposal.

24. AUDIT

Consultant shall maintain records to assure conformance with the terms and conditions of this Agreement, and to assure adequate performance and accurate expenditures within the contract period. Consultant agrees to permit City, the State of Oregon, the federal government, or their duly authorized representatives to audit all records pertaining to this Agreement to assure the accurate expenditure of funds.

25. SEVERABILITY

In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected to the extent that it did not materially affect the intent of the parties when they entered into the agreement.

26. AMENDMENT AND COMPLETE AGREEMENT

This Agreement and attached exhibits constitutes the entire Agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified in this Agreement regarding this Agreement. Consultant, by the signature of its authorized representative, acknowledges that he has read this Agreement, understands it and agrees to be bound by its terms and conditions.

INTENDING TO BE BOUND, City has caused this Agreement to be executed by its duly authorized undersigned officer and Consultant has executed this Agreement on the date written below.

CONSULTANT

Signature

Printed Name & Title

Date

CITY OF WEST LINN

Signature

Printed Name & Title

Date

Exhibit A

SCOPE OF WORK & FEE SCHEDULE

CORE SERVICES

The Owner's Representative will be tasked with completing the Project in accordance with the Owner's objectives for cost, time, and quality, and shall provide services including:

General Services

- a. Schedule and conduct meetings to discuss such matters as procedures, progress, issues, problems, and scheduling.
- b. Attend progress meetings to provide Project updates to Owner.
- c. Coordinate with Architect, Owner and Contractor.
- d. Enrollment of the buildings in an Energy Trust of Oregon incentive program.
- e. Evaluate aspects of the proposed buildings related to sustainability.

Project Delivery

- a. Prepare "Milestone" schedule.
- b. Recommend Project delivery system: traditional design/bid/build, modified design/bid/build with prequalified construction firms, or Construction Manager/General Contractor (CM/GC).
- c. If an alternative delivery/building process is selected, work with City procurement staff to complete the necessary documents such as "Finding of Fact."
- d. Interface with the City of West Linn's Building and Planning Departments regarding permits and attend all associated meetings.
- e. Attend community meetings with Neighborhood Associations and Homeowner's Associations as needed.
- f. Review "Constructability" and "Construction Phasing" issues.

Contract Management

- a. Review/advise on preparation of construction contract documents.
- b. Review and assist with preparation of bid packages for construction and solicitation of Commissioning Agent.
- c. Develop scheduling and contract administration clauses for inclusion into the contract documents in coordination with City's legal services.

Bidding Phase

- a. Review pre-qualification of construction contractors and commissioning agents.
- b. Compare and analyze bids and proposals.
- c. Assist in construction contractor and commissioning agent selection and award.
- d. Assist in contract negotiations with construction firm and commissioning agent.

Inspections

- a. Monitor construction progress and quality on-site through day-to-day observation/inspection of Work.

- b. Make reasonable efforts to guard against defects and deficiencies in the work of the Contractor and ensure that provisions of the contract documents are being fulfilled.
- c. Prepare inspection reports documenting observed construction activities and provide written recommendations regarding defects and deficiencies in the work.
- d. Provide digital photographs documenting construction activities.
- e. Determine, in general, that the work of each contractor is being performed in accordance with the requirements of the contract documents.
- f. Promptly inform the Architect and the Owner of Work which does not conform to the requirements of the contract documents and should be rejected by the Architect or the Owner.

General Construction Oversight & Coordination

- a. Monitor and enforce Contractor's compliance with contract and specifications.
- b. Coordinate contractor and vendor activities with the Architect, Contractor, and Commissioning Agent.
- c. Review testing and inspection reports submitted by others to substantiate contract compliance and identify non-conforming issues that require follow-up and resolution.
- d. Recommend courses of action to Owner when requirements of any contracts are not being fulfilled.
- e. Identify actual and potential problems associated with the construction Project and consult with the Architect and Owner.
- f. Maintain an awareness of safety and health requirements and notify City of any apparent violations of applicable regulations and contract provisions for the protection of the public and Project personnel.
- g. Assist Contractor in coordination of special requirements and inspections for public right of way work.
- h. Assist with obtaining building permits.
- i. Review/recommend contract modifications if needed.

Requests for Information (RFIs)

- a. Assist Architect in preparation of responses to RFI-related construction issues.
- b. Coordinate with the Architect on design related RFIs.
- c. Conduct meetings with the Contractor, Commissioning Agent, and other parties as needed to discuss and resolve RFIs.

Change Orders

- a. Evaluate any Project changes as they arise and recommend necessary or desirable changes to the Architect and the Owner; and if they are accepted, collaborate with the Architect to prepare change orders for the Architect's and contractor's signatures and Owner authorization.
- b. Implement change order procedures.
- c. Review requests for changes.
- d. Assist in negotiating contractor's proposals for change orders.
- e. Facilitate change order tracking and facilitate issue resolution. Perform quantity and cost analysis as required for negotiation of change orders.

- f. Analyze additional compensation claims that are submitted during the construction period and prepare responses.
- g. Perform claims administration, including coordinating and monitoring claims responses, logging claims, and tracking claim status.

Applications for Payment

- a. Review and verify applications for payment from Contractor and Commissioning Agent for progress and final payments. Make recommendations and provide advice for certification to the Owner for payment.
- b. Review certified payroll records for compliance with State BOLI requirements.

Submittals

- a. In collaboration with the Architect, establish and implement procedures for submittals and expedite the processing and approval of shop drawings and samples.
- b. Maintain logs, files, and other necessary documentation-related submittals.
- c. Provide advice on submittals, coordinate them with information contained in related documents, and collaborate with the Architect for review.
- d. Monitor Architect's responses to submittals for timeliness and help expedite responses.

Reporting

- a. Prepare and distribute Project status reports as requested by the Owner.
- b. Prepare and distribute change order reports on a monthly basis, or as required, to provide information pertaining to proposed and executed change orders and their effect on the budget and schedule.
- c. Prepare and regularly update a comprehensive issue list identifying all unresolved issues, responsible parties, resolution steps, and dates.
- d. Assist Owner in preparing documentation and reports for City Council at key milestones throughout the Project.

Schedule

- a. Ensure the Contractor procures long lead-time equipment at the proper time to avoid delays.
- b. Review updated construction schedules and maintain records.
- c. Compare Work progress with planned schedule, identify potential variances between scheduled and probable completion dates, and notify the Architect, Owner, and Contractor of any anticipated project delays.
- d. Review schedule for Work not started or incomplete and recommend to Owner and Contractor adjustments in the schedule to meet their required completion date.
- e. Obtain monthly updates from the Contractor of construction schedule, incorporating actual progress, weather delays, and change order impacts.
- f. Negotiate time extensions due to change orders or other delays.

Budget

- a. Assist in monthly progress payment recommendations.
- b. Monitor Project budget, including costs outside of the Contractor contract, including security and access contract, low voltage contract, permits, testing, furniture, fixtures and equipment (FF&E), and other incidentals, and provide anticipated final cost report to Owner on monthly basis showing actual costs for activities in progress and estimates for uncompleted tasks. Identify variances between actual and budgeted or estimated costs and advise Owner whenever projected costs are anticipated to exceed budgets or estimates.

Project Closeout

- a. Develop an occupancy checklist (punch list) and schedule.
- b. Assist the Architect in conducting close-out inspections. Participate in Project inspection(s) for Substantial Completion(s) and warranty inspections.
- c. Make written recommendations to the Owner as to the status of punch list items and when Work is ready for final inspection. Assist the Architect in conducting final inspections.
- d. Coordinate building systems functional testing and performance verification with the Contractor, Commissioning Agent, the Owner's maintenance personnel, and the Architect. Observe each contractor's check-out of utilities, operational systems, and equipment for readiness and assist in equipment initial start-up and testing.
- e. Participate in any building commissioning and provide documented confirmation that building systems function according to criteria set forth in the Project Documents.
- f. Assist the Owner in obtaining a Certificate of Occupancy, which may encompass accompanying government officials during inspections of the Project, assisting in preparing and submitting proper documentation to the appropriate agencies, and assisting in final testing and other such activities.
- g. Coordinate staff training on building systems.
- h. Assist the Owner with warranty problem resolution and other claims against any contractor(s) for defective work or performance after completion of the construction.
- i. Collaborate with the Architect to collect and submit the following close-out documentation to the Owner:
 - a. Operations and Maintenance data for equipment as required by the Contract Documents for the Project.
 - b. Record drawings for the Project showing, among other things, deviations from the original plans and drawings for the Project made during construction, details in the construction not previously shown on such plans or drawings, changes to existing conditions or existing conditions found to differ from those shown on the original plans and drawings; the actual installed position of equipment, piping, conduits, light switches, electric fixtures, circuiting, ducts, dampers, access

panels, control valves, drains, openings and stub outs; and such other information as the Owner, Architect, or Inspector may reasonably request from time to time.

- c. Warranties and bond for equipment put into service.
- d. Keys, tools, spare parts, and maintenance materials.
- e. A list of all construction contractors, vendors, and material persons of every tier providing services, equipment, and/or materials in connection with the Project, in formal adequately bound, catalogued form, which shall include the names, addresses, telephone numbers, and fax numbers of such persons, and shall further include notices as to where pertinent persons can and may be reached for emergency service, inclusive and nights, weekends, and holidays.
- f. All guaranties and warranties from all construction contractors as required by the Contract Documents for the Project.

Statutorily Required Public Contracting Provisions

Consultant shall observe all applicable state and local laws pertaining to public contracts. Pursuant to ORS Chapters 279A, 279B and 279C, which require every public contract to contain certain provisions, and other state law, the following provisions shall be a part of this contract, as applicable. All defined terms in this Attachment shall be interpreted in accordance with Solicitation or Contract Document and the relevant statutory provision. For professional services contracts, Contractor shall be read to mean Consultant, and Subcontractor shall be read to mean subcontractor or subconsultant.

1. ORS 279A.110 (Non-discrimination Certification): Contractor shall certify that Contractor has not discriminated and will not discriminate against a Subcontractor in the awarding of a subcontract because the Subcontractor is a disadvantaged, minority owned, woman owned, veteran owned, or emerging small business enterprise (certified under ORS 200.055.), or a business that is owned or controlled by, or employs a disabled veteran (as defined in ORS 408.225).
2. Pursuant to ORS 279B.220 or 279C.505, as applicable, Contractor shall make payment promptly, as due, to all persons supplying to the contractor labor or material for the performance of the work provided for in the contract; shall pay all contributions or amounts due the Industrial Accident Fund from the contractor or subcontractor incurred in the performance of the contract; not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished, and; pay to the Department of Revenue all sums withheld from employees under ORS 316.167.
3. Pursuant to ORS 279B.225, every public contract for lawn and landscape maintenance shall contain a condition requiring the contractor to salvage, recycle, compost or mulch yard waste material at an approved site, if feasible and cost-effective.
4. Pursuant to ORS 279B.230(1) or 279C.530(1), as applicable, Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury, to the employees of such contractor, of all sums which the contractor agrees to pay for such services and all monies and sums which the contractor collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.
5. Pursuant to ORS 279B.230(2) or 279C.530.(2), as applicable, in every public contract, all subject employers working under the contract are either employers that will comply with ORS 656.017 or employers that are exempt under ORS 656.126.

6. Pursuant to ORS 279B.235(1) and 279B.020 and ORS 279C.520 and 279C.540 (Hours of Labor, Holidays, and Overtime): Except as otherwise provided in an applicable collective bargaining agreement with a labor organization, Contractor shall not employ and shall require that its Subcontractors not employ any person to perform construction work for more than ten hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency, or where the public policy absolutely requires it, and in such cases, except in cases of Contracts for personal services as defined in ORS 279A.055, the laborer shall be paid at least time and a half pay:
 - i. For all overtime in excess of eight hours a day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; and
 - ii. For all overtime in excess of ten hours a day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and
 - iii. For work performed on Saturday and on any legal holiday specified in any applicable collective bargaining agreement or ORS 279C.540(1)(b).
 - iv. The requirement to pay at least time and a half for all overtime worked in excess of 40 hours in any one week shall not apply to individuals who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. Section 201 to 209 from receiving overtime.
 - v. Contractor shall and shall require its Subcontractors to give notice in writing to their employees who work under this Contract, either at the time of hire or before commencement of Work on the Contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.
7. Environmental Laws. Contractor shall comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
8. Oregon Tax Law Compliance: Contractor must, throughout the duration of this Contract and any extensions, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state. Contractor (to the best of Contractor's knowledge, after due inquiry), for a period of no fewer than six calendar years preceding the date of this Contract, represents and warrants that it has faithfully has complied with, and will continue to comply with during the term of this Contract: (A) all tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318; (B) any tax provisions imposed by a political subdivision of this state that applied to Contractor, to Contractor's property, operations, receipts, or income, or to Contractor's performance of or compensation for any work performed by Contractor; (C) any tax provisions imposed by a political subdivision of this state that applied to Contractor, or to goods, services, or property, whether tangible or intangible, provided by Contractor; and (D) any rules, regulations, charter provisions, or ordinances that

implemented or enforced any of the foregoing tax laws or provisions. Failure to comply with this section is a default for which the City may terminate the Contract and seek damages and other relief available under the terms of the Contract or under applicable law.

9. Foreign Contractor. If Contractor is not domiciled in or registered to do business in the state of Oregon, Contractor shall promptly provide to the Oregon Department of Revenue and the Secretary of State Corporation Division all information required by those agencies relative to this Contract. Contractor shall demonstrate its legal capacity to perform these services in the state of Oregon prior to entering into this Contract.
10. Assignment or Transfer Restricted. Unless otherwise provided in the Contract, the Contractor shall not assign, sell, dispose of, or transfer rights, or delegate duties under the Contract, either in whole or in part, without the Contracting Agency's prior Written consent. Unless otherwise agreed by the Contracting Agency in Writing, such consent shall not relieve the Contractor of any obligations under the Contract. Any assignee or transferee shall be considered the agent of the Contractor and be bound to abide by all provisions of the Contract. If the Contracting Agency consents in Writing to an assignment, sale, disposal or transfer of the Contractor's rights or delegation of Contractor's duties, the Contractor and its surety, if any, shall remain liable to the Contracting Agency for complete performance of the Contract as if no such assignment, sale, disposal, transfer or delegation had occurred unless the Contracting Agency otherwise agrees in Writing.

Agenda Bill 2025-02-10-03

Date Prepared: February 4, 2025

For Meeting Date: February 10, 2025

To: Rory Bialostosky, Mayor
West Linn City Council

From: Elissa Preston, Deputy City Manager and HR Director *EP*

Subject: City Attorney Employment Agreement Amendment

Purpose:

Review and approval of Amendment One to “Section 5. Hours of Work” of the City Attorney’s Employment Agreement to allow for additional remote work flexibility.

Question(s) for Council:

Does the City Council wish to authorize the Mayor to sign Amendment One to the City Attorney’s Employment Agreement allowing more flexibility for remote work?

Public Hearing Required:

None Required.

Background & Discussion:

On July 15, 2024, the City Council approved an Employment Agreement (Agreement) for an in-house City Attorney. In that Agreement, the City Attorney was allowed one day of remote work per week. During the past six-months, the City Attorney has demonstrated the ability to manage workflow and meet the needs of the City. This Amendment One is proposed in order to bring the terms of the “Section 5. Hours of Work” section of the Agreement closer in line with the language used in the recently-approved City Manager Employment Agreement that allows the employee to “set their own schedule as needed to fully discharge the duties under this Agreement, with the understanding that [the employee] shall work a minimum of forty (40) hours per week.” Terms from the current Agreement discussing the City Attorney’s attendance at evening meetings, additional office hours, and keeping Administration staff aware of the office schedule are retained. All other terms and conditions in the Agreement remain in full force and effect.

Budget Impact:

N/A

Sustainability Impact:

None

Council Options:

1. Approve Amendment One to the City Attorney Employment Agreement.
2. Deny Amendment One to the City Attorney Employment Agreement.

Staff Recommendation:

Review proposed Amendment One and authorize the Mayor to sign Amendment One to the City Attorney's Employment Agreement allowing the City Attorney to set their own schedule, including flexibility for more remote work.

Potential Motion:

Approval of the Consent Agenda approves this item.

Attachments:

1. Amendment One to City Attorney Employment Agreement
2. Current Section 5 of City Attorney Employment Agreement

**EMPLOYMENT AGREEMENT
AMENDMENT ONE**

THIS AMENDMENT ONE (“Amendment”) is made and entered into as of this ____ day of February, 2025, by and between the City of West Linn, an Oregon municipal corporation (“City”) and Kaylie Klein (“Attorney”), collectively the “Parties.”

RECITALS

WHEREAS, the parties duly executed that certain City Attorney Employment Agreement as of July 15, 2024 (as may be amended and restated, collectively, the “Agreement”), whereby Attorney agreed to provide for City certain legal and other professional services as set forth in that Agreement; and

WHEREAS, capitalized terms used but not defined herein have the meaning set forth in the Agreement; and

WHEREAS, the Parties wish to amend the Agreement in order to allow flexibility in work schedule consistent with that of other Administrative Managers, such as the City Manager.

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

AGREEMENT

1. Amendment. The Agreement is hereby amended as follows:

SECTION 5. HOURS OF WORK, subsection B. and C. are deleted in their entirety and replaced with:

B. Attorney may set their own schedule as needed to fully discharge the duties under this Agreement, with the understanding that Attorney shall work a minimum of forty (40) hours per week. Attorney shall keep the Administration Office Staff aware of Attorney’s office schedule. Attorney shall also be available to attend evening meetings as necessary subject to the reasonable needs of the City. Any additional office hour needs will be determined through collaboration between the Mayor, City Council, City Management and Attorney, with the understanding that Attorney is an exempt employee and shall be available to carry out the essential functions of the City Attorney position as needed.

C. Attorney shall be permitted to work remotely from Attorney’s secure home office, provided Attorney shall keep the Administration Office Staff aware of the specific days Attorney is working remotely.

2. Interpretation; Remaining Terms. From and after the effective date, “Agreement” means the original Agreement as amended. Except as expressly modified by the terms and conditions of this Amendment, the parties ratify and confirm each of the terms and conditions of the Agreement which, the parties acknowledge and agree, remains in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date last written below (the “Effective Date”).”.

ATTORNEY

By: _____

Printed Name: _____

Title: _____

Date: _____

CITY OF WEST LINN, OREGON

By: _____

Printed Name: _____

Title: _____

Date: _____

Current Section 5 of City Attorney Employment Agreement below:

SECTION 5. HOURS OF WORK

A. It is recognized that Attorney shall devote Attorney's full time and attention to employment referred to herein and shall have no other employment.

B. Attorney may set their own schedule as needed to fully discharge the duties under this Agreement, with the understanding that Attorney shall work a minimum of five (5) eight-hour days totaling forty (40) hours per week. Attorney shall keep the Administration Office Staff aware of Attorney's in office schedule, with regular office hours generally from 8:30 a.m. to 2:30 p.m. Additional hours after 2:30 p.m. may be worked remotely to ensure an eight-hour day. Attorney shall also be available for additional office hours and to attend evening meetings as necessary subject to the reasonable needs of the City. Any additional office hour needs will be determined through collaboration between Mayor, City Council, City Management and Attorney, with the understanding that Attorney is an exempt employee and shall be available to carry out the essential functions of the City Attorney position as needed.

C. Notwithstanding Section 5(A), Attorney shall be permitted to work remotely from Attorney's secure home office one day per week, provided Attorney shall keep the Administration Office Staff aware of the specific days Attorney is working remotely.

D. Attorney shall provide reasonable written notice to the City Council when Attorney anticipates an absence from the City for three (3) or more business days. Attorney shall keep time records indicating the amount of time not working on behalf of the City, sufficient to inform the Human Resources Department of leave taken in conformance with exempt employee time record keeping laws.

Agenda Bill 2025-02-10-04

Date Prepared: January 30, 2025

For Meeting Date: February 10, 2025

To: Rory Bialostosky, Mayor
West Linn City Council

Through: John Williams, City Manager *JRW*

From: Darren Wyss, Planning Manager *DSW*

Subject: Public hearing on petition to vacate portions of the 5th Street and 4th Avenue rights-of-way

Purpose:

To consider a petition by Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC to vacate 16,199 square feet of 5th Street right-of-way, 11,960 square feet of 4th Avenue right-of-way (west), and 22,416 square feet of 4th Avenue right-of-way (east).

Question(s) for Council:

Should the Council approve the petition and adopt Ordinance 1757?

Public Hearing Required:

Yes

Background & Discussion:

The applicant has petitioned to vacate unimproved right-of-way (ROW) that includes 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA, and 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB (see Exhibit CC-1). The rights-of-way are within protected wetlands and associated habitat conservation areas, and mapped flood hazard zones that would preclude development of streets or installation of utilities in the future.

ROW vacations are reviewed and decided by City Council, acting as the City's "*Governing Body*", under the authority granted in Oregon Revised Statute Chapter 271.

The City has accepted the petition and set the public hearing date (ORS 271.090). At the fixed time, the City Council will hear the petition and any objections filed and determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.

The petition requires signatures from 100 percent of abutting property owners and two-thirds of property owners in the "affected area". The petition included the required signatures of 100 percent of

abutting property owners, 71.7 percent of property owners in the 5th Street “affected area”, 69.6 percent of property owners in the 4th Avenue (west) “affected area”, and 72.5 percent of property owners in the 4th Avenue (east) “affected area” (see Attachment 2, Exhibits CC-2 and CC-3). Notice of the public hearing was posted for two consecutive weeks in the paper and posted at the proposed vacation locations (see Attachment 2, Exhibit CC-5), and there are no adopted City plans that require the ROW for transportation or utility connections.

City staff received no objections to the petition as of January 30, 2025.

Budget Impact:

Negligible as there will be approximately 50,575 square feet less right-of-way for the City to maintain (predominately covered by wetlands).

Sustainability Impact:

None

Council Options:

1. Adopt Ordinance 1757 as presented in Attachment 1; or
2. Adopt Ordinance 1757 with changes; or
3. Do not adopt Ordinance 1757.

Staff Recommendation:

Adopt Ordinance 1757 as presented.

Potential Motion:

1. Move to adopt Ordinance 1757 and vacate portions of 5th Street and 4th Avenue as described in Exhibits A, B, and C of the ordinance.
2. Move to adopt Ordinance 1757 with the following changes (list changes).
3. Move to not adopt Ordinance 1757 (list reasons)

Attachments:

1. Ordinance 1757
2. VAC-24-01 Staff Report

After Recording Please Return To:
City of West Linn – Administration
22500 Salamo Rd.
West Linn, OR 97068
Attn: City Recorder, Kathy Mollusky

ORDINANCE 1757

**AN ORDINANCE RELATING TO VACATING A PORTION OF THE
5TH STREET AND 4TH AVENUE RIGHTS-OF-WAY WITHIN
THE CITY OF WEST LINN, OREGON**

WHEREAS, Forward Vision Development LLC, e3 Design Concepts LLC, and SDG-2 LLC submitted a petition to vacate a portion of the 5TH Street and 4th Avenue rights-of-way on October 24, 2024; and,

WHEREAS, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on February 10, 2025, for a public hearing on the proposed vacation; and,

WHEREAS, the City published notice of the proposed rights-of-way vacation in the West Linn Tidings on January 22, 2025 and January 29, 2025; and,

WHEREAS, City staff posted a copy of the notice on January 23, 2025, with all required information, at three conspicuous places near each end of the proposed vacation area; and,

WHEREAS, the City Council held a public hearing on the proposed vacation on February 10, 2025; and,

WHEREAS, the City Council found that the petition was complete because 100 percent of abutting property owners support the vacation and over two-thirds of the real property within the ORS defined affected area support the vacation; and,

WHEREAS, the City Council found that the proposal complied with all requirements of ORS 271 as the applicant obtained the requisite signatures of consent, the notice was complete, and the public interest will not be prejudiced by the vacation because the rights-of-way are primarily contained within a protected wetland and do not serve any purposes for transportation connections or utility placement.

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

SECTION 1. Vacation. The portion of 5th Street right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, as more particularly described and attached in Exhibit A (legal description and map), which is incorporated by this reference.

SECTION 2. Vacation. The portion of 4th Avenue right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lot 800 of Assessor Map 31E02AA, as more particularly described and attached in Exhibit B (legal description and map), which is incorporated by this reference.

SECTION 3. Vacation. The portion of 4th Avenue right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB, as more particularly described and attached in Exhibit C (legal description and map), which is incorporated by this reference.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 10th day of February, 2025, and duly PASSED and ADOPTED this ____ day of _____, 2025.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

City of West Linn
Ordinance 1757 – Exhibit A

RIGHT-OF-WAY VACATION OF 5TH STREET

A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 5TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 9 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 5TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 20°41'34" EAST 405.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, NORTH 69°14'12" EAST 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 404.94 FEET TO A POINT 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF 5TH AVENUE;

THENCE SOUTH 69°19'34" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 16,199± SQUARE FEET, OR 0.37± ACRES.

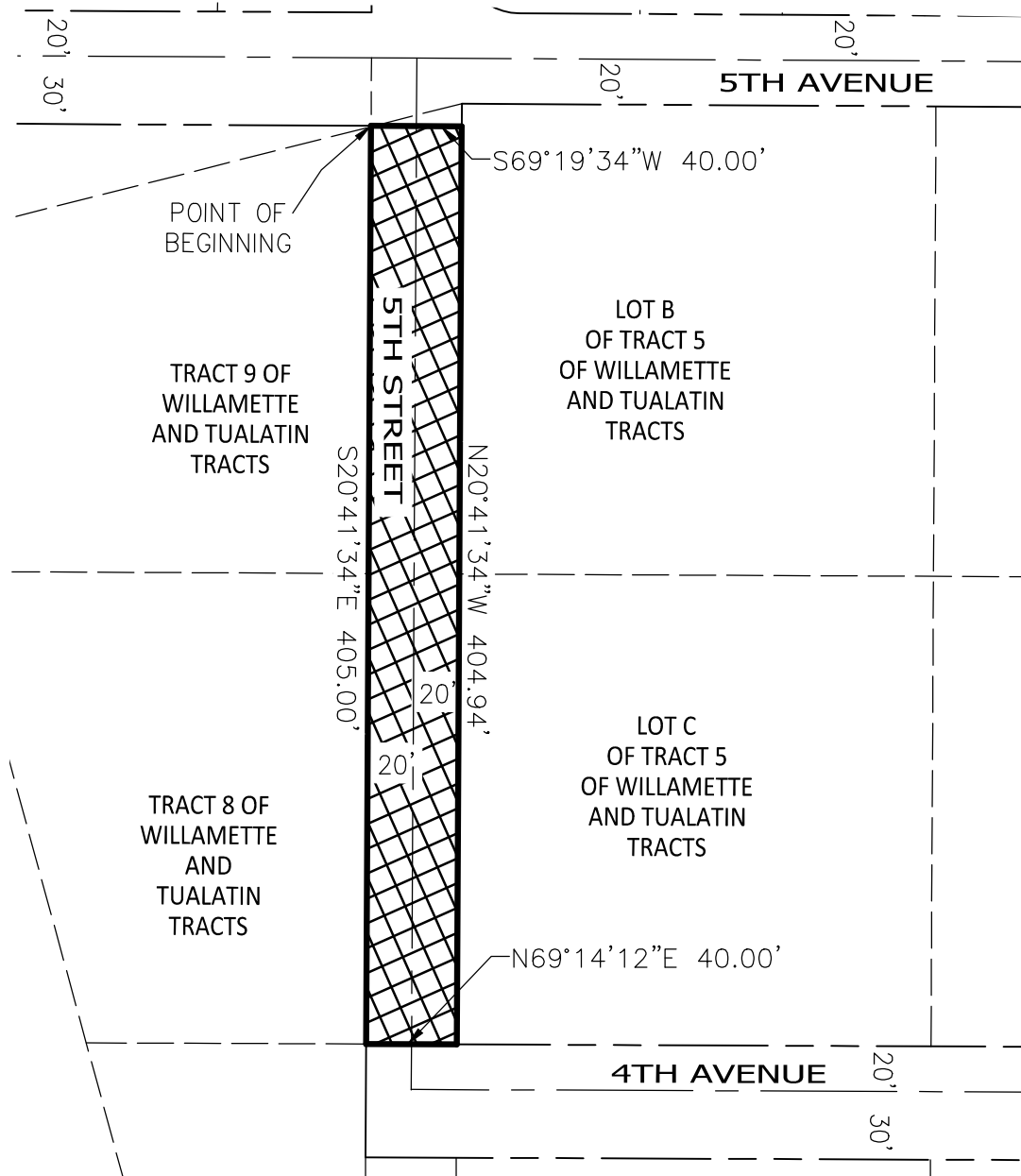
REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

RENEWS 12/31/25

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LEGEND:



AREA OF VACATION
16,199 SQUARE FEET OR
0.37 ACRES MORE OR LESS

1 INCH = 80 FEET

S&F Land Services

Date: 11/26/2024

Proj No: 23-191-33

4905 SW SCHOLLS FERRY RD.
PORTLAND, OR 97225
(503) 345-0328

www.sflands.com
info@sflands.com

City of West Linn
Ordinance 1757 – Exhibit B

RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT B OF TRACT 14 OF WILLAMETTE AND TUALATIN TRACTS BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 7TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 299.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'29" WEST 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THEN CENTERLINE THEREOF);
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 69°14'12" WEST 299.00 FEET TO A POINT;
THENCE SOUTH 20°41'29" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 11,960± SQUARE FEET, OR 0.27± ACRES.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

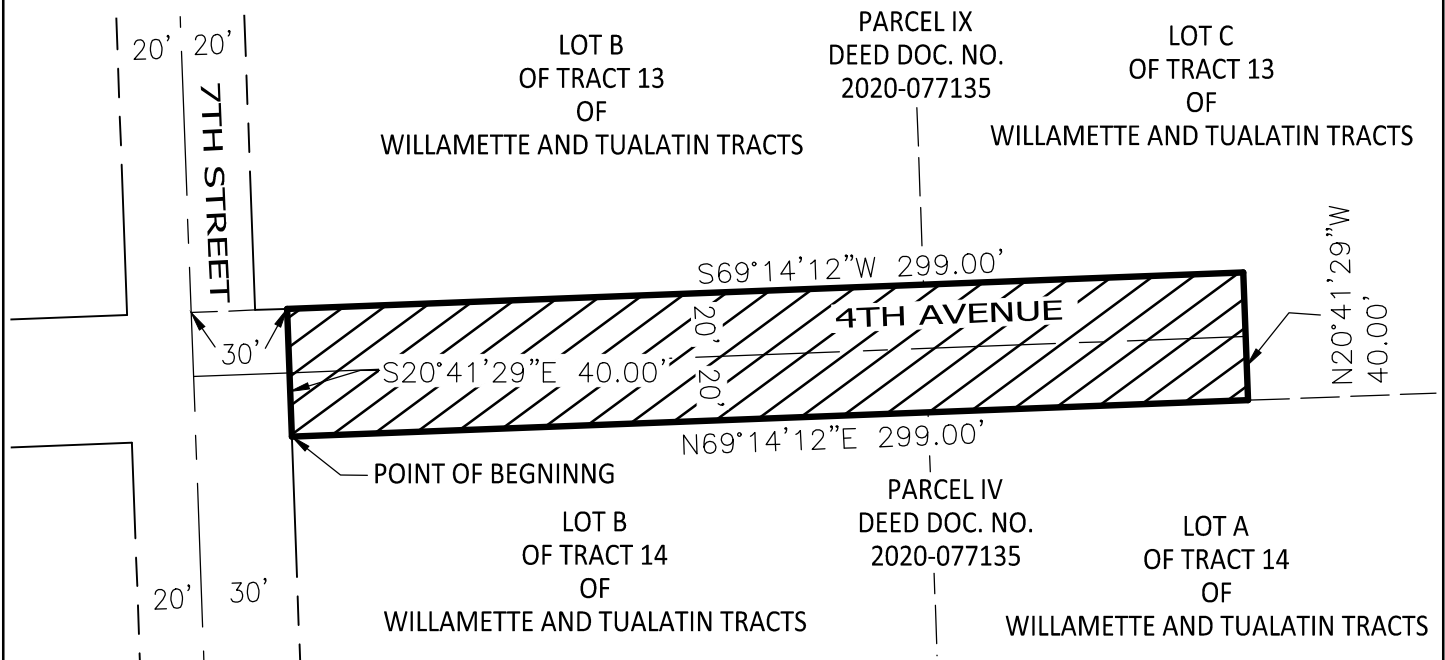
RENEWS 12/31/25

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
11,960 SQUARE FEET OR
0.27 ACRES MORE OR LESS



1 INCH = 60 FEET

S&F Land Services

Date: 11/26/2024

Proj No: 23-191-33

4905 SW SCHOLLS FERRY RD.
PORTLAND, OR 97225
(503) 345-0328

www.sflands.com
info@sflands.com

City of West Linn
Ordinance 1757 – Exhibit C

RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 50 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT A OF TRACT 6 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE SOUTH 69°14'12" WEST 448.31 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 50.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID EXTENSION OF AND THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 448.30 FEET TO A POINT;

THENCE SOUTH 20°41'45" EAST 50.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 22,416± SQUARE FEET, OR 0.51± ACRES.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

RENEWS 12/31/25

1 INCH = 80 FEET



CITY OF West Linn

STAFF REPORT FOR THE CITY COUNCIL

FILE NUMBER: VAC-24-01

HEARING DATE: February 10, 2025

REQUEST: Petition to vacate portions of the 5th Street and 4th Avenue rights-of-way

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

TABLE OF CONTENTS

STAFF ANALYSIS AND RECOMMENDATION

GENERAL INFORMATION	2
EXECUTIVE SUMMARY	3
RECOMMENDATION	3
PUBLIC COMMENTS	3

ADDENDUM

APPROVAL CRITERIA AND FINDINGS.....	4
-------------------------------------	---

EXHIBITS

CC-1 LOCATION MAPS.....	6
CC-2 PROPERTY OWNER CONSENT MAPS.....	9
CC-3 APPLICANT SUBMITTAL.....	9
CC-4 COMPLETENESS LETTER.....	15
CC-5 AFFIDAVIT AND NOTICE PACKET.....	17

GENERAL INFORMATION

**APPLICANT/
OWNERS:**

Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC
3242 Wild Rose Loop
West Linn, OR 91068

SITE LOCATION:

1. 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA
2. 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA
3. 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB

DESCRIPTION:

Proposed vacation of unimproved rights-of-way under provisions of ORS 271.

SITE SIZE:

50,575 square feet in total will be vacated.

ZONING:

R-10, Residential
General Industrial

PLAN

DESIGNATION:

Medium Density Residential
Industrial

**APPROVAL
CRITERIA:**

Oregon Revised Statute (ORS) 271.

PUBLIC NOTICE:

Notice was completed per ORS 271.110

EXECUTIVE SUMMARY

The applicants have petitioned to vacate unimproved right-of-way (ROW) that includes 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA, and 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB (see Exhibit CC-1). The rights-of-way are within protected wetlands and associated habitat conservation areas, and mapped flood hazard zones that would preclude development of streets or installation of utilities in the future.

ROW vacations are reviewed and decided by City Council, acting as the City's "*Governing Body*", under the authority granted in Oregon Revised Statute Chapter 271.

The City has accepted the petition and set the public hearing date (ORS 271.090). At the fixed time, the City Council will hear the petition and any objections filed and determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.

The petition included the required signatures of consent (see Exhibits CC-2 and CC-3), notice of the public hearing was posted for two consecutive weeks in the paper and posted at the proposed vacation locations (see Exhibit CC-5), and there are no adopted City plans that require the ROW for transportation or utility connections.

RECOMMENDATION

Staff recommends the City Council approve the petition to vacate the rights-of-way.

OBJECTIONS:

No objections have been filed as of the publication of this Staff Report.

ADDENDUM

APPROVAL CRITERIA AND FINDINGS

ORS 271.080 Vacation in incorporated cities; petition; consent of property owners.

(1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

Staff Finding 1: A petition was filed by Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC to vacate a portion of the 5th Street and 4th Avenue rights-of-way. A legal description and map of the proposed vacations, as well as the purpose and reason, were included with the petition (see Exhibit CC-3). The criteria are met.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

Staff Finding 2: The proposed ROW vacation has the consent of 100 percent of the abutting property owners as required in writing. The applicant submitted notarized signatures of consent for tax lots 200 and 800 of Assessor Map 31E02AA (5th Street ROW), tax lot 800 of Assessor Map 31E02AA (4th Avenue West ROW), and tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB (4th Avenue East ROW). All abutting properties are owned by the petitioner Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC. The criteria are met.

Staff Finding 3: The “affected area” was measured in compliance with ORS 271.080(2) and is shown in Exhibit CC-2. The total amount of real property inside the “affected area” for the 5th Street vacation is 9.95 acres (this number excludes all right-of-way inside the “affected area”) and the applicant submitted notarized signatures of consent for owners of 7.13 acres of real property inside the “affected area”, which represents 71.7 percent support.

The total amount of real property inside the “affected area” for the 4th Avenue (west) vacation is 9.25 acres (this number excludes all right-of-way inside the “affected area”) and the applicant submitted notarized signatures of consent for owners of 6.44 acres of real property inside the “affected area”, which represents 69.6 percent support.

The total amount of real property inside the “affected area” for the 4th Avenue (east) vacation is 10.62 acres (this number excludes all right-of-way inside the “affected area”) and the applicant submitted notarized signatures of consent for owners of 7.70 acres of real property inside the “affected area”, which represents 72.5 percent support.

This exceeds the required minimum consent of two-thirds in area of real property affected. The petition does not include the vacation of a plat or part thereof. The criteria are met.

ORS 271.090 Filing of petition; notice.

The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

Staff Finding 4: The petition has been presented to the city recorder, found to be sufficient, and filed. The petitioners have been notified of the hearing date on February 10, 2025. The criteria are met.

ORS 271.100 Action by city governing body.

The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

Staff Finding 5: The City Council (governing body) has fixed a time of 6:00pm on February 10, 2025, for a formal hearing. The criteria are met.

271.110 Notice of hearing.

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

Staff Finding 6: Public notice was published in the West Linn Tidings newspaper once each week for two consecutive weeks prior to the hearing (publish dates: January 22, 2025 and

January 29, 2025). The notice included the ground covered by the vacation proposal, the date it was filed by the petitioner Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC , and the date and time of the hearing where the petition and any objections will be heard and considered. The criteria are met.

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

Staff Finding 7: The first day of publication of the notice was January 22, 2025. Staff posted a "Notice of Street Vacation" at the accessible end of the unimproved ROWs in the proposal on January 23, 2025. Both the sign posting (18 days) and first day of publication in the newspaper (19 days) were at least 14 days prior to the hearing date of February 10, 2025. The criteria are met.

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

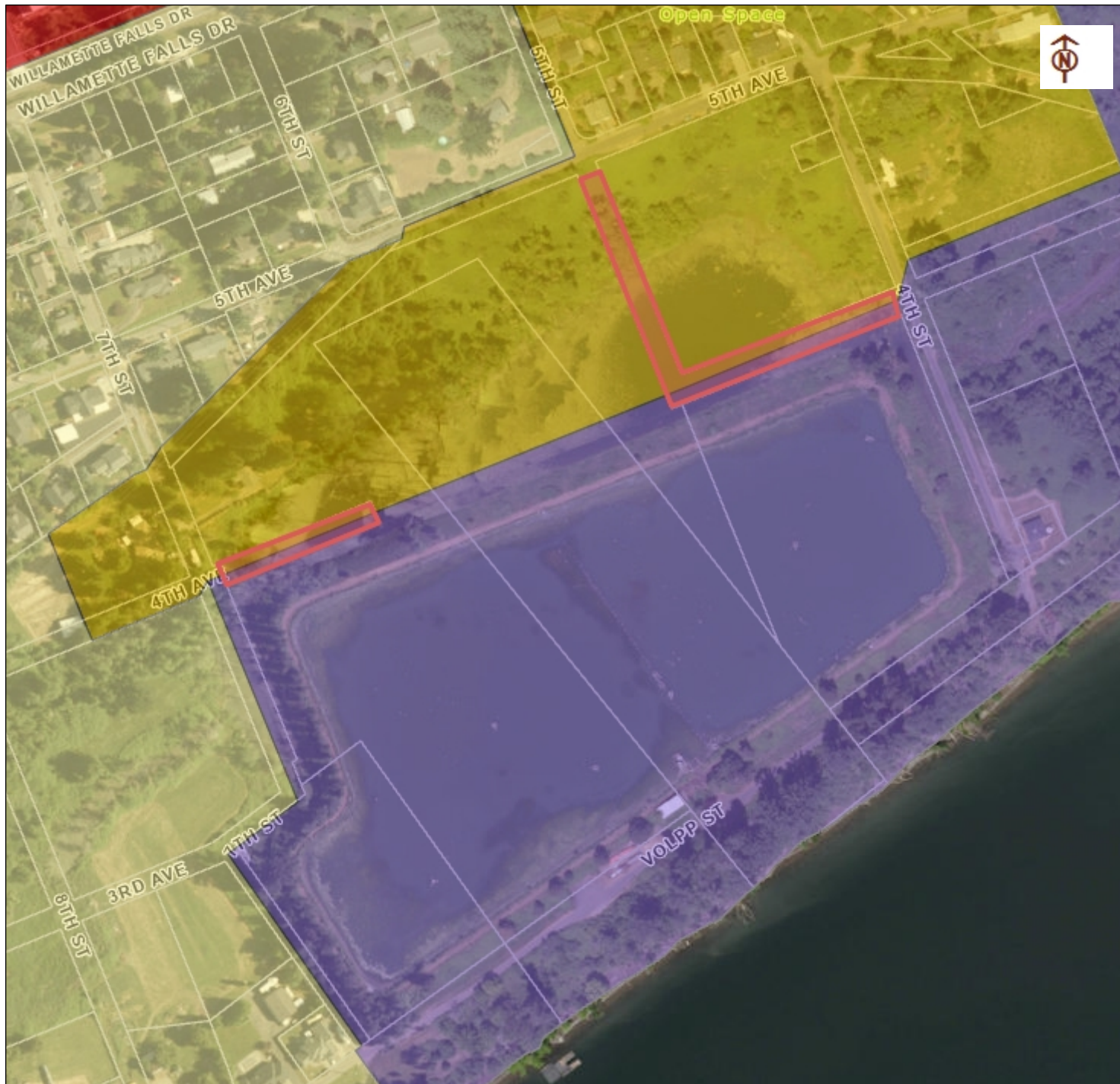
Staff Finding 8: The petitioners paid the Council adopted right-of-way vacation fee. The criteria are met.

ORS 271.120 Hearing; determination.

At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

Staff Finding 9: The City Council (governing body) has fixed a time of 6:00pm on February 10, 2025, to hear the petition and any objections. If City Council determines in favor of the petition shall make the determination by ordinance (see draft Ordinance 1757).

EXHIBIT CC-1: LOCATION MAPS



Legend

Comprehensive Plan

- Low Density
- Medium Density
- Medium-High Density
- Mixed Use
- Commercial
- Industrial

dissolved 0-5K

Points of Interest

- Fire Station
- City Hall
- Police Station
- Public School

Named Parks and OS

0 0.06 0.11 Miles



1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.



Legend

Zoning

- Single and Multi Family R-2.1
- Single and Multi Family R-3
- Single-Family R-4.5
- Single-Family R-5
- Single-Family R-7
- Single-Family R-10
- Single-Family R-15
- Single-Family R-20
- Single-Family R-40
- Mixed Use
- Neighborhood Commercial
- General Commercial
- Office Business Center
- Campus Industrial
- General Industrial

dissolved 0-5K

Points of Interest

- Fire Station
- City Hall
- Police Station
- Public School

Named Parks and OS

0 0.06 0.11 Miles



1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.




Legend

dissolved 0-5K

Points of Interest

 Fire Station

 City Hall

 Police Station

 Public School

Named Parks and OS

 Wetland Inventory 2005

 Wetland Inventory 2005

0 0.06 0.11 Miles



1: 4,514



Notes





This map was automatically generated using Geocortex Essentials.



Legend





dissolved 0-5K

Points of Interest

-  Fire Station
-  City Hall
-  Police Station
-  Public School

Named Parks and OS

Habitat Conservation Areas

-  High
-  Moderate
-  Low
-  Not Designated as HCA

0 0.06 0.11 Miles



1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.




Legend

dissolved 0-5K

Points of Interest

 Fire Station


 City Hall

 Police Station

 Public School


Named Parks and OS

 Approximate 1996 Flood Lin

 FEMA Cross-Section Elevat

FEMA Flood Hazard Zones

 Floodway

 Special Flood Hazard Area 100-

 Other Flood Area 500-year

0 0.06 0.11 Miles



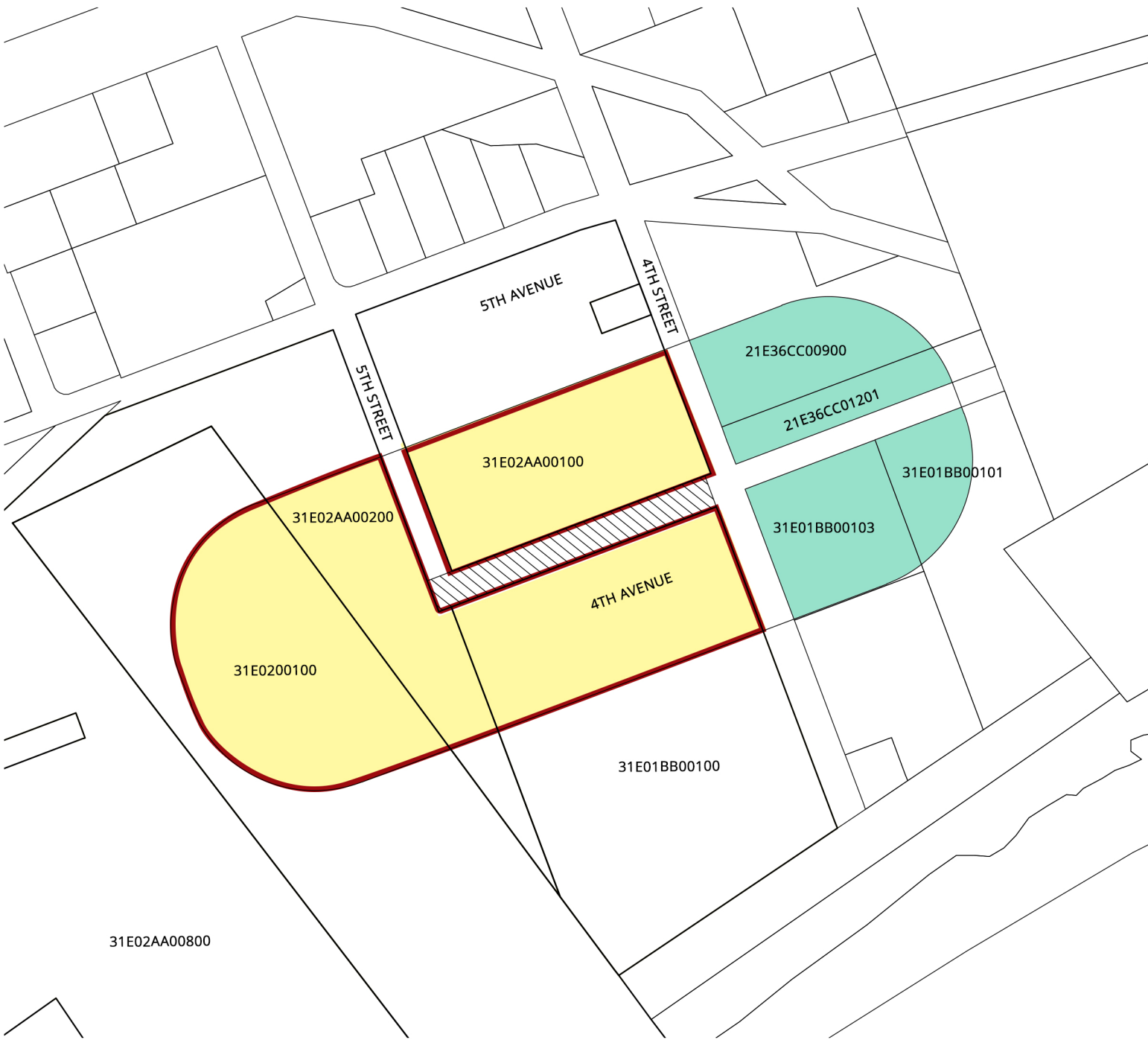
1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.

EXHIBIT CC-2: PROPERTY OWNER CONSENT MAPS



LEGEND:

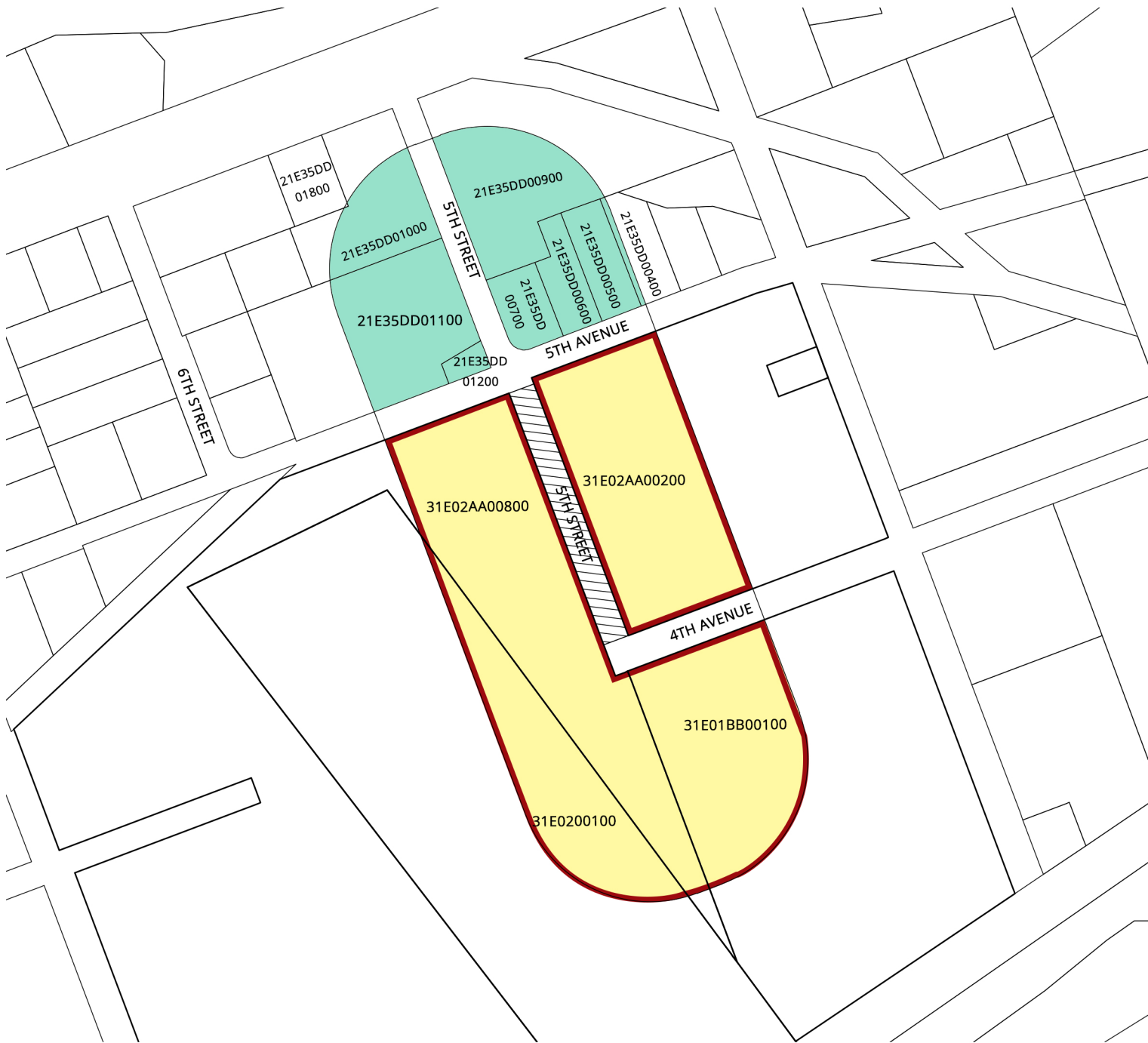


AFFECTED AREA PROPERTIES



PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING



LEGEND:

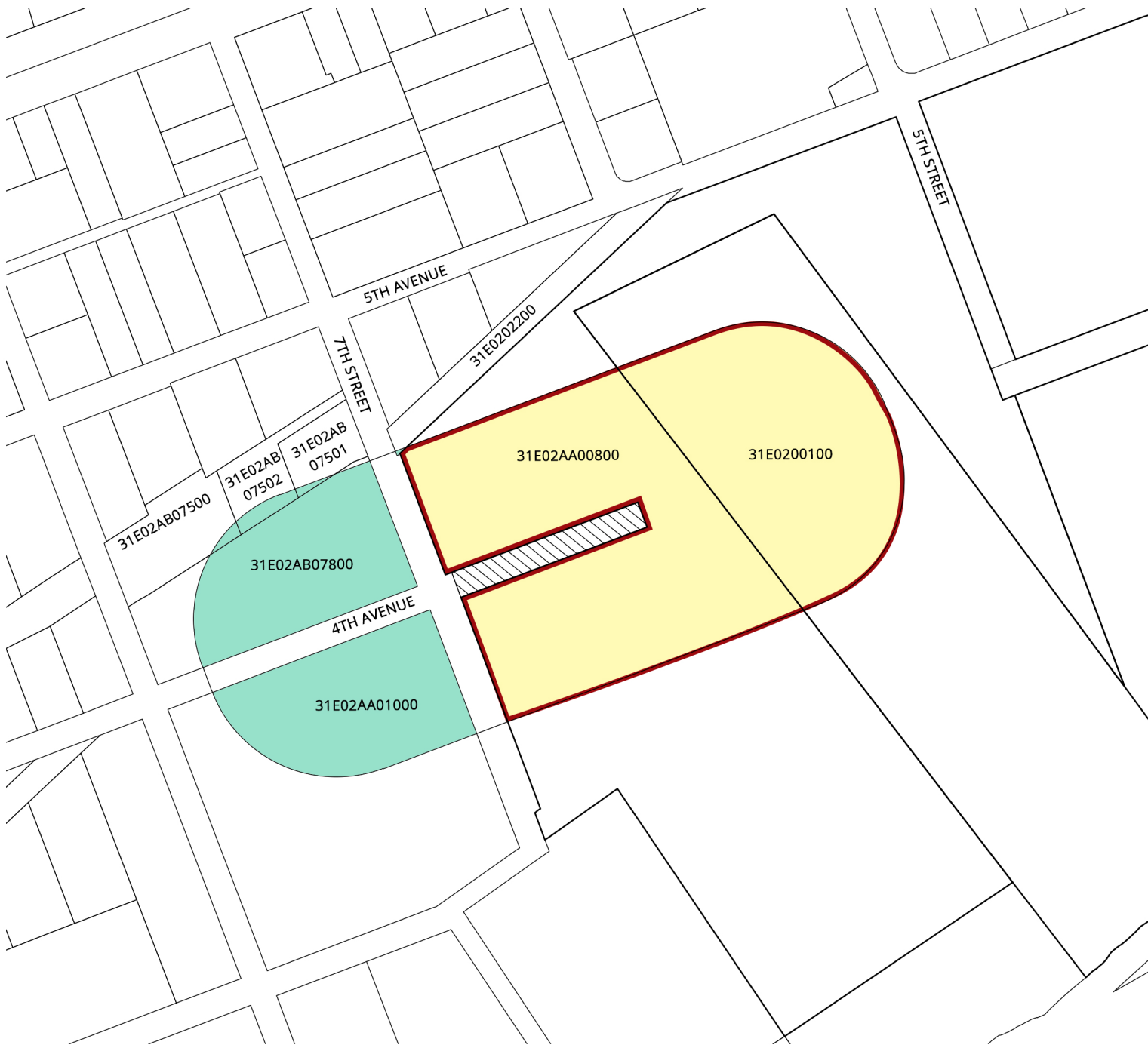


AFFECTED AREA PROPERTIES



PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING



LEGEND:



AFFECTED AREA PROPERTIES



PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

EXHIBIT CC-3: APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT Darrenn Wyss	PROJECT NO(s). VAC-24-01	PRE-APPLICATION NO. n/a
NON-REFUNDABLE FEE(s) \$6,000	REFUNDABLE DEPOSIT(s)	TOTAL \$6,000

Type of Review (Please check all that apply):

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

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

Site Location/Address: 1317 7th Street, West Linn, 97068	Assessor's Map No.: Multiple - See Narrative
	Tax Lot(s): Multiple - See Narrative
	Total Land Area: 34.34 acres

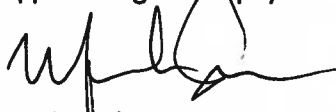
Brief Description of Proposal:

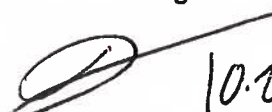
The Applicant and property owner of 1317 7th Street is proposing the vacation of the unimproved portions of 4th Avenue, 5th Avenue, and 5th Street directly adjacent to the subject property.

Applicant Name*: Address: City State Zip:	Forward Vision Development LLC & e3 Design Concepts, LLC & SDG-2, LLC 3242 Wild Rose Loop West Linn, OR 97068	Phone: Contact Consultant Email:
Owner Name (required): Address: City State Zip:	Forward Vision Development LLC & e3 Design Concepts, LLC & SDG-2, LLC 3242 Wild Rose Loop West Linn, OR 97068	Phone: Contact Consultant Email:
Consultant Name: Address: City State Zip:	3J Consulting, Inc. C/O Mercedes Serra 9600 SW Nimbus Avenue, Suite 100 Beaverton, OR 97008	Phone: (503) 946-9365 x211 Email: mercedes.serra@3j-consulting.com

1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings related to the propose land use.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF through the
Submit a Land Use Application web page: <https://westlinnoregon.gov/planning/submit-land-use-application>

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


Applicant's signature

 **10.22.24**
Date


Owner's signature (required)


 **10.22.24**
Date

Table of Contents

GENERAL INFORMATION	1
SITE INFORMATION	1
INTRODUCTION	2
APPLICANT'S REQUEST	2
PROPOSAL	2
APPLICABLE CRITERIA	3
Oregon Revised Statutes	3
271 – Use and Disposition of Public Lands Generally	3
SUMMARY AND CONCLUSION	5

Appendices

- Appendix A – Land Use Application Form
- Appendix B – Right-of-Way Vacation Legal Descriptions
- Appendix C – Consent of Owners Information

GENERAL INFORMATION

Property Owner and Applicant:	Forward Vision Development LLC 3242 Wild Rose Loop West Linn, OR 97068 Contact: Robert Schultz Phone: (971) 732-0347 Email: duke.pdx@gmail.com
Planning Consultant:	3J Consulting, Inc. 9600 SW Nimbus Avenue, Suite 100 Beaverton, OR 97008 Contact: Mercedes Serra Phone: (503) 946-9365 x211 Email: mercedes.serra@3j-consulting.com

SITE INFORMATION

Site Location:	1317 7 th Street
Legal Description:	Clackamas County Assessor's Map 31E02AA tax lots 100, 200 and 800 and Assessor's Map 31E02 tax lot 100. (Area consolidated as "Parcel 1" under MIP-23-07)
Gross Site Area:	11.88 acres (including to be vacated right-of-way)
Zoning Designation:	Single-Family Residential (R10)
Comp Plan Designation	Residential, Medium Density
Existing Use:	One single-family home, wetland, and former industrial site.
Surrounding Zoning:	The properties to the west and north are zoned a mix of R-5, R-7 and R-10 residential. The properties to the east are zoned Gl.

INTRODUCTION

APPLICANT'S REQUEST

Forward Vision Development LLC ("the Applicant" or "the Petitioner") seeks approval of Right-of-Way Vacation application for four unimproved rights-of-way sections within the City of West Linn. This narrative describes the proposed development and demonstrates compliance with the relevant approval standards of Oregon Revised Statutes (ORS) 271.

Right-of-Way Vacations are evaluated under the Type IV legislative decision process. The City Council will render the Type IV decision after a public hearing on the application is held.

PROPOSAL

The Applicant and property owner of 1317 7th Street is proposing the vacation of the unimproved portions of 4th Avenue and 5th Street directly adjacent to the subject property. The right-of-way sections of 4th Avenue and 5th Street have mapped wetland and associated habitat areas that would preclude the development of these streets in the future. The proposed vacations are located on Outlot A and Outlot B as approved by a recent Minor Partition (MIP-23-07).

APPLICABLE CRITERIA

The following sections of Oregon Revised Statutes have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Right-of-Way Vacation application.

Oregon Revised Statues

271 – Use and Disposition of Public Lands Generally

271.080 Vacation in Incorporated Cities

1. **Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.**

Finding: The Applicant is requesting to vacate three unimproved streets surrounding the main subject property that can be described as Tax lot 31E02AA00800 or 1317 7th Street. The four proposed vacations are detailed in the table below. The subject site directly adjacent to the right-of-way that is proposed for vacation has a mapped wetland and associated habitat area that would preclude the development of a public street network within this area.

	4th Avenue (West)	4th Avenue (East)	5th Street
Area	12,057 sq.ft.	22,457 sq.ft.	16,398 sq.ft.
Length	299 – 304 feet	448.3 feet	409.9 feet
Width	40 feet	50 feet	40 feet

This standard is met.

2. **There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where**

such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

Finding: Each of the three proposed vacations include the required owner or owners of two-thirds consent from the affected owners.

The total area affected by the proposed 4th Avenue West vacation is 9.25 acres. The consent area is 6.44 acres, exceeding the 2/3 requirement of 6.15 acres.

The total area affected by the proposed 4th Avenue East vacation is 10.62 acres. The consent area is 7.70 acres, exceeding the 2/3 requirement of 7.08 acres.

The total area affected by the proposed 5th Street vacation is 9.95 acres. The consent area is 7.13 acres, exceeding the 2/3 requirement of 9.95 acres.

In all cases, the Applicant and property owner have property rights for greater than two-thirds of the affected area. Consent for the verification has been given by the Applicant and property owner, which is demonstrated in the ROW Vacation Petition submitted with this application as Appendix C. This standard is met.

271.090 – Filing of Petition

The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

Finding: This rights-of-way vacation petition has been presented to the City of West Linn Planning department. The Applicant understands and acknowledges that the City will inform the

271.110 – Notice of Hearing

- 1. The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.**
- 2. Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or**

“Notice of Plat and Street Vacation,” as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

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

Finding: The City can meet these notice requirements prior to a public hearing.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City of West Linn Planning Department for this Right-of-way Vacation application.

INITIAL RESOLUTIONS

I, Morgan Noble, of Northwest Registered Agent, being the Organizer of
SDG-2, LLC, a Delaware Limited Liability Company, hereby
resolve to relinquish signing authority to the Members named below and adopt the
following resolutions:

1. **Resolved**, the named Members of the Limited Liability Company are hereby
named as Members and own an interest in the Limited Liability Company:

Robert Schultz

2. **Resolved**, that SDG-2, LLC was organized on 06/18/2018
in the State of Delaware with assigned filing number
6936101.
3. **Resolved**, that the copy of the Articles of Organization of the above named
Limited Liability Company is complete.
4. **Resolved**, that the general provisions of an operating agreement be adopted
and included as official records of the Limited Liability Company. If members
chooses to adopt a more detailed operating agreement, then such agreement
will take precedence over general provisions in the original operating
agreement.
5. **Resolved**, that member has formed a limited liability company, and is entitled to
the full extent of their limitation of liability pursuant to state law. Furthermore,
members' failure to maintain formalities of a limited liability company does not
preclude them from liability protection under state law.

Morgan Noble
Morgan Noble on behalf of
Northwest Registered Agent, Organizer

06/18/2018

INITIAL RESOLUTIONS

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SDG-2, LLC, a Delaware Limited Liability Company, hereby
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agreement.
5. **Resolved**, that member has formed a limited liability company, and is entitled to
the full extent of their limitation of liability pursuant to state law. Furthermore,
members' failure to maintain formalities of a limited liability company does not
preclude them from liability protection under state law.

Morgan Noble
Morgan Noble on behalf of
Northwest Registered Agent, Organizer

06/18/2018

EXHIBIT A
RIGHT-OF-WAY VACATION OF 5TH STREET

A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 5TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 9 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 5TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 20°41'34" EAST 405.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, NORTH 69°14'12" EAST 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 404.94 FEET TO A POINT 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF 5TH AVENUE;

THENCE SOUTH 69°19'34" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 16,199± SQUARE FEET, OR 0.37± ACRES.

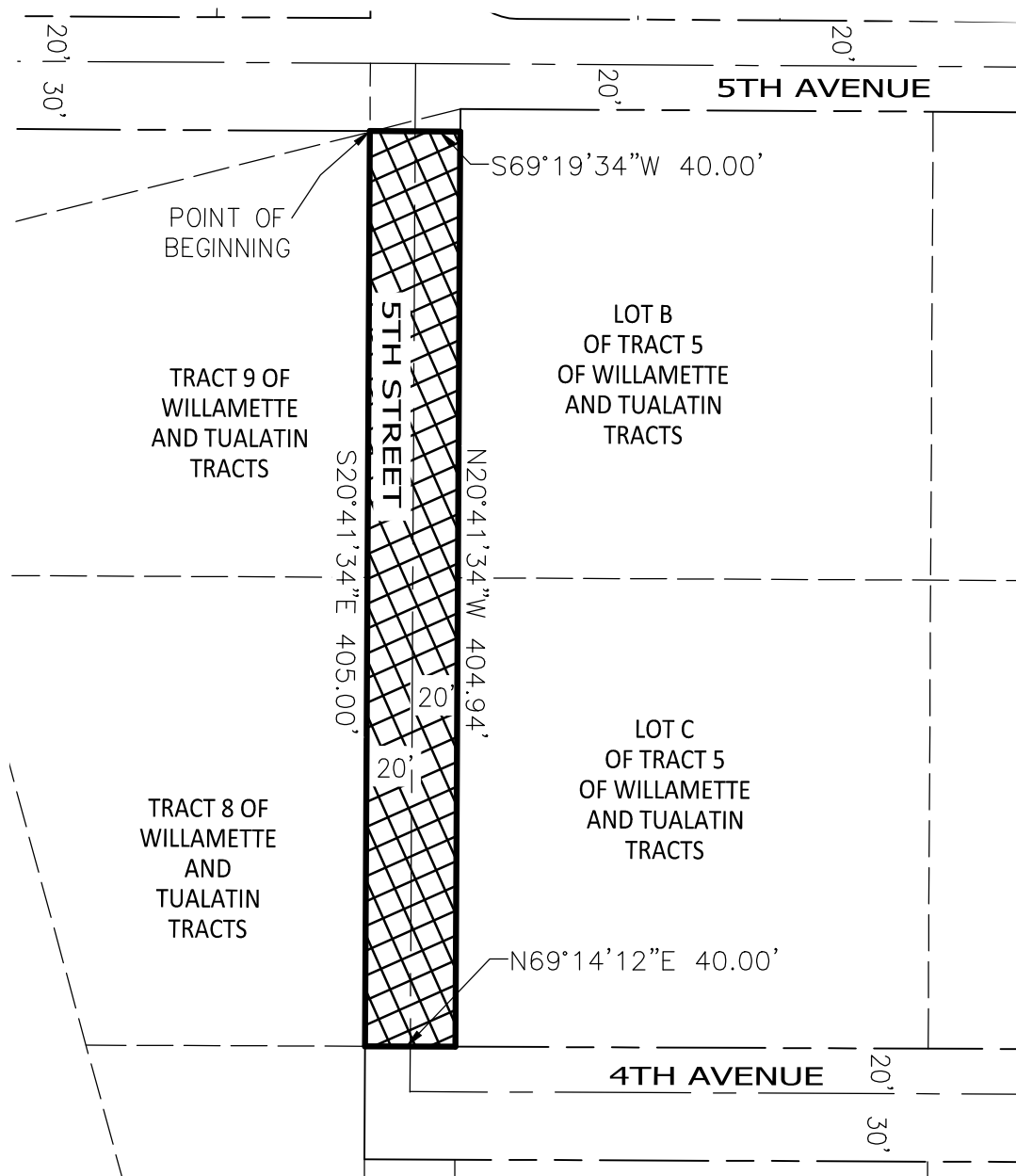
REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

RENEWS 12/31/25

EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LEGEND:



AREA OF VACATION
 16,199 SQUARE FEET OR
 0.37 ACRES MORE OR LESS

1 INCH = 80 FEET



Date: 11/26/2024
 Proj No: 23-191-33

4905 SW SCHOLLS FERRY RD.
 PORTLAND, OR 97225
 (503) 345-0328

www.sflands.com
info@sflands.com

EXHIBIT A
RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT B OF TRACT 14 OF WILLAMETTE AND TUALATIN TRACTS BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 7TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 299.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'29" WEST 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THEN CENTERLINE THEREOF);
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 69°14'12" WEST 299.00 FEET TO A POINT;
THENCE SOUTH 20°41'29" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 11,960± SQUARE FEET, OR 0.27± ACRES.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

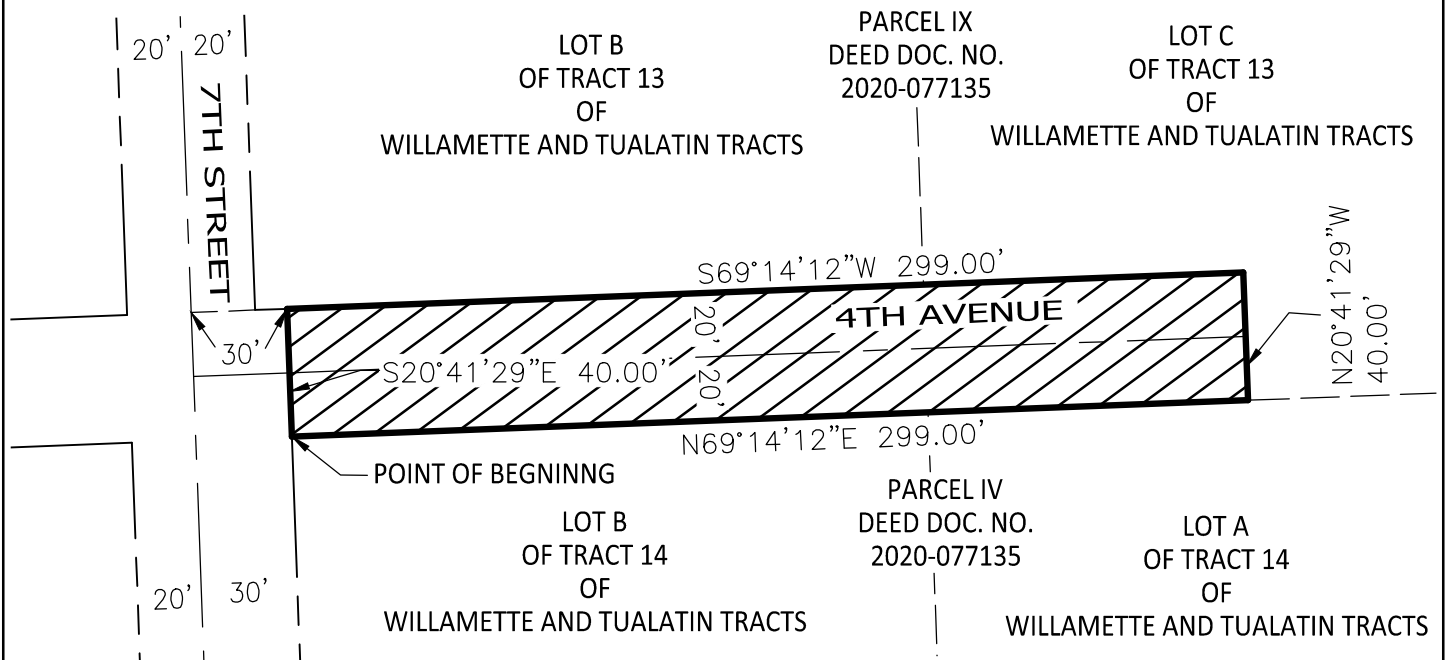
RENEWS 12/31/25

EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
11,960 SQUARE FEET OR
0.27 ACRES MORE OR LESS



1 INCH = 60 FEET

S&F Land Services

Date: 11/26/2024

Proj No: 23-191-33

4905 SW SCHOLLS FERRY RD.
PORTLAND, OR 97225
(503) 345-0328

www.sflands.com
info@sflands.com

EXHIBIT A
RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 50 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT A OF TRACT 6 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE SOUTH 69°14'12" WEST 448.31 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 50.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID EXTENSION OF AND THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 448.30 FEET TO A POINT;

THENCE SOUTH 20°41'45" EAST 50.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 22,416± SQUARE FEET, OR 0.51± ACRES.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

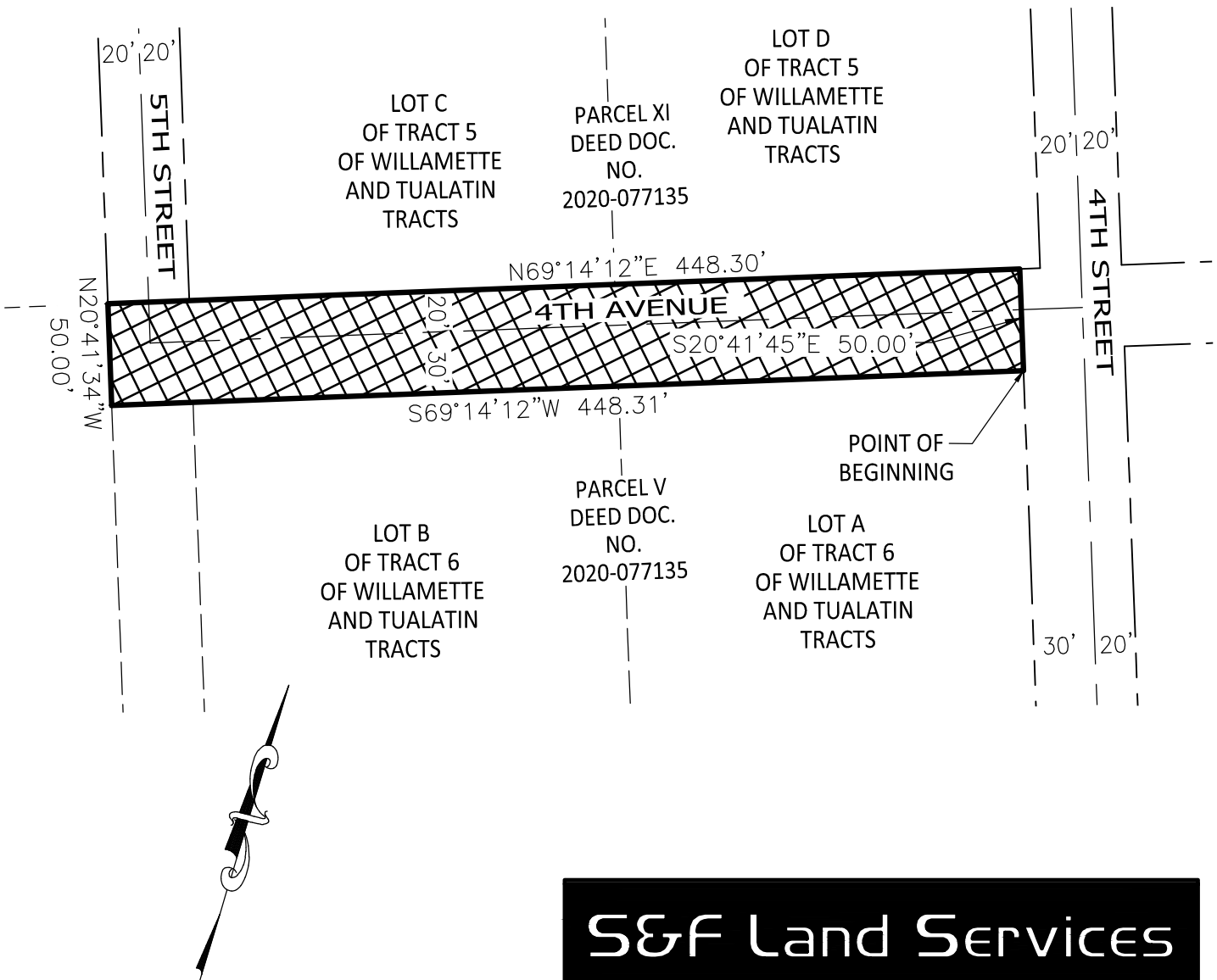
RENEWS 12/31/25

EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
22,416 SQUARE FEET OR
0.51 ACRES MORE OR LESS



1 INCH = 80 FEET

S&F Land Services

Date: 11/26/2024
Proj No: 23-191-33

4905 SW SCHOLLS FERRY RD.
PORTLAND, OR 97225
(503) 345-0328

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info@sflands.com

4th Avenue West Vacation

Property Owner	Site Address	Area (Sq. Ft.)	Area (Acres)	Tax Map	Tax Lot	Signed	Signed Area (acres)
SDG-2 LLC (Robert Schultz)	1317 7th St	169,753	3.90	31E02AA	800	Yes	3.90
SDG-2 LLC (Robert Schultz)	No Site Address	110,644	2.54	31E02	100	Yes	2.54
Portland General Electric	No Site Address	67.4	0.002	31E02	2200	No	
Deborah and Christian Kennedy	1360 7 th St	435.2	0.01	31E02AB	7501	No	
Joe and Karen Gault	1380 7th St	2,086	0.05	31E02AB	7502	No	
Jeffrey Devall	1355 8th St	633	0.015	31E02AB	7500	No	
Michael Steven and Linda Murr	1312 7th St	57,733	1.33	31E02AB	7800	No	
Kenneth Bietschek	No Site Address	60,776	1.40	31E02AA	1000	No	
Total Area		402,128	9.247				6.44

2/3 requirement area: 268,085 square feet or **6.15 acres**

4th Avenue East Vacation

Property Owner	Site Address	Area (Sq. Ft.)	Area (Acres)	Tax Map	Tax Lot	Signed	Signed Area (acres)
Water Environment Services	2715 5th Ave	40,513	0.93	21E36CC	900	No	
SDG-2 LLC (Robert Schultz)	1317 7th St	58,392	1.34	31E02AA	800	Yes	1.32
SDG-2 LLC (Robert Schultz)	No Site Address	108,425	2.49	31E02	100	Yes	2.49
SDG-2 LLC (Robert Schultz)	No Site Address	85,665	1.97	31E01BB	100	Yes	1.97
SDG-2 LLC (Robert Schultz)	No Site Address	83,663	1.92	31E02AA	200	Yes	1.92
Water Environment Services	No Site Address	20,812	0.48	21E36CC	1201	No	
Water Environment Services	No Site Address	43,904	1.01	31E01BB	103	No	
Keith Van Apeldoorn	No Site Address	21,074	0.48	31E01BB	101	No	
Total Area		462,448	10.62				7.70

2/3 requirement area: 308,299 or **7.08 acres**

5th Street Vacation

Property Owner	Site Address	Area (Sq. Ft.)	Area (Acres)	Tax Map	Tax Lot	Signed	Signed Area (acres)
SDG-2 LLC (Robert Schultz)	No Site Address	68,512	1.57	31E01BB	100	Yes	1.57
SDG-2 LLC (Robert Schultz)	No Site Address	82,958	1.90	31E02AA	200	Yes	1.90
Steven Wong	No Site Address	2,613	0.06	21E35DD	1200	No	
Steven Wong	1555 6th St	36,554	0.84	21E35DD	1100	No	
Manuel Contreras Jr.	1557 6th St	18,792	0.43	21E35DD	1000	No	
Manuel Contreras Jr.	2545 Willamette Falls Dr	16.69	0.0004	21E35DD	1800	No	
Joseph and Sierra Abel	1551 5th St	34,128	0.78	21E35DD	900	No	
Steve Hesler	2608 5th Ave	9,147	0.21	21E35DD	700	No	
Christopher and Lori Williams	2622 5th Ave	9,583	0.22	21E35DD	600	No	
Jennifer Demoro	2638 5th Ave	10,890	0.25	21E35DD	500	No	
Travis and Heather Harris	2652 5 th Ave	1,399	0.03	21E35DD	400	No	
SDG-2 LLC (Robert Schultz)	No Site Address	52,086	1.20	31E02	100	Yes	1.20
SDG-2 LLC (Robert Schultz)	1317 7th St	107,328	2.46	31E02AA	800	Yes	2.46
Total Area		434,007	9.95				7.13

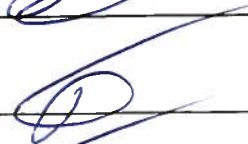


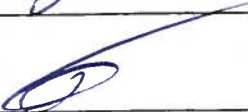
2/3 requirement area: 289,338 square feet or **6.64 acres**

CONSENT TO VACATE PETITION

4th Avenue West Vacation



Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
SDG-2 LLC		1317 7th St	31E02AA	800
SDG-2 LLC		No Site Address	31E02	100
Portland General Electric		No Site Address	31E02	2200
Deborah and Christian Kennedy		1360 7th St	31E02AB	7501
Joe and Karen Gault		1380 7th St	31E02AB	7502
Jeffrey Devall		1355 8th St	31E02AB	7500
Michael Steven and Linda Murr		1312 7th St	31E02AB	7800
Kenneth Bietschek		No Site Address	31E02AA	1000

4th Avenue East Vacation

Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
Water Environment Services		2715 5th Ave	21E36CC	900
SDG-2 LLC		1317 7th St	31E02AA	800
SDG-2 LLC		No Site Address	31E02	100
SDG-2 LLC		No Site Address	31E01BB	100
SDG-2 LLC		No Site Address	31E02AA	200
SDG-2 LLC		No Site Address	31E02AA	100
Water Environment Services		No Site Address	21E36CC	1201
Water Environment Services		No Site Address	31E01BB	103
Keith Van Apeldoorn		No Site Address	31E01BB	101

Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
SDG-2 LLC		No Site Address	31E02	100
SDG-2 LLC		1317 7th St	31E02AA	800

5th Street Vacation

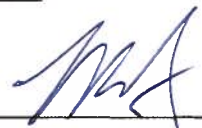
Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
SDG-2 LLC		No Site Address	31E01BB	100
SDG-2 LLC		No Site Address	31E02AA	200
Steven Wong		No Site Address	21E35DD	1200
Steven Wong		1555 6th St	21E35DD	1100
Manuel Contreras Jr.		1557 6th St	21E35DD	1000
Manuel Contreras Jr.		2545 Willamette Falls Dr	21E35DD	1800
Joseph and Sierra Abel		1551 5th St	21E35DD	900
Steve Hesler		2608 5th Ave	21E35DD	700
Christopher and Lori Williams		2622 5th Ave	21E35DD	600
Jennifer Demoro		2638 5th Ave	21E35DD	500
Travis and Heather Harris		2652 5 th Ave	21E35DD	400

State of Oregon)
)ss.

County of ~~Washington~~)
 Clackamas

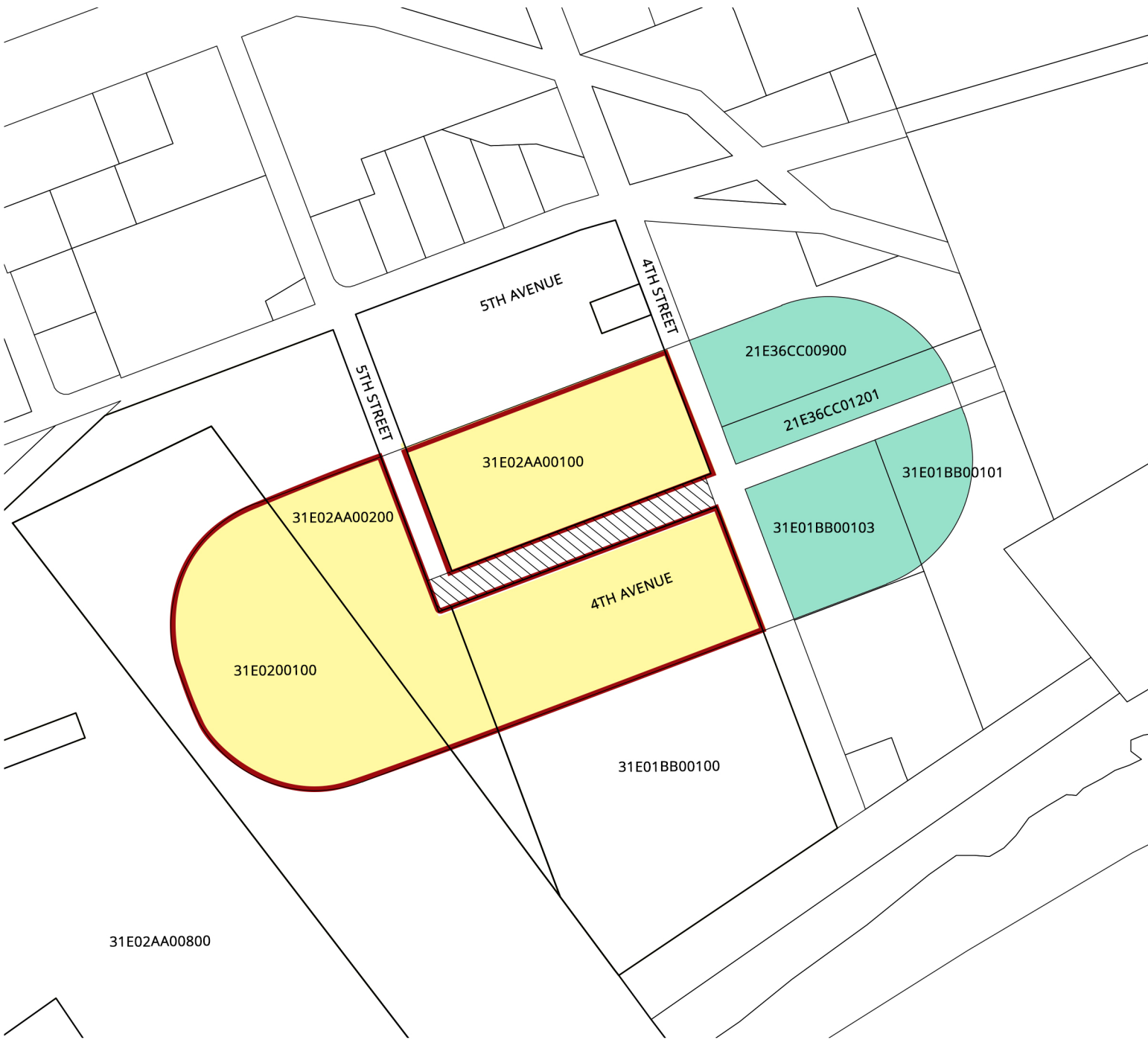
This instrument was acknowledged before me on this 22ND day of October, 202th 24

By Robert Schultz





Notary Public for Oregon
My Commission expires: 3-23-26

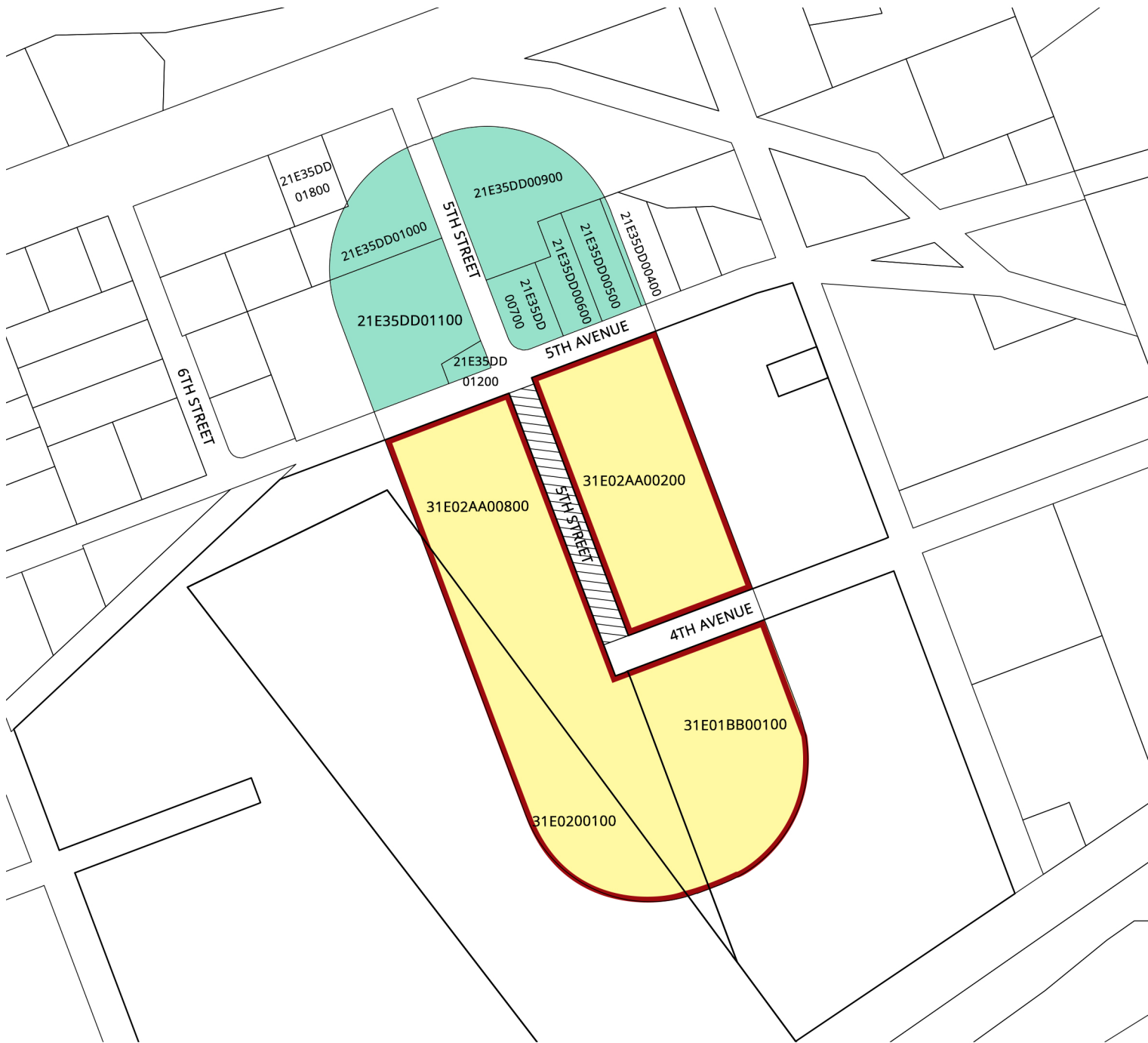




LEGEND:

-  AFFECTED AREA PROPERTIES
-  PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING



LEGEND:

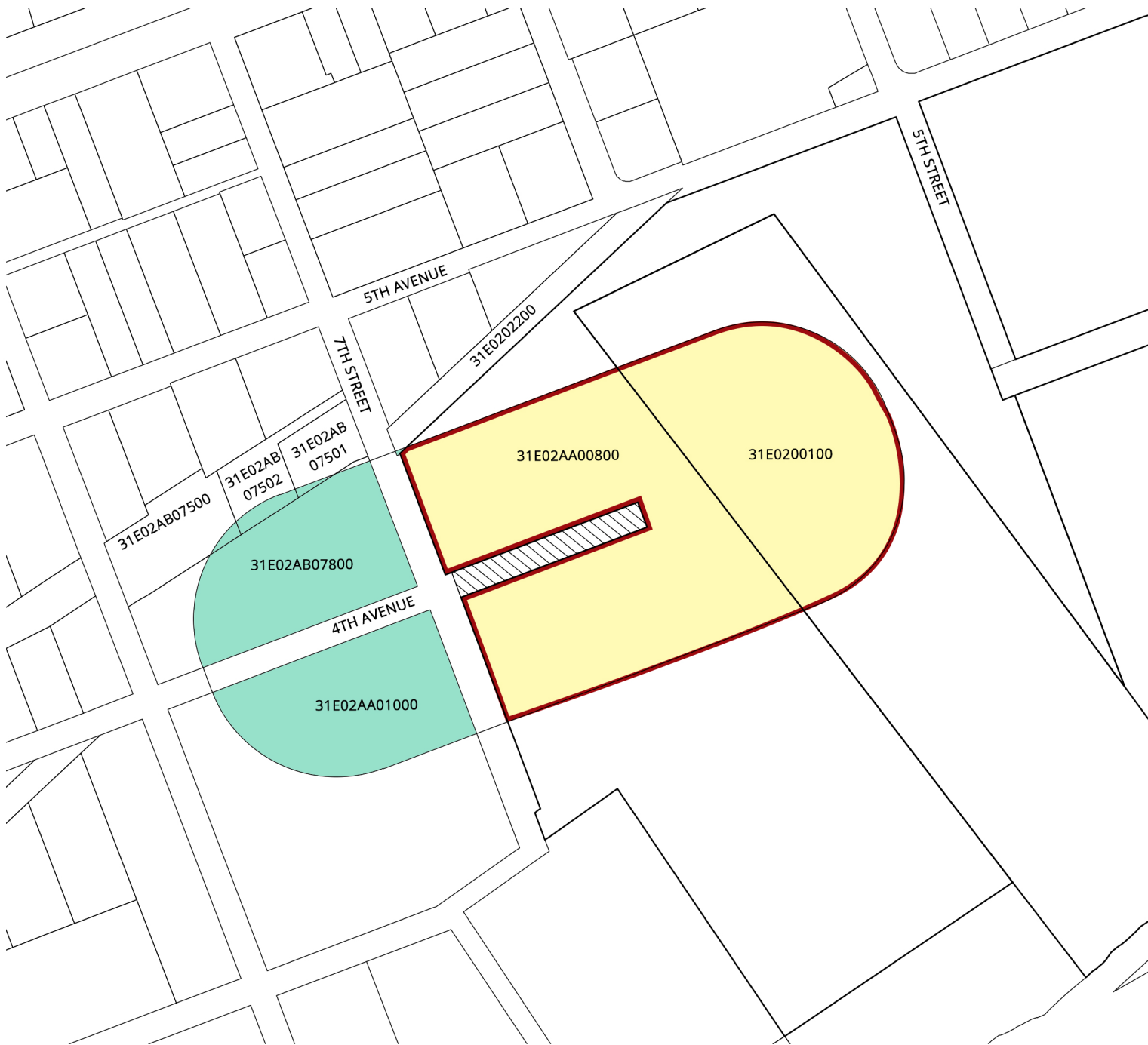


AFFECTED AREA PROPERTIES



PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING



LEGEND:



AFFECTED AREA PROPERTIES



PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

EXHIBIT CC-4: COMPLETENESS LETTER



CITY OF West Linn

December 16, 2024

Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC
3242 Wild Rose Loop
West Linn, OR. 97068

SUBJECT: VAC-24-01: Proposed vacation of portions of the 4th Ave. and 5th Street rights-of-way

Greetings:

The City accepted this application for review on October 24, 2024. The Planning and Engineering Departments found the application incomplete on November 21, 2024. Additional materials were submitted on November 26, 2024. The Planning Department has reviewed the materials and calculated you have signature support of all abutting property owners and signature support of not less than 66.67% of property owners in the affected area as defined in Oregon Revised Statute 271.080. The Planning Department finds that this application is now **complete**. The city has 120 days to exhaust all local review; that period ends March 26, 2025.

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

Public notice will be prepared per Oregon Revised Statute 271.110. The public hearing date before the West Linn City Council is tentatively scheduled for February 10, 2025.

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

Sincerely,

Darren Wyss
Planning Manager

EXHIBIT CC-5: AFFIDAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
STREET VACATION**

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

PROJECT

File No.: **VAC-25-01**
Applicant's Name: **Forward Vision Development LLC & e3 Design Concepts**
ADDRESS: **Right-of-Way Vacation of three unimproved rights-of-way sections of 4th Avenue and 5th Street**
City Council Hearing: **2/10/25**

TIDINGS

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

1/22/2025	<i>Lynn Schroder</i>
1/29/2025	<i>Lynn Schroder</i>

WEBSITE

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

1/22/2025	<i>Lynn Schroder</i>
------------------	----------------------

SIGN

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

1/23/2025	Chris Myers
------------------	-------------

STAFF REPORT was posted on the website at least 10 days before the scheduled hearing.

1/30/2025	<i>Darren S. Wyss</i>
------------------	-----------------------

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

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**WEST LINN CITY COUNCIL
PUBLIC HEARING NOTICE
FILE NO. VAC-24-01**

The West Linn City Council will hold a hybrid public hearing on **Monday, February 10, 2025, at 6:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a petition and any objections to vacate 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, and 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA, and 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB. The petition was filed by Forward Vision Development LLC, e3 Design Concepts LLC, and SDG-2 LLC on October 24, 2024.

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

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

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on February 10, 2025 to dwyss@westlinnoregon.gov or mail to City Hall.

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

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

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

NOTICE OF PROPOSED STREET VACATION

WEST LINN CITY COUNCIL PUBLIC HEARING NOTICE FILE NO. VAC-24-01

The West Linn City Council will hold a hybrid public hearing on **Monday, February 10, 2025, at 6:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a petition and any objections to vacate 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, and 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA, and 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB. The petition was filed by Forward Vision Development LLC, e3 Design Concepts LLC, and SDG-2 LLC on October 24, 2024.

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

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

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on February 10, 2025 to dwyss@westlinnoregon.gov or mail to City Hall.

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

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

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



Memorandum

Date: February 10, 2025

To: West Linn City Council

From: Darren Wyss, Planning Commission

Subject: Public Comments Received for VAC-24-01

As of 12:00pm today, four public comments were submitted after the publication of the staff report for VAC-24-01, a petition to vacate a portion of the 5th Street and 4th Avenue rights-of-way. All comments are attached.

Two additional comments were submitted after the 12:00pm written comment deadline.

If you have any questions, please contact me at dwyss@westlinnoregon.gov or 503-742-6064.

Wyss, Darren

From: jennifer aberg <aberg1jen@gmail.com>
Sent: Monday, February 10, 2025 10:12 AM
To: Wyss, Darren
Cc: aberg1jen@gmail.com
Subject: Objection to VAC-24-001 Right of Way Vacation

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

I didn't send this to the City Council, I assume you will provide this to them before the meeting tonight.
Thank you,

Dear Darren and West Linn City Council Members:

I am writing to let you know my strong opposition to the proposed vacation of the rights-of-way at 4th and 5th Avenue and 5th and 7th Street. My concerns are based on preserving the environment, public safety, and sound long-term urban planning. I urge you to carefully consider these important factors before making a decision.

Legal and Policy Considerations:

Under Oregon Revised Statutes (ORS) 271.120, a city governing body must determine whether vacating a public right-of-way serves the public interest. Given the ecological significance of wetlands in this area, I believe vacating these rights-of-way would not be in the best interest of the public. A petition by Friends of Willamette, as well as feedback from the West Linn community engagement survey, strongly demonstrate that residents prioritize environmental conservation in the city. The community's concerns align with sound legal and policy standards aimed at protecting our shared natural resources.

Environmental Preservation:

The proposed vacation areas intersect with ecologically sensitive wetlands, which provide crucial environmental services such as water purification, aquifer replenishment, and wildlife habitat. These wetlands also serve as natural flood buffers. By allowing development in these areas, we risk significant ecological degradation and the exacerbation of flooding risks. Once these rights-of-way are vacated, the city will lose control over the management and preservation of these critical ecosystems. This permanent loss could have far-reaching consequences for both the environment and the quality of life in West Linn.

Public Safety and Connectivity:

Vacating these rights-of-way would eliminate potential opportunities for future public use. This area could be considered a "view corridor" or "scenic corridor," offering access and valuable connectivity through the enjoyment of wetland wildlife and the shared beauty of the landscape. Such spaces foster a deeper connection with nature and create opportunities for community members to engage in shared experiences, further strengthening the social fabric of West Linn.

Other cities in the region have recognized the broader value of rights-of-way and incorporated them into their planning strategies for public benefit. For example:

- **Oregon City** views its rights-of-way as "valuable assets," including not just streets and sidewalks but also land set aside for utilities, and emphasizes coordinated use among public and private users to manage this resource efficiently. [orcity.org](https://www.oregoncity.org/transportation/transportation-planning/transportation-planning)
- **City of Portland** considers factors such as view corridors, tree retention, pedestrian amenities, and community uses when evaluating street vacations. According to Portland's approval criteria for vacating streets (17.84.025), any area proposed for vacation must not be needed for these critical

functions, and any potential loss of public benefit must be carefully weighed against the long-term impact on the community. portland.gov

This philosophy of utilizing rights-of-way for more than just infrastructure is also evident in other nearby cities like Lake Oswego and Milwaukie, which have integrated similar principles into their urban planning to ensure that public spaces continue to serve a variety of functions for the benefit of their communities.

Additionally, floodplain rights-of-way should be preserved to safeguard public safety. Wetlands and floodplains play a critical role in storing excess water during emergency flood situations, acting as natural buffers that protect both the environment and our community. Vacating these rights-of-way to make way for development in such a sensitive area not only places a higher number of residents at risk but also creates additional pressure on emergency response services. More residents in a potentially hazardous area increase the burden on first responders during flood events or other disasters. Preserving these pathways ensures that we maintain flexibility in emergency planning and protect public safety in the face of increasing risks due to climate change and urban growth.

Long-Term Urban Planning:

Smart urban planning emphasizes the need for forward-thinking infrastructure that supports both current and future residents. Vacating rights-of-way undermines long-term planning goals by reducing public infrastructure in favor of private development. Preserving these existing pathways ensures the city can maintain its commitment to sustainable, interconnected, and resilient growth. It is important to think beyond short-term gain and prioritize the preservation of pathways that benefit the entire community in the long run.

Conclusion:

In conclusion, I respectfully urge the City Council to reject the proposed vacation of these rights-of-way. Preserving these areas is not only an environmental imperative but also crucial for future planning. By taking a stand to protect these spaces, the City of West Linn can demonstrate its commitment to sustainable growth, environmental stewardship, and the well-being of its residents.

Thank you for considering my perspective. I trust that you will make the decision that is in the best interest of the community and future generations.

Sincerely,
Jennifer Aberg, West Linn Resident, 30 years

February 10, 2025

To: West Linn City Council

Subject: Testimony/comments RE VAC-24-01 Right-of-Way Vacations (RVACs) to support inappropriate future housing project in West Linn's highest-valued wetlands

Mayor and Council Members,

Ten days ago (January 31) I submitted to you my comments on the Dec 2024 draft waterfront plan in progress.

In those comments regarding the Ponds District I noted a dense housing area (shown in yellow shading on wetlands/floodplain land south of 5th Ave) that was entirely inconsistent with the planning framework for this District which is centered on environmental stewardship and protecting/restoring the City's water resource areas. I explained in those prior comments why the dense housing demarcation was inappropriate and should be removed from the wetland/floodplain location shown on the draft District map.

I support our city adding dense housing options (especially needed affordable housing), but they must occur at the right locations supported by infrastructure (e.g., WF Drive/I-205 corridor between Willamette and Arch Bridge Area and the Hwy 43 corridor) where they can be served/built/sold at lower cost, and where traffic and other factors won't degrade the quality/safety of our livable neighborhoods.

Just four days ago I was shocked to learn that our planning department was actually advancing a dense housing project within the boundary of our City's most significant wetlands in the Ponds District (that same shaded area mentioned above). I also learned that in a later stage of the project a hotel is envisioned on the south side of the wetlands. This is a very disturbing and inappropriate plan, and any hotel consideration further conflicts with the District framework as noted in my previous (January 31) comments. A hotel development here also conflicts with our Parks Master Plan approved in 2019.

As I mentioned in my prior comments, one of my first major endeavors as Mayor was to initiate Master Planning of our waterfront area to see that it's properly developed and that we don't make the same planning mistakes our City has made in many past developments – This is why you Master Plan!

This is especially critical when it involves our remaining water resource areas, and this is how I first got involved at a deeper level in city planning issues @15 yrs ago when I served as technical expert on our City's water resource area committee before serving on our Planning Commission (PC). Led by then City Planner Peter Spir, we rewrote Chapter 32 to reasonably protect and preserve the limited remaining water resource areas in our City after years of irresponsible/destructive development.

The ROW vacations on your agenda tonight are only needed to support a development project in direct conflict with the waterfront planning framework and community aspirations for this District. In this regard, the development would also violate the very premise of our Chapter 32 code to reasonably protect our remaining critical water resource areas.

This wetland area is not a zoo! This is our most substantial wetland complex remaining in our City and it requires restoration action, not dense housing construction within the natural area that would critically impact the habitat characteristics and functions of this complex, environmentally sensitive area.

The ROW vacations on your agenda tonight are only needed should our City intend to allow the proposed housing development in the wetlands to proceed. This development project is not in the public's interest and I'm requesting you deny these ROW vacancies to stop this irresponsible plan now and protect our City's options for

the area/properties and their future management in the public's interest. In this regard, your approval of VAC-24-01 ROW vacations would prejudice the public interest in violation of ORS 271.120.

Our community wants to work productively with our city planning, and avoid or minimize conflicts. Our planning staff is limited in its capacity and our community is not interested in creating hardships and disruption for our staff or creating unnecessary additional costs/expenses for our City.

However, if Council does not take action now to stop this irresponsible development, there will unfortunately be considerable conflict, stressed staff, wasted vital resources, and undesired legal costs for all parties.

Our community is also not interested in having developers be misled and spend unnecessarily on projects that don't get built when they fail to meet our codes and our community's planning aspirations and goals.

Again, only Council has the authority to stop this irresponsible project now and help put our planning and development of this District back on the responsible, community inspired track. As former Mayor and long-term resident deeply caring about our community and its future, I expect this leadership from you tonight by denying VAC-24-01, and at the same time provide clarity to the community toward our draft waterfront development plan in progress.

Finally, I'm asking that Council tonight direct our City Manager (J. Williams) to direct our Planning Director (D. Weiss) to have the PC immediately address the loophole problems associated with Chapter 32.080 (Alternative Review Process) that has been sitting idle on the PC docket to address for at least two years now. This is the (albeit) poorly worded section of Chapter 32 that staff has relied on to circumvent certain critical aspects of our code in order to get some projects/actions approved that otherwise would fail; this is the very section that staff has already indicated would need to be followed on the proposed (subject) housing development project.

Respectfully,

Russell B. Axelrod
Former Mayor and 34-year resident of West Linn
19648 Wildwood Drive, West Linn OR 97068
(503) 312-8464

Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, February 10, 2025 11:08 AM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Comment on VACATING A PORTION OF THE 5TH STREET AND 4TH AVENUE RIGHTS-OF-WAY

From: Marti Long <sethandmarti@comcast.net>
Sent: Monday, February 10, 2025 10:42 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Comment on VACATING A PORTION OF THE 5TH STREET AND 4TH AVENUE RIGHTS-OF-WAY

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Hello, I'm writing in opposition of vacating the right of way adjacent to Fifth Street and Fourth Avenue. A single property owner has filed to vacate the city-owned right of way, for his sole benefit. On the other hand, all of the residents of West Linn will enjoy control and enjoyment of this large piece of property undisturbed if the right of way is retained by the city. This property is a wetland adjacent to the river and bordering on a large park; residents of the entire city—not just the neighborhood—constantly enjoy walking next to this wetland. In fact, in the 2019 Parks and Rec Master Plan, it was identified as a potential West Linn park.

The city council has a duty to protect the interests of the residents of the city—there is simply no reason that this city should hand over the right of way to a developer, potentially disturbing the balance that has been created in this parcel. As has been noted by Friends of Willamette Wetlands, there's no evidence of any sort of liner, so any disturbance to the parcel could have unknown effects on the rest of the property and the water table. Disturbance of this property will definitely affect those who live close to it—we've already seen wildlife start to move out of this property and into the adjacent neighborhood. On my property, we have had an uptick in possums and skunks in the past year since more houses have been put in on Ninth Avenue.

I urge you to protect the interest of the entire city and reject this request from a single property owner.

Marti Long
2136 5th Ave

Kathy Mollusky
City Recorder
Administration

[#6013](#)

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Date: February 10, 2025

To: West Linn City Council

Subject: Concerns regarding proposed VAC-24-01

Mayor and City Councilors,

My name is Nicole Jackson and I was born and raised in West Linn for 18 years. I have recently moved back in August of last year and joined the efforts of Friends of Willamette Wetlands (FOWW).

First, I would like to thank you all for allowing me the opportunity to provide this testimony (written, as well as in person this evening) and share my concerns. I virtually attended the Land Use Training seminar held at City Hall on Wednesday, February 5th, 2025. My hope with the following testimony is to provide enough evidence to the record that a reasonable person would rely on for the criteria of ORS 271.120, to demonstrate why Council should deny the right-of-way vacation (VAC-24-01), or at the very least, pause/postpone this hearing until further evidence can be provided.

Considering Public Interest

ORS 271.120 Hearing; determination.

*“At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, **the governing body shall hear the petition and objections and shall determine** whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and **whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.** If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; **otherwise it shall deny the petition.** The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.”*

The ORS Statute 271.120 in bold above highlights an important part of the decision-making criteria: to determine whether public interest will be prejudiced by this vacation. It is my understanding that the use of “prejudiced” in this context means “cause harm to”. Vacating these rights-of-way **will** harm the public interest and public

benefit of the wetlands and hillside along 5th Avenue. Significant evidence of public interest in this area is provided below.

Community Feedback

The [Community Engagement Summary](#) for the Waterfront Project provides substantial feedback from city residents indicating a desire to preserve this area. A complete excerpt of the Ponds District feedback is attached, and below are a few key quotes from this section:

- *“The overwhelming majority of comments in this area were to retain and enhance this as a natural area with minimal development.”*
- *“There was little support and significant opposition to a hotel and to residential development.”*

As of this morning, Friends of Willamette Wetlands [Change.org petition](#) has received **over 2,970 signatures** in support of preserving the wetlands and stopping the proposed development. This is yet another source demonstrating a strong public interest to protect this wetland. Attached to this testimony are **over 30 comments from the petition** highlighting the public interest and concern for protecting this wetland and riparian area. *These comments should be carefully reviewed and considered when determining whether the public interest will be prejudiced.*

City Acknowledgement and Other City Examples

Further, the [Parks and Rec Master Plan](#) from 2019 outlines this property and ROWs in question as a “Planned Riverfront Park”. This shows that the City recognized the inherent value of this wetland for the public.

I ask you, Councilors, to take into account the examples of other cities’ approval criteria for vacating a right-of-way when considering public interest, most notably, the City of Portland.

City of Portland 17.84.025 Approval Criteria for Vacating Streets:

*“A. In considering **whether the vacation will prejudice the public interest**, the Council will consider the following factors, as relevant:*

*1. The area proposed to be vacated is not needed presently, and is **not identified in any adopted plan**, for public services, transportation functions, utility functions,*

stormwater functions, view corridors and/or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses.”

Taking this framework into consideration, the proposed ROWs to be vacated are already identified in the adopted 2019 Parks and Rec Master Plan, as mentioned above. I also ask you to think beyond just streets and utilities for a “right-of-way”. This particular area provides critical stormwater functions, as both a wetland and a floodplain. We need to keep entire floodplain “pathways” intact as a benefit to public safety. In emergency flood situations, wetlands and floodplains do a fantastic job of storing water. Rather than vacate the ROWs, I ask that you realize the importance of retaining them, while looking into stronger protections and designations for this wetland habitat (such as a conservation easement). This will serve as both a benefit to the wildlife and to the citizens of this town by preserving this area as a protected floodplain and allowing the continued opportunity for accessible wildlife viewing of beavers, river otters, and over 130 bird species.

View Corridors

When considering view corridors and/or viewpoints, it should be noted that the right-of-way identified perpendicular to 4th Street “4th Avenue (east)” has become a notable view corridor for the community. It is here that I witnessed wild river otters in the wetlands for the first time in December 2023. It is here that [West Linn High School students in AP Environmental Science visited](#) the wetlands this past fall to view the wildlife. It is here that the flat pavement of 4th Street provides accessibility to all members of the community to easily view the wetland property.

The “5th Street” right-of-way perpendicular to 5th Avenue provides similar viewing benefits to the community, where one can view the entire wetland from a higher elevation. This should also be retained as a “view corridor” for the public.

As noted in the Land Use Training last week, the city government has a constitutional right to “taking” of property that “can be the result of regulations that limit the use of the property.” City Council has the opportunity to deny this right-of-way vacation, and instead establish a conservation easement on the property.

Concerns Regarding Blue Heron Settling Pond

Integrity of the Settling Pond Berm

Evidence discovered in DEQ documents from 2012-2014 indicate that there is **no liner** in the Blue Heron Settling Pond next to the Willamette Wetlands and the “4th Avenue (east)” right-of-way. Excerpts from the DEQ documents are provided below.

2012-03-26 Blue Heron Lagoon Phase II ESA:

- Page 13/48: "A review of the as-built drawings of the ASB (PPC 1981) indicates that the lowest portion of the base of the pond is at approximate elevation of 59.5 feet AMSL. **The drawings do not appear to specify a clay or synthetic liner for the base of the ASB, nor was any type of liner indicated during this investigation.**"
- Page 20/48: "Sediment in the core samples consisted primarily of a gray clay-like material with varying amounts of small fibers and wood fragments. At the bottom of core samples F5 and E2 approximately 1.5 feet of sandy silt was observed that was indicative of native alluvial soil at the bottom of the lagoon. **None of the material recovered indicated the presence of a clay or synthetic liner.**"

2014-07-14 Final Blue Heron RI:

- Page 12/538: "...**no evidence of a clay seal or liner was discovered during CDM Smith's Phase II ESA when the sludge was sampled** using a coring device to penetrate the entire sludge interval. The base of the ASB appeared to be constructed with native sediments."
- Page 344/538: "It is likely that the **base of the ASB is in hydraulic communication with the shallow groundwater system**, given the **lack of any apparent liner** and the similar elevations of the base of the ASB and groundwater observed in site borings."

It is quite concerning that these details of no liner are conveniently omitted from the Contaminated Media Management Plan (CMMP), compiled by Evren Northwest, for the developer/current property owner. This CMMP also relies on data from over 10 years ago when the DEQ investigation was conducted. A lot can happen in 10 years, including the potential for breaching of the settling pond berm by burrowing animals (e.g. nutria).

2014-07-14 Final Blue Heron RI:

- Page 461/538: "A **large number of nutria** was also noted throughout the site, **utilizing the grassy area along the ASB berm**, and swimming in the ASB water and in the wetland."
- Page 487/538: "It is also assumed that the soil cover over the dried sludge will be of a thickness sufficient to **preclude burrowing animals (e.g., Nutria) from damaging the impermeable barrier.**"
- Page 534/538: Nutria swimming in ASB. Photo taken March 5, 2013.



Given that there is documented evidence of nutria having a large presence in the area since 2013 and their proclivity to burrow holes into berms, it is not unreasonable to consider that this has occurred in the past and has the likelihood to occur in the near future. Especially if the property owner is not required to remediate before building the proposed 52 new homes. I've personally seen five juvenile nutria next to 4th Street in just the last few weeks.

Further, upon reviewing satellite footage of the area going back over 20 years, there has been substantial water accumulation in the wetland since the early 2000s. The settling pond was built in the 1970s and the wetland at the time was heavily forested. At the time of the DEQ investigations, an ecological site assessment was conducted in early 2013, and no beavers or beaver dams were identified. Particularly next to 4th Street where the current beaver dam is in place. In fact, there is a photo from the 2013

assessment showing this very area with no beaver dam (page 536/538). How else could the water be accumulating at a notable rate from 2000-2013?

Another fact to consider is that water inputs from the former mill to the settling pond continued until summer 2013. If holes were burrowed prior to this, the hydraulics of the pond would certainly be impacted and could aid in the flow of water into the wetland.

Finally, during the DEQ assessment from 2012 to 2014, testing of the soil/sediment in the wetlands was never conducted, just 3 surface water samples with only one being adjacent to the settling pond berm. However, it is acknowledged in the same risk assessment that many of the toxins found in the settling pond tend to bind to soil/sediment, rather than float in the surface water. The soil of the wetlands needs to be tested for the presence of toxins found in the settling pond.

Public Safety

Given these recent revelations in evidence from the DEQ documents, I am very concerned as a resident of West Linn that there are not adequate measures in place to monitor potential leaking in the north berm of the settling pond as the result of burrowing animals (e.g. nutria).

It is not unreasonable to ask that the property owner conducts a thorough investigation of potential breaching of the settling pond berm adjacent to West Linn's largest wetland. Especially since this wetland feeds into Bernert Creek and subsequently the Willamette River. This is a matter of public safety to ensure that toxic chemicals (heavy metals, PCBs, dioxins/furans, etc.) are not being discharged into our water resource areas. These concerns need to be addressed while the City Council still has authority over these ROWs.

Concluding Remarks

It is no secret that the impetus for this Right-Of-Way Vacation hearing is for the property owner who plans to build [26 duplexes / 52 units](#) on this property. Vacating these ROWs, without any other conservation easements in place, gets the developer one step closer to their planned development, which as written, has significant violations of the city code, including the 100 ft wetland buffer. These duplexes will substantially infringe upon the documented boundary of the wetland, not to mention

the removal of significant trees in the surrounding habitat. **Do you, City Councilors, want this development to be your legacy?**

At the very least, I ask you to pause / postpone any decision on this hearing until further evidence can be presented to ensure the safety of the public and the wildlife in the wetland.

I am providing this testimony to the City Council on behalf of the wildlife in this wetland that has no voice¹ – who nevertheless should be included when considering public interest.

Thank you again for taking the time to consider these thoughts above and the supporting evidence attached. I encourage you to strongly consider the importance of public interest as ORS 271.120 stipulates and as you all claim to value in high regard.

Sincerely,

Nicole Jackson

¹ The 'No Voice' Perspective holds space for the voices of future generations, non-human relations, Mother Earth and others to be considered in the decision-making process. Long Ago Peoples' approach to land relationship and care included all affected parties' perspective in planning and decision-making. The Model includes "those with no voice" in all discussions and decisions made at the roundtable, and their presence is represented with a sign or symbol; The "No Voice" contribution could become a critical factor in final decision-making.

"Take care of the land; the Land takes care of you. Take only what you need."

- Native American Elder, Copper Joe Jack



(all photographs above were taken in the Willamette Wetland area)

Sources Attached:

1. FOWW Petition Comments and Waterfront Survey Responses (in email attachments)
2. Change.org Petition:
<https://www.change.org/p/protect-willamette-wetlands-and-wildlife-86c34d24-4811-4a31-916f-340d2941b0ea>
3. West Linn Parks and Rec Master Plan 2019
https://westlinnoregon.gov/sites/default/files/fileattachments/parks_and_recreation/page/5788/10_14_19_master_plan_in_word_final_final.pdf
4. WLHS environmental science students visit site of proposed Willamette Wetlands development, West Linn Tidings
https://www.westlinntidings.com/news/wlhs-environmental-science-students-visit-site-of-proposed-willamette-wetlands-development/article_2d5daf4-9543-11ef-9219-5bf9a1380430.html
5. Contaminated Media Management Plan (attached in email)
6. DEQ 2014-07-14 Final Blue Heron Remedial Investigation and Risk Assessment (attached in email)

Friends of Willamette Wetlands Petition Comments & Waterfront Survey Responses

Petition Comments

(Sources: "[reasons for signing](#)" & [featured comments](#))

2,968 Signatures as of 2/10/2025

1. I was raised next to the Willamette Wetlands. Growing up next to these beautiful wetlands inspired me to get to know and understand nature and the complex environment so close to me. I spent hours out in these wetlands exploring and admiring the plants and animals that I had once only seen in books. I hope these beauties can be preserved for future generations.
2. I have lived by the wetlands my entire life. Every time me and my sister went on a walk we went into the wetland area, and there were many animals and bird nests. We need to protect the wetlands in order to preserve the habitats.
3. These species and this climate needs our help! There is no need to destroy this habitat for homes that would be hard to sell anyway!
4. It's possible to develop while prioritizing sustainability. That's the sign of an organization that cares. It's not impossibly difficult.
5. I live in West Linn. Everything that makes this place special is systematically being compromised by a complete lack of vision and greed. West Linn is a highly sought place to live and contractors have dollar signs in their eyes and I'm sick and tired of it. As long as they can make an almighty buck. And frankly, I've lost faith in our local politicians because they are not good caretakers of this beautiful place. Please save Willamette Wetlands. This place not only belongs to the people but it is home to wildlife too.
6. Wetlands are among the most vital habitats and high value ecosystems. The creatures who depend on them can't speak for themselves. Wetlands are our natural stormwater detention or retention ponds.
7. Willamette is really cool and i would be extremely sad if a bunch of ceos decided "hey let's build some stuff in a flood zone" then have to spend all the money they put into building back into cleaning up a destructive flash flood.

8. The Willamette Wetlands is a lovely spot with lots of birds and a quiet place to walk. Please keep it the way it is! It is a flood zone - no more building in flood zones!
9. This will destroy an important part of our neighborhood if allowed to move forward. It will also create more traffic in an already over crowded streets. 50 apartments is an additional 100 or more cars and 400 people. Please don't ruin our quiet historic neighborhood!
10. Be a voice for the voiceless! Protect them!
11. Wetlands and wildlife should be protected in the upmost way before anything else. Do not ruin a beautiful area.
12. Beavers are essential to our ecosystem, and we need to protect them!
13. This is a horrible decision for the environment, the climate, and the animals we share this planet with. Please stop! I will not want to be in West Linn anymore if this continues.
14. I do not live in the immediate area but do frequently enjoy the fishing and outdoors there. Beavers are an important component to the watershed's ecological health. Interference with their habitat along the Willamette for any amount of economic gain is disgusting. No real Oregonian could condone this. I am in the trades and make my living building Oregon's infrastructure. These projects aren't necessary and should not be displacing rare native wildlife. Put yourself on the right side of history and in your old age be able to tell people you defended Oregon's wild spaces and wildlife. They can't defend themselves.
15. How can this even be considered? The restrictions about building on wetlands no longer exist??? Not to mention, this area is so inaccessible for the people who already live here! It's going to make those hilly, treacherous roads even more dangerous. This is just a bad idea all around!
16. West Linn wants to tout "Tree City USA". Developing every square inch of land will make this city no better than any other. It will just blend into obscurity. With an elementary school so close, and we no longer have outdoor school, I can still take my kids to this area to show them nature, not on a tablet/PC. This area is a wealth of learning potential. This area is showing how humans and nature can co-exist.
17. I have lived in this area for 32 years. Not only is this bad for the ecosystem, it is bad for the neighborhood. This is without a doubt the worst idea I've heard/seen for this area. City council, mayor, put a stop to this now.

18. Incomprehensible to me. Destroy a natural wonder for greed? Find somewhere else where beaver and eagles don't live.
19. We need to protect wetlands. Wetlands provide critical wildlife habitat and allow the river to expand during floods. Additionally the city is not requiring adequate infrastructure upgrades to support this development. Should a disaster, like a fire, strike the neighborhoods, there are not enough ways for existing residents to safely leave the area let alone add another 52 households. This is willfully irresponsible by the city.
20. The wear and tear on existing streets from heavy construction vehicles is not being addressed. Existing home owners are living through major noise and pollution and post-construction we will have crumbling roads and many more drivers on them. The path to the elementary school is up 9th to 5th—the same as the construction traffic. The roads are narrow, sidewalks in disrepair and there are many pedestrians. This is not safe! Any developer should have to do major upgrades to the adjacent streets if allowed at all.
21. I live in the area and frequently run, walk, and bike down 5th Avenue down to Vlopp. 5th avenue is utilized by so many to get out side, say hello to neighbors and enjoy our local wildlife. I often witness Eagles in the area and I truly believe they will not nest here if this build goes ahead.
22. This will destroy West Linn's Wetlands and wildlife habitats. How will our schools handle all these additional residents? Schools are already getting overcrowded with the recent neighborhood developments.
23. The wetlands are to be protected. Development and big money should not be a deciding factor in going against habitat and wetland rulings in place.
24. I think we take too much from the land as it is. This is wrong and money grabbing.
25. Wetlands need to be protected. We don't need more homes and congestion in West Linn.
26. Wetlands are critical habitat that need to be protected.
27. City of West Linn code states development must be at least 100 feet from wetland borders. The "Rivianna Beach" proposed duplex lots are much too close to the borders of the wetland, some literally on the wetland border. This is unacceptable and violates state and federal wetland protections.
28. We are facing an extinction crisis. People have plenty of habitat to live in already.

29. Obviously, it's the right thing to do to promote and save the wetlands.
30. Even 100 yards is too close to such an important wetland area. Those construction trucks, plus all the worker's vehicles create a real hazard with the noise and such. Additionally, the developers should always be required to supply more for the infrastructural impact, such as; all impacted roads, fire and police departmental impacts, schools, etc. I may not be local, but these issues are important, especially for the ecological future. It's not like they can just offer a new apartment to the affected species.
31. The infrastructure of willamette area does not support this development. It would also disturb the wetlands and animals.
32. As a lifetime resident of Willamette, the detriment and destruction to our coveted community would be enormous. Wildlife prospers on this specific area and the loss would not be something we could recover from.
Greed over the peace and calm that we enjoy is the issue, PLEASE don't let our neighborhood get overtaken by the commotion that will ensue if this project is allowed. If you enjoy the peace and calm, it will be LOST, literally, forever.

West Linn Waterfront Community Engagement Summary (Survey Results)

[Pond District Survey Results](#) on start on page 15/40

General themes heard from community engagement for this district include:

Support:

- The overwhelming majority of comments in this area were to retain and enhance this as a natural area with minimal development. There was also a desire to see environmental clean-up of the ponds to help restore wetlands and species habitat.
- People also wanted increased access to open space with more trails in the area as well as access to the river for paddling, swimming, and fishing. There was few comments and only mixed support for a more intensive marina.
- There was limited support for more intense development in the area because of the potential impact on natural areas and wetlands. There was little support and significant opposition to a hotel and to residential development. There were

concerns that these uses would contribute significant traffic to the narrow streets in the area and would also need to be resilient to flooding in this area.

- There was general push back to creating sports fields in the District and people identified that there were already other locations in West Linn for this use. Nevertheless, there was some support for a community pool that does not currently exist in West Linn.

Concerns:

- These are documented above, but mostly related to the impact of more intense development types on natural areas, wetlands, and wildlife habitat. There were also concerns related to the potential traffic generation of these uses and the impact on the existing neighborhood.
- Although people identified a strong interest in wetland restoration, there were concerns raised about the need for and cost of environmental remediation of the ponds. There may be opportunities for federal, state, or regional funding to support this.

Some quotes that captured some of the more common themes above included:

- “We do need to keep this area natural and preserved. While also connecting it to all the other sites around it. It would be so cool to have a walking/hiking/biking trail that could go from Historic Willamette district all the way even to Lake Oswego!”
- “Wetlands and species restoration should take precedence over ball fields and sports use, except for water recreation; kayak, SUP, and canoe use. Wetlands are critically, shrinking habitats that perform crucial pollution filtering and flood mitigation roles.”
- “Wetlands and beaver are important. Along with eagles, wildlife and bird watching.”
- “This area should NOT include a sports complex, hotels, a marina or imitation lagoon, high density housing or any other development. This is an important wetlands area that should be protected and kept as natural as possible. Put any large development in the previous two areas and maintain this area as a wetlands preserve with trails for walkers, birders and nature lovers. This area is what makes West Linn so special.”
- “The Pond Redevelopment seems like it should be two districts, with the east end for nature and preservation, and the west end for development and an extension to the Willamette commercial and housing area.”
- “There is not good access, traffic is in the neighborhood that has narrow streets and no through access.”

Comments on the Draft Vision Plan ([Link](#))

1. The Pond Redevelopment District should be "redeveloped" as wetlands. The land was once wetlands, but a mistake was made in turning the area into waste lagoons. Let's not make another mistake by paving over the area for the quick benefit of developers and builders. This area is wetlands. Period. As stated previously, building any kind of structures on the highly unstable soil in this area is pure folly. There are means with which this land can be acquired, but the city and its citizens must first have the will to do it. Again, any other development in the pond area other than returning it to wetlands is pure folly.
2. The pond redevelopment district consists of wetlands that need to be preserved and not disturbed, this should be the first item reviewed. Additionally, before anything gets approved/built in that area, infrastructure must be improved. The City should not allow any development until the streets/sidewalks/lighting/fire hydrants etc. are all in place. After that is built, then deliberate intentional housing should be reviewed/approved/developed with neighborhood input. We should not allow a builder to jam as many structures as they can in an area, this neighborhood cannot support the number of new cars this will introduce.
3. I recently read the West Linn Natural Hazard Mitigation Plan and was struck by the section on the problem of liquefaction in the low-lying zones next to the Willamette River that now contain settling ponds previously or currently linked to paper manufacturing. Although the waterfront development plan recognizes the engineering challenge of building on a flood plain, it does not acknowledge the challenge of building on soil that will turn into pudding in the event of a sizable earthquake with a high likelihood of taking place in the next century,. Having seen the impact of such an earthquake on a new rugby stadium built on an area that was subject to liquefaction in Christchurch, New Zealand a few years ago, it seems wise not to forget this possibility as potentially millions of dollars are invested in this project.
4. This area is identified in the draft vision plan as Intertribal Public Access. Where does this boundary come from? This is currently a "study area only" in an agreement between Willamette Falls Trust and PGE. I don't believe it is appropriate to designate this area before the waterfront plan is completed. It seems more appropriate to have extensive "public access", all of which would include recognition of indigenous current and past uses.
5. Protecting and preserving the wetlands and creek green zones in the pond redevelopment district must be given priority. Protecting that habitat must be the top priority in that area, and housing should only be developed with

neighborhood input. The streets and infrastructure in this area are not equipped to handle large amounts of traffic. Furthermore, traffic, parking etc, will all have its own environmental impact. Of the options, the cultural heritage district seems most actionable and most straightforward. Those old industrial buildings appear to be in various stages of decay, and reusing and repurposing that infrastructure would be a smart use of city funds.

6. Comments from PGE:

PGE GUIDING PRINCIPLES

- The T.W. Sullivan plant will continue to operate and provide clean electricity.
- The Willamette Falls Locks will be open and operational.
- Transportation access and improvements will be consistent with ODOT and City plans.
- Historical and cultural aspects of the site will be included in any plans for redevelopment.

Portland General Electric Company (PGE) has owned land on the west side of the Willamette Falls, including a portion of an island, for well over a century. It is the birthplace of the first long-distance transmission of electricity and home to PGE's federally regulated and licensed Sullivan hydropower plant. PGE prioritizes stewardship of fish, wildlife and the environment at the falls. Paper mills have operated on the island for over a century and continue operating even today. PGE has participated in various activities regarding the future of the property. As part of the broader West Linn Waterfront Redevelopment planning process in 2018, PGE and the City of West Linn engaged with stakeholders and the community to explore future possibilities for our land. In 2021, PGE shared with stakeholders and community members the dangerous conditions of some papermaking buildings. We gathered ideas about preserving the industrial history. PGE consistently heard significant interest in honoring the history of the property while looking to future uses, preserving and protecting the environment and providing scenic views in a setting the whole community could access and learn from.

7. It would be preferable to see a focus on environmental restoration instead of land development at the blue heron ponds. With these being within in the 100 year flood plain, it feels unwise and extremely expensive to make major housing and structural investments in these areas.

Based on the map, most of the priority program area designated for this district is relying on the development of these ponds.

Although not formally designated as wetland, what studies have been done to determine environmental impacts and current wildlife populations in the ponds? The animals and birds in the area don't know where we draw lines on a map....

8. The Rivianna Beach proposed housing development (26 duplexes) along 5th Ave is in an ecological corridor and the project area overlays with key wetland areas.

https://westlinnoregon.gov/sites/default/files/fileattachments/planning/meeting/56318/pa-24-07_applicant_submittal.pdf

This particular project's potential development/approvals should not precede the broader waterfront development discussion, ongoing public feedback process, and wetland/environmental due diligence.

9. Can a Pool please be considered for one of the other redevelopment areas? We would LOVE a pool but do not want to trade preserving the wetlands to get one...

Links to Sources Listed Above:

1. Change.Org Reasons for Signing:
<https://www.change.org/p/protect-willamette-wetlands-and-wildlife-86c34d24-4811-4a31-916f-340d2941b0ea/c>
2. Change.Org Featured Comments:
<https://www.change.org/p/protect-willamette-wetlands-and-wildlife-86c34d24-4811-4a31-916f-340d2941b0ea/feed>
3. Pond District Survey Results:
https://westlinnoregon.gov/sites/default/files/fileattachments/planning/meeting/56481/community_engagement_summary_06.20.24.pdf
4. Comments on Draft Vision Plan:
<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:d3ac160d-edd5-47e9-b8ae-61c62dc86c9a>



CONTAMINATED MEDIA MANAGEMENT PLAN



FORMER BLUE HERON PAPER MILL AERATED SETTLING BASIN

1317 Willamette Falls Drive
West Linn, Oregon

Prepared for:

SDG-2, LLC

Attn: RJ Schultz

Issued on:

February 26, 2024

Project No. 927-20005-09

EVREN NORTHWEST, INC.
P.O. Box 14488, Portland, Oregon 97293
T. 503-452-5561 / E. ENW@EVREN-NW.com

Purpose

This Contaminated Media Management Plan (Plan) must be followed by any person or entity hired or granted permission to conduct surface and subsurface work on the subject site (Former Blue Heron Paper Mill Aerated Settling Basin, 1317 Willamette Falls Drive, West Linn, Oregon). This Plan applies to site development, operations, maintenance, and other work, and:

- Has been designed as a tool for architects, engineers, and others involved in the design, planning, and implementation of subject site redevelopment.
- Has been prepared in accordance with State of Oregon requirements.
- Outlines methods to minimize risk to human health and the environment from historic contamination beneath the site.
- Provides guidance for managing impacted soil, sludge, surface water, and ground water.

ANY FIRM or INDIVIDUAL involved with earthwork / subsurface work who has the potential to encounter soil, ground water or surface water at the subject site should review, understand, follow this Plan, and sign the Acknowledgement attached as Attachment A.

Use

This Plan has been prepared for use during site redevelopment. The property owner must provide a copy of this Plan to any firm or person with the potential to come in contact with the contaminated media at the subject site (e.g., contractors, maintenance workers, landscapers, utility companies, etc.) prior to starting surface or subsurface work.

The Plan includes generic requirements for conducting surface and subsurface work. Detailed sampling/work plans may need to be developed, depending on the nature of the subsurface work at the property. The Plan covers the following:

- Explains the current understanding of impacted media at the site.
- Details contractor, subcontractor, field personnel and permitting requirements.
- Outlines guidance and requirements for managing impacted media in a manner that is protective of human health and the environment.

This Plan should be reviewed and signed by any person involved in any work with the potential to come in contact with contaminated media at the subject site prior to site work. A copy of this Plan will be made available to all personnel involved as a reference, with at least one copy being kept onsite during work. In order to document review and understanding, an acknowledgment page has been prepared (Attachment A) and should be signed by anyone conducting work involving contaminated media at the site prior to the commencement of this work.

Plan Revisions

Users of this Plan are advised that Oregon Department of Environmental Quality (ODEQ) regulations and other applicable state or federal regulations and guidance may change in the future and applicable regulations should be reviewed prior to commencing any subsurface work. If it is believed that local and State regulations related to contaminated soils have changed, revisions to the Plan may be necessary to reflect current regulatory standards. Additionally, the Contact Information listed in Attachment B should be kept current.

This

Contaminated Media Management Plan

for:

**Former Blue Heron Paper Mill
Aerated Settling Basin**

1317 Willamette Falls Drive
West Linn, Oregon
ECSE # 5717

Has been prepared for the sole benefit and use of our Client:

SDG-2, LLC

Attn: Robert J. Schultz

and its assignees

Issued

February 26, 2024

by:



Assumptions and Limitations

This Contaminated Media Management Plan (Plan) is designed to provide earthwork contractors with guidance for the proper handling and management of potentially contaminated media. This document is intended to be used as a general overview document for use by the excavation contractor during any earthwork completed at the project site. This Plan is reflective of site conditions discovered through environmental site assessments. Required actions described in this Plan are consistent with State of Oregon and Oregon Department of Environmental Quality rules, regulations and guidance enforceable and available as of the date of issue. The user of this Plan is advised to check for any updates that may be applicable to a specific scope of work being conducted under this Plan. Each contractor and subcontractor are responsible for the safety of its employees, including compliance with applicable OSHA regulations and compliance with all specifications for the project.

No warranties are expressed, or implied concerning potential contaminants or environmental media not addressed through sampling and analysis. EVREN Northwest, Inc. is not responsible for conditions or consequences arising from information not available at the time of Plan preparation. This Plan was prepared in accordance with generally accepted professional practice in the area at this time for the exclusive use of our client and their agents or authorized third parties. No other warranty, either expressed or implied, is made.

Table of Contents

1.0	Site Setting & Environmental Conditions	1
1.1	Site Location and Setting	1
1.2	Summary of Regulatory and Environmental Investigation History	2
1.3	Overview of Known Residual Contamination	4
2.0	Site Work Initiation	5
2.1	Notifications, Permits and Other Approvals	5
2.2	Contractor Requirements	5
2.3	On-Site Personnel	6
2.4	Health and Safety Plan	6
2.5	Corrective Action	6
3.0	Soil and Sludge Management.....	6
3.1	Identification of Impacted Soil and Sludge	7
3.2	Field Screening Protocols.....	8
3.3	Management of Impacted Soil and Sludge	9
	3.3.1 Stockpiling.....	9
	3.3.2 Characterization of Soil and Sludge to be Exported.....	10
	3.3.3 Off-Site Disposal of Impacted Soil and Sludge	10
	3.3.4 Off-Site Disposal of Soil and Sludge Containing Buried Debris	11
3.4	Cultural Resources	11
3.5	Import Fill Characterization	11
3.6	Protective Measures for Workers.....	11
3.7	Protective Measures for the Environment	12
3.8	Record Keeping	12
4.0	WATER MANAGEMENT.....	13
4.1	Managing Removed Water	13
4.2	Record-Keeping for Removed Water	13

List of Figures, Tables, and Attachments

Figures

- 1 Site Vicinity Map
- 2 Site Plan
- 3 Sampling Location Diagram

Tables

- 1 Summary of Analytical Data, Soil
- 2 Summary of Analytical Data, ASB Sludge
- 3 Summary of Analytical Data, Ground Water and Surface Water
- 4 Further Evaluation of COPCs, Surface Soil
- 5 Further Evaluation of COPCs, ASB Sludge
- 6 Further Evaluation of COPCs, Ground Water
- 7 Further Evaluation of COPCs, ASB Water
- 8 Further Evaluation of COPCs, Wetland Surface Water

Attachments

- A Acknowledgement Signature Page
- B Site Contacts

List of Acronyms and Abbreviations

ASB	aerated settling basin	ITRC	Intestate Technology &
AST	above-ground storage tank		Regulatory Council
bgs	below ground surface	MRLs	method reporting limits
CDM	CDM Smith	NPDES	National Pollutant Discharge Elimination System
CFSLs	clean fill screening levels		
Client	SDG-2, LLC	OAR	Oregon Administrative Rule
COCs	constituents of concern	ODEQ	Oregon Department of Environmental Quality
COPCs	constituents of potential concern		
D/F	dioxins/furans	OSHA	Occupational Safety & Health Administration
DRO	diesel-range organics	PCBs	polychlorinated biphenyls
DU	decision unit	PID	photoionization detector
E&E	Ecology & Environment, Inc.	PPE	personal protective equipment
E&ES	Easement & Equitable Servitude	ppmv	parts per million by volume
ELCR	excess lifetime cancer risk	RBC	risk-based concentration
ENW	EVREN Northwest, Inc.	RCRA	Resource Conservation and Recovery Act
EPA	U.S. Environmental Protection Agency		
ERA	Ecological Risk Assessment	RI/RA	Remedial Investigation and Risk Assessment
ESA	Environmental Site Assessment	RRO	residual (oil)-range organics
HASP	Health and Safety Plan	SAP	sampling and analysis plan
HHRA	Human Health Risk Assessment	SLRBCs	screening level risk-based concentrations
HI	hazard indices (non-cancer)		
ISM	Incremental Sampling Methodology	TPH	total petroleum hydrocarbons
		VOCs	volatile organic constituents

1.0 Site Setting & Environmental Conditions

This Plan applies to the property located at 1317 Willamette Falls Drive in West Linn, Oregon (subject site or subject property). Please reference Figure 1 for a site vicinity map and Figure 2 for site features. The site is # 5717 on ODEQ's Environmental Cleanup Site Information database.

1.1 Site Location and Setting

The subject property is located on the north side of the Willamette River, approximately three miles southwest of the City of West Linn. It is north of Volpp Street and bisected by 4th Street, with a situs address reported as 1317 Willamette Falls Drive, West Linn, Oregon. The subject property is irregular in outline, measures approximately 39.15 acres and is currently developed with an approximately 15-acre aerated settling basin formerly used for industrial wastewater treatment by the Blue Heron Paper Mill. The City of West Linn's current zoning for the area north of 4th Avenue is R10 – Single-Family Residential Detached and the area south of 4th Avenue is GI – General Industrial. The properties adjacent to the east and south are zoned GI. The properties adjacent to the north and west are zoned R10.

Historical Use. As described by CDM Smith (CDM),¹ the property was developed with an aerated settling basin (ASB) to receive industrial wastewater and storm water from the former Blue Heron Paper Mill (and its predecessors). This paper mill operated from 1972 until early 2011, when the mill was closed. The ASB received wastewater from the mill via a 3-mile-long pipeline that runs under the Willamette River, continues aboveground, and extends underground onto the subject site from the east side of the property.

Wastewater from the mill's primary treatment clarifier, chemical recovery area, cooling water, and storm water was pumped to the ASB for treatment. Treatment methods included settling of solids and use of microorganisms to facilitate the breakdown of organic matter in wastewater. Treated water discharged through an outfall (Outfall 001) to the river at River Mile 27.8 under a National Pollutant Discharge Elimination System (NPDES) permit. Solids settled as sludge remained in the ASB. It appears that the only discharge of waste sulfite liquor, an historical waste by-product of the chemical pulping processes, to the property was a one-time failed experiment in 1951 when 47,700 gallons of waste sulfite liquor was deposited into an asphalt-lined 50 x 50-foot waste pond in the approximate area of the current ASB boat house. All this waste sulfite liquor leached into the ground from this pond over an 18-day period. In addition to the sulfite pulping process, it has been reported that chlorine was likely used to bleach pulp at the site between the years 1972 and 1983, when magnesium sulfite processing was commonly used. The use of elemental chlorine to bleach pulp and sulfite-based pulping are both associated with the generation of dioxins/furans.

From July 2012 to August 2013, NRI Global, Inc, discharged storm water and wastewater to the ASB under an agreement with Clackamas County Service District No. 1/Tri-City Service District that water discharged be "treated Compliant Wastewater meeting all effluent limits and other requirements of the permit." The

¹ CDM Smith, *Remedial Investigation and Risk Assessment, Blue Heron Paper Company, Aerated Stabilization Basin Site, 1317 Willamette Falls Drive, West Linn, Oregon 97068*. Dated April 7, 2014.

agreement specifically prohibited discharge of bulk chemicals including oil, coolant, organic solvents, transformer oil, or fuel.

Paper recycling activities were also historically conducted at the mill. Low concentrations of heavy metals may be found in de-inking sludges. Additionally, polychlorinated biphenyls (PCBs) were used in coatings on the back of carbonless paper and could have contributed PCBs to the waste stream.

The ASB has been dredged four times between 1978 and 1999, although dredging never resulted in the removal of all sludge. The average amount of sludge left after each dredging event ranged from 4 to 9.3 feet. The thickness of remaining sludge in the ASB is estimated to range from 1.3 to 16.2 feet. Since the mill shut down, the water surface has never dropped low enough to expose the surface of the sludge.

Topography. Topography at the subject property is irregular, but generally slopes to the southeast towards the Willamette River. The highest elevation (around 120 feet above mean sea level) is located at the north edge of the site, along 5th Avenue. See Figure 1.

Geologic Setting. According to previous reporting² the subject property lies within the Willamette Trough or Willamette Lowland, which is an elongated north-south trending depression located between the Cascade Range to the east and the Coast Range to the west. The trough is divided by folded and distorted bedrock and basalt outcrops into several structure basins, including the central Willamette Valley basin, in which the subject property is located. The bedrock and basalt are overlain by unconsolidated basin-fill sediments consisting of recent alluvium near the surface and by deeper sedimentary units originating from the catastrophic Missoula floods, older alluvial fans, streams, and lakes. The site is reportedly underlain by fine-grained alluvium consisting primarily of sandy silt and silty sand, with occasional layers of silt, sand, and gravel.

Surface Water and Ground Water. Previous investigations¹ have identified ground water beneath the site to be between approximately 10 and 17 feet below ground surface (bgs). Comparison of the elevation of the base of the ASB to ground water elevations measured in onsite monitoring wells suggests some amount of hydraulic communication between water in the ASB and ground water. However, previous reports have indicated that the permeability of the base and sides of the ASB is very low and thus the ASB has little impact on the overall ground water flow at the site. In line with the general topography at the site, ground water flow underneath the property is generally to the southeast, toward the Willamette River.

1.2 Summary of Regulatory and Environmental Investigation History

Previous environmental investigations are described in detail in CDM's 2014 Remedial Investigation and Risk Assessment.¹ As reported by CDM, highlights of work completed to date are as follows:

- In 2008, Ecology & Environment, Inc. (E&E) completed a site inspection for the entire Blue Heron Paper Company facility on behalf of the U.S. Environmental Protection Agency (EPA), which included limited sampling on the subject site.

² CDM Smith, *Phase II Environmental Site Assessment, Blue Heron Paper Company, Aerated Stabilization Basin Site, 1317 Willamette Falls Drive, West Linn, Oregon 97068*. Dated March 26, 2011.

- In April 2008, Maul Foster & Alongi, Inc. completed a Phase I and Phase II Environmental Site Assessment (ESA) for the subject site.
- Sampling and analysis of the ASB sludge was conducted on several occasions in order to gain approval of land application of the sludge prior to dredging.
- Discharge water from the ASB was sampled to comply with the NPDES permit.
- In 2011, Bridgewater Group Inc. investigated PCBs in soil.
- CDM completed Phase I and Phase II ESAs for the site in 2012.

In 2014, CDM completed a Remedial Investigation and Risk Assessment (RI/RA) for the property, which included analytical results of additional surface soil, ground water, ASB water, and wetland surface water sampling, a Human Health Risk Assessment (HHRA), and an Ecological Risk Assessment (ERA).

The HHRA was performed under several assumptions, including that no residential receptors would be present on site in the future and that impacted sludge and soil on site would be encapsulated. Therefore, the HHRA did not evaluate risk to future residents or occupational workers at the subject site.

CDM made the following conclusions in their HHRA report:

- The total excess lifetime cancer risk (ELCR) to current onsite ASB workers was below Oregon Department of Environmental Quality (ODEQ) acceptable limits; however, non-cancer hazard indices (HI) for an onsite worker were greater than ODEQ acceptable limits.
- The total ELCR to future construction/excavation workers on site was below ODEQ acceptable limits; however, HI for future construction/excavation workers were greater than ODEQ acceptable limits.
- No exposure of current residents to constituents of potential of concern (COPCs) was identified.

In June 2018, ODEQ accepted CDM's RI/RA with the following assumptions:

1. Based on the reports, and communications above, it is clear that the site may be redeveloped for a use other than a park, and therefore may include commercial uses. This is a change from the redevelopment assumptions ODEQ outlined in the letter dated January 14, 2014. Based on the land use zoning at the site (General Industrial), however, the HHRA concludes that there will be no residential development at the site.
2. The site is described as having two single family residences on the property, but based on zoning, the Residential Exposure Pathway is considered incomplete. This exposure pathway is considered complete by ODEQ, both now and in the future, but concludes based on the screening performed in the RI that only sludge and a minimal volume of surface soil exceed residential risk-based concentrations (RBCs). Exposure to these materials following site redevelopment is not anticipated as soil is expected to be relocated to the sludge pond area, and both this soil and sludge capped eliminating the potential for direct contact.
3. As stated by ODEQ in our meeting on January 28, 2014, ODEQ considers the ground-water-to-surface water (Willamette River) pathway to be complete. The Final Report has omitted this correction. ODEQ will require ground water monitoring following initial construction (dewatering, sludge management, etc.) to confirm that there is no unacceptable risk to surface water.

4. Slight differences exist within the HHRA and the ERA on the conclusions regarding the area of surface soil represented by soil sample CS-3. ODEQ concludes that this small volume of soil is *de minimis* and can be managed by placing it in the ASB pond following dewatering activities. The surface soil can then be managed with the ASB sludge based on similar contaminant concentrations.
5. ODEQ approves of the proposed management of the ASB sludge on-site and will require an Easement and Equitable Servitude (E&ES) to prevent its disturbance by future development of the site, and maintenance of the ASB cover to prevent disturbance by burrowing animals (e.g., nutria).

In 2023, an updated HHRA³ was performed by ENW that confirmed ODEQ's conclusions regarding media of concern assuming future residential development of the subject site.

1.3 Overview of Known Residual Contamination

The known impacts of site contaminants to site media are summarized in this section based on reporting by CDM. Refer to Tables 1 through 3, and Figure 3.

Soil

Sampling results indicate some impacts of DRO, RRO, and dioxins/furans (D/F) in surface soil downgradient of the ASB; however, only D/F in surface soil at one location (sample location CS-3, see Figure 3) exceeds its screening level risk-based concentration (SLRBC).

ASB Sludge

Concentrations of petroleum hydrocarbons (GRO, DRO, and RRO) were generally detected at concentrations exceeding respective SLRBCs in most samples of sludge previously collected from the ASB. D/F and PCBs, while present at much lower concentrations, also typically exceed their respective SLRBCs. Overall, metals concentrations in the ASB sludge are comparable to background soil concentrations.

Ground Water

D/F and PCBs were not detected in ground water, which is consistent with the low overall concentrations of these constituents detected in the sludge and their low mobility in the subsurface. Petroleum hydrocarbons (DRO and RRO) detected at BH-4 are consistent with the petroleum hydrocarbons identified in ASB sludge and ASB water. Similarly, metals (arsenic, manganese, and nickel) concentrations are consistently highest at BH-4, which is located near surface soil sample CS-3, south (downgradient) of the ASB. The low concentrations of metals in the sludge and surface water indicate that the overall higher metals concentrations in ground water are likely related to redox conditions specific to the ground water. These ground water impacts appear to attenuate within a short distance downgradient of the ASB, based on the results from monitoring well BH-5, which is located approximately 100-feet south-southeast, downgradient of BH-4.

ASB Water

Similar to the ASB sludge results, ASB water appears to be impacted by low concentrations of DRO and RRO and D/F, with the concentration of DRO and D/F exceeding their respective SLRBCs. Concentrations

³ ENW, February 3, 2024. *Human Health Risk Assessment (Updated 2024)*, Former Blue Heron Paper Mill Aerated Stabilization Basin, 1317 Willamette Falls Drive, West Linn, Oregon: Prepared for: SDG-2, LLC, Attn: RJ Schultz.

of select metals were either detected at concentrations below their respective SLRBCs (total manganese and nickel) or were detected at concentrations below those typical of background concentrations in surface water (total arsenic).

Wetland Surface Water

Wetland surface water appears to be impacted by D/F at a concentration exceeding its respective SLRBC. Concentrations of select metals were either detected at concentrations below their respective SLRBCs (total manganese and nickel) or were detected at concentrations below those typical of background concentrations in surface water (total arsenic).

DRO in ASB sludge was identified as a potential risk to construction workers. None of the other soil, ASB sludge, surface water, or ground water impacts were identified as a potential risk to construction or excavation workers. The media-handling protocol described in this Plan is intended to minimize the risk to site workers during earthwork.

Please reference Figure 3, Sample Location Diagram, for sampling locations. Table 1 provides a summary of soil sampling results, Table 2 provides a summary of ASB sludge results, Table 3 provides a summary of ground water and surface water sampling results, Table 4 provides further evaluation of COPCs for soil and Table 5 provides further evaluation of constituents of potential concern for ASB sludge, Table 6 provides further evaluation of constituents of potential concern for ground water, Table 7 provides further evaluation of constituents of potential concern for ASB water, and Table 8 provides further evaluation of constituents of potential concern for wetland surface water.

2.0 Site Work Initiation

This section describes work to be conducted and requirements to be met prior to beginning site work.

2.1 Notifications, Permits and Other Approvals

All notifications, legally required permits or other approvals required to conduct the work to be performed will be made or obtained prior to starting work at the site. State, county, and city permits, and related plans may include but are not limited to:

- ODEQ: a National Pollutant Discharge Elimination System (NPDES) 1200-C Construction Stormwater General Permit, an Erosion and Sediment Control Plan, Environmental Management Plan, and Best Management Practices.
- Clackamas County: development, entrance, grading, right of way, and utility, among other building related permits such as plumbing, electrical, and mechanical.
- City of West Linn: Building Permit and Site Development Application, along with other permits such as plumbing and mechanical.

2.2 Contractor Requirements

Contractors and/or subcontractors hired to conduct surface and subsurface work at the site should be competent and experienced in the management of media impacted with hazardous substances. Pre-planning of anticipated work with the Environmental Consultant (contact information in Attachment B) is recommended.

2.3 On-Site Personnel

All field personnel who have the potential for coming in contact with impacted media should:

- Have a copy and be familiar with the site-specific Health and Safety Plan (HASP, see Section 2.4).
- Have reviewed this Plan and signed the acknowledgement page (Attachment A). The signed acknowledgement pages will be available for the property owner's or site management's inspection and permanent record-keeping, if requested.

2.4 Health and Safety Plan

Any contractor conducting earthwork at the subject site must prepare and implement a site-specific Hazard Communications Plan. The Hazard Communications Plan fulfills "worker right to know" requirements (29 CFR 1926.59). A copy of the Hazard Communications Plan must be submitted to the property owner prior to the start of work on the project. During work on the project, the Hazard Communications Plan must be posted at the project site. The general contractor is responsible for notifying any subcontractors of pertinent environmental conditions. Subcontractors may either adopt the prime general contractor's Hazard Communications Plan or must prepare their own Hazard Communications Plan. This document should be used in conjunction with, not in place of, the Hazard Communications Plan and the project specifications. The general contractor and subcontractor are responsible for the safety of its employees, including compliance with applicable Occupational Safety & Health Administration (OSHA) regulations, and compliance with all specifications in the technical specifications for the project.

In addition, a HASP specific to the work to be performed will be prepared according to industry standards. At a minimum, OSHA standards specific to the work to be performed will be met. The HASP should be prepared by a qualified specialist knowledgeable about health and safety issues, the contaminants identified at the site, the previously documented site conditions, and the proposed contractors' scope of work.

2.5 Corrective Action

If the requirements outlined in this Plan are not fully or timely completed, the property owner or Project Manager may take appropriate corrective action to meet the intent of this Plan.

3.0 Soil and Sludge Management

ODEQ requires contaminated media to be adequately characterized to determine management options. While it is not expected at the subject site, when soil/sludge is highly contaminated, the generation, treatment, transportation, and disposal may fall under both state and federal hazardous waste

regulations.⁴ Contaminated media that is not hazardous waste is regulated under Oregon Administrative Rule (OAR) Chapter 340-093 for solid waste.

For the purposes of this Plan, contaminated soil/sludge is defined as soil/sludge with concentrations of hazardous substances greater than ODEQ's clean fill screening levels (CFSLs, ODEQ, Feb. 2019), or SLRBCs (see OAR 340-122-0115). It is important for field personnel to know how to identify, characterize (if appropriate), and manage contaminated soil/sludge.

A detailed sampling and analysis plan is outside the scope of this document as the specifics would be determined by the scope(s) of work to be conducted at the site. To minimize expenses from any surface or subsurface project, we recommend reviewing the scope with the Environmental Consultant.

3.1 Identification of Impacted Soil and Sludge

See Section 1.3 for an overview of known residual soil and sludge impacts on site. It should be noted that some constituents (i.e., metals, pesticide residues) may not be distinguishable by field screening methods. Potentially impacted soil/sludge may be identified using any of the following methods:

- Visual observation of discolored soil/sludge (staining).
 - Generally, soil/sludge that is contaminated with petroleum hydrocarbons exhibits gray or black staining, although other contaminants and natural conditions may also cause staining.
- Olfactory observation of petroleum odor.
 - Petroleum products, solvents, and other types of contaminated soil/sludge may release vapors when exposed to the atmosphere. If concentrated enough, these vapors will be interpreted as an odor. Odors may also be present in contaminated ground water. Odor can be subjective, and inhalation of vapors from impacted soil/sludge is harmful to human health. Therefore, odor is considered an inadvertent field indicator and will not be used for continuous screening of soil/sludge.
- Sheen
 - Sheen is another indication of petroleum contamination. Soil/sludge with a sheen may appear shiny and reflective. Sheens from heavily impacted soil may appear iridescent with rainbow-like colors. Sheens may also be observed in contaminated ground water.
- Collection and analysis of soil/sludge for COCs.
- Indication of impacts by instrumentation designed for screening for volatile constituents (e.g., photoionization detector [PID]).
 - PID readings involve the measurement of headspace vapors originating from a soil/sludge sample. PID screening is performed by placing a soil/sludge sample in a plastic bag. Air is

⁴ When soil is contaminated by a listed or characteristic hazardous waste, then soil contains a hazardous waste and must be managed accordingly. ODEQ hazardous waste generator requirements are triggered when the contaminated soil is removed from its original location.

captured in the bag, and the bag is shaken to expose the soil/sludge to the air trapped in the bag. The PID probe is inserted into the bag, which measures volatile organic constituents (VOCs) vapor (petroleum constituent) concentrations in units of parts per million by volume (ppmv). A PID is designed to quantify VOCs concentrations in the range between 1 and 2,000 ppmv. It should be noted that a PID may give false positive readings in the presence of water vapor and rain may also affect performance. High humidity can cause lamp fogging and decreased sensitivity. This can be significant when soil/sludge moisture levels are high.

- Where both soil/sludge and ground/surface water are present, soil/sludge impacts may be indicated by observation of iridescent sheen or separated fluid phases (i.e., immiscible liquids).

Section 1.3 describes the area where potential soil/sludge impacts could be present on the subject property. However, anyone performing subsurface work at the site should be prepared for the possibility to encounter impacted soil/sludge in other areas as well.

There may be impacted media on site in areas that have not been assessed. If soil/sludge with significantly different characteristics than those previously identified are excavated at the site, it may need to be appropriately characterized by laboratory analyses prior to disposal or reuse onsite. It should be brought to the attention of the Project Manager or Environmental Consultant. The Environmental Consultant will notify ODEQ, if applicable, to ensure proper characterization and management under this scenario.

If samples are to be collected, they should be collected by personnel knowledgeable in soil sampling methods and protocols, ensuring that appropriate sample selection, collection (whether discrete or composite), labeling, and storage methods are followed.

If soil/sludge exhibiting evidence of contamination or other debris associated with chemical contamination is encountered during excavation work, it should be brought to the immediate attention of the Environmental Consultant. However, it must be emphasized that some impacted soils/sludge do not exhibit any physical indication of their impacts (e.g., no odor or discoloration or PID response associated with metals-impacted soils). Therefore, the most reliable method of determining if chemical impacts are present is laboratory analysis.

3.2 Field Screening Protocols

Soil/sludge field screening will include observation of any disturbed project site soil/sludge. The field screening process includes the following:

- Observe the sidewalls and bases of excavations (or trenches) for evidence of possible contamination.
- Three inches of soil/sludge will be scraped from sidewalls prior to collection of samples. If samples are collected from an excavation bucket, they should be collected from the interior and away from the sides of the bucket.
- Collect grab samples by hand or trowel (approximately one hand full) that are representative of the material being stockpiled. If used, the trowel will be decontaminated between sampling intervals.

- Retain a portion of the samples (approximately the size of half a sugar cube) for sheen testing that includes dropping the soil/sludge into a black pan to observe the degree of soil sheen (no sheen, slight sheen, moderate sheen, or heavy sheen).
- The majority of the grab sample will be placed into a plastic bag with trapped air. The bagged sample is allowed to sit for approximately one minute and then tested for headspace vapors using a hand-held PID. Based on the routine field screening process and the use of standard bag size, it is assumed that the amount of trapped air in each bag is approximately equivalent for all field-screened samples. Calibration of the PID will be conducted on a daily basis and will be recorded in a calibration log. The calibration log will document the PID model calibration standard used and background level after calibration.
- Field screening documentation (i.e., staining, sheen, headspace vapor measurements, and odors) and a brief description of the soil type shall be recorded in soil/sludge field screening logs. The field logs will indicate areas and associated volumes of excavated material requiring stockpiling for further evaluation.

3.3 Management of Impacted Soil and Sludge

During site excavation, all soil/sludge will be monitored and field-screened for potential impacts during site excavation activities. If suspect subsurface features are encountered (e.g., underground storage tanks, piping, dry wells, sumps, etc.) or field-screening suggests impacts, all excavated or disturbed soil/sludge in these areas will be managed as impacted soil/sludge unless the Project Manager chooses to conduct additional sampling and testing (according to ODEQ-approved methods) and determines the soil/sludge is not impacted. If any soil/sludge is identified through observation or olfactory indication (sight or smell) as being impacted outside previously identified areas (Section 1.3), this will be brought to the attention of the Environmental Consultant. Soil/sludge testing, if appropriate, would be conducted to determine the regulatory status of impacted soil/sludge (e.g., soil/sludge with contaminants at levels triggering special regulatory, handling, and/or management requirements) and to confirm removal of impacted soil/sludge, if applicable.

If impacted soil/sludge is excavated, it must be managed as a contaminated material. Unless otherwise directed by the Project Manager, the preferred method of excavation and disposal of impacted soil/sludge will be to load the material directly into transport vehicles for off-site disposal.

3.3.1 Stockpiling

Soil/sludge generated during excavation activities may be temporarily stockpiled for further evaluation (for example, if soil/sludge needs to be characterized prior to exporting from the subject site). Soil/sludge that is placed in temporary stockpiles must be well maintained at all times. All stockpiled soil/sludge must be placed either (1) in enclosed and covered metal bins with plastic liners; (2) in sealed 55-gallon drums; or (3) on impermeable plastic sheeting (minimum 6-mil thick) with a berm around the perimeter of the stockpile and a plastic sheeting cover. The plastic sheeting and berm prevent the runoff of stockpiled soil/sludge contaminants to surrounding areas. The berm may be constructed with hay bales or other equivalent methods approved by the property owner. The bottom plastic sheeting should be lapped over the berm materials, and the soil/sludge stockpile within the berm should also be covered with plastic sheeting to prevent erosion or leaching of contaminants. The upper plastic sheeting covering the

soil/sludge stockpile should be secured using sandbags or equivalent. The upper plastic sheeting prevents the stockpiled soil/sludge from being exposed to precipitation and wind.

These soils/sludges may be temporarily managed on-site for no more than 30 days. If stockpiled soil/sludge must remain at the site longer than 30 days, a Solid Waste Letter of Authorization must be obtained from ODEQ. If soil/sludge stockpiles are to be exported offsite, testing of the stockpile to confirm appropriate disposition is required (see Section 3.3.2)

3.3.2 Characterization of Soil and Sludge to be Exported

Soil/sludge derived from the site shall be sampled following the guidance provided in the Interstate Technology & Regulatory Council (ITRC) Incremental Sampling Methodology (ISM) guidance document. Representative samples from temporary soil/sludge stockpiles will be collecting using ISM, through which multiple “increments” (samples of equal mass) are collected across a targeted area, identified as a “decision unit” or DU. The increments from each DU are composited and processed to derive a statistically valid average concentration across the target area.

ISM subsamples will be collected using a decontaminated stainless-steel hand auger, stainless-steel hand shovel and/or excavator bucket (for large stockpiles). Sampling depths will depend on the volume and dimensions of the stockpile and will be selected to ensure that the upper, middle, and lower portions of the stockpile are equally represented, based on stockpile geometry. For the purposes of statistical quality control, two replicate samples may be collected from a stockpile, in addition to an initial sample. A total of 50 increment subsamples will be collected from each stockpile (along with 50 subsamples for each replicate sample, as applicable) and will be placed into their own dedicated laboratory-provided one-gallon glass sample jars, uniquely labelled, and immediately placed in cooled storage pending delivery to the laboratory. Sampling personnel will wear fresh Nitrile gloves, and all sampling equipment will be decontaminated prior to sampling each stockpile (and replicates, as applicable) to prevent cross-contamination between samples.

ISM samples will be submitted to a laboratory for processing in accordance with ITRC protocols, prior to analysis. Sampling shall be conducted by the Environmental Consultant.

3.3.3 Off-Site Disposal of Impacted Soil and Sludge

Unless otherwise directed by the Project Manager, the preferred method of excavation and disposal of impacted soil/sludge will be to load the material directly into transport vehicles for off-site disposal. Transport to a landfill authorized to accept contaminated materials will require a waste disposal permit. It is anticipated that disposal of impacted soil/sludge, if necessary, will be acceptable at a Resource Conservation and Recovery Act (RCRA) Subtitle D Landfill Facility. The data does not suggest the presence of hazardous waste at the site. If, however, hazardous waste is encountered, it will be properly characterized and profiled for disposal at a hazardous waste landfill.

Upon approval from the receiving facility, the stockpiled material can be loaded into trucks for transport. The contractor must exercise care during loading of the potentially contaminated soil/sludge to minimize spillage of the soil/sludge onto the ground surface. All trucks leaving the project site must be free of loose soil/sludge on the exterior of the trucks and may require covers. Contaminated soil/sludge loaded into trucks should be covered if weather conditions could cause soil/sludge to blow out (dry, warm, or windy conditions) during transport to the disposal facility. The contractor must use care not to track soil/sludge

onto city roads. Trucks will not be allowed to leave the site if liquids are draining from the load. Transport tracking tickets, an approved profile, or a permit may be required to document delivery to the approved disposal facility for each individual truck leaving the project site.

3.3.4 Off-Site Disposal of Soil and Sludge Containing Buried Debris

Soil/sludge containing buried debris have not been identified on site. Should soil/sludge containing buried debris be encountered, the intended landfill for soil/sludge disposal should be contacted prior to transport of soil/sludge.

3.4 Cultural Resources

Cultural or archaeological artifacts have not been identified at the project site. However, if cultural or archaeological resources are inadvertently discovered during excavation, work in the area must stop and the Legislative Commission on Indian Services shall be notified by calling (503) 986-1067. The Oregon State Historic Preservation Office should be contacted regarding discovery or potential damage to archaeological sites. The property owner should also be contacted so that modifications to the work scope may be discussed.

3.5 Import Fill Characterization

If the importation of fill soils, other than soil purchased from a commercial source (such as compost and/or aggregate) is required for this project, the Environmental Consultant will prepare a Sampling and Analysis Plan (SAP) to document that fill being imported meets ODEQ's CFSLS, specifically testing for RCRA metals and petroleum hydrocarbons, to ensure concentrations in soil to be imported are not above established background concentrations in this area. The SAP for this testing will likely incorporate ISM and will be completed once the source for soil fill has been identified, if applicable. ODEQ must review this SAP and analytical results, and approve the import of materials used on site, prior to importation. Depending on the source and previous site use of the source material, analytical requirements may include contaminants beyond RCRA metals and total petroleum hydrocarbons. For example, if fill is to be sourced from an agricultural property, imported fill will also be tested for pesticide residues.

3.6 Protective Measures for Workers

The media-handling protocol described in this Plan is intended to minimize the risk to site workers during earthwork as well as to future occupants of the site. This section provides general measures to be taken to protect workers from impacted soil.

On-site workers may be exposed to contaminants through incidental:

- Ingestion of soil.
- Dermal contact (through the skin).
- Inhalation of impacted airborne dust and vapor.

To reduce exposure:

- All personnel will minimize their direct contact with soil, and wear project-specific personal protective equipment (PPE) identified by the HASP.

- Contaminated clothing should be washed with a strong detergent and hot water before reuse.
- Personnel will thoroughly wash their hands and other exposed body parts, as necessary, upon leaving the work area and before eating, drinking, or other activities.
- Release of dust and vapors to the air should be minimized, and all personnel will remain upwind of the work areas to the maximum extent practical.

3.7 Protective Measures for the Environment

This section provides general measures to be taken to protect the environment from contaminants in soil. Depending on construction scope, federal, state, and local permits or other project approvals will provide the detailed protective measures required. The environment may be exposed to contaminants through incidental:

- Wind-borne dispersion.
- Transport by surface water.
- Transport by site equipment or workers.
- Contact by public or environmental receptors (e.g., birds and animals) that enter the work area.

To reduce exposure:

- Control access to earthwork area through fencing, signage, or other means.
- Implement dust-control methods, if needed.
- Prevent surface water from leaving the work area.

3.8 Record Keeping

The general contractor is responsible for keeping a detailed daily record of all soil excavation, stockpiling, export, and disposal of stockpiled soil. This includes the purpose, origin, destination, and volume of soils generated from the project site. The general contractor is responsible for preparing a daily field report for distribution to the property owner and Environmental Consultant that identifies the amount of soil excavated, stockpiled, and/or transported off site and daily tonnage for each respective soil disposition. All soil excavation, handling, and disposal will be documented in these daily field reports by the general contractor, and all field screening, soil sampling, chemical analyses and disposal receipts shall be documented in a summary report to be furnished to the property owner. The following information must be submitted to the Environmental Consultant for all surface and subsurface work at the end of each week:

- Company performing work.
- Brief description and purpose of the subsurface work.
- Copies of executed version of Attachment A from all field personnel indicating that they have read and understood the content of this Plan.
- Documentation of the locations (aerial and vertical extents) where work has been conducted, and any impacted media encountered. A photo-documentation log of the field work and survey or high-accuracy GPS data is highly recommended.

- Documentation (including photographs, as appropriate) of the location of, method of collection, and analytical results of any samples collected and analyzed. Chain-of-custody documentation should also be retained with the analytical data.
- If any impacted media is stored on-site, dates and methods of storage.
- Disposition of any impacted media, including permit and disposal receipts, as appropriate. For any impacted media that is excavated and placed back on site, the date, location (both map and high accuracy GPS coordinates), volume of placement and confirmation of approval of onsite placement from Environmental Consultant (who contacted, date and time of contact and approval) as well as photo-documentation of the placed soil is required.

Based on these records, a post-development Plan may be prepared.

4.0 WATER MANAGEMENT

Ground water beneath the subject site has been encountered between approximately 10 and 17 feet bgs. Firms conducting any excavation work or trenching should be prepared to encounter ground water (which may or may not be impacted with hazardous substances). Additionally, surface water has the possibility of collecting in subsurface work areas and becoming impacted by residual soil contamination. Any water present during subsurface or surface work will need to be managed as described in this section. A description of known impacted ground water and surface on site is presented in Section 1.3.

4.1 Managing Removed Water

Any dewatering will require management using one of the following methods:

- Above-ground management in a temporary holding vessel prior to disposal. Temporary holding vessels prior to disposal may consist of a 55-gallon drum, a small above-ground storage tank (AST), or large ASTs (such as Baker or Frac-Tanks), or other suitable storage vessels, depending on the amount of water to be removed. During the dewatering process, care should be taken to minimize the uptake of soil and sediment.
- Direct transfer to a truck designed and permitted to transport such wastes.
- Disposal into a sewer system, if allowed, must be pre-approved by the City of West Linn/Clackamas County and pretreatment may be required.

Dewatered fluids may require sampling and testing, dependent upon the disposal method(s) to be used. Additionally, sampling can be conducted to show that dewatered fluids are not impacted (and can be disposed in an agency-approved manner). Contact the Environmental Consultant to ensure correct sampling protocol and methods are used.

4.2 Record-Keeping for Removed Water

The following information must be submitted to the Environmental Consultant for each batch of water:

- Company performing work.
- Batch Identification.

- Batch laboratory results.
- Documentation of approval for discharge or waste manifest/receipt of trucking company.
- Date discharged/transported.
- Total gallons discharged/transported.

Once work is complete, this information will be summarized for all occurrences and submitted to the appropriate agencies by the Environmental Consultant.

Tables

Table 1 - Summary of Analytical Data, Soil

Location ID		B1	B1-8	B1-12	B2A	B2B	B3	B4	CS-1	CS-2	CS-3
Sample ID											
Date Sampled		2/2/2012									
Depth Sampled (feet)		8									
Sampled By		CDM									
Constituent of Interest		Note	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)
Volatiles Organic Constituents											
Arylonitrile		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Benzene		c, v	—	—	—	—	—	0.0016	—	—	—
Bromodichloromethane		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Bromodrom		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Bromomethane		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Carbon tetrachloride		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Chlorobenzene		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Chlorodibromomethane (dibromodichloromethane)		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Chlorodisilane (ethyl chloride)		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Chloroform		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Chloromethane		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
1,2-Dichlorobenzene		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
1,4-Dichlorobenzene		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
1,1-Dichloroethane		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
1,1-Dichloroethene		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
trans-1,2-Dichloroethane		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Dibromochloromethane		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Dibromodichloromethane		c, v	—	—	—	—	—	0.0033	—	—	—
EDB (1,2-dibromethane)		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
EDC (1,1,2-trichloroethane)		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Ethylbenzene		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Naphthalene		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Isopropylbenzene (Cumene)		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Tetrachloroethene (PCE)		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Toluene		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)		nc, v	—	—	—	—	—	<0.002 (ND)	—	—	—
1,1,1-Trichloroethane		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
1,1,2-Trichloroethane		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Trichloroethene		NA, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Trichloromethane (Freon 11)		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
1,2,4-Trimethylbenzene		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
1,3,5-Trimethylbenzene		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Vinyl chloride		c, v	—	—	—	—	—	<0.001 (ND)	—	—	—
Xylenes		nc, v	—	—	—	—	—	<0.002 (ND)	—	—	—
Semi-volatile Organic Constituents											
Polychlorinated biphenyls (Total PCBs)		c, v	—	—	—	—	—	<0.032 (ND)	<0.033 (ND)	<0.033 (ND)	<0.033 (ND)
Styrene		nc, v	—	—	—	—	—	<0.001 (ND)	—	—	—
2,3,7,8-TCDF (dioxin) equivalents		c, v	5.30E-07	2.80E-07	—	—	—	3.88E-06	3.38E-06	2.95E-05	—
Total Petroleum Hydrocarbons											
Generic Gasoline (GRO)		nc, v	—	—	<20 (NP)	<20 (NP)	<20 (NP)	—	—	—	—
Generic Diesel / Heating Oil (DRO)		nc, v	—	—	<50 (NP)	<50 (NP)	<50 (NP)	35	35	35	360
Generic Mineral Insulating Oil (MRO)		nc, nv	—	—	<100 (NP)	<100 (NP)	<100 (NP)	180	230	230	1200

Notes:

mg/Kg = milligram per kilogram or parts per million (ppm).

<el (ND) = not detected at or above the laboratory method reporting limit

nc, nv = not confirmed

NP = not established

NP = not present at or above the laboratory method reporting limit

shown (HCD analysis).

— = not analyzed or not applicable.

c = carcinogenic

v = volatile

nv = non-volatile

GRO = gasoline-range organics.

DRO = diesel-range organics.

MRO = mineral oil-range organics.

RRO = residual-range organics.

Shaded concentrations exceed screening level risk-based concentrations and/or background concentrations/Clean Fill Screening Levels, as applicable.

* Lowest Risk-Based Concentration for soil (screening level assumes residential use, from ODEQ HCDI called May 2016).

† Preliminary analysis not detected, but detection limit is above screening concentration.

Note: Ba/P equivalents is calculated using Toxicity Equivalent Factors for all carcinogenic PAHs, per ODEQ guidance.

Table 1 - Summary of Analytical Data, Soil

		Location ID	Sample ID	Maximum Soil Concentration (existing soil)	Soil Matrix Cleanup Level	ODEQs Screening Concentrations (SRBCs) (Soil)	Background Concentrations (Default)	Clean Fill Screening Concentrations (as applicable)	Exceeds ODEQs Screening-level SRBCs (Soil) and/or Clean Fill Screening Level
		Depth Sampled (feet)	Date Sampled	Sampled By					
Constituent of Interest		Note	mg/kg (ppm)						
Volatile Organic Constituents									
Acrylonitrile		c, v	<0.0057 (ND)	NE	0.00036	---	---	0.00036	(Y)
Benzene		c, v	0.016	NE	0.023	---	---	0.023	N
Bromodichloromethane		c, v	<0.001 (ND)	NE	0.002	---	---	0.002	N
Bromodom		c, v	<0.001 (ND)	NE	0.046	---	---	0.046	N
Bromomethane		nc, v	<0.001 (ND)	NE	0.063	---	---	0.063	N
Carbon tetrachloride		c, v	<0.001 (ND)	NE	0.013	---	---	0.013	N
Chlorobenzene		nc, v	<0.001 (ND)	NE	5.8	---	---	2.4	N
Chlorobromomethane (dibromochloromethane)		c, v	<0.001 (ND)	NE	0.0024	---	---	0.0024	N
Chloroethane (ethyl chloride)		nc, v	<0.001 (ND)	NE	310	---	---	310	N
Chloroform		c, v	<0.001 (ND)	NE	0.0004	---	---	0.0004	N
Chloromethane		nc, v	<0.001 (ND)	NE	2.2	---	---	2.2	N
1,2-Dichlorobenzene		nc, v	<0.001 (ND)	NE	0.85	---	---	0.85	N
1,4-Dichlorobenzene		c, v	<0.001 (ND)	NE	0.044	---	---	0.044	N
1,1-Dichloroethane		nc, v	<0.001 (ND)	NE	6.7	---	---	6.7	N
cis-1,2-Dichloroethane		nc, v	<0.001 (ND)	NE	0.63	---	---	0.63	N
trans-1,2-Dichloroethane		nc, v	<0.001 (ND)	NE	7.0	---	---	7	N
Dichloromethane		c, v	0.0033	NE	0.14	---	---	0.14	N
EDB (1,2-dibromomethane)		c, v	<0.001 (ND)	NE	0.00012	---	---	0.00012	(Y)
EDG (1,2-dibromoethane)		c, v	<0.001 (ND)	NE	0.0028	---	---	0.0028	N
Ethylbenzene		c, v	<0.001 (ND)	NE	0.22	---	---	0.22	N
Naphthalene		c, v	<0.001 (ND)	NE	0.077	---	---	0.077	N
iso-Propylbenzene (cumene)		nc, v	<0.001 (ND)	NE	96	---	---	96	N
Tetrachloroethene (PCE)		c, v	<0.001 (ND)	NE	0.46	---	---	0.18	N
Toluene		nc, v	<0.001 (ND)	NE	83	---	---	23	N
1,1,2-Trichloro-2,2,2-Trifluoroethane (Freon 113)		nc, v	<0.002 (ND)	NE	8100	---	---	1600	N
1,1,2-Trichloroethane		nc, v	<0.001 (ND)	NE	190	---	---	190	N
Trichloroethene		c, v	<0.001 (ND)	NE	0.0063	---	---	0.0063	N
Trichlorofluoromethane (Freon 11)		NA, v	<0.001 (ND)	NE	0.013	---	---	0.013	N
1,2,4-Trimethylbenzene (Freon 11)		nc, v	<0.001 (ND)	NE	81	---	---	52	N
1,2,4-Trimethylbenzene		nc, v	<0.001 (ND)	NE	10	---	---	10	N
1,3,5-Trimethylbenzene		nc, v	<0.001 (ND)	NE	11	---	---	11	N
Vinyl chloride		nc, v	<0.001 (ND)	NE	0.00057	---	---	0.00057	(Y)
Xylenes		nc, v	<0.002 (ND)	NE	23	---	---	1.4	N
Semi-volatile Organic Constituents									
Polychlorinated biphenyls (Total PCBs)		c, v	<0.033 (ND)	NE	0.23	---	---	0.23	N
Styrene		nc, v	<0.001 (ND)	NE	170	---	---	1.2	N
2,3,7,8-TCDD (dioxin) equivalents		c, v	0.0000295	NE	4.74E-06	---	---	2.90E-07	Y
Total Petroleum Hydrocarbons									
Generic Gasoline (GRO)		nc, v	<20 (NP)	80	31	---	---	520	N
Generic Diesel / Heating Oil (DRO)		nc, v	390	500	1100	---	---	90	Y
Generic Mineral Insulating Oil (MRO)		nc, nv	1200		2800	---	---	140,000	N

Notes:

mg/kg = milligram per kilogram or parts per million (ppm).

<rl (ND) = not detected at or above the laboratory method reporting limit

NE = not established

NP = not present at or above the laboratory method reporting limit

shown (HCD analysis).

— = not analyzed or not applicable.

nc = noncarcinogenic

nv = nonvolatile

v = volatile

nc, v = noncarcinogenic and volatile

nc, nv = noncarcinogenic and nonvolatile

GRO = gasoline-range organics.

DRO = diesel-range organics.

MRO = mineral insulating oil-range organics.

RO = petroleum hydrocarbons.

Shaded concentrations exceed screening level risk-based concentrations and/or background concentrations/Clean Fill Screening Levels, as applicable.

1. Lowest Risk-Based Concentration for soil (screening level assumes worst case use, from ODEQ RBCs called May 2016).

(Y) indicates analyte not detected, but detection limit is above screening concentration.

Note: BioP equivalents is calculated using Toxicity Equivalent Factors for all carcinogenic PAHs, per ODEQ guidance.

Table 2 - Summary of Analytical Data, ASB Sludge

Location ID	P6C0526-02	PQC0371-02	D11		A10			C8		F11	
Sample ID	P6C0526-02	PQC0371-03	D11-6	D11-0-4	A10-6	A10-0-4	A10-4-8	C8-1	C8-0-4	F11-4	F11-0-4
Date Sampled	3/13/2006	3/8/2007	2/6/2012	2/6/2012	2/6/2012	2/6/2012	2/6/2012	2/6/2012	2/6/2012	2/6/2012	2/6/2012
Depth Sampled (feet)	—	—	6	0-4	6	0-4	4-8	1	0-4	4	0-4
Sampled By	MF	MF	CDM	CDM	CDM	CDM	CDM	CDM	CDM	CDM	CDM
Constituent of Interest	Note	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)
Metals											
Arsenic	c, nv	---	---	---	---	---	---	---	---	---	---
Cadmium	nc, nv	---	---	---	---	---	---	---	---	---	---
Chromium (III)	nc, nv	---	---	---	---	---	---	---	---	---	---
Copper	nc, nv	---	---	---	---	---	---	---	---	---	---
Lead	NA, nv	---	---	---	---	---	---	---	---	---	---
Mercury	nc, nv	---	---	---	---	---	---	---	---	---	---
Nickel	c, nv	---	---	---	---	---	---	---	---	---	---
Semivolatile Organic Constituents											
Polychlorinated biphenyls (Total PCBs)	c, v	---	---	---	0.41	---	0.48	0.39	---	0.48	---
2,3,7,8-TCDD (dioxin) equivalents	c, v	<0.0000005 (ND)	<0 (ND)	---	2.19E-05	---	1.96E-05	1.13E-05	---	4.28E-05	---
Total Petroleum Hydrocarbons											
Generic Gasoline (GRO)	nc, v	---	---	<42 (NP)	---	---	---	---	---	<36 (NP)	---
Generic Diesel / Heating Oil (DRO)	nc, v	---	---	<100 (NP)	---	2200	---	---	1900	---	<90 (NP)
Generic Mineral Insulating Oil (RRO)	nc, nv	---	---	<210 (NP)	---	3400	---	---	2800	---	<180 (NP)

Notes:

mg/Kg = milligram per kilogram or parts per million (ppm).

<# (ND) = not detected at or above the laboratory method reporting limit shown.

NE = not established

NP = not present at or above the laboratory method reporting limit shown (HCID analysis).

— = not analyzed or not applicable

c = carcinogenic

nc = noncarcinogenic

v = volatile

nv = nonvolatile

GRO = gasoline-range organics

DRO = diesel-range organics

RRO = residual-range organics

Purple shaded and bolded concentrations exceed screening

level risk-based concentrations and/or background

concentrations/Clean Fill Screening Levels, as applicable.

¹ Lowest Risk-Based Concentration for soil (screening level assumes residential use, from ODEQ RBCs dated May 2018).

(Y) indicates analyte not detected, but detection limit is above screening concentration.

J = The result is below method reporting limits. The value reported is an estimate

Note, B(a)P equivalents is calculated using Toxicity Equivalent Factors for all carcinogenic PAHs, per ODEQ guidance.

Table 2 - Summary of Analytical Data, ASB Sludge

Location ID		E2			A10C8E2F11	A10C8F11	F5		F7			
Sample ID		F11-4-8	E2-1.5	E2-0-4.5	A10C8E2F11-0-4	A10C8F11-4-8	F5-2	F5-0-4	F7-0.5	F7-0-4	F7-4-8	C5-1
Date Sampled		2/6/2012	2/6/2012	2/6/2012	2/6/2012	2/6/2012	2/7/2012	2/7/2012	2/7/2012	2/7/2012	2/7/2012	2/7/2012
Depth Sampled (feet)		8-Apr	1.5	0-4.5	0-4	4-8	2	0-4	0.5	0-4	4-8	1
Sampled By		CDM	CDM	CDM	CDM	CDM	CDM	CDM	CDM	CDM	CDM	CDM
Constituent of Interest	Note	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)
Metals												
Arsenic	c, nv	---	---	---	<10 (ND)	<50 (ND)	---	---	---	---	---	---
Cadmium	nc, nv	---	---	---	<0.6 (ND)	<2 (ND)	---	---	---	---	---	---
Chromium (III)	nc, nv	---	---	---	20	6	---	---	---	---	---	---
Copper	nc, nv	---	---	---	90.3	69	---	---	---	---	---	---
Lead	NA, nv	---	---	---	8	<20 (ND)	---	---	---	---	---	---
Mercury	nc, nv	---	---	---	0.08	0.09	---	---	---	---	---	---
Nickel	c, nv	---	---	---	12	<10 (ND)	---	---	---	---	---	---
Semivolatile Organic Constituents												
Polychlorinated biphenyls (Total PCBs)	c, v	0.201	---	0.141	---	---	---	0.14	---	0.41	0.37	---
2,3,7,8-TCDD (dioxin) equivalents	c, v	3.91E-06	---	1.37E-05	---	---	---	3.08E-05	---	9.05E-05	1.85E-05	---
Total Petroleum Hydrocarbons												
Generic Gasoline (GRO)	nc, v	---	<20 (NP)	---	---	---	63	---	310 J	---	---	320 J
Generic Diesel / Heating Oil (DRO)	nc, v	---	670	---	---	---	6700	---	18000	---	---	7400
Generic Mineral Insulating Oil (RRO)	nc, nv	---	910	---	---	---	11000	---	32000	---	---	12000

Notes:

mg/Kg = milligram per kilogram or parts per million (ppm).

<# (ND) = not detected at or above the laboratory method reporting limit shown.

NE = not established

NP = not present at or above the laboratory method reporting limit shown (HCID analysis).

--- = not analyzed or not applicable

c = carcinogenic

nc = noncarcinogenic

v = volatile

nv = nonvolatile

GRO = gasoline-range organics

DRO = diesel-range organics

RRO = residual-range organics

Purple shaded and bolded concentrations exceed screening

level risk-based concentrations and/or background

concentrations/Clean Fill Screening Levels, as applicable.

¹ Lowest Risk-Based Concentration for soil (screening level assumes residential use, from ODEQ RBCs dated May 2018).

(Y) indicates analyte not detected, but detection limit is above screening concentration.

J = The result is below method reporting limits. The value reported is an estimate

Note, B(a)P equivalents is calculated using Toxicity Equivalent Factors for all carcinogenic PAHs, per ODEQ guidance.

Table 2 - Summary of Analytical Data, ASB Sludge

Location ID		C5		E2C5F5F7	C5F5F7	Maximum Sludge Concentration (remaining soil)	Soil Matrix Cleanup Level	ODEQs Screening-Level Risk-Based Concentrations SLRBCs ¹ (Soil)	Background Concentrations (Regional Default)	Clean Fill Screening Levels or Background Concentrations (as applicable)	Exceeds ODEQs Screening-Level SLRBCs (Soil) and/or Soil Matrix Cleanup Level
Sample ID		C5-7	C5-0-4	E2C5F5F7-0-4	C5F5F7-4-8						
Date Sampled		2/7/2012	2/7/2012	2/7/2012	2/7/2012						
Depth Sampled (feet)		7	0-4	0-4	4-8						
Sampled By		CDM	CDM	CDM	CDM			Blue Mountains			
Constituent of Interest		Note	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)	mg/Kg (ppm)				TRUE OR Y FALSE OR N
Metals											
Arsenic	c, nv	---	---	<10 (ND)	<20 (ND)	<50 (ND)	NE	0.43	14	14	(Y)
Cadmium	nc, nv	---	---	<0.5 (ND)	<0.8 (ND)	<2 (ND)	NE	78	0.69	0.69	N
Chromium (III)	nc, nv	---	---	32	16	32	NE	120000	190	190	N
Copper	nc, nv	---	---	95.4	112	112	NE	3100	120	120	N
Lead	NA, nv	---	---	15	8	20	NE	30	21	21	N
Mercury	nc, nv	---	---	0.06	0.08	0.09	NE	23	1.4	1.4	N
Nickel	c, nv	---	---	21	7	21	NE	1500	92	92	N
Semivolatile Organic Constituents											
Polychlorinated biphenyls (Total PCBs)	c, v	---	0.47	---	---	0.48	NE	0.23	---	0.23	Y
2,3,7,8-TCDD (dioxin) equivalents	c, v	---	6.85E-05	---	---	0.0000905	NE	4.74E-06	---	2.90E-07	Y
Total Petroleum Hydrocarbons											
Generic Gasoline (GRO)	nc, v	---	---	---	---	320 J	80	31	---	520	Y
Generic Diesel / Heating Oil (DRO)	nc, v	1800	---	---	---	18000	500	1100	---	90	Y
Generic Mineral Insulating Oil (RRO)	nc, nv	2700	---	---	---	32000		2800	---	140,000	(mineral oil)

Notes:

mg/Kg = milligram per kilogram or parts per million (ppm).

<# (ND) = not detected at or above the laboratory method reporting limit shown.

NE = not established

NP = not present at or above the laboratory method reporting limit shown (HCID analysis).

--- = not analyzed or not applicable

c = carcinogenic

nc = noncarcinogenic

v = volatile

nv = nonvolatile

GRO = gasoline-range organics

DRO = diesel-range organics

RRO = residual-range organics

Purple shaded and bolded concentrations exceed screening

level risk-based concentrations and/or background concentrations/Clean Fill Screening Levels, as applicable.

¹ Lowest Risk-Based Concentration for soil (screening level assumes residential use, from ODEQ RBCs dated May 2018).

(Y) indicates analyte not detected, but detection limit is above screening concentration.

J = The result is below method reporting limits. The value reported is an estimate

Note, B(a)P equivalents is calculated using Toxicity Equivalent Factors for all carcinogenic PAHs, per ODEQ guidance.

Table 3 - Summary of Analytical Data, Ground Water and Surface Water

Location ID		GW1 (Reconnaissance)	GW3 (Reconnaissance)	GW4 (Reconnaissance)	BH-1 (Monitoring Well)		BH-2 (Monitoring Well)	
Sample ID		GW1	GW3	GW4	BH-1	BH-2	BH-2 Dup	BH-2 Dup
Date Sampled		2/2/12	2/2/12	2/2/12	3/26/13	3/26/13	3/26/23	3/26/23
Sampled By		CDM	CDM	CDM	CDM	CDM	CDM	CDM
Total or Dissolved Metals		Dissolved	Dissolved	Dissolved	Total	Total	Total	Total
Constituent of Interest		µg/L (ppb)	µg/L (ppb)	µg/L (ppb)	µg/L (ppb)	µg/L (ppb)	µg/L (ppb)	µg/L (ppb)
Volatile Organic Constituents								
Acrylonitrile	C, V	---	---	---	---	---	---	---
Benzene	C, V	---	---	---	---	---	---	---
Bromodichloromethane	C, V	---	---	---	---	---	---	---
Bromofom	C, V	---	---	---	---	---	---	---
Bromomethane	nc, v	---	---	---	---	---	---	---
Carbon tetrachloride	C, V	---	---	---	---	---	---	---
Chlorobenzene	nc, v	---	---	---	---	---	---	---
Chlorodibromomethane (dibromochloromethane)	C, V	---	---	---	---	---	---	---
Chloroethane (ethyl chloride)	nc, v	---	---	---	---	---	---	---
Chloroform	C, V	---	---	---	---	---	---	---
Chloromethane	nc, v	---	---	---	---	---	---	---
1,2-Dichlorobenzene	nc, v	---	---	---	---	---	---	---
1,4-Dichlorobenzene	C, V	---	---	---	---	---	---	---
1,1-Dichloroethane	C, V	---	---	---	---	---	---	---
cis-1,2-Dichloroethene	nc, v	---	---	---	---	---	---	---
trans-1,2-Dichloroethene	nc, v	---	---	---	---	---	---	---
Dichloromethane	C, V	---	---	---	---	---	---	---
EDB (1,2-dibromothane)	C, V	---	---	---	---	---	---	---
EDC (1,2-dichloroethane)	C, V	---	---	---	---	---	---	---
Ethylbenzene	C, V	---	---	---	---	---	---	---
MTBE (methyl t-butyl ether)	C, V	---	---	---	---	---	---	---
Naphthalene	C, V	---	---	---	---	---	---	---
iso-Propylbenzene (cumene)	nc, v	---	---	---	---	---	---	---
Tetrachloroethene (PCE)	C, V	---	---	---	---	---	---	---
Toluene	nc, v	---	---	---	---	---	---	---
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)	nc, v	---	---	---	---	---	---	---
1,1,1-Trichloroethane	nc, v	---	---	---	---	---	---	---
1,1,2-Trichloroethane	C, V	---	---	---	---	---	---	---
Trichloroethene	NA, v	---	---	---	---	---	---	---
Trichlorofluoromethane (Freon 11)	nc, v	---	---	---	---	---	---	---
2,4,6-Trichlorophenol	C, nv	---	---	---	---	---	---	---
1,2,4-Trimehylbenzene	nc, v	---	---	---	---	---	---	---
1,3,5-Trimehylbenzene	nc, v	---	---	---	---	---	---	---
Vinyl chloride	C, V	---	---	---	---	---	---	---
Xylenes	nc, v	---	---	---	---	---	---	---
Pesticides								
Heptachlorobenzene								
Arsenic	C, v	---	---	---	---	---	---	---
Metals								
Cadmium	C, nv	2.9	1.2	0.6	1.6	1.2	1.2	1.1
Chromium (III)	nc, nv	<0.1 (ND)	<0.1 (ND)	<0.1 (ND)	---	---	---	---
Copper	nc, nv	<0.5 (ND)	<0.5 (ND)	<0.5 (ND)	---	---	---	---
Lead	nc, nv	0.8	0.6	<0.5 (ND)	---	---	---	---
Manganese	NA, nv	<0.1 (ND)	<0.1 (ND)	<0.1 (ND)	---	---	---	---
Nickel	nc, nv	9750	2840	422	284	405	379	408
Mercury	nc, nv	<0.1 (ND)	<0.1 (ND)	<0.1 (ND)	---	---	---	---
Barium	C, nv	90	94	1.8	<10 (ND)	90	80	90
Semivolatile Organic Constituents								
3,3-Dichlorobenzidine	C, nv	---	---	---	---	---	---	---
Pentachlorophenol	C, nv	---	---	---	---	---	---	---
Polychlorinated biphenyls (Total PCBs)	C, v	---	---	---	---	<0.01 (ND)	<0.01 (ND)	---
Polyyclic Aromatic Hydrocarbons								
Acenaphthene	nc, v	---	---	---	---	---	---	---
Anthracene	nc, v	---	---	---	---	---	---	---
Benzo[a]anthracene	C, v	---	---	---	---	---	---	---
Benzo[a]pyrene (BaP equivalents)	C, nv	---	---	---	---	---	---	---
Benzo[b]fluoranthene	C, nv	---	---	---	---	---	---	---
Benzo[k]fluoranthene	C, nv	---	---	---	---	---	---	---
Chrysene	C, nv	---	---	---	---	---	---	---
Dibenz[a,h]anthracene	C, nv	---	---	---	---	---	---	---
Fluoranthene	nc, nv	---	---	---	---	---	---	---
Fluorene	nc, v	---	---	---	---	---	---	---
Indeno[1,2,3-cd]pyrene	C, nv	---	---	---	---	---	---	---
Pyrene	nc, v	---	---	---	---	---	---	---
Styrene	nc, v	---	---	---	---	---	---	---
2,3,7,8-TCDD (dioxin) equivalents	C, v	---	---	---	---	3.80E-07	3.80E-07	---
Total Petroleum Hydrocarbons								
Generic Gasoline (GRO)	nc, v	---	---	---	---	---	---	---
Generic Diesel / Heating Oil (DRO)	nc, v	---	---	---	---	<100 (ND)	<100 (ND)	---
Generic Mineral Insulating Oil (MRO)	nc, nv	---	---	---	---	<200 (ND)	<200 (ND)	---

Notes:
ug/L = micrograms per liter or parts per billion (ppb),
4F (ND) = not detected at or above the laboratory method reporting limit
BKG = background
NE = not established,
NP = not present at or above the laboratory method reporting limit shown (ICD analysis),
1. Lowest Risk-Based Concentration for ground water (screening level) assumes residential use, from ODEQ RBCs dated May 2018),
--- = not analyzed or not applicable,
c = carcinogenic
nc = noncarcinogenic
v = volatile
nv = nonvolatile
GRO = gasoline-range organics,
DRO = diesel-range organics,
BKG = residual-range organics,
BKG = constituent exceeded its SLRBC; however, was not detected above background concentrations and/or background concentrations, as applicable.
Bolded and shaded concentrations exceed screening level risk-based concentrations and/or background concentrations, as applicable.
1. Lowest Risk-Based Concentration for ground water (screening level),
(Y) indicates analyte not detected, but detection limit is above screening concentration.

Table 3 - Summary of Analytical Data, Ground Water and Surface Water

Location ID		BH-3 (Monitoring Well)		BH-4 (Monitoring Well)		BH-5 (Monitoring Well)		ASB-1	Wetlands-1	Wetlands-2	Wetlands-3
Constituent of Interest	Sample ID	3/26/13	BH-3	BH-4	BH-4	BH-5	BH-5	ASB-1			
		CDM	CDM	CDM	CDM	CDM	CDM	CDM			
Total or Dissolved Metals											
		µg/L (ppb)	µg/L (ppb)	µg/L (ppb)	µg/L (ppb)	µg/L (ppb)	µg/L (ppb)	µg/L (ppb)			
Volatile Organic Constituents											
Acrylonitrile		C, V	---	---	---	---	---	---	---	---	---
Benzene		C, V	---	---	---	---	---	---	---	---	---
Bromodichloromethane		C, V	---	---	---	---	---	---	---	---	---
Bromodom		C, V	---	---	---	---	---	---	---	---	---
Bromomethane		nc, V	---	---	---	---	---	---	---	---	---
Carbon tetrachloride		C, V	---	---	---	---	---	---	---	---	---
Chlorobenzene		nc, V	---	---	---	---	---	---	---	---	---
Chlorobromomethane (dibromochloromethane)		C, V	---	---	---	---	---	---	---	---	---
Chloroethane (ethyl chloride)		nc, V	---	---	---	---	---	---	---	---	---
Chlorodom		nc, V	---	---	---	---	---	---	---	---	---
Chloromethane		nc, V	---	---	---	---	---	---	---	---	---
1,2-Dichlorobenzene		C, V	---	---	---	---	---	---	---	---	---
1,4-Dichlorobenzene		C, V	---	---	---	---	---	---	---	---	---
1,1-Dichloroethane		nc, V	---	---	---	---	---	---	---	---	---
cis-1,2-Dichloroethane		nc, V	---	---	---	---	---	---	---	---	---
trans-1,2-Dichloroethane		nc, V	---	---	---	---	---	---	---	---	---
Dichloromethane		C, V	---	---	---	---	---	---	---	---	---
EDB (1,2-dibromochloroethane)		C, V	---	---	---	---	---	---	---	---	---
EDC (1,2-dichloroethane)		C, V	---	---	---	---	---	---	---	---	---
Enthalpene		C, V	---	---	---	---	---	---	---	---	---
MTBE (methyl t-butyl ether)		C, V	---	---	---	---	---	---	---	---	---
Naphthalene		C, V	---	---	---	---	---	---	---	---	---
iso-Propylbenzene (cumene)		nc, V	---	---	---	---	---	---	---	---	---
Tetrachloroethane (PCE)		C, V	---	---	---	---	---	---	---	---	---
Toluene		nc, V	---	---	---	---	---	---	---	---	---
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)		nc, V	---	---	---	---	---	---	---	---	---
1,1,1-Trichloroethane		nc, V	---	---	---	---	---	---	---	---	---
1,1,2-Trichloroethane		C, V	---	---	---	---	---	---	---	---	---
Trichloroethene		NA, V	---	---	---	---	---	---	---	---	---
Trichlorofluoromethane (Freon 11)		nc, V	---	---	---	---	---	---	---	---	---
2,4,6-Trichlorophenol		C, nv	---	---	---	---	---	---	---	---	---
1,2,4-Trimethylbenzene		nc, V	---	---	---	---	---	---	---	---	---
1,3,5-Trimethylbenzene		nc, V	---	---	---	---	---	---	---	---	---
Vinyl chloride		C, V	---	---	---	---	---	---	---	---	---
Xylenes		nc, V	---	---	---	---	---	---	---	---	---
Pesticides											
Heachlorobenzene		C, V	---	---	---	---	---	---	---	---	---
Metals											
Arsenic		C, nv	1.5	1.2	16	15.8	0.5	0.6	0.7	0.6	0.6
Cadmium		nc, nv	---	---	---	---	---	---	---	---	---
Chromium (II)		nc, nv	---	---	---	---	---	---	---	---	---
Copper		nc, nv	---	---	---	---	---	---	---	---	---
Lead		nc, nv	---	---	---	---	---	---	---	---	---
Manganese		nc, nv	1160	1110	5200	5320	1020	820	65	129	41
Mercury		nc, nv	---	---	---	---	---	---	---	---	---
Nickel		C, nv	20	10	160	160	40	60	20	<10 (ND)	<10 (ND)
Semivolatile Organic Constituents											
3,3-Dichlorobenzidine		C, nv	---	---	---	---	---	---	---	---	---
Penachlorophenol		C, nv	---	---	---	---	---	---	---	---	---
Polychlorinated biphenyls (Total PCBs)		C, V	<0.01 (ND)	---	<0.01 (ND)	---	---	<0.01 (ND)	<0.01 (ND)	---	---
Polyyclic Aromatic Hydrocarbons											
Acenaphthene		nc, V	---	---	---	---	---	---	---	---	---
Anthracene		nc, V	---	---	---	---	---	---	---	---	---
Benzo[a]anthracene		nc, V	---	---	---	---	---	---	---	---	---
Benzo[a]pyrene (BaP equivalents)		C, V	---	---	---	---	---	---	---	---	---
Benzo[b]fluoranthene		C, nv	---	---	---	---	---	---	---	---	---
Benzo[k]fluoranthene		C, nv	---	---	---	---	---	---	---	---	---
Chrysene		C, nv	---	---	---	---	---	---	---	---	---
Dibenz[a,h]anthracene		C, nv	---	---	---	---	---	---	---	---	---
Fluoranthene		nc, nv	---	---	---	---	---	---	---	---	---
Fluorene		nc, V	---	---	---	---	---	---	---	---	---
Indeno[1,2,3-cd]pyrene		C, nv	---	---	---	---	---	---	---	---	---
Pyrene		nc, V	---	---	---	---	---	---	---	---	---
Syrene		nc, V	---	---	---	---	---	---	---	---	---
2,3,7,8-TCDD (dioxin) equivalents		C, V	3.80E-07	---	3.80E-07	---	---	---	6.15E-06	2.21E-06	---
Total Petroleum Hydrocarbons											
Generic Gasoline (GRO)		nc, V	---	---	---	---	---	---	---	---	---
Generic Diesel / Heating Oil (DRO)		nc, V	<120 (ND)	---	650	---	---	---	320	<100 (ND)	---
Generic Mineral Insulating Oil (MRO)		nc, nv	<240 (ND)	---	1100	---	---	---	390	<200 (ND)	---

Notes:
ug/L = micrograms per liter or parts per billion (ppb),
<4 (ND) = not detected at or above the laboratory method reporting limit
nc = noncarcinogenic
nv = volatile
NE = not established,
NP = not present at or above the laboratory method reporting limit shown (HCD analysis),
1 Lowest Risk-Based Concentration for ground water (screening level) assumes residential use, from ODEQ RBCs dated May 2016),
--- = not analyzed or not applicable,
c = carcinogenic
nc = noncarcinogenic
v = volatile
GRO = gasoline-range organics,
DRO = diesel-range organics,
MRO = residual-range organics,
BKG = constituent exceeded its SLRBC, however, was not detected above background concentrations and/or background concentrations, as applicable,
Bolded and shaded concentrations exceed screening level risk-based concentrations and/or background concentrations, as applicable,
1 Lowest Risk-Based Concentration for ground water (screening level),
(*) indicates analyte not detected, but detection limit is above screening concentration.

Table 3 - Summary of Analytical Data, Ground Water and Surface Water

Location ID		Maximum Ground Concentration (for metals, only dissolved data was used)	Maximum ASB Water Concentration	ODEQs Screening- level Risk-Based Concentrations (SLRBCs) ¹	Background Concentrations (metals)	Exceeds SLRBC or Background Concentration, as applicable (Ground Water)	Exceeds SLRBC or Background Concentration, as applicable (ASB Water)	Exceeds SLRBC or Background Concentration, as applicable (Surface Water)
Sample ID		Date Sampled	Sampled By	TRUE OR Y FALSE OR N				
Data Sampled								
Sampled By								
Total or Dissolved Metals								
Constituent of Interest		Note	µg/L (ppb)					
Volatile Organic Constituents								
Acrylonitrile	c, v	<5 (ND)	—	0.052	NE	(Y)	—	—
Benzene	c, v	<0.2 (ND)	—	0.46	NE	N	—	—
Bromodichloromethane	c, v	<1 (ND)	—	0.13	NE	(Y)	—	—
Bromodrom	c, v	<1 (ND)	—	3.3	NE	N	—	—
Bromomethane	nc, v	<1 (ND)	—	7.5	NE	N	—	—
Carbon tetrachloride	c, v	<1 (ND)	—	0.46	NE	(Y)	—	—
Chlorobenzene	nc, v	<1 (ND)	—	77	NE	N	—	—
Chlorodibromomethane (dibromochloromethane)	c, v	<1 (ND)	—	0.17	NE	(Y)	—	—
Chloroethane (ethyl chloride)	nc, v	<1 (ND)	—	21000	NE	N	—	—
Chloroform	c, v	<1 (ND)	—	0.22	NE	(Y)	—	—
Chloromethane	nc, v	<1 (ND)	—	190	NE	N	—	—
1,2-Dichlorobenzene	nc, v	<104 (ND)	—	300	NE	N	—	—
1,4-Dichlorobenzene	c, v	<104 (ND)	—	0.48	NE	(Y)	—	—
1,1-Dichloroethane	c, v	<1 (ND)	—	2.8	NE	N	—	—
1,1-Dichloroethene	nc, v	<1 (ND)	—	280	NE	N	—	—
cis-1,2-Dichloroethene	nc, v	<1 (ND)	—	36	NE	N	—	—
trans-1,2-Dichloroethene	nc, v	<1 (ND)	—	360	NE	N	—	—
Dichloromethane	c, v	<20 (ND)	—	11	NE	(Y)	—	—
EDB (1,2-dibromodichloroethane)	c, v	<1 (ND)	—	0.0075	NE	(Y)	—	—
EDC (1,2-dichloroethane)	c, v	<1 (ND)	—	0.17	NE	(Y)	—	—
Ethylbenzene	c, v	<1 (ND)	—	1.5	NE	N	—	—
MTBE (methyl butyl ether)	c, v	<1 (ND)	—	14	NE	N	—	—
Naphthalene	c, v	0.07	—	0.17	NE	N	—	—
iso-Propylbenzene (cumene)	nc, v	<1 (ND)	—	440	NE	N	—	—
Tetrachloroethene (PCE)	c, v	<1 (ND)	—	12	NE	N	—	—
Toluene	nc, v	<1 (ND)	—	1100	NE	N	—	—
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)	nc, v	<0.2 (ND)	—	55000	NE	N	—	—
1,1,1-Trichloroethane	nc, v	<1 (ND)	—	8000	NE	N	—	—
1,1,2-Trichloroethane	c, v	<1 (ND)	—	0.28	NE	(Y)	—	—
Trichloroethane	NA, v	<1 (ND)	—	0.49	NE	(Y)	—	—
Trichlorofluoroethane (Freon 11)	nc, v	<1 (ND)	—	1100	NE	N	—	—
2,4,6-Trichlorophenol	c, nv	<5.21 (ND)	—	4.4	NE	(Y)	—	—
1,2,4-Trimethylbenzene	nc, v	<1 (ND)	—	54	NE	N	—	—
1,3,5-Trimethylbenzene	nc, v	<1 (ND)	—	59	NE	N	—	—
Vinyl chloride	c, v	<1 (ND)	—	0.027	NE	(Y)	—	—
Xylenes	nc, v	<1 (ND)	—	150	NE	N	—	—
Pesticides								
Heptachlorobenzene	c, v	<1.04 (ND)	—	0.0058	NE	(Y)	—	—
Metals								
Arsenic	c, nv	15.8	0.7	0.052	2	Y	BKG	BKG
Cadmium	nc, nv	<0.1 (ND)	—	20	1	N	—	—
Chromium (III)	nc, nv	<0.5 (ND)	—	30000	0	N	—	—
Copper	nc, nv	0.8	—	800	9	N	—	—
Lead	NA, nv	<0.1 (ND)	—	15	13.3	N	—	—
Manganese	nc, nv	9750	65	179	480	Y	N	N
Mercury	nc, nv	<0.1 (ND)	—	6	0.1	N	—	—
Nickel	c, nv	160	20	400	5.5	Y	Y	Y
Semi-volatile Organic Constituents								
3,3-Dichlorobenzidine	c, nv	<5.21 (ND)	—	0.17	NE	(Y)	—	—
Pentachlorophenol	c, v	<5.21 (ND)	—	0.044	NE	(Y)	—	—
Polychlorinated biphenyls (Total PCBs)	c, v	<0.01 (ND)	<0.01 (ND)	0.006	NE	(Y)	(Y)	(Y)
Polycyclic Aromatic Hydrocarbons								
Acenaphthene	nc, v	<0.05 (ND)	—	510	NE	N	—	—
Anthracene	nc, v	<0.05 (ND)	—	>S	NE	N	—	—
Benzo[a]anthracene	c, v	<0.05 (ND)	—	0.03	NE	(Y)	—	—
Benzo[b]pyrene (BaP equivalents)	c, nv	0.06	—	0.025	NE	Y	—	—
Benzo[k]fluoranthene	c, nv	0.06	—	0.25	NE	N	—	—
Benzo[a]fluoranthene	c, nv	<0.05 (ND)	—	2.5	NE	N	—	—
Chrysene	c, nv	<0.05 (ND)	—	25	NE	N	—	—
Dibenz[a,h]anthracene	c, nv	0.06	—	0.025	NE	Y	—	—
Fluoranthene	nc, nv	0.06	—	800	NE	N	—	—
Fluorene	nc, v	<0.05 (ND)	—	280	NE	N	—	—
Indeno[1,2,3-cd]pyrene	c, nv	<0.05 (ND)	—	0.25	NE	N	—	—
Pyrene	nc, v	0.06	—	110	NE	N	—	—
Syrene	nc, v	<1 (ND)	—	1200	NE	—	—	—
2,3,7,8-TCDD (dioxin) equivalents	c, v	<3.8E-07 (ND)	6.15E-06	2.21E-06	9.12E-08	NE	Y	Y
Total Petroleum Hydrocarbons								
Generic Gasoline (GRO)	nc, v	<250 (NP)	—	110	NE	(Y)	—	—
Generic Diesel / Heating Oil (DRO)	nc, v	650	320	<100 (ND)	100	Y	Y	N
Generic Mineral Insulating Oil (MRO)	nc, nv	1100	390	<200 (ND)	300	NE	(mineral oil)	(mineral oil)

Notes:

ug/L = micrograms per liter or parts per billion (ppb).
(ND) = not detected at or above the laboratory method reporting limit
NE = not established.
NP = not present at or above the laboratory method reporting limit, shown (HCD analysis).
¹ Lowest Risk-Based Concentration for ground water (screening level) assumes residential use, from ODEQ RBCs dated May 2018).
--- = not analyzed or not applicable.
c = carcinogenic
nc = noncarcinogenic
v = volatile
nv = non-volatile
GRO = gasoline-range organics.
DRO = diesel-range organics.
BKG = residual-range organics.
BKG = constituent exceeded its SLRBC, however, was not detected above background concentrations. BKG is not a screening level risk-based concentration and/or background concentrations, as applicable.
Bolded and shaded concentrations exceed screening level risk-based concentrations and/or background concentrations, as applicable.
¹ Lowest Risk-Based Concentration for ground water (screening level).
(Y) indicates analyte not detected, but detection limit is above screening concentration.

Table 4. Further Evaluation of COPCs in Surface Soil

Contaminated Medium		SOIL mg/Kg (ppm)												Maximum Detected Concentration	Lowest Applicable RBC (Soil)	Constituent of Concern (COC)?
Exposure Pathway		Soil Ingestion, Dermal Contact, and Inhalation						Volatilization to Outdoor Air			Vapor Intrusion into Buildings					
Receptor Scenario		RBC _{ss}						RBC _{so}			RBC _{si}					
Direct or Indirect Pathway (see notes)		Residential	Occupational	Construction Worker	Excavation Worker	Residential	Occupational	Residential	Occupational							
Contaminant of Concern		Note	Note	Note	Note	Note	Note	Note	Note	Note	Note	Note	mg/Kg (ppm)	mg/Kg (ppm)	Y/N	
Semivolatile Organic Constituents																
2,3,7,8-TCDD (dioxin) equivalents		c, v	4.7441E-06	0.000016	0.00017	0.0048	0.01	0.13	>Csat	0.01	0.13	>Csat	0.0000905	4.74411E-06	Y	

Notes:
mg/Kg = milligrams per Kilogram or parts per million (ppm).
c = carcinogenic
v = volatile
>Csat = This soil RBC exceeds the limit of three-phase equilibrium partitioning.
>Max = The constituent RBC for this pathway is greater than 100,000 mg/kg. The Department believes it is highly unlikely that such concentrations will ever be encountered.

Table 5. Further Evaluation of COPCs in ASB Sludge

Contaminated Medium		ASB SLUDGE mg/Kg (ppm)														Maximum Detected Concentration	Lowest Applicable RBC (ASB Sludge)	Constituent of Concern (COC)?			
Exposure Pathway		Soil Ingestion, Dermal Contact, and Inhalation								Volatilization to Outdoor Air				Vapor Intrusion into Buildings							
Receptor Scenario		RBC _{ss}								RBC _{so}				RBC _{si}							
Direct or Indirect Pathway (see notes)		Residential		Occupational		Construction Worker		Excavation Worker		Residential		Occupational		Residential					Occupational		
Contaminant of Concern		DC		DC		DC		DC		IVS		IVS		IVS					IVS		
	Note		Note		Note		Note		Note		Note		Note		Note		Note	mg/Kg (ppm)	mg/Kg (ppm)	Y/N	
Semivolatile Organic Constituents																					
Polychlorinated biphenyls (Total PCBs)		c, v	0.23		0.59		4.9	>Csat	140	>Csat	130	>Csat	1600	>Csat	130	>Csat	1600	>Csat	0.48	0.23	Y
2,3,7,8-TCDD (dioxin) equivalents		c, v	4.74411E-06		0.000016		0.00017		0.0048		0.01		0.13	>Csat	0.01		0.13	>Csat	0.0000905	4.74411E-06	Y
Total Petroleum Hydrocarbons																					
Generic Gasoline (GRO)		nc, v	1200		20000		9700		-	>Max	5900		69000		94		-	>Max	320 J	94	Y
Generic Diesel / Heating Oil (DRO)		nc, v	1100		14000		4600		-	>Max	-	>Max	-	>Max	-	>Max	-	>Max	18000	1100	Y

Notes:

— = not analyzed or not applicable.

mg/Kg = milligrams per Kilogram or parts per million (ppm).

c = carcinogenic

nc = noncarcinogenic

v = volatile

GRO = gasoline-range organics.

DRO = diesel-range organics.

J = indicates the internal standard associated with the analyte is out of control limits; the reported concentration is an estimate.

>Csat = This soil RBC exceeds the limit of three-phase equilibrium partitioning.

>Max = The constituent RBC for this pathway is greater than 100,000 mg/kg. The Department believes it is highly unlikely that such concentrations will ever be encountered.

Table 6. Further Evaluation of COPCs, Ground Water

Contaminated Medium				GROUND WATER µg/L (ppb)								Maximum Detected Concentration	Lowest Applicable RBC (Ground Water) ¹	Constituent of Concern (COC)?		
Exposure Pathway				Volatilization to Outdoor Air RBC _{wo}				Vapor Intrusion into Buildings RBC _{wi}							GW in Excavation RBC _{we}	
Receptor Scenario				Residential		Occupational		Residential		Occupational					Construction & Excavation Worker	
Direct or Indirect Pathway (see notes)				IVW		IVW		IVW		IVW					DS	
Contaminant of Concern		Note		Note		Note		Note		Note		µg/L (ppb)	µg/L (ppb)	Y/N		
Metals																
Arsenic		c, nv	-	NV	-	NV	-	NV	-	NV	6300		15.8	6,300	N	
Copper		nc, nv	-	NV	-	NV	-	NV	-	NV	5400000		0.8	5,400,000	N	
Lead		NA, nv	-	NV	-	NV	-	NV	-	NV	-	>S	0.1	-	N	
Manganese		nc, nv	-	NV	-	NV	-	NV	-	NV	3200000		9750	3,200,000	N	
Nickel		c, nv	-	NV	-	NV	-	NV	-	NV	1.3E+07	>S	160	13,446,802	N	
Semivolatile Organic Constituents																
Polycyclic Aromatic Hydrocarbons																
Benzo[a]pyrene (BaP equivalents)		c, nv	-	NV	-	NV	-	NV	-	NV	-	>S	0.06	-	N	
Dibenz[a,h]anthracene		c, nv	-	NV	-	NV	-	NV	-	NV	-	>S	0.06	-	N	
Total Petroleum Hydrocarbons																
Generic Diesel / Heating Oil (DRO)		nc, v	-	>S	-	>S	-	>S	-	>S	-	>S	650	-	N	

Notes:

— = not analyzed or not applicable.

ug/L = micrograms per Liter or parts per billion (ppb).

c = carcinogenic

nc = noncarcinogenic

v = volatile

nv = nonvolatile

DRO = diesel-range organics.

¹ Lowest Risk-Based Concentration for groundwater (screening

>S = This groundwater RBC exceeds the solubility limit.

Table 7. Further Evaluation of COPCs, ASB Water

Contaminated Medium				ASB WATER µg/L (ppb)														Maximum Detected Concentration	Lowest Applicable RBC (ASB Water) ¹	Constituent of Concern (COC)?				
Exposure Pathway				Ingestion & Inhalation from Tapwater / Direct Contact RBC _{tw}				Volatilization to Outdoor Air RBC _{wo}				Vapor Intrusion into Buildings RBC _{wi}				Water in Excavation RBC _{we}					Ingestion & Inhalation from Recreational Use / Direct Contact RBC _{rw}			
Receptor Scenario				Residential		Occupational		Residential		Occupational		Residential		Occupational		Construction & Excavation Worker					Residential			
Direct or Indirect Pathway (see notes)				DS		DS		IVW		IVW		IVW		IVW		DS					DS			
Contaminant of Concern		Note		Note		Note		Note		Note		Note		Note		Note		Note	µg/L (ppb)	µg/L (ppb)	Y/N			
Semivolatile Organic Constituents																								
2,3,7,8-TCDD (dioxin) equivalents		c, v	9.12E-08		4.21E-07		0.022		0.11		0.0083		0.11		0.00045		9.9E-06		6.15E-06	9.9E-06	N			
Total Petroleum Hydrocarbons																								
Generic Diesel / Heating Oil (DRO)		nc, v	100		430		-	>S	-	>S	-	>S	-	>S	-	>S	450		320	>S	N			

Notes:
— = not analyzed or not applicable.
ug/L = micrograms per Liter or parts per billion (ppb).
c = carcinogenic
nc = noncarcinogenic
v = volatile
DRO = diesel-range organics.

Orange shaded cells indicate this exposure pathway was used as a surrogate for potential direct exposure to a future resident and/or occupational worker as a future drinking water source, which it is not. Further evaluation assuming recreational exposure is considered a more applicable exposure pathway.

¹ Lowest Risk-Based Concentration for groundwater (screening
>S = This groundwater RBC exceeds the solubility limit.

Table 8. Further Evaluation of COPCs, Wetland Surface Water

Contaminated Medium		WETLANDS SURFACE WATER µg/L (ppb)														Maximum Detected Concentration	Lowest Applicable RBC (Wetland Surface Water) ¹	Constituent of Concern (COC)?
Exposure Pathway		Ingestion & Inhalation from Tapwater, Direct Contact RBC _{tw}				Volatilization to Outdoor Air RBC _{wo}				Vapor Intrusion into Buildings RBC _{wi}				Surface Water in Excavation RBC _{we}	Ingestion & Inhalation from Recreational Use / Direct Contact RBC _{rw}			
Receptor Scenario		Residential		Occupational		Residential		Occupational		Residential		Occupational		Construction & Excavation Worker	Residential			
Direct or Indirect Pathway (see notes)		DS		DS		IVW		IVW		IVW		IVW		DS	DS			
Contaminant of Concern	Note		Note		Note		Note		Note		Note		Note		Note	µg/L (ppb)	µg/L (ppb)	Y/N
Semivolatile Organic Constituents																		
2,3,7,8-TCDD (dioxin) equivalents	c, v	9.12E-08		4.21E-07		0.022		0.11		0.0083		0.11		0.00045		9.9E-06		N

Notes:

— = not analyzed or not applicable.

µg/L = micrograms per Liter or parts per billion (ppb).

c = carcinogenic

v = volatile

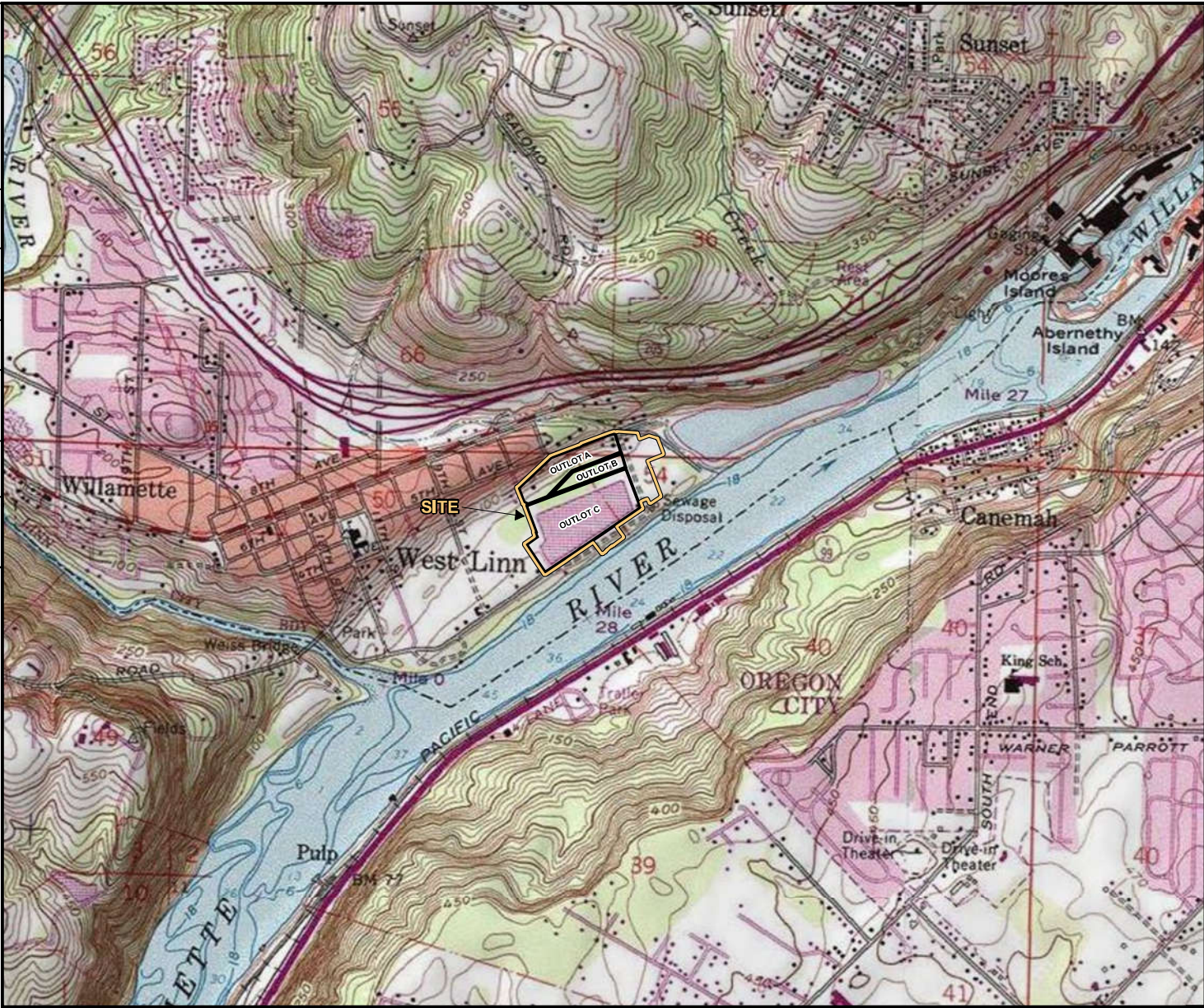
Orange shaded cells indicate this exposure pathway was used as a surrogate for potential direct exposure to a future resident and/or occupational worker as a future drinking water source, which it is not. Further evaluation assuming recreational exposure is considered a more applicable exposure pathway.

¹ Lowest Risk-Based Concentration for groundwater (screening

>S = This groundwater RBC exceeds the solubility limit.

Figures

DRAWN BY	CHECKED BY	APPROVED BY	DRAWING NUMBER
H. ROMER	T. BENNETT	L. GREEN	927-2005(V01)
3/22/2024	2/22/2024	3/22/2024	



LEGEND:

SUBJECT PROPERTY BOUNDARY

OUTLOT

NOTES:

- BASE MAP DEVELOPED BY USGS, 1:24000, 2013

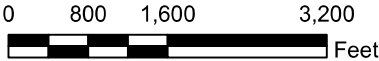


FIGURE 1
SITE VICINITY MAP
FORMER BLUE HERON PAPER MILL
1317 WILLAMETTE FALLS DRIVE
WEST LINN, OREGON

927-20005(V01)	DRAWING NUMBER
2/5/2024	APPROVED BY
L. GREEN	
2/5/2024	CHECKED BY
T. BENNETT	
2/5/2024	DRAWN BY
H. ROMER	



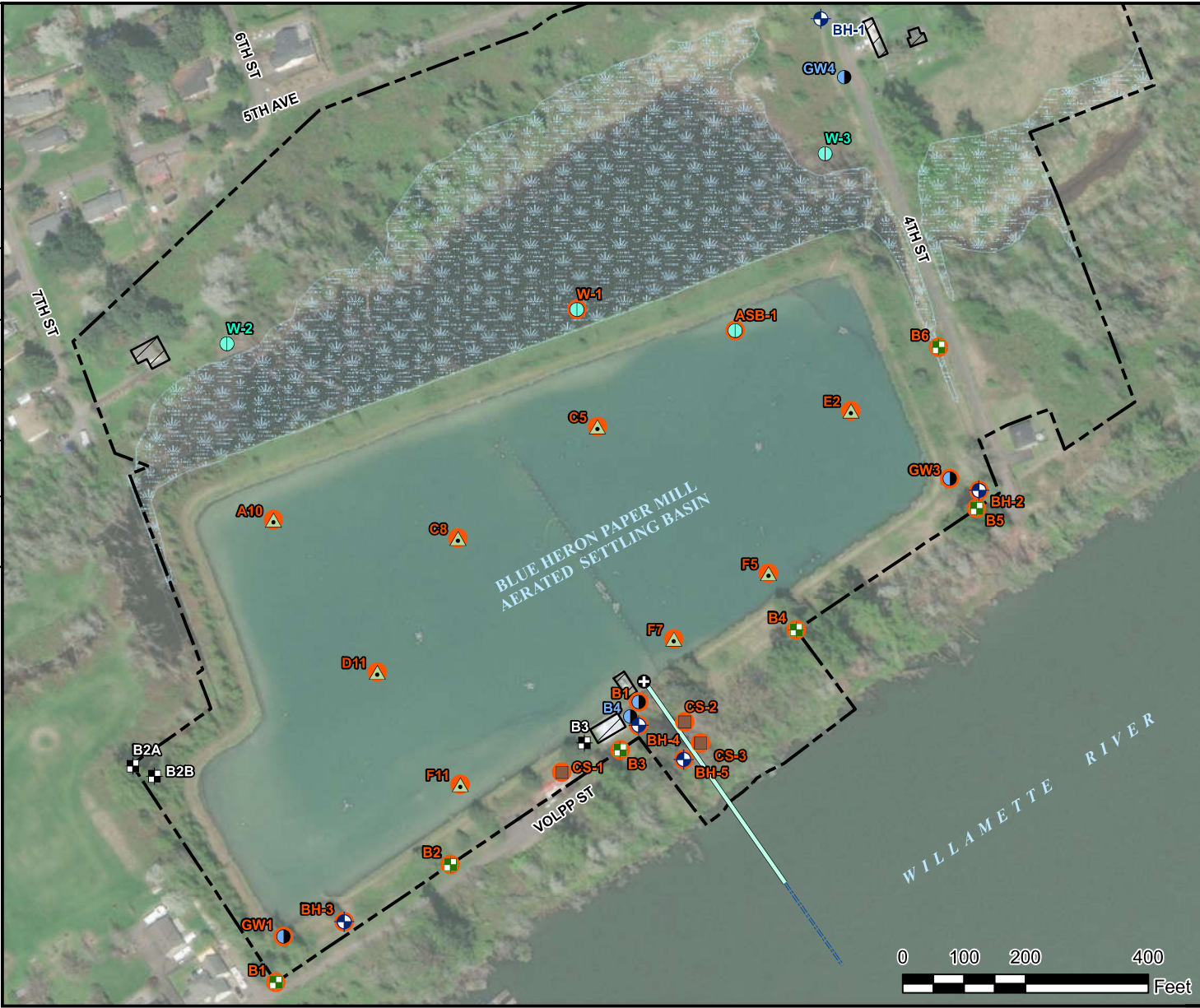
- LEGEND:**
- SUBJECT PROPERTY BOUNDARY
 - LOCALITY OF FACILITY
 - DELINEATED WETLAND (TURNSTONE, 2021)
 - SUBJECT BUILDING
 - DIFFUSER
 - EFFLUENT PIPE
 - OUTFALL

- NOTES:**
1. BASE MAP DEVELOPED FROM AN AERIAL PHOTOGRAPH MAP DATED 2023 AND ENW FIELD NOTES.
 2. ALL BUILDING, STREET, AND FEATURE LOCATIONS ARE APPROXIMATE.
 3. SYMBOLS REPRESENT LOCATION AND DO NOT ALWAYS REPRESENT EXACT SHAPE, SIZE, OR ORIENTATION
- 0 120 240 480 Feet



FIGURE 2
SITE PLAN
FORMER BLUE HERON PAPER MILL
1317 WILLAMETTE FALLS DRIVE
WEST LINN, OREGON

927-20005(V01)	DRAWING NUMBER
3/5/2024	APPROVED BY
L. GREEN	CHECKED BY
2/5/2024	DRAWN BY
H. ROMER	



LEGEND:

- SUBJECT PROPERTY BOUNDARY
- DELINEATED WETLAND (TURNSTONE, 2021)
- SUBJECT BUILDING
- DIFFUSER
- EFFLUENT PIPE
- OUTFALL
- SOIL BORING LOCATION, 2013 ⁴
- SLUDGE SAMPLING LOCATION ⁴
- GROUNDWATER SAMPLE LOCATION ⁴
- MONITORING WELL LOCATION ⁵
- SURFACE WATER SAMPLE LOCATION ⁵
- COMPOSITE SURFACE SOIL SAMPLE COCATION ⁵
- SOIL BORING/GROUND WATER LOCATION, 2008 ⁶
- DETECTED CONCENTRATION
- EXCEEDS APPLICABLE ODEQ SLRBCS BACKGROUND CONCENTRATIONS, AND/OR CLEAN FILL SCREENING LEVELS

- NOTES:**
1. BASE MAP DEVELOPED FROM AN AERIAL PHOTOGRAPH MAP DATED 2023 AND ENW FIELD NOTES.
 2. ALL BUILDING, STREET, AND FEATURE LOCATIONS ARE APPROXIMATE.
 3. SYMBOLS REPRESENT LOCATION AND DO NOT ALWAYS REPRESENT EXACT SHAPE, SIZE, OR ORIENTATION.
 4. PER CDM SMITH, PHASE II ESA SAMPLE LOCATIONS (2012).
 5. PER CDM SMITH, MONITORING WELL AND SAMPLE LOCATIONS (2013).
 6. PER MAUL FOSTER ALONGI INC. (2008).



FIGURE 3

SAMPLE LOCATION DIAGRAM AND EXTENT OF IMPACTS

FORMER BLUE HERON PAPER MILL
1317 WILLAMETTE FALLS DRIVE
WEST LINN, OREGON

Attachment A

Acknowledgement Signature Form

Copy and use the following form to document review and understanding of the Contaminated Media Management Plan. Any person responsible for or conducting subsurface work at the site must sign this form.

Acknowledgement Signature Form

I have read this Contaminated Media Management Plan, and I agree to abide by these measures and safety rules and all applicable safety regulations while working at this site. I understand that any violation of these rules will result in my removal from the work area.

Brief Description of Scope of Work

[illegible]

Attachment B

Site Contacts

Site contacts should be reviewed and updated prior to each scope of work at the site.

Client	Environmental Consultant*
SDG-2, LLC Bob Schultz Email: duke.pdx@gmail.com Phone: (971) 732-0347	EVREN Northwest, Inc. Evan Bruggeman, RG Email: evanb@evren-nw.com Phone: (503) 452-5561

Site Project Manager*	Geotechnical Engineer*
Name: Company: Email: Office:	Name: Company: Email: Cell:
Architect	Civil Engineer
Name: Company: Email: Cell:	Name: Company: Email: Cell:

Contractor Office / Field Contacts	
Name:	Name:
Company:	Company:
Email:	Email:
Cell:	Cell:

Add additional contacts as appropriate for the scope of work. This may include subcontractors, the Oregon Department of Environmental Quality and/or the City of West Linn/Clackamas County.



Agenda Bill 2025-02-10-05

Date Prepared: February 4, 2025

For Meeting Date: February 10, 2025

To: Rory Bialostosky, Mayor
West Linn City Council

Through: John Williams, City Manager *JRW*

From: Peter Mahuna, Police Chief *PEM*

Subject: Ordinance 1756, Amending West Linn Municipal Code Chapter 5 Relating to attracting and feeding wild animals

Purpose:

Amend Municipal Code Chapter 5 (Public Protection) to prohibit attracting or feeding wild animals.

Question(s) for Council:

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

Background & Discussion:

A community member spoke at the September 9, 2024, City Council Meeting about the potential health impacts and public nuisance issues with residents continuously feeding wild animals and the unintended consequences of doing so. The food being left out was initially intended for feral cats, however it has attracted skunks, rats, and crows in abundance. The amount of bird droppings that cover play structures and backyard furniture creates a health hazard. Residents report restricting their children's and dog's use of backyard areas due to repeated skunk spraying incidents. Additional community members have expressed the same or similar impacts and concerns, in different areas of the City.

Several community members have asked for an ordinance to be created to prohibit the attracting and feeding of wild animals when it rises to the level of a public nuisance. Several community members have provided input on how the municipal code should be modified, while others have opposed changing the code.

The current draft reflects changes requested in previous Council discussions on October 7, December 2, and February 3.

The draft ordinance was provided to all Neighborhood Association Presidents on December 19, 2024, with comments requested by the end of January 2025.

Propose Ordinance Change

The attached ordinance would add new sections to the West Linn Municipal Code that allow a code enforcement official to address wild animal feeding situations that have risen to the level of a public nuisance. The proposed code defines what constitutes an “attractant,” “feeding,” and “wild animal,” among other things. Public concerns were expressed regarding how the proposed code would impact birds, from feeding small backyard birds, to larger birds like crows. We attempted to address this concern by adding an exception that allows bird feeding if it does not create an unreasonable disturbance that affects the rights of surrounding property owners, does not create an accumulation of droppings, and does not become an attractant for other wild animals. Additional exceptions also allow the feeding of other wild animals under certain circumstances. In short, the new code section would prohibit the attracting or feeding of wild animals by declaring it to be a public nuisance, but would create exceptions, including for feeding birds (with reasonable limitations), feeding of domesticated rabbits, controlling rat and mice infestation, and feeding under permits obtained from state agencies.

Other Considerations

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

The proposed ordinance has been reviewed by the City Attorney.

Council Options:

- 1) Direct staff to leave the Code as is.
- 2) Revise the ordinance, read the changes out loud, and approve the ordinance.
- 3) Approve the ordinance.

Staff Recommendation:

Staff recommends moving forward with the newly proposed ordinance.

Attachments:

1. Ordinance 1756

ORDINANCE 1756

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

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

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

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

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

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

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

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

SECTION 1. New Section. West Linn Municipal Code Section 5.407 is added to read as follows:

5.407 Attracting or Feeding Wild Animals

(1) Purpose. Attracting or feeding wild animals in an urban environment can be detrimental to wildlife health, create a public health and safety hazard, and become a public nuisance that negatively impacts public health, safety, and general welfare. This section is intended to prohibit, with exceptions, the feeding of wild animals within the City of West Linn to protect public health, safety, and general welfare; reduce public health risks in residential areas caused by elevated wild animal populations and the significant accumulation of animal feces; and to prescribe penalties for failure to comply.

(2) Definitions.

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

(b) "Feed" to give, place, expose, deposit, distribute, or scatter any edible material that can be consumed by wild animals.

(c) "Wild animal" for the purpose of this chapter, means all non-domesticated animals, including but not limited to, cougars, coyotes, deer, foxes, opossums, rabbits, raccoons, skunks, rats, mice, and birds.

(3) Attracting or Feeding Wild Animals is Prohibited. No person may:

(a) Knowingly use attractants to draw a wild animal to a particular location; or

(b) Feed wild animals.

Any violation of this subsection is declared to be a public nuisance and is prohibited. For the purposes of this subsection, the term "knowingly" means actual knowledge or knowledge that should be known based on common custom and practice, including but not limited to, any repetitive action by a person placing or allowing food or other attractants to be accessible on private property or public property to attract or feed wild animals, and the storing of pet food or animal feed in an open and accessible manner that is likely to attract wild animals.

(4) Exceptions. The prohibitions in this section do not apply to:

(a) Feeding of wild birds, if the feeding:

- (i) Does not create an unreasonable disturbance that affects the rights of surrounding property owners or prevents surrounding property owners from using and enjoying their property in a reasonable manner;
- (ii) Does not create an accumulation of droppings on the property or surrounding properties; and
- (iii) Does not become an attractant for other wild animals, including rats and mice.

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

(c) Any action taken by a state, county or local government employee or agent authorized to implement a wildlife management program involving baiting, or any other person authorized to bait and trap wildlife pursuant to state law.

(d) Actions taken to control rat and mice infestation in the interest of public health.

(e) Trapping of wild animals for the purpose of relocation to appropriate animal service organizations.

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

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

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

SECTION 5. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the _____ day of _____, 2025, and duly PASSED and ADOPTED this _____ day of _____, 2025.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Agenda Bill 2025-02-10-06

Date: January 29, 2025

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

Through: John Williams, City Manager

From: Darren Wyss, Planning Manager

Subject: Proposed 2025 Historic Inventory of the Robinwood Neighborhood

Purpose:

Provide feedback on when to submit a Certified Local Government (CLG) grant application to fund a new historic inventory of the Robinwood neighborhood.

Question(s) for Council:

Does the Council want to support a 2025 CLG grant request for a new historic inventory of the Robinwood Neighborhood or delay the grant application until 2026 to perform community outreach prior to applying for grant funds?

Background & Discussion:

The Certified Local Government (CLG) Grant program is funded through a federal apportionment to Oregon via the National Park Service. Certified Local Governments like West Linn are eligible for non-competitive grants to support historic preservation efforts, including documentation, designation, rehabilitation of historic properties, planning, review and compliance, archaeology, and public education. The City is eligible to apply for up to \$16,000 in grant funding in February 2025, requiring a 1:1 match. The City is also eligible to delay the application until 2026. Additional details on the historic inventory process are provided in [Surveys of Historic Places](#).

Past Historic Inventory Efforts

The City has previously conducted selective reconnaissance-level surveys in several neighborhoods, including Buck Street, Bolton, Sunset, and Willamette.

2006 – Willamette & Holly Grove Historic Context Statement

The City documented 111 properties, recording basic architectural details, conducting preliminary eligibility assessments, and photographing each property. The data was entered into the State Historic Preservation Office (SHPO) database.

2009 – Willamette Historic District Listing

The City listed the Willamette Historic District on the National Register of Historic Places, officially designating 38 historic properties.

2009 – Buck Street Reconnaissance-Level Survey

A survey of 118 buildings did not identify a potential National Register historic district.

2010 – Bolton & Sunset Reconnaissance-Level Surveys

Bolton: Evaluated 418 buildings; identified three potential historic districts—two featuring mid-century modern homes and one potentially related to the Willamette Falls Industrial Area. Additionally, three properties outside of these districts were identified as potentially eligible for individual National Register listing.

Sunset: Evaluated 252 buildings; no potential National Register historic district was identified.

2012 – Willamette Neighborhood Selective Reconnaissance-Level Survey

A survey of 250 properties built in 1965 or earlier supplemented existing data on 44 previously surveyed properties. This effort helped document secondary structures within the Willamette Historic District.

Proposed 2025 Grant Project: Robinwood Neighborhood Historic Inventory

West Linn Historic Review Board (HRB) members have discussed project options for the upcoming 2025 grant cycle. They identified a desire to initiate a historic inventory of the Highway 43 corridor north of Mary S Young Park (i.e. the Robinwood Neighborhood). The HRB proposes a selective reconnaissance-level survey of historic properties built in 1975 or earlier in the residential neighborhood of Robinwood in West Linn, Oregon, specifically identifying land containing the historic Willamette Trolley rail corridor along Willamette Falls Drive. There are 560 residential and commercial properties in the Robinwood Neighborhood built before 1975 that would be evaluated as part of the inventory.

Grant Scope:

- Evaluate 560 residential and commercial properties in Robinwood built before 1975.
- Identify structures with potential historical significance:
 - (A) Significant association with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
 - (B) Significant association with the lives of persons significant to local, regional, state, or national history;
 - (C) Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
 - (D) A high likelihood that, if preserved, would yield information important in prehistory or history; or
 - (E) Relevance within the local historic context and priorities described in the historic preservation plan.
- Engage the community in the inventory process.

The HRB has received support for pursuing a grant to update the City's historic inventory from Jody Carson, current Board Member of the Willamette Falls & Landings Heritage Area Coalition and Historic Willamette Main Street. However, no community outreach to the Robinwood Neighborhood Association or property owners has occurred to this point.

Historic Background on the Robinwood Neighborhood

Major residential development in the Robinwood area began in the late 1940s incorporating the property from the edge of Marylhurst College campus to the West Linn city limits at Jolie Point Road. Marylhurst Heights was platted in 1947, near Robinwood. The city expanded its borders in

1967 when the Robinwood area was annexed. To the west of Robinwood, across Highway 43, is the 268-acre Hidden Springs Ranch development, the largest phased subdivision project in the Portland area when started in 1973.

Council Options:

1. Support a grant request in February 2025 to develop a new historic inventory for the Robinwood Neighborhood, with the understanding that the City must provide a 50% matching fund for consulting services.
2. Support delaying a grant request until February 2026 to allow time for community outreach to the Robinwood Neighborhood Association and property owners regarding their support for a historic inventory in the area.

Staff Recommendation:

Provide direction on timing of grant submittal for the historic inventory.

Links

[Surveys of Historic Places](#)

[2006 – Willamette & Holly Grove Historic Context Statement](#)

[2009 – Willamette Historic District Listing](#)

[2009 – Buck Street Reconnaissance-Level Survey](#)

[2010 – Bolton & Sunset Reconnaissance-Level Surveys](#)

[2012 – Willamette Neighborhood Selective Reconnaissance-Level Survey](#)

Agenda Bill 2025-02-10-07

Date Prepared: February 4, 2025
For Meeting Date: February 10, 2025
To: Mayor Rory Bialostosky and West Linn City Council
From: John Williams, City Manager *JRW*
Subject: Stafford Area Urban Reserves Update

Purpose:

Council update on current activities related to designated Urban Reserves in the Stafford area.

Question(s) for Council:

Does the Council wish to take a formal position or receive additional information on any of these items?

Public Hearing Required:

None Required.

Background & Discussion:

The Stafford basin has been the center of debates regarding potential urban development for decades. As the only significant rural area in the Portland region within the I-5/205 ring, it has naturally been targeted by some as a potential development area. At the same time it is valued for bringing greenspace, farms, and forests close to urban areas and many advocates have wanted it preserved. Stafford was designated an Urban Reserve in 2010 as part of a regional land use program led by Metro and area counties. For a fuller history and links to even more background, please refer to [West Linn's web page on the Stafford Urban Reserve](#).

In June 2017 Metro, Clackamas County, West Linn, Lake Oswego, and Tualatin signed an Intergovernmental Agreement (IGA) known as the "Five-Party IGA" regarding the Stafford area which clarified that the three cities will have control over any future planning processes, to ensure that Stafford is not urbanized before appropriate urban services are available, and to recognize that Stafford's agricultural heritage, open spaces, and environmental assets are preserved in any future planning.

In February 2019 West Linn, Lake Oswego, and Tualatin signed another agreement (the "Three-Party IGA") which further clarified how and when the cities would work together on planning. A key part of this agreement is that widening of I-205 to three lanes from Stafford Road through the Abernethy Bridge must happen before any development in Stafford. In addition, no concept planning for areas north of the Tualatin River may be completed before May 2029.

Since adoption of the Reserves designations and IGAs, efforts have been made by some parties, including certain property owners, to remove some or all restrictions put in place by these decisions. Attempts have been made at the Oregon Legislature and through legal means to begin planning work or eliminate certain restrictions altogether. The City of West Linn has consistently opposed such efforts, supported the unique rural character of Stafford, and supported the rights of the three cities to lead anything that happens in the future.

The purpose of this report is to provide an update and support Council discussion of three items related to Stafford's designation and future planning. Specifically, status reports on:

- **Marks v. Land Development and Conservation Commission (LCDC) case.** This case has been making its way through LCDC and the Oregon Court system since a petition was filed by David Marks in 2020. Mr. Marks has asserted that the Five-Party IGA and Three-Party IGA violate Metro's Regional Framework Plan and improperly limit potential urbanization within Stafford. The case is somewhat technical and currently is back at LCDC.

In September 2023, the Court of Appeals reversed and remanded LCDC's prior decision dismissing Mr. Marks' request for an enforcement order under ORS 197.320(12). LCDC had dismissed the petition on the threshold jurisdictional question regarding whether the intergovernmental agreements at issue were "land use decisions" subject to an enforcement order under the statute. LCDC ruled that they weren't. The Court of Appeals disagreed with LCDC and remanded the case back to LCDC to decide on the merits. It sat at LCDC for over a year.

In January 2025, LCDC staff recommended that the commission decline to issue an enforcement order pursuant to ORS 197.320(12) against any of the five local government parties. This recommendation was based upon the LCDC Hearings Officer's August 2020 Findings and Order. At its January 24, 2025 meeting LCDC voted to adopt the staff recommendation, and directed their staff to prepare a final order consistent with its motion. Every LCDC member in attendance and eligible to vote supported the motion. The commission had a thoughtful discussion about the situation. Several members expressed some concern with Metro's policy of only adding areas to the UGB that have been concept planned but ultimately concluded that they were not going to tell Metro what to do in this context as it was beyond the scope of the enforcement order proceeding. The parties expect the department to issue the final order within the next few weeks, after which Mr. Marks will have sixty days to appeal the decision to the court of appeals.

- **Clackamas County Land Status Grant Application to Metro.** Clackamas County has submitted a roughly \$1,000,000 grant application to Metro to conduct a "Development-Ready Land Study" within the County's urban reserve areas to identify areas for potential planning work. The study initial scope includes the Stafford area and staff at the three cities have expressed concerns about the work potentially violating the IGAs. Further, none of the cities have expressed an interest in conducting Stafford planning work. The County modified the application following discussions with city staff, and concerns have been reduced. The application is attached.
- **Senate Bill 592.** Senator Meek introduced [Senate Bill 592](#) in the current Oregon Legislative Session. This bill would require DLCD to study the formation of a new city in the Stafford triangle area. We understand that Senator Meek sees this as a tool to explore options for how Stafford could help address Oregon's housing crisis.

Budget Impact:

If Metro awards a grant to Clackamas County to study reserve areas, City planning, legal, and administrative time would need to be dedicated to tracking the effort and attempting to implement City Council direction.

Sustainability Impact

No immediate sustainability impacts. Long-term impacts unknown at this point.

Council Options/Staff Recommendation:

This is an update for Council discussion. Staff recommends, based on previous Council direction and adopted policy, that the City continue to advocate for the planning and partnership principles expressed in the IGAs.

Potential Motion:

TBD

Attachments:

1. Clackamas County Development-Ready Land Study Grant Scope

Attachment 1

2040 Planning and Development Grant Application Proposed project budget template

Project Name: Development-Ready Land Study

Grant Funds Requested: \$1,000,000

Other funds Pledged: \$0

PROJECT COMPONENT (Phase, element, deliverable, etc.)	CONSULTANT FEES	STAFF TIME, IF APPLICABLE (MAY NOT EXCEED 20% OF TOTAL GRANT REQUEST)	CBO PARTICIPATION AND/OR COMMUNITY LIAISON (IF APPLICABLE)	OTHER DIRECT PROJECT COSTS	TOTAL
Task 1: Coordination of Scope of Work and Initial Agreements (April 2025)	\$ -	\$ 5,000	\$ -	\$ -	\$ 5,000
1.1 IGA Development and Signing after grant award					\$ -
Task 2: Project Start-Up; Coordination Meeting #1; Project Management (May 2025 - August 2025)	\$ 85,000	\$ 35,000	\$ -	\$ -	\$ 120,000
2.1 RFP and Consultant Selection					\$ -
2.2 Project Kick-off					\$ -
2.3 Project Invoicing					\$ -
2.4 Coordination Meeting #1: Project Overview and Purpose					\$ -
Task 3: Identification of Critical Issues (September 2025)	\$ 230,000	\$ 70,000	\$ -	\$ -	\$ 300,000
3.1 Stakeholder Interviews to identify critical issues and summaries (up to 15)					\$ -
3.2 Review of existing processes used to identify buildable land for Urban Reserves study as well as revisions that have occurred for the recent Urban Growth management decision and development-ready lands definitions as part of the Oregon Housing Needs Analysis (OHNA).					\$ -
3.3 Data collection and Base Mapping, map buildable land per previous discussions, map existing road, water, sewer, and storm water facilities and service district areas. Include additional features that influence service. Existing transportation system mapping.					\$ -
3.4 Critical Issues Memo summarizing critical issues related to factors that influence how buildable land is defined					\$ -
3.5 Coordination Meeting #2: Review findings and existing conditions information and shape methodology to be used to create buildable land inventory.					\$ -
3.6 In collaboration with cities, determine target areas for detailed serviceability analysis.					\$ -
Task 4: Buildable Land Challenges and Serviceability Analysis (October 2025 - February 2026)	\$ 130,000	\$ 20,000	\$ -	\$ -	\$ 150,000

4.1 Create a Buildable Lands Inventory by applying the Buildable Lands Methodology that was agreed upon in Task 3. Review and adjust as necessary based on review					\$	-				
4.2 Second Round of stakeholder interviews with service providers, including local jurisdictions, to identify key challenges to serviceability (road, water, sewer, stormwater and other constraints). This should also include those who have lived experience such as community planning organizations and developers.					\$	-				
4.3 Create topographical data layer, and other data layers that may contribute to difficulty in making buildable land development-ready. This could include lots size/patterns, zoning and other items identified in task 4.1.					\$	-				
4.4 Opportunities and Challenges Memo for factors influencing the developability of land in the Urban Reserves					\$	-				
4.5 Create GIS tool that allows for viewing of various data layers that influence buildable land.					\$	-				
4.6 Facilitate a round table discussion with jurisdictions on findings of Opportunities and Challenges memo and discuss creating a system for visualizing the scale of difficulty for development					\$	-				
4.7 Create and document a development serviceability scoring system					\$	-				
Task 5: Identifying Development-Ready Land in the Urban Reserves and Rurally-zoned Land in the UGB (March 2026 - June 2026)	\$	130,000	\$	15,000	\$	-	\$	-	\$	145,000
5.1 : Transportation Access and Challenges							\$	-		
5.2 Prepare Sanitary Sewer and Stormwater Development Readiness Memo							\$	-		
5.3 Prepare Water Development Readiness Memo							\$	-		
5.4 Prepare Other factors influencing Development Ready Land Memo							\$	-		
Task 6 : Application of Industrial Site Readiness Study Criteria (July 2026 - August 2026)	\$	40,000	\$	10,000	\$	-	\$	-	\$	50,000
6.1 Mapping tool to integrate industrial land site criteria to visualize areas that meet criteria							\$	-		
6.2 Memo including inventory of development ready land that meet site criteria from Industrial Site Readiness Study							\$	-		
Task 7: Draft Report and Stakeholder Engagement (August 2026 - September 2026)	\$	114,500	\$	30,000	\$	-	\$	500	\$	145,000
7.1 Develop draft report documenting process for identifying Development Ready Lands in study areas. Draft report should include specific comments related to suitability of various areas. It should also include a section on funding challenges and opportunities, to be used as a starting place for discussion with public and private partners.							\$	-		
7.2 Forum centered on partnerships needed to support development and other actions needed to recognize servicability challenges							\$	-		
7.3 Revise draft report after input from staff and forum							\$	-		

7.4 Workshop / Coordination Meeting #3 with jurisdictions to discuss draft report					\$	-
Task 8: Final Development-Ready Land Report 2026 - November 2026)	(October	\$ 69,500	\$ 15,000	\$ -	\$ 500	\$ 85,000
8.1 Action Item memo should identify implementation opportunities and challenges. It should include how the information can be used during upcoming UGB expansion processes or specific actions needed to activate rural land within the UGB.					\$	-
8.2 Finalize tables, graphic and narrative for report					\$	-
8.3 Review and prepare technical appendix					\$	-
8.4 Attend and present findings at Final Coordination Meeting #3					\$	-
8.5 Finalize report					\$	-
TOTAL PROJECT BUDGET					\$	1,000,000

1/31/25

Protect Our Wetlands – Please Say NO to Development

Dear West Linn City Council Members,

We are writing to strongly oppose any plans to develop the West Linn wetlands. These areas are invaluable natural resources that provide essential benefits, including flood prevention, water purification, and habitat for countless plant and animal species such as beavers and herons. Destroying them for development would have lasting negative effects on our environment, local wildlife, and overall community well-being.

These precious wetlands help mitigate climate change, reduce stormwater runoff, and improve air and water quality. Once lost, they cannot be easily restored. Instead of allowing short-term economic interests to dictate land use, we urge you to prioritize conservation and sustainable development that protects West Linn's beautiful and natural heritage.

Beyond the environmental impact, this development would also significantly worsen traffic congestion in the area. Many of our roads are already struggling to handle current traffic volumes. Adding more development near sensitive wetlands will only increase strain on infrastructure. The city should be working toward smart, sustainable growth that does not compromise our quality of life.

We respectfully ask you to reject any proposals that would harm our wetlands and to explore alternative solutions that balance growth with environmental responsibility. Thank you for your time and for considering the voices of residents who want to see these vital ecosystems preserved for future generations.

Sincerely,

Concerned citizens at the Unitarian Universalist Congregation at Willamette Falls:

Glenda H. Wells
Don Townsend
Eric Erickson
Robin Miller
Ann Vahr
Michelle D. Stachurski
James A. Leung
Wendy L. Meier
Nancy Don
Josh W. Wapner
Justin
Matthew D. Dutton
Janine Seidelmeier

February 9, 2025

Protect Our Wetlands – Please Say NO to Development

Dear West Linn City Council Members,

We are writing to address the Waterfront Vision Plan and to strongly oppose the proposed development of the West Linn wetlands. These areas are invaluable natural resources that provide essential benefits, including flood prevention, water purification, and habitat for countless plant and animal species such as beavers and herons. Destroying them for development would have lasting negative effects on our environment, local wildlife, and overall community well-being.

These precious wetlands help mitigate climate change, reduce stormwater runoff, and improve air and water quality. Once lost, they cannot be easily restored. While there might be a "100 foot buffer zone" for the wetlands, that is still too close and will have dire impacts on the wetlands. Instead of allowing short-term economic interests to dictate land use, we urge you to prioritize conservation and sustainable development that protects West Linn's beautiful and natural heritage.

Beyond the environmental impact, this development would also significantly worsen traffic congestion in the area. Many of our roads are already struggling to handle current traffic volumes. Adding more development near sensitive wetlands will only increase strain on infrastructure. The city should be working toward smart, sustainable growth that does not compromise our quality of life.

We respectfully ask you to reject any proposals that would harm our wetlands and to explore alternative solutions that balance growth with environmental responsibility. Thank you for your time and for considering the voices of residents who want to see these vital ecosystems preserved for future generations.

Sincerely,

Concerned citizens at the Unitarian Universalist Congregation at Willamette Falls:

Tom Beatty Bob Cordel Julia Maize
[Signature] Gail Cordell
[Signature] Virginia Coffey
Stephen Yattreau R. D.
Scott Munk
Christa Gonzalez-Camacho
Gare Spry

February 9, 2025

Protect Our Wetlands – Please Say NO to Development

Dear West Linn City Council Members,

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We respectfully ask you to reject any proposals that would harm our wetlands and to explore alternative solutions that balance growth with environmental responsibility. Thank you for your time and for considering the voices of residents who want to see these vital ecosystems preserved for future generations.

Sincerely,

Concerned citizens at the Unitarian Universalist Congregation at Willamette Falls:

A collection of handwritten signatures in blue ink. The signatures are arranged in several rows. The first row includes a signature that appears to be 'Frank E. Thibault' and 'Nathan'. The second row includes 'Nancy Brown' and 'Dore Heard'. The third row includes 'Arlene Hill' and 'Kathleen Spear'. The fourth row includes 'Ruthie' and 'Nathan Spear'. The fifth row includes 'Kathy Chauran' and 'Paul Yuz'.

Frank E. Thibault
Nancy Brown
Arlene Hill
Dore Heard
Kathleen Spear
Ruthie
Nathan Spear
Kathy Chauran
Paul Yuz



CITY OF

West Linn

GA

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): Ordinance 1757 Vacating right of way

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

Please specify agenda item (required):

1757 Vacating Right of Way

Please print:

Name: Kathie Halicki WVA President

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): On file

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.

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): Ordinance 1757 ; Agenda Bill 2025-02-10-04

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

Please specify agenda item (required):

Row matter

Please print:

Name: Russ Axelrod

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn State: OR Zip: 97068

Email (Optional): raxelrod@yahoo.com Phone (Optional): (503) 312-8464

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



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): BONDING AMOUNT

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

Please specify agenda item (required):

PUBLIC COMMENT

Please print:

Name: MICHAEL TAYLOR

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 3500 CHELAN

City: WL State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): _____

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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): Streets

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: AMBELIA CHAPIN

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 4419 CORNWALL

City: WEST LINN State: OR Zip: 97068

Email (Optional): Chapin3000@gmail.com Phone (Optional): _____

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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): 16 Tolling & Oppenbinder

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 Sehr

Phonetic spelling, if difficult to pronounce:

Address (Optional):

City: WL

State:

Zip:

Email (Optional):

Phone (Optional):

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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): RNA

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: Anthony Bracco

Phonetic spelling, if difficult to pronounce:

Address (Optional): 2716 Robinwood Way

City: Westlinn

State:

Zip:

Email (Optional): anthonybracco@westlinn.gov

Phone (Optional):

503-675-1723

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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):

6A Right of way 5th Avenue

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

Please specify agenda item (required):

6A BUSINESS MEET

Please print:

Name:

Michael Taylor

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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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):

Willamette Wetlands

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

Please specify agenda item (required):

On behalf of wildlife

Please print:

Name:

ERIC GRISWOLD

Phonetic spelling, if difficult to pronounce:

Address (Optional):

22733 SW JOHNSON RD

City:

WEST LINN

State:

OR

Zip:

97068

Email (Optional):

griswold@nwlinc.com

Phone (Optional):

503-232-7010

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

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): 5th + 4th ROW VACATION

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

Please specify agenda item (required):

6a

Please print:

Name: TERENCE SHOMAKER

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.

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): VAC - 24-01

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

Please specify agenda item (required):

VAC - 24-01 Hearing

Please print:

Name: Nicole Jackson

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): _____

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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): VAC - 24-01

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

Please specify agenda item (required):

VAC - 24-01 Hearing

Please print:

Name: Bruce Jackson

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): _____

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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): Street vacation

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

Please specify agenda item (required):

street vacation

Please print:

Name: Connie Johnson

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 2678 5th Ave

City: West Linn State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): 503-810-5863

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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): 6A DEVELOPMENT OF INFRASTRUCTURE FOR WATER

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: LARRY READ

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): TUALATIN LOOP

City: WEST LINN State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): _____

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